

身心障礙者權利公約

**Convention on the Rights of Persons with Disabilities**

暨

初次國際審查結論性意見

中英文對照版手冊



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## **Convention on the Rights of Persons with Disabilities**

<p><b>前言</b> 本公約締約國，</p>	<p><b>Preamble</b> The States Parties to the present Convention,</p>
<p>(a)重申聯合國憲章宣告之各項原則承認人類大家庭所有成員之固有尊嚴與價值，以及平等與不可剝奪之權利，是世界自由、正義與和平之基礎，</p>	<p>(a) Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,</p>
<p>(b)確認聯合國於世界人權宣言與國際人權公約中宣示並同意人人有權享有該等文書所載之所有權利與自由，不得有任何區別，</p>	<p>(b) Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,</p>
<p>(c)再度確認所有人權與基本自由之普世性、不可分割性、相互依存性及相互關聯性，必須保障身心障礙者不受歧視地充分享有該等權利及自由，</p>	<p>(c) Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,</p>
<p>(d)重申經濟社會文化權利國際公約、公民與政治權利國際公約、消除一切形式種族歧視國際公約、消除對婦女一切形式歧視公約、禁止酷刑和</p>	<p>(d) Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on</p>

其他殘忍、不人道或有辱人格的待遇或處罰公約、兒童權利公約及保護所有移徙工人及其家庭成員權利國際公約，	the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
(e) 確認身心障礙是一個演變中之概念，身心障礙是功能損傷者與阻礙他們在與其他人平等基礎上充分及切實地參與社會之各種態度及環境障礙相互作用所產生之結果，	(e) Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,
(f) 確認關於身心障礙者之世界行動綱領與身心障礙者機會均等標準規則所載原則及政策準則於影響國家、區域及國際各級推行、制定及評量進一步增加身心障礙者均等機會之政策、計畫、方案及行動方面之重要性，	(f) Recognizing the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,
(g) 強調身心障礙主流議題之重要性，為永續	(g) Emphasizing the importance of mainstreaming disability issues as an

發展相關策略之重要組成部分，	integral part of relevant strategies of sustainable development,
(h)同時確認基於身心障礙而歧視任何人是對人之固有尊嚴與價值之侵犯，	(h) Recognizing also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,
(i)進一步確認身心障礙者之多元性，	(i) Recognizing further the diversity of persons with disabilities,
(j)確認必須促進與保障所有身心障礙者人權，包括需要更多密集支持之身心障礙者，	(j) Recognizing the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,
(k)儘管有上述各項文書與承諾，身心障礙者作為平等社會成員參與方面依然面臨各種障礙，其人權於世界各地依然受到侵犯，必須受到關注，	(k) Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,
(l)確認國際合作對改善各國身心障礙者生活條件之重要性，尤其是於開發中國家，	(l) Recognizing the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,
(m)承認身心障礙者存在之價值與其對社區整體福祉與多樣性所作出之潛在貢獻，並承認促進身心障礙者充分享有其人權與基本	(m) Recognizing the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with

自由，以及身心障礙者之充分參與，將導致其歸屬感之增強，顯著推進該社會之人類、社會與經濟發展及消除貧窮，	disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,
(n) 確認身心障礙者個人自主與自立之重要性，包括作出自己選擇之自由，	(n) Recognizing the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,
(o) 認為身心障礙者應有機會積極參與政策及方案之決策過程，包括與其直接相關者，	(o) Considering that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,
(p) 關注基於種族、膚色、性別、語言、宗教、政治或不同主張、民族、族裔、原住民或社會背景、財產、出生、年齡或其他身分而受到多重或加重形式歧視之身心障礙者所面臨之困境，	(p) Concerned about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,
(q) 確認身心障礙婦女與女孩於家庭內外經常處於更高風險，遭受暴力、傷害或虐待、	(q) Recognizing that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse,

忽視或疏忽、不當對待或剝削，	neglect or negligent treatment, maltreatment or exploitation,
(r) 確認身心障礙兒童應在與其他兒童平等基礎上充分享有所有人權與基本自由，並重申兒童權利公約締約國為此目的承擔之義務，	(r) Recognizing that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,
(s) 強調於促進身心障礙者充分享有人權與基本自由之所有努力必須納入性別平等觀點，	(s) Emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,
(t) 凸顯大多數身心障礙者生活貧困之事實，確認於此方面亟需消除貧窮對身心障礙者之不利影響，	(t) Highlighting the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,
(u) 銘記和平與安全之條件必須立基於充分尊重聯合國憲章宗旨與原則，以及遵守現行人權文書，特別是於武裝衝突與外國佔領期間，對身心障礙者之保障為不可或缺，	(u) Bearing in mind that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,

<p>(v) 確認無障礙之物理、社會、經濟與文化環境、健康與教育，以及資訊與傳播，使身心障礙者能充分享有所有人權與基本自由之重要性，</p>	<p>(v) Recognizing the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,</p>
<p>(w) 理解個人對他人與對本人所屬社區負有義務，有責任努力促進及遵守國際人權憲章所確認之權利，</p>	<p>(w) Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,</p>
<p>(x) 深信家庭是自然與基本之社會團體單元，有權獲得社會與國家之保障，身心障礙者及其家庭成員應獲得必要之保障及協助，使家庭能夠為身心障礙者充分及平等地享有其權利作出貢獻，</p>	<p>(x) Convinced that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,</p>
<p>(y) 深信一份促進與保障身心障礙者權利及尊嚴之全面整合的國際公約，對於開發中及已開發國家補救身心障礙者之重大社會不利處境及促使其參與</p>	<p>(y) Convinced that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of</p>

公民、政治、經濟、社會及文化等面向具有重大貢獻，	persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,
茲協議如下：	<b>Have agreed as follows:</b>
<b>第 1 條 宗旨</b> 本公約宗旨係促進、保障與確保所有身心障礙者充分及平等享有所有人權及基本自由，並促進對身心障礙者固有尊嚴之尊重。 身心障礙者包括肢體、精神、智力或感官長期損傷者，其損傷與各種障礙相互作用，可能阻礙身心障礙者與他人於平等基礎上充分有效參與社會。	<b>Article 1 Purpose</b> The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.
<b>第 2 條 定義</b> 為本公約之宗旨：  “傳播”包括語言、字幕、點字文件、觸覺傳播、放大文件、無障礙多媒體及書面語言、聽力語言、淺白語言、報讀員及其他輔助或替代性傳播方法、模式及格式，	<b>Article 2 Definitions</b> For the purposes of the present Convention:  “Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including

<p>包括無障礙資訊及通信技術；</p> <p>“語言”包括口語、手語及其他形式之非語音語言；</p> <p>“基於身心障礙之歧視”是指基於身心障礙而作出之任何區別、排斥或限制，其目的或效果損害或廢除在與其他人平等基礎上於政治、經濟、社會、文化、公民或任何其他領域，所有人權及基本自由之認可、享有或行使。基於身心障礙之歧視包括所有形式之歧視，包括拒絕提供合理之對待；</p> <p>“合理之對待”是指根據具體需要，於不造成過度或不當負擔之情況下，進行必要及適當之修改與調整，以確保身心障礙者在與其他人平等基礎上享有或行使所有人權及基本自由；</p>	<p>accessible information and communication technology;</p> <p>“Language” includes spoken and signed languages and other forms of non spoken languages;</p> <p>“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;</p> <p>“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;</p>
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<p>“通用設計”是指盡最大可能讓所有人可以使用，無需作出調整或特別設計之產品、環境、方案與服務設計。</p> <p>“通用設計”不應排除於必要情況下，為特定身心障礙者群體提供輔助用具。</p>	<p>“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.</p> <p>“Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.</p>
<p><b>第3條 一般原則</b>          本公約之原則是：</p> <p>(a) 尊重固有尊嚴、包括自由作出自己選擇之個人自主及個人自立；</p> <p>(b) 不歧視；</p> <p>(c) 充分有效參與及融合社會；</p> <p>(d) 尊重差異，接受身心障礙者是人之多元性之一部分與人類之一份子；</p> <p>(e) 機會均等；</p> <p>(f) 無障礙；</p> <p>(g) 男女平等；</p>	<p><b>Article 3 General principles</b>          The principles of the present Convention shall be:</p> <p>(a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;</p> <p>(b) Non-discrimination;</p> <p>(c) Full and effective participation and inclusion in society;</p> <p>(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;</p> <p>(e) Equality of opportunity;</p> <p>(f) Accessibility;</p> <p>(g) Equality between men and</p>

<p>(h) 尊重身心障礙兒童逐漸發展之能力，並尊重身心障礙兒童保持其身分認同之權利。</p>	<p>women;</p> <p>(h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.</p>
<p><b>第 4 條 一般義務</b></p> <p>1. 締約國承諾確保並促進充分實現所有身心障礙者之所有人權與基本自由，使其不受任何基於身心障礙之歧視。為此目的，締約國承諾：</p> <p>(a) 採取所有適當立法、行政及其他措施實施本公約確認之權利；</p> <p>(b) 採取所有適當措施，包括立法，以修正或廢止構成歧視身心障礙者之現行法律、法規、習慣與實踐；</p> <p>(c) 於所有政策與方案中考慮到保障及促進身心障礙者之人權；</p>	<p><b>Article 4 General obligations</b></p> <p>1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:</p> <p>(a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;</p> <p>(b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;</p> <p>(c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and</p>

<p>(d) 不實施任何與本公約不符之行為或實踐，確保政府機關和機構之作為遵循本公約之規定；</p> <p>(e) 採取所有適當措施，消除任何個人、組織或私營企業基於身心障礙之歧視；</p> <p>(f) 從事或促進研究及開發本公約第 2 條所定通用設計之貨物、服務、設備及設施，以儘可能達到最低程度之調整及最少費用，滿足身心障礙者之具體需要，促進該等貨物、服務、設備及設施之提供與使用，並於發展標準及準則推廣通用設計；</p> <p>(g) 從事或促進研究及開發適合身心障礙者之新技術，並促進提供與使用該等新技術，包括資訊和傳播技術、行動輔具、用品、輔助技術，優先</p>	<p>programmes;</p> <p>(d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;</p> <p>(e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;</p> <p>(f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;</p> <p>(g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons</p>
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<p>考慮價格上可負擔之技術；</p> <p>(h) 提供身心障礙者可近用之資訊，關於行動輔具、用品及輔助技術，包括新技術，並提供其他形式之協助、支持服務與設施；</p> <p>(i) 促進培訓協助身心障礙者之專業人員與工作人員，使其瞭解本公約確認之權利，以便更好地提供該等權利所保障之協助及服務。</p> <p>2. 關於經濟、社會及文化權利，各締約國承諾儘量利用現有資源並於必要時於國際合作架構內採取措施，以期逐步充分實現該等權利，但不妨礙本公約中依國際法屬於立即適用之義務。</p>	<p>with disabilities, giving priority to technologies at an affordable cost;</p> <p>(h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;</p> <p>(i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.</p> <p>2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.</p>
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<p>3. 為執行本公約以發展及實施立法及政策時，及其他關於身心障礙者議題之決策過程中，締約國應與代表身心障礙者之組織、身心障礙者，包括身心障礙兒童，密切協商，以使其積極涉入。</p>	<p>3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.</p>
<p>4. 本公約之規定不影響任何締約各國法律或對締約各國生效之國際法中任何更有利於實現身心障礙者權利之規定。對於依據法律、公約、法規或習慣而於本公約締約各國內獲得承認或存在之任何人權與基本自由，不得以本公約未予承認或未予充分確認該等權利或自由為藉口而加以限制或減損。</p>	<p>4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.</p>
<p>5. 本公約之規定應延伸適用於聯邦制國家各組成部分，無任何限制或例外。</p>	<p>5. The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.</p>

<p><b>第 5 條 平等與不歧視</b></p> <ol style="list-style-type: none"> <li>1. 締約國確認，在法律之前，人人平等，有權不受任何歧視地享有法律給予之平等保障與平等受益。</li> <li>2. 締約國應禁止所有基於身心障礙之歧視，保障身心障礙者獲得平等與有效之法律保護，使其不受基於任何原因之歧視。</li> <li>3. 為促進平等與消除歧視，締約國應採取所有適當步驟，以確保提供合理之對待。</li> <li>4. 為加速或實現身心障礙者事實上之平等而必須採取之具體措施，不得視為本公約所指之歧視。</li> </ol>	<p><b>Article 5 Equality and non-discrimination</b></p> <ol style="list-style-type: none"> <li>1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.</li> <li>2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.</li> <li>3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.</li> <li>4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.</li> </ol>
<p><b>第 6 條 身心障礙婦女</b></p> <ol style="list-style-type: none"> <li>1. 締約國體認身心障礙婦女與女孩受到多重歧視，就此應採取措</li> </ol>	<p><b>Article 6 Women with disabilities</b></p> <ol style="list-style-type: none"> <li>1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination,</li> </ol>

<p>施，確保其充分與平等地享有所有人權及基本自由。</p> <p>2. 締約國應採取所有適當措施，確保婦女獲得充分發展，提高地位及賦權增能，其目的為保障婦女能行使及享有本公約所定之人權與基本自由。</p>	<p>and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.</p> <p>2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.</p>
<p><b>第 7 條 身心障礙兒童</b></p> <p>1. 締約國應採取所有必要措施，確保身心障礙兒童在與其他兒童平等基礎上，充分享有所有人權與基本自由。</p> <p>2. 於所有關於身心障礙兒童之行動中，應以兒童最佳利益為首要考量。</p> <p>3. 締約國應確保身心障礙兒童有權在與其他兒童平等基礎上，就所有影響本人之事項自由表達意見，並獲得適合其身心障礙狀況及年齡之協助措施</p>	<p><b>Article 7 Children with disabilities</b></p> <p>1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.</p> <p>2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.</p> <p>3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with</p>

<p>以實現此項權利，身心障礙兒童之意見應按其年齡與成熟程度適當予以考量。</p>	<p>other children, and to be provided with disability and age-appropriate assistance to realize that right.</p>
<p><b>第 8 條 意識提升</b></p> <p>1. 締約國承諾採取立即有效與適當措施，以便：</p> <p>(a) 提高整個社會，包括家庭，對身心障礙者之認識，促進對身心障礙者權利與尊嚴之尊重；</p> <p>(b) 於生活各個方面對抗對身心障礙者之成見、偏見與有害作法，包括基於性別及年齡之成見、偏見及有害作法；</p> <p>(c) 提高對身心障礙者能力與貢獻之認識。</p> <p>2. 為此目的採取之措施包括：</p> <p>(a) 發起與持續進行有效之宣傳活動，提高公眾認識，以便：</p>	<p><b>Article 8 Awareness-raising</b></p> <p>1. States Parties undertake to adopt immediate, effective and appropriate measures:</p> <p>(a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;</p> <p>(b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;</p> <p>(c) To promote awareness of the capabilities and contributions of persons with disabilities.</p> <p>2. Measures to this end include:</p> <p>(a) Initiating and maintaining effective public awareness campaigns designed:</p>

<p>(i)培養接受身心障礙者權利之態度；</p> <p>(ii)促進積極看待身心障礙者，提高社會對身心障礙者之瞭解；</p> <p>(iii)促進承認身心障礙者之技能、才華與能力以及其對職場與勞動市場之貢獻；</p> <p>(b) 於各級教育體系，包括學齡前教育，培養尊重身心障礙者權利之態度；</p> <p>(c) 鼓勵所有媒體機構以符合本公約宗旨之方式報導身心障礙者；</p> <p>(d)推行瞭解身心障礙者及其權利之培訓方案。</p>	<p>(i) To nurture receptiveness to the rights of persons with disabilities;</p> <p>(ii) To promote positive perceptions and greater social awareness towards persons with disabilities;</p> <p>(iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;</p> <p>(b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;</p> <p>(c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;</p> <p>(d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.</p>
<p><b>第 9 條 無障礙</b></p> <p>1. 為使身心障礙者能夠獨立生活及充分參與生活各個方面，締約</p>	<p><b>Article 9 Accessibility</b></p> <p>1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States</p>

國應採取適當措施，確保身心障礙者在與其他人平等基礎上，無障礙地進出物理環境，使用交通工具，利用資訊及通信，包括資訊與通信技術及系統，以及享有於都市與鄉村地區向公眾開放或提供之其他設施及服務。該等措施應包括查明及消除阻礙實現無障礙環境之因素，尤其應適用於：

(a) 建築、道路、交通與其他室內外設施，包括學校、住宅、醫療設施及工作場所；

(b) 資訊、通信及其他服務，包括電子服務及緊急服務。

2. 締約國亦應採取適當措施，以便：

(a) 擬訂、發布並監測向公眾開放或提供之設施與服務為無障礙使用之最低標準及準則；

Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

(a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

(a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the

	public;
(b) 確保私人單位向公眾開放或為公眾提供之設施與服務能考慮身心障礙者無障礙之所有面向；	(b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
(c) 提供相關人員對於身心障礙者之無障礙議題培訓；	(c) To provide training for stakeholders on accessibility issues facing persons with disabilities;
(d) 於向公眾開放之建築與其他設施中提供點字標誌及易讀易懂之標誌；	(d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
(e) 提供各種形式之現場協助及中介，包括提供嚮導、報讀員及專業手語翻譯員，以利無障礙使用向公眾開放之建築與其他設施；	(e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
(f) 促進其他適當形式之協助與支持，以確保身心障礙者獲得資訊；	(f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
(g) 促進身心障礙者有機會使用新資訊與通信	(g) To promote access for persons with disabilities to new information and communications technologies

<p>技術及系統，包括國際網路；</p> <p>(h)促進於早期階段設計、開發、生產、推行無障礙資訊與通信技術及系統，以便能以最低成本使該等技術及系統無障礙。</p>	<p>and systems, including the Internet;</p> <p>(h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.</p>
<p><b>第 10 條 生命權</b></p> <p>締約國重申人人享有固有之生命權，並應採取所有必要措施，確保身心障礙者在與其他人平等基礎上確實享有生命權。</p>	<p><b>Article 10 Right to life</b></p> <p>States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.</p>
<p><b>第 11 條</b></p> <p><b>危險情況與人道緊急情況</b></p> <p>締約國應依其基於國際法上之義務，包括國際人道法與國際人權法規定，採取所有必要措施，確保於危險情況下，包括於發生武裝衝突、人道緊急情況及自然災害時，身心障礙者獲得保障及安全。</p>	<p><b>Article 11</b></p> <p><b>Situations of risk and humanitarian emergencies</b></p> <p>States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.</p>
<p><b>第 12 條 在法律之前獲得平等承認</b></p>	<p><b>Article 12</b></p> <p><b>Equal recognition before the law</b></p>

<p>1. 締約國重申，身心障礙者於任何地方均獲承認享有人格之權利。</p> <p>2. 締約國應確認身心障礙者於生活各方面享有與其他人平等之權利能力。</p> <p>3. 締約國應採取適當措施，便利身心障礙者獲得其於行使權利能力時可能需要之協助。</p> <p>4. 締約國應確保，與行使權利能力有關之所有措施，均依照國際人權法提供適當與有效之防護，以防止濫用。該等防護應確保與行使權利能力有關之措施，尊重本人之權利、意願及選擇，無利益衝突及不當影響，適合本人情況，適用時間儘可能短，並定期由一個有資格、獨立、公正之機關或司法機關審查。提供之防護與影響個人權利及利益之措施於程度上應相當。</p>	<p>1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.</p> <p>2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.</p> <p>3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.</p> <p>4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall</p>
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<p>5. 於符合本條規定之情況下，締約國應採取所有適當及有效措施，確保身心障礙者平等享有擁有或繼承財產之權利，掌管自己財務，有平等機會獲得銀行貸款、抵押貸款及其他形式之金融信用貸款，並應確保身心障礙者之財產不被任意剝奪。</p>	<p>be proportional to the degree to which such measures affect the person's rights and interests.</p> <p>5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.</p>
<p><b>第 13 條 獲得司法保護</b></p> <p>1. 締約國應確保身心障礙者在與其他人平等基礎上有效獲得司法保護，包括透過提供程序與適齡對待措施，以增進其於所有法律訴訟程序中，包括於調查及其他初步階段中，有效發揮其作為直接和間接參與之一方，包括作為證人。</p> <p>2. 為了協助確保身心障礙者有效獲得司法保</p>	<p><b>Article 13 Access to justice</b></p> <p>1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.</p> <p>2. In order to help to ensure effective access to justice for persons with</p>

<p>護，締約國應促進對司法領域工作人員，包括警察與監所人員進行適當之培訓。</p>	<p>disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.</p>
<p><b>第 14 條</b> <b>人身自由與安全</b></p> <p>1. 締約國應確保身心障礙者在與其他人平等基礎上：</p> <p>(a) 享有人身自由及安全之權利；</p> <p>(b) 不被非法或任意剝奪自由，任何對自由之剝奪均須符合法律規定，且於任何情況下均不得以身心障礙作為剝奪自由之理由。</p> <p>2. 締約國應確保，於任何過程中被剝奪自由之身心障礙者，在與其他人平等基礎上，有權獲得國際人權法規定之保障，並應享有符合本公約宗旨及原則之待遇，包括提供合理之對待。</p>	<p><b>Article 14</b> <b>Liberty and security of person</b></p> <p>1. States Parties shall ensure that persons with disabilities, on an equal basis with others:</p> <p>(a) Enjoy the right to liberty and security of person;</p> <p>(b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.</p> <p>2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the present Convention, including by provision of reasonable accommodation.</p>
<p><b>第 15 條</b></p>	<p><b>Article 15</b></p>

<p><b>免於酷刑或殘忍、不人道或有辱人格之待遇或處罰</b></p> <ol style="list-style-type: none"> <li>1. 不得對任何人實施酷刑或殘忍、不人道或有辱人格之待遇或處罰。特別是不得於未經本人自願同意下，對任何人進行醫學或科學試驗。</li> <li>2. 締約國應採取所有有效之立法、行政、司法或其他措施，在與其他人士平等基礎上，防止身心障礙者遭受酷刑或殘忍、不人道或有辱人格之待遇或處罰。</li> </ol>	<p><b>Freedom from torture or cruel, inhuman or degrading treatment or punishment</b></p> <ol style="list-style-type: none"> <li>1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.</li> <li>2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.</li> </ol>
<p><b>第 16 條</b> <b>免於剝削、暴力與虐待</b></p> <ol style="list-style-type: none"> <li>1. 締約國應採取所有適當之立法、行政、社會、教育與其他措施，保障身心障礙者於家庭內外免遭所有形式之剝削、暴力及虐待，包括基於性別之剝削、暴力及虐待。</li> </ol>	<p><b>Article 16</b> <b>Freedom from exploitation, violence and abuse</b></p> <ol style="list-style-type: none"> <li>1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.</li> </ol>

2. 締約國尚應採取所有適當措施防止所有形式之剝削、暴力及虐待，其中包括，確保向身心障礙者與其家屬及照顧者提供具性別及年齡敏感度之適當協助與支持，包括透過提供資訊及教育，說明如何避免、識別及報告剝削、暴力及虐待事件。締約國應確保保障服務具年齡、性別及身心障礙之敏感度。

3. 為了防止發生任何形式之剝削、暴力及虐待，締約國應確保所有用於為身心障礙者服務之設施與方案受到獨立機關之有效監測。

4. 身心障礙者受到任何形式之剝削、暴力或虐待時，締約國應採取所有適當措施，包括提供保護服務，促進被害人之身體、認知功能與心理之復原、復健及重返社會。上述復原措施與重返社會措施應於有

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take

<p>利於本人之健康、福祉、自尊、尊嚴及自主之環境中進行，並應斟酌因性別及年齡而異之具體需要。</p> <p>5. 締約國應制定有效之立法與政策，包括聚焦於婦女及兒童之立法及政策，確保對身心障礙者之剝削、暴力及虐待事件獲得確認、調查，並於適當情況予以起訴。</p>	<p>place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.</p> <p>5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.</p>
<p><b>第 17 條</b> <b>保障人身完整性</b> 身心障礙者有權在與其他人平等基礎上獲得身心完整性之尊重。</p>	<p><b>Article 17</b> <b>Protecting the integrity of the person</b> Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.</p>
<p><b>第 18 條</b> <b>遷徙自由與國籍</b></p> <p>1. 締約國應確認身心障礙者在與其他人平等基礎上有權自由遷徙、自由選擇居所與享有國籍，包括確保身心障礙者：</p> <p>(a) 有權取得與變更國籍，國籍不被任意剝</p>	<p><b>Article 18</b> <b>Liberty of movement and nationality</b></p> <p>1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:</p> <p>(a) Have the right to acquire and change a nationality and are not</p>

<p>奪或因身心障礙而被剝奪；</p> <p>(b) 不因身心障礙而被剝奪獲得、持有及使用國籍證件或其他身分證件之能力，或利用相關處理，如移民程序之能力，該等能力或為便利行使遷徙自由權所必要。</p> <p>(c) 可以自由離開任何國家，包括本國在內；</p> <p>(d) 不被任意剝奪或因身心障礙而被剝奪進入本國之權利。</p> <p>2. 身心障礙兒童出生後應立即予以登記，從出生起即應享有姓名權，享有取得國籍之權利，並儘可能享有認識父母及得到父母照顧之權利。</p>	<p>deprived of their nationality arbitrarily or on the basis of disability;</p> <p>(b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;</p> <p>(c) Are free to leave any country, including their own;</p> <p>(d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.</p> <p>2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.</p>
<p><b>第 19 條</b> <b>自立生活與融合社區</b></p> <p>本公約締約國體認所有身心障礙者享有於社區中生活之平等權利以及與其他人同</p>	<p><b>Article 19</b> <b>Living independently and being included in the community</b></p> <p>States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal</p>

<p>等之選擇，並應採取有效及適當之措施，以促進身心障礙者充分享有該等權利以及充分融合及參與社區，包括確保：</p> <p>(a) 身心障礙者有機會在與其他人平等基礎上選擇居所，選擇於何處、與何人一起生活，不被強迫於特定之居住安排中生活；</p> <p>(b) 身心障礙者享有近用各種居家、住所及其他社區支持服務，包括必要之個人協助，以支持於社區生活及融合社區，避免孤立或隔離於社區之外；</p> <p>(c) 為大眾提供之社區服務及設施，亦可由身心障礙者平等使用，並回應其需求。</p>	<p>to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:</p> <p>(a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;</p> <p>(b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;</p> <p>(c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.</p>
<p><b>第 20 條 個人行動能力</b></p> <p>締約國應採取有效措施，確保身心障礙者於最大可能之獨立</p>	<p><b>Article 20 Personal mobility</b></p> <p>States Parties shall take effective measures to ensure personal mobility with the greatest possible</p>

<p>性下，享有個人行動能力，包括：</p> <p>(a) 促進身心障礙者按自己選擇之方式與時間，以其可負擔之費用享有個人行動能力；</p> <p>(b) 促進身心障礙者享有近用優質之行動輔具、用品、輔助技術以及各種形式之現場協助及中介，包括以其可負擔之費用提供之；</p> <p>(c) 提供身心障礙者及與其共事之專業人員行動技能培訓；</p> <p>(d) 鼓勵生產行動輔具、用品與輔助技術之生產者斟酌身心障礙者行動能力之所有面向。</p>	<p>independence for persons with disabilities, including by:</p> <p>(a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;</p> <p>(b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;</p> <p>(c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;</p> <p>(d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.</p>
<p><b>第 21 條</b>  <b>表達與意見之自由及近用資訊</b>          締約國應採取所有適當措施，確保身心障礙者能夠行使自由表達及意見自由之權</p>	<p><b>Article 21</b>  <b>Freedom of expression and opinion, and access to information</b>          States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression</p>

<p>利，包括在與其他人平等基礎上，通過自行選擇本公約第 2 條所界定之所有傳播方式，尋求、接收、傳遞資訊與思想之自由，包括：</p> <p>(a) 提供予公眾之資訊須以適於不同身心障礙類別之無障礙形式與技術，及時提供給身心障礙者，不另收費；</p> <p>(b) 於正式互動中接受及促進使用手語、點字文件、輔助與替代性傳播及身心障礙者選用之其他所有無障礙傳播方法、模式及格式；</p> <p>(c) 敦促提供公眾服務之私人單位，包括通過網際網路提供服務，以無障礙及身心障礙者可以使用之模式提供資訊及服務；</p> <p>(d) 鼓勵大眾媒體，包括透過網際網路資訊提</p>	<p>and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:</p> <p>(a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;</p> <p>(b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;</p> <p>(c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;</p> <p>(d) Encouraging the mass media, including providers of information through the Internet, to make their</p>
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<p>供者，使其服務得為身心障礙者近用；</p> <p>(e)承認及推廣手語之使用。</p>	<p>services accessible to persons with disabilities;</p> <p>(e) Recognizing and promoting the use of sign languages.</p>
<p><b>第 22 條 尊重隱私</b></p> <p>1. 身心障礙者，不論其居所地或居住安排為何，其隱私、家庭、家居與通信及其他形式之傳播，不得受到任意或非法干擾，其尊榮與名譽也不得受到非法攻擊。身心障礙者有權獲得法律保障，不受該等干擾或攻擊。</p> <p>2. 締約國應在與其他人平等基礎上保障身心障礙者之個人、健康與復健資料之隱私。</p>	<p><b>Article 22 Respect for privacy</b></p> <p>1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.</p> <p>2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.</p>
<p><b>第 23 條 尊重家居與家庭</b></p> <p>1. 締約國應採取有效及適當措施，在與其他人平等基礎上，於涉及婚姻、家庭、父母身分及家屬關係之所有事項中，消除對身</p>	<p><b>Article 23 Respect for home and the family</b></p> <p>1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an</p>

<p>心障礙者之歧視，以確保：</p> <p>(a) 所有適婚年齡之身心障礙者，基於當事人雙方自由與充分之同意，其結婚與組成家庭之權利，獲得承認；</p> <p>(b) 身心障礙者得自由且負責任地決定子女人數及生育間隔，近用適齡資訊、生育及家庭計畫教育之權利獲得承認，並提供必要措施使身心障礙者得以行使該等權利；</p> <p>(c) 在與其他人平等基礎上，身心障礙者，包括身心障礙兒童，保留其生育能力。</p> <p>2. 存在於本國立法中有關監護、監管、託管及收養兒童或類似制度等概念，締約國應確保身心障礙者於該等方面之權利及責任；於任何情況下均應以兒童最佳利益</p>	<p>equal basis with others, so as to ensure that:</p> <p>(a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;</p> <p>(b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;</p> <p>(c) Persons with disabilities, including children, retain their fertility on an equal basis with others.</p> <p>2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child</p>
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為最優先。締約國應適當協助身心障礙者履行其養育子女之責任。

3. 締約國應確保身心障礙兒童於家庭生活方面享有平等權利。為實現該等權利，並防止隱藏、遺棄、疏忽與隔離身心障礙兒童，締約國應承諾及早提供身心障礙兒童及其家屬全面之資訊、服務及協助。

4. 締約國應確保不違背兒童父母意願使子女與父母分離，除非主管當局依照適用之法律與程序，經司法審查判定基於兒童本人之最佳利益，此種分離確有其必要。於任何情況下均不得以子女身心障礙或父母一方或雙方身心障礙為由，使子女與父母分離。

5. 締約國應於直系親屬不能照顧身心障礙兒

shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care

<p>童之情況下，盡一切努力於家族範圍內提供替代性照顧，並於無法提供該等照顧時，於社區內提供家庭式照顧。</p>	<p>for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.</p>
<p><b>第 24 條 教育</b></p> <p>1. 締約國確認身心障礙者享有受教育之權利。為了於不受歧視及機會均等之基礎上實現此一權利，締約國應確保於各級教育實行融合教育制度及終身學習，朝向：</p> <p>(a) 充分開發人之潛力、尊嚴與自我價值，並加強對人權、基本自由及人之多元性之尊重；</p> <p>(b) 極致發展身心障礙者之人格、才華與創造力以及心智能力及體能；</p> <p>(c) 使所有身心障礙者能有效參與自由社會。</p>	<p><b>Article 24 Education</b></p> <p>1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:</p> <p>(a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;</p> <p>(b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;</p> <p>(c) Enabling persons with disabilities to participate effectively in a free society.</p>

<p>2. 為實現此一權利，締約國應確保：</p> <p>(a) 身心障礙者不因身心障礙而被排拒於普通教育系統之外，身心障礙兒童不因身心障礙而被排拒於免費與義務小學教育或中等教育之外；</p> <p>(b) 身心障礙者可以於自己生活之社區內，在與其他人平等基礎上，獲得融合、優質及免費之小學教育及中等教育；</p> <p>(c) 提供合理之對待以滿足個人需求；</p> <p>(d) 身心障礙者於普通教育系統中獲得必要之協助，以利其獲得有效之教育；</p> <p>(e) 符合充分融合之目標下，於最有利於學業與社會發展之環境中，提供有效之個別化協助措施。</p>	<p>2. In realizing this right, States Parties shall ensure that:</p> <p>(a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;</p> <p>(b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;</p> <p>(c) Reasonable accommodation of the individual's requirements is provided;</p> <p>(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;</p> <p>(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.</p>
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<p>3. 締約國應使身心障礙者能夠學習生活與社會發展技能，促進其充分及平等地參與教育及融合社區。為此目的，締約國應採取適當措施，包括：</p> <p>(a) 促進學習點字文件、替代文字、輔助與替代性傳播方法、模式及格式、定向與行動技能，並促進同儕支持及指導；</p> <p>(b) 促進手語之學習及推廣聽覺障礙社群之語言認同；</p> <p>(c) 確保以最適合個人情況之語言與傳播方法、模式及於最有利於學業及社會發展之環境中，提供教育予視覺、聽覺障礙或視聽覺障礙者，特別是視覺、聽覺障礙或視聽覺障礙兒童。</p> <p>4. 為幫助確保實現該等權利，締約國應採取</p>	<p>3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:</p> <p>(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;</p> <p>(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;</p> <p>(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.</p> <p>4. In order to help ensure the realization of this right, States Parties</p>
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<p>適當措施，聘用合格之手語或點字教學教師，包括身心障礙教師，並對各級教育之專業人員與工作人員進行培訓。該等培訓應包括障礙意識及學習使用適當之輔助替代性傳播方法、模式及格式、教育技能及教材，以協助身心障礙者。</p> <p>5. 締約國應確保身心障礙者能夠於不受歧視及與其他人平等基礎上，獲得一般高等教育、職業訓練、成人教育及終身學習。為此目的，締約國應確保向身心障礙者提供合理之對待。</p>	<p>shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.</p> <p>5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.</p>
<p><b>第 25 條 健康</b></p> <p>締約國確認，身心障礙者有權享有可達到之最高健康標準，不因身心障礙而受到歧視。締約國應採取所有適當措施，確保身心障礙者獲得考慮到性別敏感度之健康服務，包括與健康有</p>	<p><b>Article 25 Health</b></p> <p>States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-</p>

<p>關之復健服務。締約國尤其應：</p> <p>(a) 提供身心障礙者與其他人享有同等範圍、質量與標準之免費或可負擔之健康照護與方案，包括於性與生育健康及全民公共衛生方案領域；</p> <p>(b) 提供身心障礙者因其身心障礙而特別需要之健康服務，包括提供適當之早期診斷與介入，及提供設計用來極小化與預防進一步障礙發生之服務，包括提供兒童及老年人該等服務；</p> <p>(c) 儘可能於身心障礙者最近所在之社區，包括鄉村地區，提供該等健康服務；</p> <p>(d) 要求醫事人員，包括於徵得身心障礙者自由意識並知情同意之基礎上，提供身心障礙者與其他人相同品</p>	<p>sensitive, including health-related rehabilitation. In particular, States Parties shall:</p> <p>(a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;</p> <p>(b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;</p> <p>(c) Provide these health services as close as possible to people's own communities, including in rural areas;</p> <p>(d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia,</p>
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<p>質之照護，其中包括藉由提供培訓與頒布公共及私營健康照護之倫理標準，提高對身心障礙者人權、尊嚴、自主及需求之意識；</p> <p>(e) 於提供健康保險與國家法律許可之人壽保險方面，禁止歧視身心障礙者，該等保險應以公平合理之方式提供；</p> <p>(f) 防止以身心障礙為由而歧視性地拒絕提供健康照護或健康服務，或拒絕提供食物與液體。</p>	<p>raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;</p> <p>(e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;</p> <p>(f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.</p>
<p><b>第 26 條</b> <b>適應訓練與復健</b></p> <p>1. 締約國應採取有效與適當措施，包括經由同儕支持，使身心障礙者能夠達到及保持最大程度之自立，充分發揮及維持體能、智能、社會及職業能力，充分融合及參與生活所有方面。為此目的，締約國應組織、加強與擴展完整</p>	<p><b>Article 26</b> <b>Habilitation and rehabilitation</b></p> <p>1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and</p>

<p>之適應訓練、復健服務及方案，尤其是於健康、就業、教育及社會服務等領域，該等服務與方案應：</p> <p>(a) 及早開始依據個人需求與優勢能力進行跨專業之評估；</p> <p>(b) 協助身心障礙者依其意願於社區及社會各層面之參與及融合，並儘可能於身心障礙者最近社區，包括鄉村地區。</p> <p>2. 締約國應為從事適應訓練與復健服務之專業人員及工作人員，推廣基礎及繼續培訓之發展。</p> <p>3. 於適應訓練與復健方面，締約國應推廣為身心障礙者設計之輔具與技術之可及性、知識及運用。</p>	<p>rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:</p> <p>(a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;</p> <p>(b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.</p> <p>2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.</p> <p>3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.</p>
<p><b>第 27 條 工作與就業</b></p>	<p><b>Article 27 Work and employment</b></p>

1. 締約國承認身心障礙者享有與其他人平等之工作權利；此包括於一個開放、融合與無障礙之勞動市場及工作環境中，身心障礙者有自由選擇與接受謀生工作機會之權利。締約國應採取適當步驟，防護及促進工作權之實現，包括於就業期間發生障礙事實者，其中包括，透過法律：

(a) 禁止基於身心障礙者就各種就業形式有關之所有事項上之歧視，包括於招募、僱用與就業條件、持續就業、職涯提升及安全與衛生之工作條件方面；

(b) 保障身心障礙者在與其他人平等基礎上享有公平與良好之工作條件，包括機會均等及同工同酬之權利，享有安全及衛生之工作環境，包括免於騷

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

(a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

(b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from

<p>擾之保障，並享有遭受侵害之救濟；</p> <p>(c) 確保身心障礙者能夠在與其他人平等基礎上行使勞動權及工會權；</p> <p>(d) 使身心障礙者能夠有效參加一般技術與職業指導方案，獲得就業服務及職業與繼續訓練；</p> <p>(e) 促進身心障礙者於勞動市場上之就業機會與職涯提升，協助身心障礙者尋找、獲得、保持及重返就業；</p> <p>(f) 促進自營作業、創業經營、開展合作社與個人創業之機會；</p> <p>(g) 於公部門僱用身心障礙者；</p> <p>(h) 以適當政策與措施，促進私部門僱用身心障礙者，得包括平權</p>	<p>harassment, and the redress of grievances;</p> <p>(c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;</p> <p>(d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;</p> <p>(e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;</p> <p>(f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;</p> <p>(g) Employ persons with disabilities in the public sector;</p> <p>(h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include</p>
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<p>行動方案、提供誘因及其他措施；</p> <p>(i) 確保於工作場所為身心障礙者提供合理之空間安排；</p> <p>(j) 促進身心障礙者於開放之勞動市場上獲得工作經驗；</p> <p>(k) 促進身心障礙者之職業與專業重建，保留工作和重返工作方案。</p> <p>2. 締約國應確保身心障礙者不處於奴隸或奴役狀態，並在與其他人平等基礎上受到保障，不被強迫或強制勞動。</p>	<p>affirmative action programmes, incentives and other measures;</p> <p>(i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;</p> <p>(j) Promote the acquisition by persons with disabilities of work experience in the open labour market;</p> <p>(k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.</p> <p>2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.</p>
<p><b>第 28 條</b> <b>適足之生活水準與社會保障</b></p> <p>1. 締約國承認身心障礙者就其自身及其家屬獲得適足生活水準之權利，包括適足之食物、衣物、住宅，及</p>	<p><b>Article 28</b> <b>Adequate standard of living and social protection</b></p> <p>1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and</p>

<p>持續改善生活條件；並應採取適當步驟，防護與促進身心障礙者於不受歧視之基礎上實現該等權利。</p> <p>2. 締約國承認身心障礙者享有社會保障之權利，及於身心障礙者不受歧視之基礎上享有該等權利；並應採取適當步驟，防護及促進該等權利之實現，包括採取下列措施：</p> <p>(a) 確保身心障礙者平等地獲得潔淨供水服務，並確保其獲得適當與可負擔之服務、用具及其他協助，以滿足與身心障礙有關之需求；</p> <p>(b) 確保身心障礙者，尤其是身心障礙婦女、女孩與年長者，利用社會保障方案及降低貧窮方案；</p>	<p>housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.</p> <p>2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:</p> <p>(a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;</p> <p>(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;</p>
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<p>(c) 確保生活貧困之身心障礙者及其家屬，在與身心障礙有關之費用支出，包括適足之培訓、諮詢、財務協助及喘息服務方面，可以獲得國家援助；</p> <p>(d) 確保身心障礙者參加公共住宅方案；</p> <p>(e) 確保身心障礙者平等參加退休福利與方案。</p>	<p>(c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disabilityrelated expenses, including adequate training, counselling, financial assistance and respite care;</p> <p>(d) To ensure access by persons with disabilities to public housing programmes;</p> <p>(e) To ensure equal access by persons with disabilities to retirement benefits and programmes.</p>
<p><b>第 29 條</b> <b>參與政治與公共生活</b> 締約國應保障身心障礙者享有政治權利，及有機會在與其他人士平等基礎上享有該等權利，並應承諾：</p> <p>(a) 確保身心障礙者能夠在與其他人士平等基礎上，直接或透過自由選擇之代表，有效與充分地參與政治及公共生活，包括確保身心障礙者享有選舉與被選舉之權利及機會，其中包括，採取下列措施：</p>	<p><b>Article 29</b> <b>Participation in political and public life</b> States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:</p> <p>(a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:</p>

<p>(i) 確保投票程序、設施與材料適當、無障礙及易懂易用；</p> <p>(ii) 保障身心障礙者之投票權利，使其得以於各種選舉或公投中不受威嚇地採用無記名方式投票及參選，於各級政府有效地擔任公職與執行所有公共職務，並於適當情況下促進輔助與新技術之使用；</p> <p>(iii) 保障身心障礙者作為選民，得以自由表達意願，及為此目的，於必要情形，根據其要求，允許由其選擇之人協助投票；</p> <p>(b) 積極促進環境，使身心障礙者得於不受歧視及與其他人平等基礎上有效與充分地參與公共事務之處理，並鼓勵其參與公共事務，包括：</p> <p>(i) 參與關於本國公共與政治生活之非政府組</p>	<p>(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;</p> <p>(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;</p> <p>(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;</p> <p>(b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:</p> <p>(i) Participation in non-governmental organizations and associations</p>
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<p>織及團體，及參加政黨之活動與行政事務；</p> <p>(ii) 成立及加入身心障礙者組織，於國際性、全國性、區域性及地方性各層級代表身心障礙者。</p>	<p>concerned with the public and political life of the country, and in the activities and administration of political parties;</p> <p>(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.</p>
<p><b>第 30 條 參與文化生 活、康樂、休閒與體 育活動</b></p> <p>1. 締約國承認身心障礙者有權在與其他人平等基礎上參與文化生活，並應採取所有適當措施，確保身心障礙者：</p> <p>(a) 享有以無障礙格式提供之文化素材；</p> <p>(b) 享有以無障礙格式提供之電視節目、影片、戲劇及其他文化活動；</p> <p>(c) 享有進入文化表演或文化服務場所，例如劇院、博物館、電影院、圖書館、旅遊服</p>	<p><b>Article 30 Participation in cultural life, recreation, leisure and sport</b></p> <p>1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:</p> <p>(a) Enjoy access to cultural materials in accessible formats;</p> <p>(b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;</p> <p>(c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as</p>

務場所，並儘可能地享有進入於本國文化中具有重要意義之紀念建築與遺址。

2. 締約國應採取適當措施，使身心障礙者能有機會發展與利用其創意、藝術及知識方面之潛能，不僅基於自身之利益，更為充實社會。

3. 締約國應採取所有適當步驟，根據國際法，確保保障智慧財產權之法律不構成不合理或歧視性障礙，阻礙身心障礙者獲得文化素材。

4. 身心障礙者應有權利，在與其他人平等基礎上，被承認及支持其特有之文化與語言認同，包括手語及聾人文化。

5. 著眼於使身心障礙者能夠在與其他人平等基礎上參加康樂、休

possible, enjoy access to monuments and sites of national cultural importance.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in

<p>閒與體育活動，締約國應採取下列適當措施：</p> <p>(a) 鼓勵與推廣身心障礙者儘可能充分地參加各種等級之主流體育活動；</p> <p>(b) 確保身心障礙者有機會組織、發展及參與身心障礙者特殊之體育、康樂活動，並為此目的，在與其他人士平等基礎上，鼓勵提供適當之指導、培訓及資源；</p> <p>(c) 確保身心障礙者得以使用體育、康樂與旅遊場所；</p> <p>(d) 確保身心障礙兒童與其他兒童平等地參加遊戲、康樂與休閒及體育活動，包括於學校體系內之該等活動；</p> <p>(e) 確保身心障礙者於康樂、旅遊、休閒與體</p>	<p>recreational, leisure and sporting activities, States Parties shall take appropriate measures:</p> <p>(a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;</p> <p>(b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;</p> <p>(c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;</p> <p>(d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;</p> <p>(e) To ensure that persons with disabilities have access to services from those involved in the</p>
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<p>育等活動籌組時，獲得參與所需之服務。</p>	<p>organization of recreational, tourism, leisure and sporting activities.</p>
<p><b>第 31 條</b> <b>統計與資料收集</b></p> <p>1. 締約國承諾收集適當之資訊，包括統計與研究資料，以利形成與推動實踐本公約之政策。收集與保存該等資訊之過程應：</p> <p>(a) 遵行法定防護措施，包括資料保護之立法，確保隱密性與尊重身心障礙者之隱私；</p> <p>(b) 遵行保護人權與基本自由之國際公認規範及收集與使用統計資料之倫理原則。</p> <p>2. 依本條所收集之資訊應適當予以分類，用於協助評估本公約所定締約國義務之履行情況，並查明與指出身心障礙者於行使其權利時面臨之障礙。</p>	<p><b>Article 31</b> <b>Statistics and data collection</b></p> <p>1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:</p> <p>(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;</p> <p>(b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.</p> <p>2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons</p>

<p>3. 締約國應負有散播該等統計資料之責任，確保身心障礙者與其他人得以使用該等統計資料。</p>	<p>with disabilities in exercising their rights.</p> <p>3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.</p>
<p><b>第 32 條 國際合作</b></p> <p>1. 締約國體認到國際合作及其推廣對支援國家為實現本公約宗旨與目的所作出努力之重要性，並將於此方面，於雙邊及多邊國家間採取適當及有效措施，及於適當情況下，與相關國際、區域組織及公民社會，特別是與身心障礙者組織結成夥伴關係。其中得包括如下：</p> <p>(a) 確保包含並便利身心障礙者參與國際合作，包括國際發展方案；</p>	<p><b>Article 32 International cooperation</b></p> <p>1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:</p> <p>(a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;</p>

<p>(b) 促進與支援能力建構，包括透過交流與分享資訊、經驗、培訓方案及最佳範例等；</p> <p>(c) 促進研究方面之合作，及科學與技術知識之近用；</p> <p>(d) 適當提供技術與經濟援助，包括促進無障礙技術及輔助技術之近用與分享，以及透過技術轉讓等。</p> <p>2. 本條之規定不妨害各締約國履行其於本公約所承擔之義務。</p>	<p>(b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;</p> <p>(c) Facilitating cooperation in research and access to scientific and technical knowledge;</p> <p>(d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.</p> <p>2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.</p>
<p><b>第 33 條</b> <b>國家實施與監測</b></p> <p>1. 締約國應依其組織體制，就有關實施本公約之事項，於政府內指定一個或多個協調中心，並應適當考慮於政府內設立或指定一協調機制，以促進</p>	<p><b>Article 33</b> <b>National implementation and monitoring</b></p> <p>1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the</p>

<p>不同部門及不同層級間之有關行動。</p> <p>2. 締約國應依其法律及行政體制，適當地於國內維持、加強、指定或設立一架構，包括一個或多個獨立機制，以促進、保障與監測本公約之實施。於指定或建立此一機制時，締約國應考慮到保障與促進人權之國家機構之地位及功能的相關原則。</p> <p>3. 公民社會，特別是身心障礙者及其代表組織，應涉入並充分參與監測程序。</p>	<p>establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.</p> <p>2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.</p> <p>3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.</p>
<p><b>第 34 條</b> <b>身心障礙者權利委員會</b></p> <p>1. （聯合國）應設立一個身心障礙者權利委</p>	<p><b>Article 34</b> <b>Committee on the Rights of Persons with Disabilities</b></p> <p>1. There shall be established a Committee on the Rights of Persons</p>

<p>員會(以下稱委員會)，履行以下規定之職能。</p> <p>2. 於本公約生效時，委員會應由十二名專家組成。於另有六十個國家批准或加入公約後，委員會應增加六名成員，以達到十八名成員之最高限額。</p> <p>3. 委員會成員應以個人身分任職，品德高尚，於本公約所涉領域具有公認之能力與經驗。締約國於提名候選人時，請適當考慮本公約第4條第3項之規定。</p> <p>4. 委員會成員由締約國選舉，選舉須顧及地域分配之公平，不同文化形式及主要法律體系之代表性，成員性別之均衡性及身心障礙者專家參與。</p>	<p>with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.</p> <p>2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.</p> <p>3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.</p> <p>4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender</p>
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<p>5. 委員會成員應於聯合國秘書長召集之締約國會議上，依締約國提名之各國候選人名單，以無記名投票之方式選出。該等會議以三分之二之締約國構成法定人數，得票最多並獲得出席參加表決之締約國代表之絕對多數票者，當選為委員會成員。</p> <p>6. 首次選舉至遲應於本公約生效之日後六個月內舉行。聯合國秘書長至遲應於每次選舉日前四個月，函請締約國於兩個月內遞交提名人選。秘書長隨後應按英文字母次序編列全體被提名人名單，註明提名締約國，分送本公約締約國。</p>	<p>representation and participation of experts with disabilities.</p> <p>5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.</p> <p>6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.</p>
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<p>7. 當選之委員會成員任期四年，有資格連選連任一次。但於第一次選舉當選之成員中，六名成員之任期應於二年後屆滿；本條第5項所述會議之主席應於第一次選舉後，立即抽籤決定此六名成員。</p> <p>8. 委員會另外六名成員之選舉應依照本條之相關規定，於定期選舉時舉行。</p> <p>9. 如委員會成員死亡或辭職或因任何其他理由而宣稱無法繼續履行其職責，提名該成員之締約國應指定一名具備本條相關規定所列資格並符合有關要求之專家，完成所餘任期。</p> <p>10. 委員會應自行制定議事規則。</p>	<p>7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.</p> <p>8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.</p> <p>9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.</p> <p>10. The Committee shall establish its own rules of procedure.</p>
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<p>11. 聯合國秘書長應為委員會有效履行本公約規定之職能，提供必要之工作人員與設備，並應召開委員會之首次會議。</p> <p>12. 顧及委員會責任重大，經聯合國大會核准，本公約設立之委員會成員，應按大會所定條件，從聯合國資源領取薪酬。</p> <p>13. 委員會成員根據聯合國特權與豁免公約相關章節規定，應有權享有聯合國特派專家享有之設施、特權及豁免。</p>	<p>11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.</p> <p>12. With the approval of the General Assembly of the United Nations, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.</p> <p>13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.</p>
<p><b>第 35 條</b> <b>締約國提交之報告</b></p> <p>1. 各締約國於本公約對其生效後二年內，應透過聯合國秘書長，向委員會提交一份完整報告，說明為履行</p>	<p><b>Article 35</b> <b>Reports by States Parties</b></p> <p>1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations</p>

<p>本公約規定之義務所採取之措施與於該方面取得之進展。</p> <p>2. 其後，締約國至少應每四年提交一次報告，並於委員會提出要求時另外提交報告。</p> <p>3. 委員會應決定適用於報告內容之準則。</p> <p>4. 已經向委員會提交完整初次報告之締約國，於其後提交之報告中，不必重複以前提交之資料。締約國於編寫給委員會之報告時，務請採用公開、透明程序，並適度考慮本公約第 4 條第 3 項規定。</p> <p>5. 報告可指出影響本公約所定義義務履行程度之因素與困難。</p>	<p>under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.</p> <p>2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.</p> <p>3. The Committee shall decide any guidelines applicable to the content of the reports.</p> <p>4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.</p> <p>5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.</p>
<p><b>第 36 條 報告之審議</b></p>	<p><b>Article 36 Consideration of</b></p>

<p>1. 委員會應審議每一份報告，並於委員會認為適當時，對報告提出意見與一般性建議，將其送交有關締約國。締約國可以自行決定對委員會提供任何資料作為回復。委員會得要求締約國提供與實施本公約相關之進一步資料。</p> <p>2. 對於明顯逾期未交報告之締約國，委員會得通知有關締約國，如於發出通知後三個月內仍未提交報告，委員會必須根據所獲得之可靠資料，審查該締約國實施本公約之情況。委員會應邀請有關締約國參加此項審查工作。如締約國提交相關報告作為回復，則適用本條第1項之規定。</p>	<p><b>reports</b></p> <p>1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.</p> <p>2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.</p>
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<p>3. 聯合國秘書長應對所有締約國提供上述報告。</p> <p>4. 締約國應對國內公眾廣泛提供本國報告，並便利獲得有關該等報告之意見與一般性建議。</p> <p>5. 委員會應於其認為適當時，將締約國報告轉交聯合國專門機構、基金與方案及其他主管機構，以便處理報告中就技術諮詢或協助提出之請求或表示之需要，同時附上委員會可能對該等請求或需要提出之意見與建議。</p>	<p>3. The Secretary-General of the United Nations shall make available the reports to all States Parties.</p> <p>4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.</p> <p>5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.</p>
<p><b>第 37 條</b> <b>締約國與委員會之合作</b></p> <p>1. 各締約國應與委員會合作，協助委員會成員履行其任務。</p> <p>2. 於與締約國之關係方面，委員會應適度考</p>	<p><b>Article 37</b> <b>Cooperation between States Parties and the Committee</b></p> <p>1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.</p> <p>2. In its relationship with States Parties, the Committee shall give due</p>

<p>慮提高各國實施本公約能力之途徑與手段，包括透過國際合作。</p>	<p>consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.</p>
<p><b>第 38 條</b> <b>委員會與其他機構之關係</b></p> <p>為促進本公約之有效實施及鼓勵於本公約所涉領域開展國際合作：</p> <p>(a) 各專門機構與其他聯合國機關應有權出席審議本公約中屬於其職權範圍規定之實施情況。委員會得於其認為適當時，邀請專門機構與其他主管機構就公約於各自職權範圍所涉領域之實施情況提供專家諮詢意見。委員會得邀請專門機構與其他聯合國機關提交報告，說明公約於其活動範圍所涉領域之實施情況。</p>	<p><b>Article 38</b> <b>Relationship of the Committee with other bodies</b></p> <p>In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:</p> <p>(a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;</p>

<p>(b) 委員會於履行其任務時，應適當諮詢各國國際人權條約所設立之其他相關組織意見，以便確保各自之報告準則、意見與一般性建議之一致性，避免於履行職能時出現重複及重疊。</p>	<p>(b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.</p>
<p><b>第 39 條 委員會報告</b> 委員會應每二年向大會與經濟及社會理事會提出關於其活動之報告，並得於審查締約國提交之報告與資料之基礎上，提出意見及一般性建議。該等意見及一般性建議應連同締約國可能作出之任何評論，一併列入委員會報告。</p>	<p><b>Article 39 Report of the Committee</b> The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.</p>
<p><b>第 40 條 締約國會議</b></p> <p>1. 締約國應定期舉行締約國會議，以審議與實施本公約有關之任何事項。</p>	<p><b>Article 40 Conference of States Parties</b></p> <p>1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.</p>

<p>2. 聯合國秘書長最遲應於本公約生效後六個月內召開締約國會議。其後，聯合國秘書長應每二年，或根據締約國會議之決定，召開會議。</p>	<p>2. No later than six months after the entry into force of the present Convention, the Conference of States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General biennially or upon the decision of the Conference of States Parties.</p>
<p><b>第 41 條 保存人</b> 聯合國秘書長為本公約之保存人。</p>	<p><b>Article 41 Depositary</b> The Secretary-General of the United Nations shall be the depositary of the present Convention.</p>
<p><b>第 42 條 簽署</b> 本公約自二〇〇七年三月三十日起於紐約聯合國總部開放給所有國家與區域整合組織簽署。</p>	<p><b>Article 42 Signature</b> The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.</p>
<p><b>第 43 條 同意接受約束</b> 本公約應經簽署國批准與經簽署區域整合組織正式確認，並應開放給任何尚未簽署公約之國家或區域整合組織加入。</p>	<p><b>Article 43 Consent to be bound</b> The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.</p>
<p><b>第 44 條 區域整合組織</b>  1. “區域整合組織”是指由某一區域之主權</p>	<p><b>Article 44 Regional integration organizations</b>  1. “Regional integration organization” shall mean an organization</p>

國家組成之組織，其成員國已將本公約所涉事項方面之權限移交該組織。該等組織應於其正式確認書或加入書中聲明其有關本公約所涉事項之權限範圍。此後，該等組織應將其權限範圍之任何重大變更通知保存人。

constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the present Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the present Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

2. 本公約提及“締約國”之處，於上述組織之權限範圍內，應適用於該等組織。

2. References to “States Parties” in the present Convention shall apply to such organizations within the limits of their competence.

3. 為第 45 條第 1 項與第 47 條第 2 項及第 3 項之目的，區域整合組織交存之任何文書不應計算在內。

3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, of the present Convention, any instrument deposited by a regional integration organization shall not be counted.

4. 區域整合組織可以於締約國會議上，對其權限範圍內之事項行使表決權，其票數相當於已成為本公約締約國之組織成員國數目。如區域整合組織

4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Convention.

<p>之任何成員國行使表決權，則該組織不得行使表決權，反之亦然。</p>	<p>Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.</p>
<p><b>第 45 條 生效</b></p> <p>1. 本公約應於第二十份批准書或加入書存放後之第三十日起生效。</p> <p>2. 對於第二十份批准書或加入書存放後批准、正式確認或加入之國家或區域整合組織，本公約應自其文書存放後之第三十日起生效。</p>	<p><b>Article 45 Entry into force</b></p> <p>1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.</p> <p>2. For each State or regional integration organization ratifying, formally confirming or acceding to the present Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.</p>
<p><b>第 46 條 保留</b></p> <p>1. 保留不得與本公約之目的與宗旨不符。</p> <p>2. 保留可隨時撤回。</p>	<p><b>Article 46 Reservations</b></p> <p>1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.</p> <p>2. Reservations may be withdrawn at any time.</p>
<p><b>第 47 條 修正</b></p> <p>1. 任何締約國均得對本公約提出修正案，提交聯合國秘書長。秘書長應將任何提議之</p>	<p><b>Article 47 Amendments</b></p> <p>1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United</p>

修正案傳達締約國，要求締約國通知是否贊成召開締約國會議，以審議提案並就提案作出決定。於上述傳達發出日後四個月內，如有至少三分之一之締約國贊成召開締約國會議時，秘書長應於聯合國主辦下召開會議。經出席並參加表決之締約國三分之二多數通過之任何修正案應由秘書長提交大會核可，隨後提交所有締約國接受。

2. 依據本條第 1 項之規定通過與核可之修正案，應於存放之接受書數目達到修正案通過之日締約國數目之三分之二後之第三十日起生效。此後，修正案應於任何締約國交存其接受書後之第三十日起對該締約國生效。修正案只對接

Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly of the United Nations for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day

<p>受該項修正案之締約國具有約束力。</p> <p>3. 經締約國會議一致決定，依據本條第 1 項之規定通過與核可但僅涉及第 34 條、第 38 條、第 39 條及第 40 條之修正案，應於存放之接受書數目達到修正案通過之日締約國數目之三分之二後之第三十日起對所有締約國生效。</p>	<p>following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.</p> <p>3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.</p>
<p><b>第 48 條 退約</b> 締約國得以書面通知聯合國秘書長退出本公約。退約應於秘書長收到通知之日起一年後生效。</p>	<p><b>Article 48 Denunciation</b> A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.</p>
<p><b>第 49 條 無障礙格式</b> 本公約之文本應以無障礙格式提供。</p>	<p><b>Article 49 Accessible format</b> The text of the present Convention shall be made available in accessible formats.</p>
<p><b>第 50 條 正本</b> 本公約之阿拉伯文、中文、英文、法</p>	<p><b>Article 50 Authentic texts</b> The Arabic, Chinese, English, French, Russian and Spanish texts of the</p>

文、俄文與西班牙文 文本，同一作準。	present Convention shall be equally authentic.
下列簽署人經各自政府 正式授權於本公約簽 字，以昭信守。	IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

國際審查委員會（IRC）2017 年 11 月 3 日就中華民國（台灣）  
施行身心障礙者權利公約（CRPD）初次國家報告結論性意見

**Concluding Observations of the initial report of the  
Republic of China (Taiwan) on the Convention on the  
Rights of Persons with Disabilities (CRPD) adopted by the  
International Review Committee (IRC) on 3 November  
2017**

## I. 引言

1. 中華民國 (台灣) 立法院於 2014 年 8 月，通過身心障礙者權利公約施行法 (下稱「CRPD 施行法」)。該法於 2014 年 12 月正式生效，成為 CRPD 融入國內體系之規範架構。

2. 行政院於 2016 年 12 月依 CRPD 施行法提交首次國家報告，並於 2017 年 3 月提供英文版。為就首次國家報告進行審查，台灣政府邀請五位專家組成國際審查委員會

(International Review Committee, IRC)。專家成員包括 Diane Kingston (英國)、長瀨修 (日本：主席)、Adolf Ratzka (瑞典)、Diane Richler (加拿大) 及 Michael Ashley Stein (美國) 等五位身心障礙權利專業人士；五人係以個人身分擔任委

## I. Introduction

1. In August 2014, the Legislative Yuan of the Republic of China (Taiwan) passed the Implementation Act of the Convention on the Rights of Persons with Disabilities (the Implementation Act). The Implementation Act came into force in December 2014 and provides the framework for domestic harmonization of the CRPD.

2. The Executive Yuan, according to the Implementation Act, submitted the initial State report in December 2016 and its English version was made available in March 2017. In order to review its initial State report, the government of Taiwan invited five experts to form an IRC. They were Diane Kingston (UK), Nagase Osamu (Japan: Chair), Adolf Ratzka (Sweden), Diane Richler (Canada), and Michael Ashley Stein (USA), who served in their personal capacities, independent of the countries they reside in. All members are considered experts in disability rights.

員，不代表各自居留國家。

3. 國際審查委員會就台灣初次國家報告進行審查，並於 2017 年 7 月 24 日提出問題清單。在擬訂問題清單時，國際審查委員會亦參考民間組織（包括身心障礙組織）所提交的平行報告及建議問題。政府於 2017 年 9 月 8 日就問題清單提出詳細回應。國際審查委員會亦接獲公民社會（包括身心障礙者代表組織）針對政府回應提出的各項意見。

4. 2017 年 10 月 30 日至 11 月 1 日，國際審查委員會於台北台大醫院國際會議中心召開審查會議（含對話），並於 2017 年 11 月 3 日通過與發表結論性意見。

5. 對於台灣政府及人民為落實 CRPD 所付出的心力，國際審查委員會

3. The IRC examined the initial report of Taiwan and provided a List of Issues on 24 July 2017. The IRC received information from civil society organizations, including organizations of persons with disabilities, in the form of parallel reports and draft questions to inform the List of Issues. The government submitted the detailed replies to the List of Issues on 8 September 2017. The IRC received a number of inputs in response to the State's replies to the List of Issues from civil society, including inputs from representative organizations of persons with disabilities.

4. The review session included an interactive dialogue that was held from 30 October to 1 November 2017 at NTUH International Convention Center in Taipei. The IRC adopted the present Concluding Observations and presented them on 3 November 2017.

5. The IRC expresses its profound appreciation to the government and people of Taiwan for their

<p>深表感謝。由審查期間內，與政府間的建設性對話中，可看出政府全力推行 CRPD 的決心。為確保持續成功，並符合第 4.3 及 33.3 條規定，公民社會（尤其是身心障礙者及其代表組織）的積極參與至關重要。</p> <p>6. 對於衛生福利部（尤其是 CRPD 小組）提供的各項實質及程序支援，國際審查委員會在此表達感謝之意。</p>	<p>serious and sincere efforts to make the CRPD a reality in Taiwan. The constructive dialogue with the government during the review, attended by many government officials, demonstrated the commitment of the government to fully implement the CRPD. The active participation of civil society, in particular persons with disabilities and their representative organizations, was essential and aligned to articles 4.3 and 33.3, and is required in order for continued implementation to be successful.</p> <p>6. The IRC expresses its appreciation to the Ministry of Health and Welfare, and particularly its CRPD team, for providing the IRC with substantive and logistical support.</p>
<p><b>II. 正面意見</b></p> <p>7. 國際審查委員會肯定國家在以下方面的努力：</p> <p>a) 決定自願參與 CRPD 及其他人權公約的國際審查程序。</p> <p>b) 著手辦理身心障礙者權利宣導活動，並開始檢討不符合 CRPD 的各項領</p>	<p><b>II. Positive Aspects</b></p> <p>7. The IRC commends the State for:</p> <p>a) Its decision to voluntarily engage in an international review process of the CRPD as well as other human rights treaties;</p> <p>b) Taking initial steps to raise awareness by conducting campaigns about the rights of</p>

<p>域。</p> <p>c) 採取初步措施，於都市地區（例如台北捷運）提供無障礙設施。</p> <p>d) 擬定「身心障礙者權利公約法規及行政措施檢視標準作業流程」。</p>	<p>persons with disabilities and beginning to identify areas of non-compliance with the CRPD;</p> <p>c) Taking initial steps to provide physical accessibility in urban areas, such as the MRT in Taipei City; and</p> <p>d) The establishment of the 'Standard Operational Procedures for Review of Laws, Regulations and Administrative Measures to Implement the Convention on the Rights of Persons with Disabilities'.</p>
<p><b>III. 主要疑慮及建議</b></p> <p><b>A. 一般原則及義務（第 1 至 4 條）</b></p> <p>8. 國際審查委員會認為國家即使已修改貶抑用語，各項法規主要仍將身心障礙者視為有待保護對象，而非權利主體。</p> <p>9. 國際審查委員會建議國家加速檢討法律用語與取向、政策及實踐以促成典範之轉移，意即承認身心障礙者擁有完整人權及</p>	<p><b>III. Principle areas of concern and recommendations</b></p> <p><b>A. General principles and obligations (arts. 1-4)</b></p> <p>8. The IRC is concerned that, despite some changes in derogatory terminology and pejorative language, the laws of the State primarily recognize persons with disabilities as being in need of protection rather than as rights holders.</p> <p>9. The IRC recommends that the State expedite the review of its terminology and approach in laws, policies, and practices to enable the paradigm shift that recognizes</p>

基本自由，並設定完成法規檢視期程。

10. 國際審查委員會認為國家採用醫學方法，根據國際衛生組織國際健康功能與身心障礙分類系統（ICF）判斷身心障礙，主要聚焦於個人先天或醫學缺損所產生的各種案例，同時忽略了環境因素造成的阻礙，且未承認在CRPD中，身心障礙屬於不斷演變的概念，更於問題清單的回覆內容中，表明政府方面無意改變。

11. 國際審查委員會建議國家將身心障礙者人權模式納入國家立法，關注所有身心障礙者的人格尊嚴，以及可能導致其無法在平等基礎上充分有效參與社會的各類阻礙。

12. 國際審查委員會對

**persons with disabilities as full holders of all human rights and fundamental freedoms, and provide a timeline for completing such review.**

10.The IRC is concerned that the State utilizes a medical approach to determining disability using the International Classification of Functioning, Disability and Health (ICF) of the World Health Organization and focuses on conditions arising from inherent personal or medical impairment; it overlooks environmental factors as barriers, and fails to recognize an evolving concept of disability in the CRPD, reinforced by its reply to the List of Issues stating an unwillingness to change.

**11.The IRC recommends that the State introduce in national legislation the concept of a human rights model of disability which stresses the human dignity of all persons with disabilities and the interactions with various barriers that may hinder their full and effective participation in society on an equal basis with others.**

12.The IRC is concerned that there

於國家缺乏通用設計的法律定義、了解及應用表示關切。

13. 國際審查委員會建議國家修法，以納入通用設計定義，並說明如何規範教育、衛生、交通、司法近用，及建築環境，包含公私部門等領域。

14. 國際審查委員會認為國家未採取充分的措施，在法規、政策及實踐層面有效落實 CRPD 第 3 條所設之原則。

15. 國際審查委員會建議國家建立法律架構，以全面施行與適用 CRPD 第 3 條規定，包括修訂與改革既有政策及實踐。

16. 國際審查委員會認為國家於法規制定過程中，未能充分徵詢身心障礙組織意見，且未真正針對全國及地方身心障礙組織給予不帶條件的支持。

is a lack of legal definition and understanding of the meaning and application of universal design.

**13. The IRC recommends that the State amend legislation to include a definition of universal design and how it will be regulated in areas such as: education, health, transportation, access to justice, and the built environment (both public and private).**

14. The IRC is concerned that the State has not taken sufficient measures to ensure the effective realization of the principles established in article 3 of the CRPD in all its laws, policies and practices.

**15. The IRC recommends that the State establish a legal framework to ensure a comprehensive enactment and application of article 3 of the CRPD including amending and reforming existing policies and practices.**

16. The IRC is concerned about the lack of consultation with organizations of persons with disabilities in drafting legislation, as well as the level of non-conditional support by the State to national and

<p>17. 國際審查委員會建議國家設置正式機制，以確保身心障礙者及其代表組織在中央及地方層級，均能有效參與相關事務。有效參與必須涵蓋家庭、婦女、兒童、原住民及其他弱勢身心障礙組織，以及所有障礙類別。國家必須在擬訂、施行與監督影響身心障礙者生活的法規、公共政策、預算及行動計畫期間，確實徵詢身心障礙組織意見，以保障身心障礙者的自主與自決權。</p> <p>18. 國際審查委員會認為 CRPD 的中譯文並未充分表達原文意涵，包括「無障礙」(accessibility) 及「合理調整」(reasonable accommodation) 等用</p>	<p>local associations of persons with disabilities.</p> <p><b>17.The IRC recommends that the State establish a formal mechanism to ensure the effective participation of persons with disabilities and their representative organizations at the local and national levels. Effective participation must include family-based organizations, organizations of women, children, indigenous persons and other marginalized populations of persons with disabilities, and include all impairment types. The State must meaningfully consult with organizations of persons with disabilities in the design, implementation and monitoring of laws, public policies, budgeting and action plans that have an impact on the decisions that affect their lives to ensure their autonomy and self-determination.</b></p> <p>18.The IRC is concerned about the inadequate translation of the CRPD into traditional Chinese, including the terms “accessibility” and “reasonable accommodation”.</p>
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<p>語。</p> <p>19. 國際審查委員會建議國家更新 CRPD 中譯文，包括「無障礙」及「合理調整」等用語。</p> <p>20. 國際審查委員會認為國家缺乏適當計畫與承諾，無法確保地方政府及行政機關依法承擔 CRPD 相關義務。</p> <p>21. 國際審查委員會建議國家擬訂計畫，促使地方政府及行政機關確實承擔 CRPD 相關義務，以確保全國各地均能符合 CRPD 規定，無任何限制或例外。</p>	<p>19.The IRC recommends that the State update the CRPD translation, including the terms “accessibility” and “reasonable accommodation”.</p> <p>20.The IRC is concerned at the absence of a plan and/or commitment to transpose CRPD obligations to local governments and administrative entities.</p> <p>21.The IRC recommends that the State develop a plan to transpose CRPD obligations to local government and administrative entities in order to ensure that the provisions of the CRPD are being respected in all parts of the State without limitations or exceptions.</p>
<p><b>B. 個別權利 (第 5 至 30 條)</b></p>	<p><b>B: Specific rights (arts. 5-30)</b></p>
<p><b>平等與不歧視 (第 5 條)</b></p> <p>22. 國際審查委員會對下列方面表示關切：</p> <p>a) 現行身心障礙立法並未適當規定國家的積極義務以確保實質平等。</p>	<p><b>Equality and Non-discrimination (art. 5)</b></p> <p>22.The IRC is concerned that:</p> <p>a) Current disability legislation does not adequately stipulate the State’s positive duties to ensure substantive equality;</p>

b) 國家在回覆問題清單時，確認其未明確定義「合理調整」，且法律未規定拒絕合理調整即構成歧視。以及

c) 國家未建立獨立機制以監督身心障礙立法是否符合規定。

**23. 國際審查委員會建議：**

a) 國家立法禁止基於身心障礙的歧視，並確保身心障礙者（包括具備多重及跨類別身分者）在實質上享有平等地位。

b) 國際審查委員會建議國家依 CRPD 第 2 條規定，將合理調整原則納入各項國家法規，並確保法律規定拒絕合理調整即構成歧視，且公私部門均一致適用。以及

b) The State confirms in its replies to the List of Issues it has not explicitly defined reasonable accommodation or legally defined that the denial of reasonable accommodation constitutes discrimination; and

c) There is no independent mechanism to monitor compliance with disability legislation.

**23. The IRC recommends that the State:**

a) Enact laws that prohibit discrimination on the basis of disability, and ensure substantive equality for all persons with disabilities, including individuals with multiple and inter-sectional identity status;

b) Define in its national legislation and regulations the principle of reasonable accommodation in all areas in line with article 2 of the CRPD, ensure the legal recognition that the denial of reasonable accommodation constitutes a form of discrimination, and ensure their application in practice in both the public and private sectors; and.

<p>c) 國家設置有效機制，以全面監督身心障礙相關立法符合規定，包括提供身心障礙者尋求救濟及損害賠償的機會。</p>	<p>c) Establish an effective mechanism to monitor all aspects of compliance with disability-related legislation, including making it possible for persons with disabilities to seek redress and commensurate compensation.</p>
<p><b>身心障礙婦女（第 6 條）</b></p> <p>24. 國際審查委員會認為國家缺乏相關計畫，包括積極性差別待遇措施，以促進身心障礙婦女及女童的權利，特別是具交叉形式身分者。</p> <p>25. 國際審查委員會建議國家設計並採行有效計畫，包括積極性差別待遇措施，以促進身心障礙婦女及女童權利，並消除其生活各面向之歧視。</p> <p>26. 國際審查委員會認為國家的性別平等政策綱領中，缺乏全面保障身心障礙婦女權利的規定。</p> <p>27. 國際審查委員會建</p>	<p><b>Women with disabilities (art. 6)</b></p> <p>24.The IRC is concerned about the lack of programmes, including affirmative action measures, to promote the rights of women and girls with disabilities, especially intersecting forms of identity status.</p> <p>25.The IRC recommends that the State design and implement effective programs including affirmative action measures to promote the rights of women and girls with disabilities and eliminate discrimination in all aspects of their lives.</p> <p>26.The IRC is concerned about the lack of a comprehensive range of provisions to protect the rights of women with disabilities in the State's Gender Equality Policy Guidelines.</p> <p>27.The IRC recommends that the</p>

<p>議國家修訂性別平等政策綱領，以確保身心障礙婦女及女童等能與他人處於平等地位；並確保性別平等政策綱領符合聯合國CRPD 委員會第 3 號一般性意見。</p>	<p><b>State amend its Gender Equality Policy Guidelines to incorporate provisions that fully address all the requirements of women and girls with disabilities on an equal basis with others, and align the Gender Equality Policy Guidelines with General Comment No. 3 of the UN CRPD Committee.</b></p>
<p><b>身心障礙兒童（第 7 條）</b></p> <p>28. 國際審查委員會對下列方面表示關切：</p> <p>a) 國家缺乏完整的早療體系。</p> <p>b) 隔離式特殊教育學校不定期傳出身心障礙兒童性別暴力事件，但有關單位卻拖延或不予處理，心智障礙兒童的情況尤其嚴重。</p> <p>c) 身心障礙兒童可獲取的資源存在城鄉差距。以及</p> <p>d) 特殊需求兒童無法就學，因為缺乏具備回應緊急醫療的訓練人員。</p>	<p><b>Children with Disabilities (art. 7)</b></p> <p>28.The IRC is concerned that:</p> <p>a) There is a lack of a comprehensive early intervention system;</p> <p>b) The sexual abuse of children with disabilities is widely reported in segregated special schools, and there is a protracted or lack of response, particularly in cases affecting children with intellectual disabilities;</p> <p>c) There is a disparity in the availability of resources to children with disabilities between urban and rural settings; and</p> <p>d) Children with particular requirements are unable to attend school because of lack of trained</p>

<p>29. 國際審查委員會建議國家：</p> <p>a) 建立完整的早療體系，落實跨專業身心障礙兒童通報與轉介，並整合對於兒童及家庭提供的各項支持。</p> <p>b) 確實調查、回應與救濟學校發生的身心障礙兒童性別暴力事件。</p> <p>c) 消除家庭可獲取資源的城鄉差距。以及</p> <p>d) 訓練學校人員處理特殊需求兒童可能出現的緊急狀況（例如癲癇），使其得以全面參與學校活動。</p>	<p>staff to respond to medical emergencies.</p> <p><b>29.The IRC recommends that the State:</b></p> <p><b>a) Establish a comprehensive system of early intervention for interdisciplinary reporting and referral of children with disabilities and coordination of supports to children with disabilities and their families;</b></p> <p><b>b) Take steps to investigate, respond to and redress the sexual abuse of children with disabilities in school settings;</b></p> <p><b>c) Eliminate the distinction between resources available to rural and urban families; and</b></p> <p><b>d) Train school personnel to be able to respond to emergency situations faced by children with particular requirements, such as epilepsy, so that the children can participate in all aspects of school life.</b></p>
<p><b>意識提升（第 8 條）</b></p> <p>30. 國際審查委員會對下列方面表示關切：</p>	<p><b>Awareness-raising (art. 8)</b></p> <p>30.The IRC:</p>

<p>a) 大眾媒體持續存在各種負面刻板印象及歧視用語。</p> <p>b) 國家的公眾教育及媒體未言及身心障礙刻板印象問題，以及因此造成的傷害與影響。</p> <p><b>31. 國際審查委員會建議國家：</b></p> <p>a) 全面消除生活中所有關於身心障礙者的歧視及貶抑用語。以及</p> <p>b) 針對身心障礙者的負面刻板印象實施宣導及教育計畫。此外，國家應與身心障礙組織密切合作，針對大眾傳播媒體、公務人員（包括司法、警務、執法、醫療衛生、社會服務、教育部門）及一般大眾辦理教育訓練，並進行影響評估。</p>	<p>(a) Is concerned about the persistence of negative stereotypes of persons with disabilities and discriminatory language in the mass media; and</p> <p>(b) Expresses concern that the State's public education and media programs have not addressed harmful disability stereotyping, nor has the impact of such programs been addressed.</p> <p><b>31. The IRC recommends that the State:</b></p> <p>(a) Eliminate discriminatory and pejorative language concerning persons with disabilities in all areas of life; and</p> <p>(b) Develop and implement public awareness and education programs which specifically target negative stereotypes of persons with disabilities. Furthermore, conduct training of the mass media, public officials, including in the justice system, the police and law enforcement sector, health and social services, education and the general public, in close collaboration with organizations of persons with disabilities, and</p>
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	<b>conduct impact assessments of the above.</b>
<p><b>無障礙（第 9 條）</b></p> <p>32. 國際審查委員會對下列方面表示關切：</p> <p>a) 現行無障礙立法及執行措施僅為臨時性質，未妥善解決國家普遍缺乏無障礙環境的問題。以及</p> <p>b) 身心障礙者仍無法無障礙的使用網路銀行及行動應用程式，尤其是視覺障礙者。</p> <p>33. 國際審查委員會建議國家：</p> <p>a) 擬訂無障礙環境全面行動計畫，採行一致的標準、監督及執行機制，包括不符規定者的罰則、期程及預算，以確保辦公室、工作場所、基礎設施、人行環境及大眾運輸（包括計程車）均能達到無障礙目標，無論城鄉或公私部門。國家應委託獨立單位定期評估與檢視此</p>	<p><b>Accessibility (art. 9)</b></p> <p>32.The IRC is concerned that:</p> <p>a) Current legislation and enforcement measures for accessibility by the State remain ad hoc and do not adequately address the lack of accessibility in the State; and</p> <p>b) Online banking and mobile applications are still not accessible to persons with disabilities, in particular to those with visual impairments.</p> <p>33.The IRC recommends that the State:</p> <p>a) Draft a comprehensive action plan with consistent standards, monitoring and enforcement mechanisms including penalties for noncompliance, timelines and budget for implementation of uniform accessibility across the public and private sectors in urban as well as rural areas regarding offices, workplaces, infrastructure, pedestrian environments, and</p>

<p>計畫的執行情況，且獨立單位成員應包含身心障礙者及其代表組織。以及</p> <p>b) 金融監督管理委員會應與身心障礙者及其代表組織密切合作，採用較為有效的執行方法，儘速使各金融服務能無障礙的提供大眾使用。</p>	<p>public transport including taxis. The implementation of this plan must be periodically evaluated and revised by an independent body consisting of, among others, persons with disabilities and their representative organizations; and</p> <p>b) Through the Financial Supervisory Commission, and in close cooperation with persons with disabilities and their representative organizations, introduce more effective enforcement methods for expediting the accessible use of all financial services offered to the public.</p>
<p><b>生命權（第 10 條）</b></p> <p>34. 如同公民與政治權利國際公約（ICCPR）及經濟社會文化國際權利公約（ICESCR）第二次審查（2017 年 1 月 20 日）所曾提出的先前建議，國際審查委員會針對國家尚未廢除死刑表示關切。國際審查委員會亦關切國家缺乏明確程序保障，以避免社會心理/心智障礙（精神障礙）者蒙受死刑執行</p>	<p><b>Right to life (art. 10)</b></p> <p>34. Aligned with the recommendations of the Second Review of ICCPR and ICESCR (20 January 2017), the IRC is concerned that the State has not abolished the death penalty. The IRC also is concerned about the immediate lack of clear procedural safeguards preventing administration of death penalties for persons with psychosocial and/or intellectual disabilities (mental disorders sic).</p>

<p>35. 國際審查委員會建議國家廢除死刑，在尚未廢除死刑前，法務部應於審核死刑案件執行實施要點中明確規定，以確保社會心理/心智障礙者不致蒙受死刑。</p>	<p>35.The IRC recommends that the State abolish the death penalty, and until such time that the Department of Justice establishes clear provisions in the Guidelines for Execution of Death Penalty Cases, ensure that death penalties are not enforced for persons with psychosocial and/or intellectual disabilities.</p>
<p>危險情況與人道緊急情況 (第 11 條)</p> <p>36. 國際審查委員會對下列方面表示關切：</p> <p>a) 國家在擬訂、實施與評估減災措施時，身心障礙者及其代表組織並未充分參與。</p> <p>b) 此類措施缺乏身心障礙婦女、兒童及原住民觀點，特別是社會心理障礙/心智障礙、聽覺障礙、視聽覺障礙方面。</p> <p>c) 相關部門間，對於自然災害訊息及應變的責任</p>	<p>Situations of risk and humanitarian emergencies (art. 11)</p> <p>36.The IRC is concerned about:</p> <p>(a) The absence of systematic involvement and participation of persons with disabilities and their representative organizations in the design, implementation and evaluation of disaster risk reduction measures;</p> <p>(b) The lack of perspectives of women, children and indigenous people with disabilities in these measures, and specifically persons with intellectual and/or psychosocial disabilities, and deaf and deafblind people;</p> <p>(c) The fragmented responsibilities regarding disaster information and</p>

與事權，過於分散且莫衷一是。以及

d) 在災害發生時，無法保證提供緊急電源，因此無法確保使用呼吸器及其他電力維生設備者的生命安全。

### 37. 國際審查委員會建議國家：

a) 在擬訂、實施與評估減災措施時，確保身心障礙者及其代表組織充分參與，包括使用無障礙通訊技術。

b) 在此類措施中納入身心障礙婦女、兒童及原住民觀點，特別是心智/社會心理障礙、聽覺障礙、視聽覺障礙方面。

c) 強化災害治理，並依 2015 至 2030 年仙台減

response among different actors regarding natural disasters; and

(d) The safety of persons who use respirators and other powered life sustaining equipment in times of disasters, when the provision of emergency electricity supply, which is essential for their life support, cannot be guaranteed.

### 37. The IRC recommends that the State:

(a) Ensure the systematic involvement and participation of persons with disabilities and their representative organizations in the design, implementation and evaluation of disaster risk reduction measures including the use of accessible technology for communication purposes;

(b) Reflect the perspectives of women, children and indigenous people with disabilities, and specifically persons with intellectual and/or psychosocial disabilities, and deaf and deafblind people in these measures;

(c) Strengthen disaster risk governance to manage disaster risk

<p>災綱領管理災害風險，尤其是改善中央與地方政府間的災害通報及應變協調機制。以及</p> <p>d) 於中央及地方災害救援與紓困計畫中，納入維生設備緊急供電系統，包括設置維生設備使用者名單，以及提供小型發電機與燃料。</p>	<p>in line with the Sendai Framework for Disaster Risk Reduction 2015-2030, in particular through improved response coordination, including disaster reporting and coordination of responses between central and local governments; and</p> <p>(d) Include an emergency electricity supply system for life support equipment in central and local disaster rescue and relief plans, which includes the establishment of a list of users of life support equipment as well as provision of small generators and fuel.</p>
<p>法律之前獲得平等承認 (第 12 條)</p> <p>38. 國際審查委員會認為國家之國內法規尚未完全符合 CRPD 第 12 條規定 (依聯合國 CRPD 委員會第 1 號一般性意見解釋)，包括民法、信託法及相關法規。國際審查委員會強調，受監護宣告的身心障礙者在許多情況下不具有法律行為能力，無法表達其意願、偏好或行使自主權，包括，但不限於婚姻、選舉權、擔任公</p>	<p>Equal recognition before the law (art. 12)</p> <p>38. The IRC is concerned that the State has yet to harmonize domestic laws with Article 12 of the CRPD as it has been interpreted by the UN CRPD Committee in its General Comment No. 1. Among these domestic laws are the Civil Code, the Trust Code, and all associated laws. The IRC specifically highlights the prevalent situation in which individuals with disabilities placed under guardianship are denied their legal capacity to</p>

職、處分財產、取得金融服務、就業、醫療（含結紮手術）知情同意權等方面。國際審查委員會並針對國家混淆法律行為能力與心智能力之情事，表達關切。

**39. 國際審查委員會建議國家全面修訂相關法規、政策及程序，並依聯合國 CRPD 委員會第 1 號一般性意見設置輔助決定制系統，包括為其提供適當資源。法律行為能力與心智能力，實屬不同概念。國際審查委員會建議針對以下概念進行全體公務人員（含法官）教育訓練：法律行為能力是指有能力持有權利義務（法律資格），並行使此類權利義務（法律主體）。心智能力是指個人的決策能力，每個人的決策能力通常依環境、社會等因素而有所不同。**

express their will, preferences or autonomy. Such situations include, but are not limited to, marriage, electoral rights, public service, disposition of property, access to financial services, employment, and informed consent to medical procedures, including sterilization. The IRC is further concerned that the State has conflated the concepts of legal capacity and mental capacity.

**39. The IRC recommends that the State amend all relevant laws, policies, and procedures and that a system of supported decision-making be put into place that is compliant with the UN CRPD Committee's General Comment No. 1, including the provision of adequate resourcing for such a new system. Legal capacity and mental capacity are distinct concepts. The IRC recommends the training of all civil servants, including judges, on the following concept: Legal capacity is the capacity to hold rights and duties (legal standing) and to exercise those rights and duties (legal agency). Mental capacity refers to the decision-making skills of a person, which naturally vary from**

	one person to another and may depend on many factors including environmental and social factors.
<p><b>獲得司法保護（第 13 條）</b></p> <p>40. 國際審查委員會對下列方面表示關切：</p> <p>a) 國家在民刑事司法體系中，並未針對身心障礙者提供適當保障。</p> <p>b) 性暴力受害者在民刑事司法體系中，亦缺乏適當措施與保障。以及</p> <p>c) 司法體系並未充分提供受害者適齡或程序調整。</p> <p>41. 國際審查委員會建議：</p> <p>a) 國家採行相關措施，並配置適當資源，以確保所有人均能平等利用民刑事司法體系，包括強制法</p>	<p><b>Access to justice (art. 13)</b></p> <p>40.The IRC is concerned:</p> <p>(a) That the State has not yet provided adequate measures and safeguards to persons with disabilities in all interactions with both the criminal and civil justice systems;</p> <p>(b) At the inadequacy of such measures and safeguards in relation to persons subjected to sexual violence during interactions with both the criminal and civil justice systems; and</p> <p>(c) That the justice system does not adequately provide age-appropriate or procedural accommodations.</p> <p><b>41.The IRC recommends that the State:</b></p> <p>(a) Develop, implement, and adequately resource measures that will ensure equal access to both the criminal and civil justice</p>

<p>官、執法、獄政人員參加身心障礙者人權教育訓練。</p> <p>b) 國家採行相關措施，並配置適當資源，以保障性暴力受害者，包括，但不限於為民刑事司法體系工作人員辦理性及性別敏感的人權教育訓練。以及</p> <p>c) 採取此類措施，但不限於：</p> <ul style="list-style-type: none"> <li>● 透過無障礙及替代格式利用與傳達資訊。</li> <li>● 手語翻譯。</li> <li>● 輔助決定制。</li> <li>● 依年齡為身心障礙兒童提供適當支持。</li> <li>● 於司法體系內進行適當調整。</li> </ul>	<p>systems including the mandatory training of judges, law enforcement and prison staff on the human rights of persons with disabilities;</p> <p>(b) Develop, implement, and adequately resource measures that will ensure equal access for and protection of persons subjected to sexual violence including, but not limited to, sex and gender sensitive human rights training among all personnel working in both the criminal and civil justice systems; and</p> <p>(c) Implement measures such as, but not limited to:</p> <ul style="list-style-type: none"> <li>● the use of accessible and alternative formats for utilizing and conveying information,</li> <li>● sign language interpretation,</li> <li>● supported decision-making, and</li> <li>● age-appropriate support for children with disabilities,</li> <li>● within the justice system with a view to providing adequate adjustments.</li> </ul>
<p>人身自由與安全（第 14 條）</p> <p>42. 國際審查委員會對下列方面表示關切：</p>	<p>Liberty and security of the person (art. 14)</p> <p>42.The IRC is concerned:</p>

a) 精神衛生法的內容與適用，特別是強制安置及治療制度，已侵害身心障礙者之人權。現行精神衛生法容許將身心障礙者強制安置於醫院、機構及社區，且所提供的程序保障亦不足，使身心障礙者無法要求針對此類處置實施行政審查。以及

b) 基於身心障礙者具可預見之危險，有照護、治療或安置需求而剝奪其自由。

**43. 國際審查委員會建議：**

a) 國家修訂相關法規及政策，包括精神衛生法，禁止以身心障礙為由進行非自願安置，並設置程序保障機制，包括立即法律協助及自願知情同意規定。以及

(a) With the content and application of the Mental Health Act, specifically that the system of forced detention and medical treatment currently in place systemically violates the human rights of persons with disabilities. The Mental Health Act currently permits arbitrary and compulsory detention of individuals with disabilities in medical and institutional facilities and in the community, while also providing inadequate procedural safeguards for those individuals to access administrative review of such detention; and

(b) About deprivation of liberty on the basis of perceived dangerousness of persons with disabilities alleged need for care, treatment or detention.

**43. The IRC recommends that the State:**

**(a) Amend all relevant laws and policies, including the Mental Health Act, so that involuntary detention on the basis of disability is prohibited, and that a system of procedural safeguards, including immediate access to legal assistance, be put into place,**

<p>b) 國家依 CRPD 第 3(a) 條之原則，保障個人選擇自由，並禁止基於實際或潛在障礙剝奪人身自由。</p>	<p>including ensuring the free and informed consent of the individual; and</p> <p>(b) Uphold the freedom to make one's own choices as a principle in article 3 (a) of the CRPD and absolutely ban the deprivation of liberty on the basis of actual or perceived impairment.</p>
<p>免於酷刑或殘忍、不人道或有辱人格之待遇或處罰 (第 15 條)</p> <p>44. 國際審查委員會對下列方面表示關切：</p> <p>a) 國家尚未採取措施以確保身心障礙者取得適當支持，在獲取充分知情同意的情況下，做出醫療程序及治療的決定。</p> <p>b) 居住於特定安排場所之身心障礙者有遭受有辱人格及不人道待遇之虞，包括強迫使用尿布，而非協助如廁。以及</p> <p>c) 國家未針對身心障礙受刑人進行合理調整。</p>	<p>Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)</p> <p>44. The IRC is concerned that:</p> <p>(a) The State has not yet taken measures to ensure that persons with disabilities receive adequate support to make decisions with fully informed consent regarding medical procedures and treatments;</p> <p>(b) Individuals with disabilities in particular living arrangements are exposed to degrading and inhuman treatment, such as forced diapering instead of assistance with toileting; and</p> <p>(c) Prisoners with disabilities are not ensured reasonable accommodations during their</p>

<p>45. 國際審查委員會建議：</p> <p>a) 國家採行相關措施，並配置適當資源，以協助身心障礙者在充分獲得醫療程序及治療相關資訊的情況下，做出決定。</p> <p>b) 國家定期檢討特定居住安排狀況，包括實施無預警檢查。以及</p> <p>c) 國家採行相關措施，並配置適當資源，以針對身心障礙受刑人進行合理調整。</p>	<p>confinement in State custody.</p> <p><b>45.The IRC recommends that the State:</b></p> <p><b>(a) Develop, implement, and adequately resource measures so that persons with disabilities receive adequate support to make decisions with fully informed consent regarding medical procedures and treatments;</b></p> <p><b>(b) Ensure regular reviews of the conditions in particular living arrangements, including through unannounced inspections; and</b></p> <p><b>(c) Develop, implement, and adequately resource measures to ensure the provision of reasonable accommodations to prisoners with disabilities during their confinement in State custody.</b></p>
<p>免於剝削、暴力與虐待 (第 16 條)</p> <p>46. 國際審查委員會針對性別暴力情況表達關切，並認為國家未依第 16(1) 條設置適當監督機制。</p> <p>47. 國際審查委員會建議國家修訂相關法規及政</p>	<p><b>Freedom from exploitation, violence and abuse (art. 16)</b></p> <p>46.The IRC is concerned with the extent of gender-based violence and that the State has not put into place an adequate monitoring system in line with Article16 (1).</p> <p><b>47.The IRC recommends that the State amend all relevant laws and</b></p>

<p>策，並針對各類剝削、暴力與虐待的處理情況設置監督機制。國家應加強教育，以提升執法及司法人員、社工、健康照護人員及教師對於暴力問題及通報的認知，以及所有相關人員對於性別平等的了解，並積極開發協助與保護方面的資源。</p>	<p>policies and establish a system of monitoring that addresses all forms of exploitation, violence and abuse. Further, that the State increase its efforts to educate law enforcement and judicial officers, social workers, healthcare personnel, and teachers regarding violence issues and attendant reporting. Further, that the State increase its efforts to educate all relevant actors about gender equality and develop resources for assistance and protection.</p>
<p><b>保障人身完整性（第 17 條）</b></p> <p>48. 國際審查委員會對於優生保健法及精神衛生法允許為身心障者進行強制流產及結紮手術表示關切，並關注身心障礙（特別是心智/社會心理障礙）婦女及女童因此蒙受之影響。</p> <p>49. 國際審查委員會建議國家修訂優生保健法及精神衛生法，提供法律、程序及社會保障，包括，但不限於接受輔助決定及法律代表，以避免對身心障礙者施以強制醫療處</p>	<p><b>Protecting the integrity of the person (art. 17)</b></p> <p>48.The IRC is concerned that the Eugenic Health Act and the Mental Health Act permit coerced abortion and sterilization of persons with disabilities, and note the impact upon girls and women with disabilities, especially those with intellectual and/or psychosocial disabilities.</p> <p>49.The IRC recommends that the State amend the Eugenic Health Act and the Mental Health Act such that legal, procedural, and social protections, including but not limited to, freely accepted supported decision-making and</p>

置。	legal representation, are put into place to prevent coerced medical procedures against persons with disabilities.
<p><b>遷徙自由與國籍（第 18 條）</b></p> <p>50. 國際審查委員會對於身心障礙者及家人在入境台灣與取得公民權上所受到之限制表示關切。</p> <p>51. 國際審查委員會建議國家廢止限制身心障礙者及其家人遷徙權、自由及取得公民權的一切法規。</p>	<p><b>Liberty of movement and nationality (art. 18)</b></p> <p>50.The IRC is concerned that there are restrictions on the entry and citizenship in Taiwan by persons with disabilities and their families.</p> <p><b>51.The IRC recommends that the State repeal all laws and provisions that restrict the right to movement, liberty and acquisition of citizenship of persons with disabilities and their families.</b></p>
<p><b>自立生活與融合社區（第 19 條）</b></p> <p>52. 國際審查委員會對下列方面表示關切：</p> <p>a) 身心障礙者無法在與他人平等的基礎上生活、融入社會及積極參與社區事務。許多身心障礙者被安置在機構，以及高度依賴家人，無法選擇居住地點，並被迫接受特定居住安排。</p>	<p><b>Living independently and being included in the community (art. 19)</b></p> <p>52.The IRC is concerned that:</p> <p>a) Persons with disabilities are denied the right to live, be included, and actively participate in the community on an equal basis with others; further, there exists a high incidence of institutionalization and heavy dependence on family members whereby individuals are denied choice as to their place of</p>

<p>b) 身心障礙者未獲得適當支持（包括日常活動協助）使其居住及積極參與社區。因此，身心障礙者處於隔離與孤立狀態，無法充分發展潛能。以及</p> <p>c) 身心障礙者個人協助服務，仍不符合聯合國CRPD 委員會第 5 號一般性意見。</p> <p><b>53. 國際審查委員會建議：</b></p> <p>a) 國家發展有規劃期程之計畫，逐步使住宿機構及其他規模之特定居住安排予以退場，以確保身心障礙者可選擇居住地點、方式及同住者，並推廣自立生活，包括適當增加各類社區型服務之經費。</p> <p>b) 國家發展有規劃期程之計畫，提供身心障礙者</p>	<p>residence, and forced into particular living arrangements;</p> <p>b) Persons with disabilities do not receive adequate support to live and actively participate in the community, including assistance with activities of daily living, and are thus isolated and segregated, preventing the realization of their full human potential; and</p> <p>c) The provision of personal assistance services to persons with disabilities does not comply with the UN CRPD Committee's General Comment No. 5.</p> <p><b>53. The IRC recommends that the State:</b></p> <p>a) Develop a time limited plan for the phasing out of residential institutions and other particular living arrangements of all sizes, ensure choices on where, how, and with whom to live in the community, and promote independent living, including adequately increased financial resources to support a full range of community-based services;</p> <p>b) Develop a time limited plan for providing persons with disabilities</p>
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適當支持，協助其居住並積極參與社區，避免隔離與孤立。以及

c) 個人協助服務預算應納入國家正式預算，以確保經費符合穩定、可預期及公開原則，此類個人協助包括：

- 根據個別需求評估，提供個人直接給付，以確保其足以獨立生活，取得協助服務，以具競爭力的薪資雇用個人助理，無需自行負擔相關費用。

- 針對個別需求提供客製化服務，以於招聘、訓練、監督助理時，協助身心障礙者按其個別要求、生活環境及偏好做出決定。以及

- 身心障礙者具有專屬

adequate support to live and actively participate in the community and prevent their isolation and segregation; and

c) Incorporate the budget for personal assistance services into the official national budget to ensure stability, predictability and transparency, and that the provision of personal assistance include:

- direct payments to the individual based on an individual needs assessment sufficient to secure independence in the activities of daily living, for purchasing assistance services and for employing one's own personal assistants at competitive wages, without co-payment by the individual;

- customizing services by the individual, if necessary with supported decision-making over recruiting, training, and supervising assistants to fit one's individual requirements, life circumstances, and preferences; and

- a one-on-one relationship

<p>個人助理，無需與他人共用。個人協助在品質及數量方面，均應足以確保身心障礙者無需依賴他人，並實現個人潛能。</p>	<p><b>between the individual and personal assistants where assistants are not shared with other users. Personal assistance must be sufficient in quality and quantity to enable persons with disabilities to be free from dependence on others and to ensure the realization of their full human potential.</b></p>
<p><b>個人行動能力（第 20 條）</b></p> <p>54. 國際審查委員會對下列方面表示關切：</p> <p>a) 即使現今輔助科技（包括個人行動輔具）日趨先進，但因個人可取得的輔具數量設有限制（兩年內以四項為限），以及部分負擔規定，仍有許多身心障礙者無法因此受惠，嚴重影響身心障礙者（尤其是多重障礙者）獨立生活及融入社區。以及</p> <p>b) 癲癇患者無法取得駕駛執照。</p>	<p><b>Personal mobility (art. 20)</b></p> <p>54.The IRC is concerned that:</p> <p>a) A large number of persons with disabilities do not benefit from advances in assistive technology, including personal mobility devices; this is due to a restriction in the number of assistive devices granted per person (four items within two years), as well as a co-payment requirement that adversely affects the ability of persons with disabilities to live independently and be included in the community, in particular persons with multiple and extensive disabilities; and</p> <p>b) Persons with epilepsy are not eligible to apply for driver's licenses.</p>

<p><b>55. 國際審查委員會建議國家：</b></p> <p>a) 必須依個人能力及選擇，為身心障礙者提供可負擔或免費輔具，並進行維護與調整。</p> <p>b) 修訂有關癲癇患者的駕駛執照核發規定。</p>	<p><b>55.The IRC recommends that the State:</b></p> <p>a) Establish for all persons with disabilities the mandatory provision, maintenance and adaptation of assistive devices that are affordable or free of charge according to those persons' means and choice; and</p> <p>b) Revise regulations for issuing driver's licenses to persons with epilepsy.</p>
<p><b>表達與意見之自由及近用資訊（第 21 條）</b></p> <p><b>56. 國際審查委員會對下列方面表示關切：</b></p> <p>a) 未推廣台灣手語及聽覺障礙者文化，對於聽覺障礙者的特殊文化及語言認同缺乏認知與支持。</p> <p>b) 資通訊技術（ICT）、點字、台灣手語、易讀格式及數位通訊普遍不足，包括政府文件及資訊、公私部門網站、新聞、緊急狀況及災害資訊等方面。</p>	<p><b>Freedom of expression and opinion, and access to information (art .21)</b></p> <p><b>56.The IRC is concerned about:</b></p> <p>(a) The lack of recognition and support of the specific cultural and linguistic identity of persons who are deaf through the promotion of Taiwanese Sign Language and deaf culture;</p> <p>(b) The lack of access to information and communication technologies (ICTs), Braille, Taiwanese Sign Language, easy read formats, and digital communication, including all government documents and</p>

<p>c) 未將 CRPD 譯為易讀格式或台灣手語。</p> <p>d) 接受特定居住安置的身心障礙者，無法自由與外界溝通。以及</p> <p>e) 聽覺障礙兒童未能及早接觸台灣手語。</p> <p><b>57. 國際審查委員會建議國家：</b></p> <p>a) 將台灣手語列為官方語言；提撥適當經費，以辦理台灣手語專業訓練，並於公共服務領域雇用台灣手語譯者；設定接受台灣手語譯者訓練的適當人數目標；將台灣手語列為學校選修語言，無論是否為聽覺障礙學生，均有機會學習。</p>	<p>information, public and private websites, news broadcasting, and information on emergencies and disasters;</p> <p>(c) The CRPD not having been translated into an easy read format or Taiwanese Sign Language;</p> <p>(d) Persons with disabilities in particular living arrangements being unable to freely communicate with individuals outside those particular living arrangements; and</p> <p>(e) Taiwanese Sign Language not being introduced early enough to deaf children.</p> <p><b>57. The IRC recommends that the State:</b></p> <p>(a) Recognize Taiwanese Sign Language as an official language and allocate adequate funding for professional training and hiring of Taiwanese Sign Language interpreters in the area of public services, set a sufficient number of Taiwanese Sign Language interpreters to be trained, and include Taiwanese Sign Language as an elective language in the school curriculum, enabling both</p>
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<p>b) 採行必要措施，以執行公私部門資通訊近用相關法規，為各類身心障礙者提供適當技術及格式。</p> <p>c) 與心智障礙者合作，將 CRPD 譯為易讀格式，並與聽覺障礙團體合作譯為台灣手語。</p> <p>d) 確保身心障礙者（尤其是接受居住安排者）可在自行選擇的時間，自由與外界溝通。以及</p> <p>e) 及早促成聽覺障礙兒童及其父母接觸台灣手語。</p>	<p>deaf and hearing students to learn it;</p> <p>(b) Adopt and take the necessary measures to enforce legislation on access to all public and private information and communication so as to facilitate access in all formats and technologies appropriate to all kinds of disabilities;</p> <p>(c) Translate the CRPD into an easy read format in cooperation with persons with intellectual disabilities, and into Taiwanese Sign Language in cooperation with the deaf community;</p> <p>(d) Ensure that persons with disabilities in particular living arrangements can freely communicate with individuals outside those particular living arrangements at times of their own choosing; and</p> <p>(e) Introduce Taiwanese Sign Language early enough to deaf children and their parents.</p>
<p>尊重隱私（第 22 條）</p> <p>58. 國際審查委員會對下列方面表示關切：</p> <p>a) 五院（包括監察院）</p>	<p>Respect for privacy (art. 22)</p> <p>58. The IRC is concerned about:</p> <p>(a) The general lack of awareness</p>

<p>對於身心障礙者隱私保護，普遍缺乏相關認知。</p> <p>b) 個人資料保護法缺乏身心障礙者隱私保護規定，特別是不同機關共享個人資料等方面。以及</p> <p>c) 未確實執行精神衛生法第 24 條的隱私保護規定，導致社會心理障礙者的病歷對外（包括媒體）公開。</p>	<p>regarding the protection of privacy of persons with disabilities among each of the five Yuans, including the Control Yuan;</p> <p>(b) The lack of protection of privacy of persons with disabilities under the Personal Information Protection Act, and in particular, arbitrary sharing of personal information amongst different ministries and agencies; and</p> <p>(c) The lack of enforcement of article 24 of the Mental Health Act that protects the privacy of persons with psychosocial disabilities, resulting in their treatment histories being disclosed in the public domain, including the press.</p>
<p><b>59. 國際審查委員會建議國家：</b></p> <p>a) 提升五院（包括監察院）對於身心障礙者隱私保護的認知。</p> <p>b) 修訂個人資料保護法，以確實保護身心障礙者隱私，並規定於共享個人資料前，必須取得身心</p>	<p><b>59. The IRC recommends that the State:</b></p> <p>(a) Promote awareness on the privacy of persons with disabilities throughout the State and in each of the five Yuans, including the Control Yuan;</p> <p>(b) Revise the Personal Information Protection Act to fully ensure the privacy of persons with disabilities, and also require written consent</p>

<p>障礙者同意書。以及</p> <p>c) 確實執行精神衛生法第 24 條規定，保護社會心理障礙者隱私，包括其病歷。</p>	<p>from persons with disabilities as a condition for the sharing of any personal information; and</p> <p>(c) Strictly implement article 24 of the Mental Health Act and protect the privacy of persons with psychosocial disabilities, including their treatment histories.</p>
<p><b>尊重家居與家庭（第 23 條）</b></p> <p>60. 國際審查委員會對下列方面表示關切：</p> <p>a) 缺乏有關身心障礙者結紮率的實證資料。</p> <p>b) 缺乏為身心障礙者設計的性及生育健康教育，特別是聽覺障礙及心智障礙者。</p> <p>c) 未對身心障礙父母提供適當支持，導致其與子女分離。</p> <p>61. 國際審查委員會建議國家：</p> <p>a) 調查身心障礙者結紮</p>	<p><b>Respect for home and the family (art. 23)</b></p> <p>60. The IRC is concerned that the State:</p> <p>(a) Lacks empirical data regarding the incidence of sterilization of persons with disabilities;</p> <p>(b) Lacks sexual and reproductive health education for persons with disabilities, especially persons who are deaf or who have intellectual disabilities; and</p> <p>(c) Does not provide adequate support for parents with disabilities, resulting in the children of those parents being removed from the home.</p> <p>61. The IRC recommends that the State:</p> <p>(a) Investigate and publish data</p>

<p>率，發表相關資料，並教育健康照護人員應於手術進行前，確實告知並取得同意。</p> <p>b) 為身心障礙者提供性及生育健康教育，特別是聽覺障礙及心智障礙者。以及</p> <p>c) 提供適當支持，以確保身心障礙父母及養父母得以善盡親職及養育子女，並教育社會服務專業人員了解身心障礙父母的權利及能力。</p>	<p>regarding the incidence of sterilization of persons with disabilities, and educate healthcare providers on the requirement of informed consent;</p> <p>(b) Provide sexual and reproductive health education to persons with disabilities, especially persons who are deaf or who have intellectual disabilities; and</p> <p>(c) Provide adequate support to ensure that biological and adoptive parents with disabilities can fulfil their role as parents and raise their children, and educate social service professionals regarding the rights and capabilities of parents with disabilities.</p>
<p><b>教育（第 24 條）</b></p> <p>62. 國家迄未承諾全面實施完全融合教育，國際審查委員會對此表示關切。國家未解決聯合國CRPD 委員會第 4 號一般性意見所提出的完全融合問題，尤其是未能區分排除、隔離、整合與融合。國家同樣忽略第 4 項永續發展目標中，有關「融合及高品質教育」的意</p>	<p><b>Education (art. 24)</b></p> <p>62. The IRC expresses concern that the State has not fully committed to ensuring a fully inclusive education system at all levels. The State has not addressed the issues raised in the UN CRPD Committee's General Comment No. 4 to become fully inclusive, and in particular fails to distinguish between exclusion, segregation, integration, and inclusion. Likewise, the State has</p>

<p>涵。國際審查委員會對下列方面表示關切：</p> <p>a) 缺乏將教育體系轉變為符合聯合國 CRPD 委員會第 4 號一般性意見的限期計畫。</p> <p>b) 對於身心障礙學生就讀普通學校中的普通班級，以及接受職業與專業訓練，均設有限制。</p> <p>c) 身心障礙學生無法參與擬訂與監督本身的個別化教育計畫。</p> <p>d) 學習生涯中的學術、社會各方面，普遍缺乏通用設計、學習通用設計及合理調整，對身心障礙兒童、青少年及成人於普通教育設施內接受教育造成阻礙。</p>	<p>not addressed the implications of Goal 4 of the Sustainable Development Goals which calls for “inclusive and quality education.” The IRC:</p> <p>(a) Expresses concern at the lack of a time-limited plan to transform the education system to comply with UN CRPD Committee General Comment No. 4;</p> <p>(b) Expresses concern that the State restricts the participation of students with disabilities in regular classes within regular schools, and imposes limits on students with disabilities in vocational and professional training;</p> <p>c) Expresses concern that students with disabilities are not permitted to participate in the formulation and monitoring of their own Individual Education Plans;</p> <p>d) Expresses concern that the education of children, youth and adults with disabilities in regular educational facilities is hindered by, among other things, the lack of universal design, universal design for learning, and reasonable accommodations in all academic</p>
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<p>e) 許多家庭自行提供，或付費採購子女就學所需支援。</p> <p>f) 教師未接受適當訓練以協助就讀普通班級的身心障礙學生。以及</p> <p>g) 教育體系缺乏台灣手語之教學。</p> <p><b>63. 國際審查委員會建議國家：</b></p> <p>a) 與身心障礙者及其家人、代表組織密切合作，通盤檢討普通教育及特殊教育體系，並擬訂限期計畫，將現有體系轉變為完全融合體系，以符合聯合國 CRPD 委員會第 4 號一般性意見。</p>	<p>and social aspects of student life;</p> <p>e) Expresses concern that many families either provide or pay for individual school-related supports without which their children are unable to attend school;</p> <p>f) Expresses concern at the lack of teacher training to support students with disabilities in regular classrooms; and</p> <p>g) Expresses concern at the lack of instruction of Taiwanese Sign Language in the education system.</p> <p><b>63. The IRC recommends that the State:</b></p> <p><b>(a) In close cooperation with persons with disabilities, their families, and their representative organizations undertake a thorough review of both the regular education system and the special education system and develop a time-limited plan to transform and unify the existing systems to become fully inclusive and thus conform to UN CRPD Committee General Comment No. 4;</b></p>
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<p>b) 立即承認身心障礙學生有權參與普通學校中的普通班級，包括取消職業及專業訓練限制。</p> <p>c) 依第 7 條（兒童能力演變）及第 12 條（法律行為能力）規定，開放身心障礙學生參與擬訂與監督本身的個別化教育計畫。</p> <p>d) 於學習生涯中的學術、社會各方面，全面提供通用設計、學習通用設計及合理調整，確保身心障礙兒童、青少年及成人得以於普通教育設施內接受教育。</p> <p>e) 提供就學所需支援，使身心障礙兒童得以就學並接受有效教育。</p> <p>f) 修改教師職前及在職訓練，以協助就讀普通班級的身心障礙學生。以及</p>	<p>(b) Immediately recognize the right of students with disabilities to participate in regular classes within regular schools, including eliminating restrictions on vocational or professional training;</p> <p>(c) Enable students with disabilities to participate in the formulation and monitoring of their own Individual Education Plans, consistent with Article 7 (evolving capacity of children) and Article 12 (legal capacity);</p> <p>(d) Ensure the education of children, youth and adults with disabilities in regular educational facilities by providing, among other things, universal design, universal design for learning, and reasonable accommodations in all academic and social aspects of student life;</p> <p>(e) Provide the individual school-related supports required to enable children with disabilities to attend school and receive an effective education;</p> <p>(f) Revise pre-service and in-service teacher training to support students with disabilities in regular</p>
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<p>g) 於教育體系中推廣台灣手語教學。</p>	<p>classrooms; and</p> <p>(g) Introduce and promote the teaching of Taiwanese Sign Language in the education system.</p>
<p><b>健康（第 25 條）</b></p> <p>64. 國際審查委員會對下列方面表示關切：</p> <p>a) 無論在都市或偏鄉地區，均有許多設施未能對身心障礙者提供同等的醫療服務。</p> <p>b) 未依聯合國 CRPD 委員會第 3 號一般性意見，對身心障礙婦女及女童提供同等的性及生育健康照護服務。</p> <p>c) 身心障礙者的醫療診斷及治療知情同意權遭到剝奪。</p> <p>d) 醫療人員標準訓練課程中，未納入身心障礙者健康照護相關內容。</p>	<p><b>Health (art. 25)</b></p> <p>64. The IRC is concerned that:</p> <p>(a) The State has not provided equal access for persons with disabilities to medical services in a range of facilities across rural and urban locations of Taiwan;</p> <p>(b) Women and girls with disabilities lack equal access to sexual and reproductive healthcare as mandated by the UN CRPD Committee's General Comment No. 3;</p> <p>(c) Persons with disabilities are denied their right to informed consent to medical diagnosis and treatment;</p> <p>(d) Medical personnel are not trained as part of their standard training courses to provide healthcare to persons with disabilities;</p>

<p>e) 保險公司在價格及保險範圍方面歧視身心障礙者。以及</p> <p>f) 身心障礙受刑人無法取得健康照護服務。</p> <p><b>65. 國際審查委員會建議國家：</b></p> <p>a) 確保醫療診斷及治療過程採用融合設計及設備，尤其是針對身心障礙婦女及女童。</p> <p>b) 加強健康照護專業人員對身心障礙婦女及女童提供性及生育健康照護服務的訓練及敏感度，以符合聯合國 CRPD 委員會第 3 號一般性意見。</p> <p>c) 在對身心障礙者進行醫療診斷及治療前，確實告知並取得同意。</p> <p>d) 修改標準醫療訓練，以納入身心障礙者健康照</p>	<p>(e) Insurance companies discriminate against persons with disabilities in their pricing and coverage; and</p> <p>(f) Prisoners with disabilities in State confinement lack access to healthcare.</p> <p><b>65. The IRC recommends that the State:</b></p> <p><b>(a) Ensure inclusive design and equipment for all medical diagnoses and treatment, particularly for women and girls with disabilities;</b></p> <p><b>(b) Increase the training and sensitivity of healthcare professionals on providing sexual and reproductive healthcare services to women and girls with disabilities consistent with the UN CRPD Committee's General Comment No. 3;</b></p> <p><b>(c) Ensure that persons with disabilities give informed consent to medical diagnoses and treatment;</b></p> <p><b>(d) Revise standard medical training so that it includes modules</b></p>
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<p>護相關課程。</p> <p>e) 檢討及修改保險公司訂價及保險範圍相關政策，使身心障礙者平等納保及享有平等保費費率。以及</p> <p>f) 確保身心障礙受刑人平等取得健康照護服務。</p>	<p>on how to provide healthcare to persons with disabilities;</p> <p>(e) Review and amend the pricing and coverage policies of insurance companies so that persons with disabilities have equal access to and equal pricing of insurance coverage; and</p> <p>(f) Ensure equal access to healthcare by prisoners with disabilities in State confinement.</p>
<p>適應訓練與復健（第 26 條）</p> <p>66. 國際審查委員會對下列方面表示關切：</p> <p>a) 偏鄉地區的身心障礙者無法就近取得復健服務，且必須自行負擔往返交通費用。</p> <p>b) 未對偏鄉地區各年齡層身心障礙者取得復健服務提供支援，包括同儕支持。</p> <p>c) 衛生福利部社會家庭署推動「發展遲緩兒童社區療育服務實施計畫」進度緩慢。以及</p>	<p>Habilitation and rehabilitation (art. 26)</p> <p>66. The IRC is concerned:</p> <p>(a) That persons with disabilities in rural areas are required to travel great distances at personal cost in order to access rehabilitation services;</p> <p>(b) About the lack of support measures, including peer support, for rehabilitation services for persons with disabilities of all ages in rural areas;</p> <p>(c) About the slow implementation of the “Community healthcare and home care for children with delay programme” by the Social and</p>

<p>d) 身心障礙受刑人無法接受復健服務，尤其是注意力不足過動症患者。</p> <p><b>67. 國際審查委員會建議國家：</b></p> <p>a) 確保偏鄉地區的身心障礙者得以取得適當復健服務，且無需負擔額外費用。</p> <p>b) 對偏鄉地區各年齡層身心障礙者取得復健服務提供適當支援，包括同儕支持。</p> <p>c) 立即全面實施「發展遲緩兒童社區療育服務實施計畫」。以及</p> <p>d) 對身心障礙受刑人提供復健服務。</p>	<p>Family Administration of the Ministry of Health and Welfare; and</p> <p>(d) That prisoners with disabilities, particularly those with Attention Deficit Disorder, do not receive rehabilitation services while in State confinement.</p> <p><b>67. The IRC recommends that the State:</b></p> <p><b>(a) Provide adequate rehabilitation services to persons with disabilities in rural areas without additional costs;</b></p> <p><b>(b) Provide adequate support measures for rehabilitation services, including peer support, to persons with disabilities of all ages in rural areas;</b></p> <p><b>(c) Immediately implement all aspects of the “Community healthcare and home care for children with delay programme” beyond the pilot program; and</b></p> <p><b>(d) Provide rehabilitation services to all prisoners with disabilities in State confinement.</b></p>
<p><b>工作與就業（第 27 條）</b></p>	<p><b>Work and Employment (art. 27)</b></p>

<p>68. 國際審查委員會對下列方面表示關切：</p> <p>a) 身心障礙者（特別是婦女）的勞動參與率顯著低於非身心障礙者。</p> <p>b) 工作環境對身心障礙者造成阻礙，但國家未規定雇主必須針對工作場所進行合理調整；此外，國家將合理調整誤譯為「合理空間規劃」。</p> <p>c) 身心障礙者無法參加職業訓練，為就業預做準備。</p> <p>d) 身心障礙勞工較常從事兼職或臨時工作，從事專業工作比例過低，且薪資較低。</p> <p>e) 身心障礙者對於勞動市場中的歧視，缺乏法律救濟途徑。</p>	<p>68. The IRC is concerned that:</p> <p>a) Labor market participation of persons with disabilities, especially women, is disproportionately lower than that of persons without disabilities;</p> <p>b) The work environment poses barriers to persons with disabilities, yet the State has not required the provision of reasonable accommodation in the workplace; further, the State has erroneously translated reasonable accommodation as “reasonable arrangement of the space”;</p> <p>c) Persons with disabilities cannot access vocational training as preparation for employment;</p> <p>d) Workers with disabilities are more often employed in part-time or temporary positions than workers without disabilities, are underrepresented in professional work, and earn lower wages;</p> <p>e) Persons with disabilities lack sufficient legal remedies to challenge discrimination in the labor market;</p>
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<p>f) 身心障礙者就業政策長期採取的定額進用制度缺乏成效。</p> <p>g) 庇護工場未能使身心障礙者順利進入開放勞動市場。以及</p> <p>h) 因擔心失去請領身心障礙生活補助（資產調查）的資格，身心障礙者未尋求就業。</p>	<p>f) The quota system, which has long dominated employment policies for persons with disabilities, has been ineffective;</p> <p>g) Sheltered workshops do not facilitate transition by persons with disabilities to the open labor market; and</p> <p>h) Persons with disabilities do not seek employment for fear of losing their means-tested disability pensions.</p>
<p><b>69. 國際審查委員會建議國家：</b></p> <p>a) 採行適當措施，並配置充足資源，以促使身心障礙者（特別是婦女）進入開放勞動市場。</p> <p>b) 規定雇主必須針對工作場所進行合理調整，並更正 CRPD 中，有關合理調整的誤譯部分。</p> <p>c) 確保身心障礙者可參加職業訓練，為就業預做</p>	<p><b>69. The IRC recommends that the State:</b></p> <p>a) Develop measures, intensify efforts, and allocate sufficient resources to promote the employment in the open labor market of persons with disabilities, especially women;</p> <p>b) Mandate the provision of reasonable accommodation in the workplace; further, correct State translations of reasonable accommodation in the CRPD;</p> <p>c) Ensure that persons with disabilities can access vocational</p>

<p>準備。</p> <p>d) 檢討勞動市場實踐狀況，消除身心障礙者從事專業、全職工作並支領同等薪資的阻礙。透過實習、實作、工作場所適應（包括輔助科技）補助及就業輔導等措施，增加身心障礙學生及求職者的就業機會。</p> <p>e) 確實保障身心障礙者就業權，並由公民社會提供相關法律資源。</p> <p>f) 分析現行定額進用制度，並考慮採取替代方案，包括積極性差別待遇措施。</p> <p>g) 採行相關計畫，使庇護工場予以退場，同時協助身心障礙者進入開放勞動市場。以及</p>	<p>training as preparation for employment;</p> <p>d) Review labor market practices and eliminate obstacles for persons with disabilities to professional work, full-time employment and equal pay for equal work; increase opportunities for students and job seekers with disabilities through measures such as internships, hands-on experience, subsidized workplace adaptation including assistive technology, and job coaching;</p> <p>e) Enforce disability employment rights, and provide resources for legal action by civil society to also enforce disability employment rights;</p> <p>f) Analyze the current quota system and consider alternative options, including an affirmative action scheme;</p> <p>g) Develop and implement a plan to phase out sheltered workshops while also facilitating the transition by persons with disabilities employed by sheltered workshops to the open labor market; and</p>
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<p>h) 排除以資產審查作為核發標準，進而降低身心障礙者就業意願之身心障礙生活補助。</p>	<p><b>h) Remove disincentives to employment by persons with disabilities created by means-tested disability pensions.</b></p>
<p><b>適足之生活水準與社會保障（第 28 條）</b></p> <p>70. 國際審查委員會對下列方面表示關切：</p> <p>a) 身心障礙者處於貧窮狀態的比率較一般民眾為高。</p> <p>b) 依現行退休法規及勞工保險條例規定，身心障礙者無法或減額領取退休金（老年給付）。</p> <p>c) 無工作經歷的身心障礙者，僅有資格依國民年金法領取身心障礙年金，不足以支應基本食物費用。以及</p> <p>d) 無障礙住宅主要僅及於社會住宅中，而非在公私部門或新舊住宅。此外，現行住宅法亦已阻礙既有住宅順利翻修為無障礙住宅。</p>	<p><b>Adequate Standard of Living and Social Protection (art. 28)</b></p> <p>70. The IRC is concerned that:</p> <p>a) Persons with disabilities live in poverty at a higher rate than the general population;</p> <p>b) Current retirement regulations and the Labor Insurance Act reduce or render ineligible persons with disabilities for retirement pensions;</p> <p>c) Persons with disabilities without a work history are eligible for only a disability pension under the national pension scheme which by itself is inadequate to cover basic food costs; and</p> <p>d) Accessible housing is available mainly in social housing and not in public and private, newly constructed and old housing; moreover, the current Housing Act impedes renovation of existing housing for the purposes of rendering it accessible.</p>

71. 國際審查委員會建議國家：

a) 身心障礙者取得補助及津貼的資格，應獨立於其家庭經濟情況。

b) 修訂現行退休法規及勞工保險條例，使身心障礙者有資格領取退休金（老年給付）。

c) 修訂國民年金法，使無工作經歷的身心障礙者有資格領取身心障礙年金，以確保其在社區中有尊嚴的生活。以及

d) 優先鼓勵公私部門興建可負擔的無障礙住宅；提高翻修補助，促使既有建築順利改建為無障礙住宅；立法規定公私部門的所有新建住宅均必須為無障礙環境；對身心障礙者及成員中包含身心障礙者的家庭提供適當租金補貼。除去現行住宅法對將既有建築翻修為無障礙住宅的阻礙。

71. The IRC recommends that the State:

a) Mandate that the eligibility criteria for persons with disabilities to obtain financial assistance and subsidies be independent of their and their families' means;

b) Revise current retirement regulations and the Labor Insurance Act so that persons with disabilities are eligible for retirement pensions;

c) Revise the national pension scheme so that persons with disabilities without a work history are eligible for a disability pension at a level that insures a dignified life in the community; and

d) Prioritize accessible and affordable new residential construction in the public and private sector; construction subsidies should be increased for making existing housing accessible; binding regulations that stipulate accessibility in all residential new construction, public or private, should be adopted; effective rent subsidies to persons with disabilities and households with

	<p><b>disabled members should be introduced; and obstacles in the current Housing Act that impede renovation of existing housing to render it accessible, should be removed.</b></p>
<p><b>參與政治與公共生活（第 29 條）</b></p> <p>72. 國際審查委員會對下列方面表示關切：</p> <p>a) 現行選舉法規禁止受監護宣告者行使選舉權，導致身心障礙者的選舉權遭到剝奪。</p> <p>b) 國家未鼓勵身心障礙者參選，亦無身心障礙候選人或當選人相關資料。</p> <p>c) 由於未在選舉前按時發送適當資訊、投票所非無障礙環境、缺乏決策支持等因素，身心障礙者無法在與他人平等的基礎上，參與政治及公共生活。</p>	<p><b>Participation in political and public life (art. 29)</b></p> <p>72. The IRC is concerned that:</p> <p>(a) The right of persons with disabilities to vote is violated due to election rules that prohibit individuals who have been placed under guardianship from exercising their franchise;</p> <p>(b) The State does not encourage candidates with disabilities to seek election; further, the State neither gathers nor retains data related to public office seekers or elected officials with disabilities: and</p> <p>(c) The right of persons with disabilities to participate equally in political and public life is violated by inadequate and untimely information being disseminated in advance of voting, inaccessible polling places, and an absence of supported decision-making for those persons with disabilities</p>

<p>73. 國際審查委員會建議國家：</p> <p>a) 確保身心障礙者得以在與他人平等的基礎上行使選舉權，並修訂現行選舉相關規則。</p> <p>b) 鼓勵身心障礙者參選，並搜集身心障礙候選人及當選人相關資料。以及</p> <p>c) 修改相關政策，以在選舉前按時發送適當資訊，確保所有投票所均為無障礙環境，並提供身心障礙選舉人所需的輔助決定支持。</p>	<p>requiring such support.</p> <p><b>73. The IRC recommends that the State:</b></p> <p><b>(a) Enable persons with disabilities to vote on an equal basis with others, and amend election rules to this effect;</b></p> <p><b>(b) Encourage candidates with disabilities to seek election, and gather and retain data related to public office seekers or elected officials with disabilities; and</b></p> <p><b>(c) Revise its policies so that adequate and timely information is widely disseminated in accessible formats in advance of voting, all polling stations are made accessible, and supported decision-making be provided to voters with disabilities who require such support.</b></p>
<p>參與文化生活、康樂、休閒與體育活動（第 30 條）</p> <p>74. 國際審查委員會對下列方面表示關切：</p> <p>a) 缺乏計畫及專案經費，無法推廣身心障礙者參與體育活動。</p>	<p><b>Participation in cultural life, recreation, leisure and sport (art. 30)</b></p> <p>74. The IRC is concerned about:</p> <p>(a) The absence of programmes and projects with budgets to promote participation of persons with</p>

<p>b) 數位書籍有限，視覺障礙及其他印刷品閱讀障礙者難以取得出版品。</p> <p>c) 中央及地方層級的公園、活動中心、體育場館，在規定及實務上均有歧視身心障礙者的情況，包括限制心智及社會心理障礙者參與。以及</p> <p>d) 缺乏身心障礙兒童可使用的兒童遊戲場。</p> <p><b>75. 國際審查委員會建議國家：</b></p> <p>a) 依 CRPD 修訂國民體育法，並實施相關計畫及專案，以推廣身心障礙者參與體育活動。</p>	<p>disabilities in sport;</p> <p>(b) The small number of digital books available, making it difficult for persons who are blind, visually impaired and otherwise print disabled, to have access to published materials;</p> <p>(c) The discriminatory regulations and practices at both national and local levels by parks, amusements centers and sports centers discriminating on the basis of disability, including against those with psychosocial and intellectual disabilities with respect to their admission and participation; and</p> <p>(d) The lack of access to playgrounds for children with disabilities.</p> <p><b>75. The IRC recommends that the State:</b></p> <p>(a) <b>Revise the National Sport Act in compliance with the CRPD in order to promote the participation of persons with disabilities in sport and establish programmes and projects promoting the participation of persons with disabilities in sport;</b></p>
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<p>b) 依世界智慧財產組織 (WIPO) 所管理的視覺障礙及其他印刷品閱讀障礙者近用出版品馬拉喀什條約，推廣無障礙格式出版品。</p> <p>c) 加強執行身心障礙者權益保障法及民法規定，消除中央及地方公園、活動中心、體育場館拒絕身心障礙者（包括心智及社會心理障礙者）的歧視規定及慣例。以及</p> <p>d) 根據通用設計設置兒童遊戲場，確保身心障礙兒童得以參與休閒娛樂活動。</p>	<p>(b) Promote publications in accessible formats in line with the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, administered by the World Intellectual Property Organization (WIPO);</p> <p>(c) Eradicate discriminatory regulations and practices at both national and local levels by parks, amusement centers and sports centers rejecting persons with disabilities, including persons with intellectual and psychosocial disabilities, by strengthening relevant acts including the People with Disabilities Rights Protection Act and the Civil Code; and</p> <p>(d) Develop playgrounds based on universal design to allow children with disabilities to participate in leisure and recreation.</p>
<p><b>C. 特別義務 (第 31 至 33 條)</b></p>	<p><b>C: Specific obligations (arts. 31-33)</b></p>
<p><b>統計與資料搜集 (第 31 條)</b></p> <p>76. 國家用以搜集各類身心障礙者相關資料的方法 (包括，但不限於人口</p>	<p><b>Statistics and data collection (art. 31)</b></p> <p>76. The IRC is concerned about the methodology used by the State for the collection of all forms of data,</p>

<p>普查、家戶面調查及分組資料)，仍令國際審查委員會存有疑慮。國家目前採用的方法，並未根據人權原則，相關條件仍存在阻礙。</p> <p><b>77. 國際審查委員會建議國家以系統性的方式搜集衛生、教育、就業、政治參與、司法近用、社會保障、暴力、偏鄉地區人口等各部門資料，並發展人權指標，以提供有關CRPD 施行情況的正確資訊。</b></p>	<p>including but not limited to the census, national household surveys, and disaggregated data, with regard to persons with disabilities. The currently utilized methodologies do not follow a human rights-based approach, and fail to reflect the removal of barriers as part of their criteria.</p> <p><b>77. The IRC recommends that the State systematically collect data, across all sectors, including health, education, employment, political participation, access to justice, social protection, violence, and rural populations, and develop human rights-based indicators to provide accurate information on the implementation of the CRPD.</b></p>
<p><b>國際合作（第 32 條）</b></p> <p>78. 國家缺乏橫向政策，因此未能於國際合作活動（包括推動 2030 年議程）中提升身心障礙者人權，國際審查委員會對此表示關切。</p> <p>79. 國際審查委員會建議國家擬訂橫向政策，以於國際合作活動中提升身心障礙者人權；在推動</p>	<p><b>International Cooperation (art. 32)</b></p> <p>78. The IRC is concerned that the State lacks a cross-cutting policy to promote the rights of persons with disabilities in all of its international cooperation activities, including its efforts aimed at implementing Agenda 2030.</p> <p><b>79. The IRC recommends that the State develop a cross-cutting policy to promote the rights of persons with disabilities in all of its</b></p>

<p>2030 年議程及永續發展目標時，全面納入身心障礙者權利觀點。</p>	<p>international cooperation activities; and ensure the adoption of a disability-rights perspective in all efforts aimed at implementing Agenda 2030 and the Sustainable Development Goals.</p>
<p><b>國家實施與監測（第 33 條）</b></p> <p>80. 國際審查委員會對下列方面表示關切：</p> <p>a) 國家未依第 CRPD 第 33(1) 條正式設置國家協調中心，並配置熟悉身心障礙者人權的專業人員。</p> <p>b) 現有指定協調機制為行政院身心障礙者權益推動小組，但卻非政府機關或公民社會所熟悉。</p> <p>c) 儘管已研議超過五年，國家仍未依巴黎原則設置類似國家人權機構的獨立監督機制。以及</p>	<p><b>National implementation and monitoring (art. 33)</b></p> <p>80. The IRC is concerned:</p> <p>(a) About the lack of the formal designation of a national focal point, which includes staff trained on the human rights of persons with disabilities, under CRPD article 33 (1);</p> <p>(b) That the Promotion Team for the Rights and Interests of Persons with Disabilities of the Executive Yuan currently functioning as the designated coordination mechanism is not well known within the State or by civil society;</p> <p>(c) That the State lacks an independent monitoring mechanism such as a National Human Rights Institution or similar body, in conformity with all the requirements set out in the Paris Principles, despite discussions on</p>

<p>d) 身心障礙者及其代表組織參與監督程序受到比例限制。</p> <p><b>81. 國際審查委員會建議國家：</b></p> <p>a) 立即正式設置國家協調中心，並配置熟悉身心障礙者人權的專業人員。</p> <p>b) 針對政府機關及公民社會，確實傳達行政院身心障礙者權益推動小組做為指定協調機制的職務與責任。</p> <p>c) 立即依巴黎原則，設置國家人權機構或類似組織做為獨立監督機制，並規定監督機制必須完全獨立，不隸屬於總統府、監察院或任何政府組織。以及</p>	<p>this topic for over five years; and</p> <p>(d) That the involvement and participation of persons with disabilities and their representative organizations in the monitoring process is limited by a percentage quota.</p> <p><b>81. The IRC recommends that the State:</b></p> <p>(a) Formally designate a national focal point with immediate effect, and that such national focal point include staff trained on the human rights of persons with disabilities;</p> <p>(b) Fully disseminate information about the role and responsibilities of the Promotion Team for the Rights and Interest of Persons with Disabilities of the Executive Yuan as the designated coordination mechanism both within the State and civil society;</p> <p>(c) Immediately establish an independent monitoring mechanism in the form of a National Human Rights Institution or similar body, in conformity with all the requirements set out in the Paris Principles, thus mandating</p>
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<p>d) 依 CRPD 第 33(3) 條規定，由身心障礙組織全面參與監督程序，國家應對身心障礙組織提供適當經費及人力資源，使其得以參與 CRPD 的國家實施及監督。</p>	<p>that the independent monitoring mechanism be fully independent and therefore not within the Presidential Office, the Control Yuan, or any part of the government structure; and</p> <p>(d) That organizations of persons with disabilities are able to participate fully in the monitoring process as required by CRPD article 33 (3), and that the State provide organizations of persons with disabilities with adequate financial and human resources to enable them to participate in national implementation and monitoring of the CRPD.</p>
<p><b>IV. 追蹤及傳達</b></p> <p>82. 國際審查委員會要求國家在 12 個月內，依 CRPD 第 35(2) 條規定，公布為執行國際審查委員會在第 23(b) 及 80(c) 項提出的建議，所採取的措施。</p> <p>83. 國際審查委員會要求國家執行國際審查委員會在本結論性意見中提出的建議。國際審查委員會建議國家運用社群媒體策</p>	<p><b>IV. Follow-up and dissemination</b></p> <p>82. The IRC requests that the State, within 12 months and in accordance with article 35 (2) of the CRPD, publicly disseminate information on the measures taken to implement the IRC's recommendations as set out above in paragraphs 23(b) and 81(c).</p> <p>83. The IRC requests the State to implement the recommendations of the IRC contained in the present Concluding Observations. It recommends that the State</p>

略，向中央及地方政府、立法機關、部會首長、主管機關、媒體及教育、醫療、法律專業團體，傳達本結論性意見。

84. 國際審查委員會強烈建議國家在彙編定期報告期間，邀請民間組織，尤其是身心障礙組織參與。

85. 國際審查委員會要求國家廣為傳達本結論性意見，包括對非政府組織、身心障礙者代表組織、身心障礙者及其家人，以國語、台灣手語等少數族群語言及各類無障礙格式宣傳，並於政府人權網站公布。

transmit the Concluding Observations for consideration and action to members of the national and local government and legislative bodies, officials in relevant ministries, local authorities, and members of relevant professional groups such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

84. The IRC strongly encourages the State to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

85. The IRC requests the State to disseminate the present Concluding Observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in national and minority languages, including Taiwanese Sign Language, and in accessible formats, and to make them available on the government website on human rights.

