
總統府公報

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中華民國 106 年 5 月 17 日 (星期三)

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總統令

中華民國 106 年 5 月 17 日
華總一義字第 10600057601 號

茲公布「兒童權利公約」，並依據我國「兒童權利公約施行法」第十條規定，溯自中華民國一百零三年十一月二十日生效。

總 統 蔡英文
行政院院長 林 全

註：附「兒童權利公約」內容見本號公報第 2 頁後插頁（共 59 頁）。

兒童權利公約

前言

本公約締約國，

考量到聯合國憲章所揭示的原則，體認人類家庭所有成員的固有尊嚴及其平等與不可剝奪的權利，乃是世界自由、正義及和平的基礎；

銘記各國人民在聯合國憲章中重申對基本人權與人格尊嚴及價值之信念，並決心在更廣泛之自由中，促進社會進步及提升生活水準；

體認到聯合國在世界人權宣言及國際人權公約中宣布並同意，任何人均享有前述宣言及公約所揭示之一切權利與自由，不因其種族、膚色、性別、語言、宗教、政治或其他主張、國籍或社會背景、財產、出生或其他身分地位等而有任何區別；

回顧聯合國在世界人權宣言中宣布：兒童有權享有特別照顧及協助；

確信家庭為社會之基本團體，是所有成員特別是兒童成長與福祉之自然環境，故應獲得必要之保護及協助，以充分擔負其於社會上之責任；

體認兒童應在幸福、關愛與理解氣氛之家庭環境中成長，使其人格充分而和諧地發展；

考量到應充分培養兒童使其可在社會上獨立生活，並在聯合國憲章所揭櫫理想之精神，特別是和平、尊嚴、寬容、自由、平等與團結之精神下獲得養育成長；

銘記一九二四年之日內瓦兒童權利宣言，與聯合國大會於一九五九年十一月二十日通過之兒童權利宣言揭示兒童應獲得特別照顧之必要性，並經世界人權宣言、公民與政治權利國際公約(特別是第 23 條及第 24 條)、經濟社會文化權利國際公約(特別是第 10 條)，以及與兒童福利相關之各專門機構及國際組織之章程及有關文書所確認；

銘記兒童權利宣言中所揭示：「兒童因身心尚未成熟，因此其出生前與出生後均需獲得特別之保護及照顧，包括適當之法律保護」；

回顧「關於兒童保護和兒童福利、特別是國內和國際寄養和收養辦法的社會和法律原則宣言」、「聯合國少年司法最低限度標準規則」(北京規則)以及「在非正常狀態和武裝衝突中保護婦女和兒童宣言」之規定，

體認到世界各國皆有生活在極端困難情況之兒童，對這些兒童需要給予特別之考量；

適度斟酌每一民族之傳統與文化價值對兒童之保護及和諧發展的重要性，體認國際合作對於改善每一國家，特別是發展中國家兒童生活條件之重要性；

茲協議如下：

第一部分

第 1 條

為本公約之目的，兒童係指未滿十八歲之人，但其所適用之法律規定未滿十八歲為成年者，不在此限。

第 2 條

1. 締約國應尊重本公約所揭櫫之權利，確保其管轄範圍內之每一兒童均享有此等權利，不因兒童、父母或法定監護人之種族、膚色、性別、語言、宗教、政治或其他主張、國籍、族裔或社會背景、財產、身心障礙、出生或其他身分地位之不同而有所歧視。
2. 締約國應採取所有適當措施確保兒童得到保護，免於因兒童父母、法定監護人或家庭成員之身分、行為、意見或信念之關係而遭受到一切形式之歧視或懲罰。

第 3 條

1. 所有關係兒童之事務，無論是由公私社會福利機構、法院、行政機關或立法機關作為，均應以兒童最佳利益為優先考量。
2. 締約國承諾為確保兒童福祉所必要之保護與照顧，應考量其父母、法定監護人或其他對其負有法律責任者之權利及義務，並採取一切適當之立法及行政措施達成之。
3. 締約國應確保負責照顧與保護兒童之機構、服務與設施符合主管機關所訂之標準，特別在安全、保健、工作人員數量與資格及有效監督等方面。

第 4 條

締約國應採取所有適當之立法、行政及其他措施，實現本公約所承認之各項權利。關於經濟、社會及文化權利方面，締約國應運用其本國最大可用之資源，並視需要，在國際合作架構下採取該等措施。

第 5 條

締約國應尊重兒童之父母或於其他適用情形下，依地方習俗所規定之大家庭或社區成員、其法定監護人或其他對兒童負有法律責任者，以符合兒童各發展階段之能力的方式，提供適當指導與指引兒童行使本公約確認權利之責任、權利及義務。

第 6 條

1. 締約國承認兒童有與生俱來之生命權。
2. 締約國應盡最大可能確保兒童之生存及發展。

第 7 條

1. 兒童於出生後應立即被登記，並自出生起即應有取得姓名及國籍之權利，並於儘可能的範圍內有知其父母並受父母照顧的權利。
2. 締約國應確保依據本國法律及其於相關國際文件中所負之義務實踐兒童前項權利，尤其若非如此，兒童將成為無國籍人。

第 8 條

1. 締約國承諾尊重兒童維護其身分的權利，包括法律所承認之國籍、姓名與親屬關係不受非法侵害。
2. 締約國於兒童之身分(不論全部或一部)遭非法剝奪時，應給予適當之協助及保護，俾能迅速恢復其身分。

第 9 條

1. 締約國應確保不違背兒童父母的意願而使兒童與父母分離。但主管機關依據所適用之法律及程序，經司法審查後，判定兒童與其父母分離係屬維護兒童最佳利益所必要者，不在此限。於兒童受父母虐待、疏忽或因父母分居而必須決定兒童居所之特定情況下，前開判定即屬必要。
2. 前項程序中，應給予所有利害關係人參與並陳述意見之機會。
3. 締約國應尊重與父母一方或雙方分離之兒童與父母固定保持私人關係及直接聯繫的權利。但違反兒童最佳利益者，不在此限。
4. 當前開分離係因締約國對父母一方或雙方或對兒童所採取之行為，諸如拘留、監禁、驅逐、遣送或死亡(包括該人在該國拘禁中因任何原因而死亡)，該締約國於受請求時，應將該等家庭成員下落的必要資訊告知父母、兒童，或視其情節，告知其他家庭成員；除非該等資訊之提供對兒童之福祉造成損害。締約國並應確保相關人員不因該請求而蒙受不利。

第 10 條

1. 兒童或其父母為團聚而請求進入或離開締約國時，締約國應依照第 9 條第 1 項之義務以積極、人道與迅速之方式處理之。締約國並應確保請求人及其家庭成員不因該請求而蒙受不利。

2. 與父母分住不同國家之兒童，除情況特殊者外，應有權與其父母雙方定期保持私人關係及直接聯繫。為利前開目的之達成，並依據第 9 條第 1 項所規定之義務，締約國應尊重兒童及其父母得離開包括自己國家在內之任何國家及進入自己國家的權利。離開任何國家的權利應僅受限於法律之規定且該等規定係為保護國家安全、公共秩序、公共衛生或道德、或他人之權利及自由所必需，並應與本公約所承認之其他權利不相牴觸。

第 11 條

1. 締約國應採取措施遏止非法移送兒童至國外或令其無法回國之行為。
2. 締約國應致力締結雙邊或多邊協定或加入現有協定以達成前項遏止之目的。

第 12 條

1. 締約國應確保有形成其自己意見能力之兒童有權就影響其本身之所有事物自由表示其意見，其所表示之意見應依其年齡及成熟度予以權衡。
2. 據此，應特別給予兒童在對自己有影響之司法及行政程序中，能夠依照國家法律之程序規定，由其本人直接或透過代表或適當之組織，表達意見之機會。

第 13 條

1. 兒童應有自由表示意見之權利；此項權利應包括以言詞、書面或印刷、藝術形式或透過兒童所選擇之其他媒介，不受國境限制地尋求、接收與傳達各種資訊與思想之自由。
2. 該項權利之行使得予以限制，惟應以法律規定且以達到下列目的所必要者為限：
 - (a) 為尊重他人之權利與名譽；或
 - (b) 為保障國家安全、公共秩序、公共衛生與道德。

第 14 條

1. 締約國應尊重兒童思想、自我意識與宗教自由之權利。
2. 締約國應尊重父母及於其他適用情形下之法定監護人之權利與義務，以符合兒童各發展階段能力的方式指導兒童行使其權利。
3. 個人表明其宗教或信仰之自由，僅受法律規定之限制且該等規定係為保護公共安全、秩序、衛生或道德，或他人之基本權利與自由所必要者。

第 15 條

1. 締約國確認兒童享有結社自由及和平集會自由之權利。
2. 前項權利之行使不得加以限制，惟符合法律規定並在民主社會中為保障國家安全或公共安全、公共秩序、公共衛生或道德或他人之權利與自由所必要者，不在此限。

第 16 條

1. 兒童之隱私、家庭、住家或通訊不得遭受恣意或非法干預，其榮譽與名譽亦不可受非法侵害。
2. 兒童對此等干預或侵害有依法受保障之權利。

第 17 條

締約國體認大眾傳播媒體之重要功能，故應確保兒童可自國內與國際各種不同來源獲得資訊及資料，尤其是為提升兒童之社會、精神與道德福祉及其身心健康之資訊與資料。

為此締約國應：

- (a) 鼓勵大眾傳播媒體依據第 29 條之精神，傳播在社會與文化方面有益於兒童之資訊及資料；
- (b) 鼓勵源自不同文化、國家與國際的資訊及資料，在此等資訊之產製、交流與散播上進行國際合作；
- (c) 鼓勵兒童讀物之出版及散播；
- (d) 鼓勵大眾傳播媒體對少數族群或原住民兒童在語言方面之需要，予以特別關注；
- (e) 參考第 13 條及第 18 條之規定，鼓勵發展適當準則，以保護兒童免於受有損其福祉之資訊及資料之傷害。

第 18 條

1. 締約國應盡其最大努力，確保父母雙方對兒童之養育及發展負共同責任的原則獲得確認。父母、或視情況而定的法定監護人對兒童之養育及發展負擔主要責任。兒童之最佳利益應為其基本考量。
2. 為保證與促進本公約所揭示之權利，締約國應於父母及法定監護人在擔負養育兒童責任時給予適當之協助，並確保照顧兒童之機構、設施與服務業務之發展。
3. 締約國應採取一切適當措施確保就業父母之子女有權享有依其資格應有之托兒服務及設施。

第 19 條

1. 締約國應採取一切適當之立法、行政、社會與教育措施，保護兒童於受其父母、法定監護人或其他照顧兒童之人照顧時，不受到任何形式之身心暴力、傷害或虐待、疏忽或疏失、不當對待或剝削，包括性虐待。
2. 此等保護措施，如為適當，應包括有效程序以建置社會規劃對兒童及其照顧者提供必要之支持，並對前述兒童不當對待事件採取其他預防方式與用以指認、報告、轉介、調查、處理與後續追蹤，以及，如適當的話，以司法介入。

第 20 條

1. 針對暫時或永久剝奪其家庭環境之兒童，或因顧及其最佳利益無法使其繼續留在家庭環境時，締約國應給予特別之保護與協助。
2. 締約國應依其國家法律確保該等兒童獲得其他替代方式之照顧。
3. 此等照顧包括安排寄養、依伊斯蘭法之監護、收養或於必要時安置其於適當之照顧機構中。當考量處理方式時，應考量有必要使兒童之養育具有持續性，並考量兒童之種族、宗教、文化與語言背景，予以妥適處理。

第 21 條

締約國承認及(或)允許收養制度者，應確保以兒童之最佳利益為最大考量，並應：

- (a) 確保兒童之收養僅得由主管機關許可。該機關應依據適用之法律及程序，並根據所有相關且可靠之資訊，據以判定基於兒童與其父母、親屬及法定監護人之情況，認可該收養，且如為必要，認為該等諮詢可能有必要時，應取得關係人經過充分瞭解而對該收養所表示之同意後，方得認可該收養關係；
- (b) 在無法為兒童安排寄養或收養家庭，或無法在其出生國給予適當照顧時，承認跨國境收養為照顧兒童之一個替代辦法；
- (c) 確保跨國境收養的兒童，享有與在國內被收養的兒童相當之保障及標準；
- (d) 採取一切適當措施確保跨國境收養之安排，不致使所涉之人士獲得不正當的財務上收益；
- (e) 於適當情況下，締結雙邊或多邊協議或協定以促進本條之目的，並在此一架構下，努力確保由主管機關或機構負責安排兒童於他國之收養事宜。

第 22 條

1. 締約國應採取適當措施，確保申請難民身分或依應適用之國際或國內法律或程序被視為難民的兒童，不論是否與其父母或其他人隨行，均能獲得適當的保護及人道協助，以享有本公約及該締約國所締結之其他國際人權公約或人道文書中所揭示的相關權利。
2. 為此，締約國應配合聯合國及其他政府間的權責組織或與聯合國有合作關係之非政府組織之努力並提供其認為適當的合作，以保護及援助該等兒童並追蹤難民兒童之父母或其他家庭成員，以獲得必要的資訊使其家庭團聚。如無法尋獲其父母或其他家屬時，則應給予該兒童與本公約所揭示之永久或暫時剝奪家庭環境兒童相同之保護。

第 23 條

1. 締約國體認身心障礙兒童，應於確保其尊嚴、促進其自立、有利於其積極參與社會環境下，享有完整與一般之生活。
2. 締約國承認身心障礙兒童有受特別照顧之權利，且應鼓勵並確保在現有資源範

圍內，依據申請，斟酌兒童與其父母或其他照顧人之情況，對符合資格之兒童及其照顧者提供協助。

3. 有鑒於身心障礙兒童之特殊需求，並考慮兒童的父母或其他照顧者之經濟情況，盡可能免費提供本條第 2 項之協助，並應用以確保身心障礙兒童能有效地獲得與接受教育、訓練、健康照顧服務、復健服務、職前準備以及休閒機會，促進該兒童盡可能充分地融入社會與實現個人發展，包括其文化及精神之發展。
4. 締約國應本國際合作精神，促進預防健康照顧以及身心障礙兒童的醫療、心理與功能治療領域交換適當資訊，包括散播與取得有關復健方法、教育以及就業服務相關資料，以使締約國能夠增進該等領域之能力、技術並擴大其經驗。就此，尤應特別考慮發展中國家之需要。

第 24 條

1. 締約國確認兒童有權享有最高可達水準之健康與促進疾病治療以及恢復健康之權利。締約國應努力確保所有兒童享有健康照護服務之權利不遭受剝奪。
2. 締約國應致力於充分執行此權利，並應特別針對下列事項採取適當之措施：
 - (a) 降低嬰幼兒之死亡率；
 - (b) 確保提供所有兒童必須之醫療協助及健康照顧，並強調基礎健康照顧之發展；
 - (c) 消除疾病與營養不良的現象，包括在基礎健康照顧之架構下運用現行技術，以及透過提供適當營養食物及清潔之飲用水，並應考量環境污染之危險與風險；
 - (d) 確保母親得到適當的產前及產後健康照顧；
 - (e) 確保社會各階層，尤其是父母及兒童，獲得有關兒童健康與營養、母乳育嬰之優點、個人與環境衛生以及防止意外事故之基本知識之教育並協助該等知識之運用；
 - (f) 發展預防健康照顧、針對父母與家庭計畫教育及服務之指導方針。
3. 締約國應致力採取所有有效及適當之措施，以革除對兒童健康有害之傳統習俗。
4. 締約國承諾促進並鼓勵國際合作，以期逐步完全實現本條之權利。就此，尤應特別考慮發展中國家之需要。

第 25 條

締約國體認為照顧、保護或治療兒童身體或心理健康之目的，而由權責單位安置之兒童，有權對於其所受之待遇，以及所受安置有關之其他一切情況，要求定期評估。

第 26 條

1. 締約國應承認每個兒童皆受有包括社會保險之社會安全給付之權利，並應根據其國內法律，採取必要措施以充分實現此一權利。
2. 該項給付應依其情節，並考慮兒童與負有扶養兒童義務者之資源及環境，以及兒童本人或代其提出申請有關之其他因素，作為決定給付之參考。

第 27 條

1. 締約國承認每個兒童均有權享有適於其生理、心理、精神、道德與社會發展之生活水準。
2. 父母或其他對兒童負有責任者，於其能力及經濟條件許可範圍內，負有確保兒童發展所需生活條件之主要責任。
3. 締約國按照本國條件並於其能力範圍內，應採取適當措施協助父母或其他對兒童負有責任者，實施此項權利，並於必要時提供物質協助與支援方案，特別是針對營養、衣物及住所。
4. 締約國應採取一切適當措施，向在本國境內或境外之兒童父母或其他對兒童負有財務責任之人，追索兒童養育費用之償還。特別是當對兒童負有財務責任之人居住在與兒童不同之國家時，締約國應促成國際協定之加入或締結此等國際協定，以及作成其他適當安排。

第 28 條

1. 締約國確認兒童有接受教育之權利，為使此項權利能於機會平等之基礎上逐步實現，締約國尤應：
 - (a) 實現全面的免費義務小學教育；
 - (b) 鼓勵發展不同形態之中等教育、包括普通教育與職業教育，使所有兒童均能進入就讀，並採取適當措施，諸如實行免費教育以及對有需求者提供財務協助；
 - (c) 以一切適當方式，使所有兒童依照其能力都能接受高等教育；
 - (d) 使所有兒童均能獲得教育與職業方面之訊息及引導；
 - (e) 採取措施鼓勵正常到校並降低輟學率。
2. 締約國應採取一切適當措施，確保學校執行紀律之方式，係符合兒童之人格尊嚴及本公約規定。
3. 締約國應促進與鼓勵有關教育事項之國際合作，特別著眼於消除全世界無知及文盲，並促進使用科技知識及現代教學方法。就此，尤應特別考慮到發展中國家之需要。

第 29 條

1. 締約國一致認為兒童教育之目標為：
 - (a) 使兒童之人格、才能以及精神、身體之潛能獲得最大程度之發展；
 - (b) 培養對人權、基本自由以及聯合國憲章所揭櫫各項原則之尊重；

- (c)培養對兒童之父母、兒童自身的文化認同、語言與價值觀，兒童所居住國家之民族價值觀、其原籍國以及不同於其本國文明之尊重；
 - (d)培養兒童本著理解、和平、寬容、性別平等與所有人民、種族、民族、宗教及原住民間友好的精神，於自由社會中，過負責任之生活；
 - (e)培養對自然環境的尊重。
2. 本條或第 28 條之所有規定，皆不得被解釋為干涉個人與團體設置及管理教育機構之自由，惟須完全遵守本條第 1 項所規定之原則，並符合國家就該等機構所實施之教育所制定之最低標準。

第 30 條

在種族、宗教或語言上有少數人民，或有原住民之國家中，這些少數人民或原住民之兒童應有與其群體的其他成員共同享有自己的文化、信奉自己的宗教並舉行宗教儀式、或使用自己的語言之權利，此等權利不得遭受否定。

第 31 條

1. 締約國承認兒童享有休息及休閒之權利；有從事適合其年齡之遊戲與娛樂活動之權利，以及自由參加文化生活與藝術活動之權利。
2. 締約國應尊重並促進兒童充分參加文化與藝術生活之權利，並應鼓勵提供適當之文化、藝術、娛樂以及休閒活動之平等機會。

第 32 條

1. 締約國承認兒童有免受經濟剝削之權利，及避免從事任何可能妨礙或影響其接受教育，或對其健康或身體、心理、精神、道德或社會發展有害之工作。
2. 締約國應採取立法、行政、社會與教育措施以確保本條規定之實施。為此目的並參照其他國際文件之相關規定，締約國尤應：
 - (a)規定單一或二個以上之最低受僱年齡；
 - (b)規定有關工作時間及工作條件之適當規則；
 - (c)規定適當罰則或其他制裁措施以確保本條款之有效執行。

第 33 條

締約國應採取所有適當措施，包括立法、行政、社會與教育措施，保護兒童不致非法使用有關國際條約所訂定之麻醉藥品及精神藥物，並防止利用兒童從事非法製造及販運此類藥物。

第 34 條

締約國承諾保護兒童免於所有形式之性剝削及性虐待。為此目的，締約國應採取包括國內、雙邊與多邊措施，以防止下列情事發生：

- (a)引誘或強迫兒童從事非法之性活動；

- (b)剝削利用兒童從事賣淫或其他非法之性行為；
- (c)剝削利用兒童從事色情表演或作為色情之題材。

第 35 條

締約國應採取所有適當之國內、雙邊與多邊措施，以防止兒童受到任何目的或以任何形式之誘拐、買賣或販運。

第 36 條

締約國應保護兒童免於遭受有害其福祉之任何其他形式之剝削。

第 37 條

締約國應確保：

- (a)所有兒童均不受酷刑或其他形式之殘忍、不人道或有辱人格之待遇或處罰。對未滿十八歲之人所犯罪行，不得處以死刑或無釋放可能之無期徒刑；
- (b)不得非法或恣意剝奪任何兒童之自由。對兒童之逮捕、拘留或監禁應符合法律規定並僅應作為最後手段，且應為最短之適當時限；
- (c)所有被剝奪自由之兒童應受到人道待遇，其人性尊嚴應受尊重，並應考慮其年齡之需要加以對待。特別是剝奪自由之兒童應與成年人分別隔離，除非係基於兒童最佳利益而不隔離；除有特殊情況外，此等兒童有權透過通訊及探視與家人保持聯繫；
- (d)所有被剝奪自由之兒童，有迅速獲得法律及其他適當協助之權利，並有權就其自由被剝奪之合法性，向法院或其他權責、獨立、公正機關提出異議，並要求獲得迅速之決定。

第 38 條

1. 締約國於發生武裝衝突時，應尊重國際人道法中適用於本國兒童之規定，並保證確實遵守此等規定。
2. 締約國應採取所有可行措施，確保未滿十五歲之人不會直接參加戰鬥行為。
3. 締約國應避免招募任何未滿十五歲之人加入武裝部隊。在招募年滿十五歲但未滿十八歲之人時，應優先考慮年齡最大者。
4. 依據國際人道法之規定，締約國於武裝衝突中有義務保護平民，並應採取一切可行之措施，保護及照顧受武裝衝突影響之兒童。

第 39 條

締約國應採取所有適當措施，使遭受下述情況之兒童身心得以康復並重返社會：任何形式之疏忽、剝削或虐待；酷刑或任何其他殘忍、不人道或有辱人格之待遇或處罰方式；或遭遇武裝衝突之兒童。此種康復與重返社會，應於能促進兒童健康、自尊及尊嚴之環境中進行。

第 40 條

1. 締約國對被指稱、指控或認為涉嫌觸犯刑事法律之兒童，應確認該等兒童有權獲得符合以下情況之待遇：依兒童之年齡與對其重返社會，並在社會承擔建設性角色之期待下，促進兒童之尊嚴及價值感，以增強其對他人之人權及基本自由之尊重。
2. 為達此目的，並鑒於國際文件之相關規定，締約國尤應確保：
 - (a) 任何兒童，當其作為或不作為未經本國或國際法所禁止時，不得被指稱、指控或認為涉嫌觸犯刑事法律。
 - (b) 針對被指稱或指控觸犯刑事法律之兒童，至少應獲得下列保證：
 - (i) 在依法判定有罪前，應推定為無罪；
 - (ii) 對其被控訴之罪名能夠迅速且直接地被告知，適當情況下經由父母或法定監護人告知本人，於準備與提出答辯時並獲得法律或其他適當之協助；
 - (iii) 要求有權、獨立且公正之機關或司法機構迅速依法公正審理，兒童並應獲得法律或其他適當之協助，且其父母或法定監護人亦應在場，惟經特別考量兒童之年齡或狀況認為其父母或法定監護人在場不符合兒童最佳利益者除外；
 - (iv) 不得被迫作證或認罪；可詰問或間接詰問對自身不利之證人，並且在平等之條件下，要求對自己有利的證人出庭並接受詰問；
 - (v) 若經認定觸犯刑事法律，對該認定及因此所衍生之處置，有權要求較高層級之權責、獨立、公正機關或司法機關依法再為審查；
 - (vi) 若使用兒童不瞭解或不會說之語言，應提供免費之通譯；
 - (vii) 在前開程序之所有過程中，應充分尊重兒童之隱私。
3. 締約國對於被指稱、指控或確認為觸犯刑事法律之兒童，應特別設置適用之法律、程序、機關與機構，尤應：
 - (a) 規定無觸犯刑事能力之最低年齡；
 - (b) 於適當與必要時，制定不對此等兒童訴諸司法程序之措施，惟須充分尊重人權及法律保障。
4. 為確保兒童福祉，並合乎其自身狀況與違法情事，應採行多樣化之處置，例如照顧、輔導或監督裁定、諮商輔導、觀護、寄養照顧、教育或職業培訓方案及其他替代機構照顧之方式。

第 41 條

- 本公約之任何規定，不應影響下列規定中，更有利於實現兒童權利之任何規定：
- (a) 締約國之法律；或
 - (b) 對締約國有效之國際法。

第二部分

第 42 條

締約國承諾以適當及積極的方法，使成人與兒童都能普遍知曉本公約之原則及規定。

第 43 條

1. 為審查締約國履行本公約義務之進展，應設立兒童權利委員會，執行下文所規定之職能。
2. 委員會應由十八名品德高尚並在本公約所涉領域具有公認能力之專家組成。委員會成員應由締約國從其國民中選出，並應以個人身分任職，但須考慮到公平地域分配原則及主要法律體系。
3. 委員會成員應以無記名表決方式從締約國提名之人選名單中選舉產生。各締約國得從其本國國民中提名一位人選。
4. 委員會之初次選舉應於最遲不晚於本公約生效之日起六個月內舉行，爾後每二年舉行一次。聯合國秘書長應至少在選舉之日前四個月函請締約國在二個月內提出其提名之人選。秘書長隨後應將已提名之所有人選按字母順序編成名單，註明提名此等人選之締約國，分送本公約締約國。
5. 選舉應在聯合國總部由秘書長召開之締約國會議上進行。在此等會議上，應以三分之二締約國出席作為會議法定人數，得票最多且占出席並參加表決締約國代表絕對多數票者，當選為委員會委員。
6. 委員會成員任期四年。成員如獲再次提名，應得連選連任。在第一次選舉產生之成員中，有五名成員的任期應在二年結束時屆滿；會議主席應在第一次選舉後立即以抽籤方式選定該五名成員。
7. 如果委員會某一成員死亡或辭職，或宣稱因任何其他原因無法再履行委員會之職責，提名該成員之締約國應從其國民中指定另一名專家接替剩餘任期，但須經委員會同意。
8. 委員會應自行制定其議事規則。
9. 委員會應自行選舉其主席團成員，任期二年。
10. 委員會會議通常應在聯合國總部或在委員會決定之任何其他方便地點舉行。委員會通常應每年舉行一次會議。委員會之會期應由本公約締約國會議決定並在必要時加以審查，但須經大會同意。
11. 聯合國秘書長應為委員會有效履行本公約所規定之職責提供必要的工作人員及設施。
12. 根據本公約設立的委員會成員，經大會同意，得從聯合國之資金領取薪酬，其條件由大會決定。

第 44 條

1. 締約國承諾依下列規定，經由聯合國秘書長，向委員會提交其為實現本公約之權利所採取之措施以及有關落實該等權利之進展報告：
 - (a) 在本公約對該締約國生效後二年內；
 - (b) 爾後每五年一次。
2. 根據本條所提交之報告，應指明可能影響本公約義務履行之任何因素及困難。報告亦應載有充分之資料，以使委員會全面瞭解本公約在該國之實施情況。
3. 締約國若已向委員會提交全面之初次報告，即無須就其後按照本條第 1 項第(b)款提交之報告中重複原先已提供之基本資料。
4. 委員會得要求締約國進一步提供與本公約實施情況有關之資料。
5. 委員會應每二年經由經濟及社會理事會，向大會提交一次其活動報告。
6. 締約國應向其本國大眾廣泛提供其報告。

第 45 條

為促進本公約有效實施並鼓勵在本公約所涉領域之國際合作：

- (a) 各專門機構、聯合國兒童基金會與聯合國其他機構應有權指派代表出席就本公約中屬於其職責範圍之相關條款實施情況之審議。委員會得邀請各專門機構、聯合國兒童基金會以及其認為合適之其他主管機關，就本公約在屬於其各自職責範圍內領域之實施問題提供專家意見。委員會得邀請各專門機構、聯合國兒童基金會與聯合國其他機構就其運作範圍內有關本公約之執行情況提交報告；
- (b) 委員會認為適當時，應向各專門機構、聯合國兒童基金會與其他主管機構轉交締約國要求或標示需要技術諮詢或協助之任何報告，以及委員會就此類要求或標示提出之任何意見及建議；
- (c) 委員會得建議大會請秘書長代表委員會對有關兒童權利之具體問題進行研究；
- (d) 委員會得根據依照本公約第 44 條及第 45 條所得之資料，提出意見及一般性建議。此類意見及一般性建議應轉交有關之各締約國並連同締約國作出之評論一併報告大會。

第三部分

第 46 條

本公約應開放供所有國家簽署。

第 47 條

本公約須經批准。批准書應存放於聯合國秘書長。

第 48 條

本公約應對所有國家開放供加入。加入書應存放於聯合國秘書長。

第 49 條

1. 本公約自第二十份批准書或加入書存放聯合國秘書長之日後第三十日生效。
2. 本公約對於在第二十份批准書或加入書存放後批准或加入本公約之國家，自其批准書或加入書存放之日後第三十日生效。

第 50 條

1. 各締約國均得提出修正案，提交給聯合國秘書長。秘書長應立即將提案通知締約國，並請其表明是否贊成召開締約國會議進行審議及表決。如果在此類通知發出後四個月內，至少有三分之一締約國贊成召開前開會議，秘書長應在聯合國主辦下召開會議。經出席會議並參加表決之締約國過半數通過之任何修正案應提交聯合國大會同意。
2. 根據本條第 1 項通過之修正案如獲大會同意並為締約國三分之二多數接受，即行生效。
3. 修正案生效後，即對接受該項修正案之締約國具有約束力，其他締約國仍受本公約各項條款及其已接受之任何原修正案之約束。

第 51 條

1. 聯合國秘書長應接受各國在批准或加入時提出之保留，並分發給所有國家。
2. 不得提出內容與本公約目標及宗旨相抵觸之保留。
3. 締約國得隨時向聯合國秘書長提出通知，請求撤回保留，並由秘書長將此情況通知所有國家。通知於秘書長收到當日起生效。

第 52 條

締約國得以書面通知聯合國秘書長退出本公約。秘書長收到通知之日起一年後退約即行生效。

第 53 條

聯合國秘書長被指定為本公約存放人。

第 54 條

本公約之阿拉伯文、中文、英文、法文、俄文及西班牙文本，同一作準，應存放聯合國秘書長。下列全權代表，經各自政府正式授權，在本公約上簽字，以資證明。

Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly resolution

44/25 of 20 November 1989

entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein,

without distinction of any kind, such as race, colour, sex, language, religion,
political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations
has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural
environment for the growth and well-being of all its members and particularly
children, should be afforded the necessary protection and assistance so that it
can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or
her personality, should grow up in a family environment, in an atmosphere of
happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in
society, and brought up in the spirit of the ideals proclaimed in the Charter of
the United Nations, and in particular in the spirit of peace, dignity, tolerance,
freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been
stated in the Geneva Declaration of the Rights of the Child of 1924 and in the

Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world,

there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any

kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving

capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child 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 his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. 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. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure

that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic

society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and

follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession

to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is

indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and

having regard to the relevant provisions of other international instruments,

States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent,

independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance

and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention.^{1/} The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus

nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. 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.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five 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 five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

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.

12. With the approval of the General Assembly, 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.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted

which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, 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, the United Nations Children's Fund 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 the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting 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 States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

總統令

中華民國 106 年 5 月 17 日
華總一義字第 10610026001 號

茲公布「身心障礙者權利公約」，並依據我國「身心障礙者權利公約施行法」第十二條規定，溯自中華民國一百零三年十二月三日生效。

總 統 蔡英文
行政院院長 林 全

註：附「身心障礙者權利公約」內容見本號公報第 3 頁後插頁（共 53 頁）。

身心障礙者權利公約

前言

本公約締約國，

- (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，
- (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，
- (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，
- (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，
- (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入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，
- (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，
- (g)強調身心障礙主流議題之重要性，為永續發展相關策略之重要組成部分，
- (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，
- (i)進一步確認身心障礙者之多元性，
- (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，
- (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，
- (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，
- (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，

- (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，
- (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，
- (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，
- (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、忽視或疏忽、不當對待或剝削，
- (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，
- (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，
- (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，
- (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，
- (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，
- (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，
- (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，
- (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公民、政治、經濟、社會及文化等面向具有重大貢獻，

茲協議如下：

第1條 宗旨

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。

第2條 定義

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，包括無障礙資訊及通信技術；

“語言”包括口語、手語及其他形式之非語音語言；

“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；

“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；

“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。

“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。

第3條 一般原則

本公約之原則是：

- (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；
- (b) 不歧視；
- (c) 充分有效參與及融合社會；
- (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；
- (e) 機會均等；
- (f) 無障礙；

(g)男女平等；

(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。

第4條 一般義務

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：

(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；

(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；

(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；

(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；

(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；

(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；

(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，優先考慮價格上可負擔之技術；

(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；

(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。

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。

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。
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。
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。

第5條 平等與不歧視

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。
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。
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。
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。

第6條 身心障礙婦女

1. 締約國應認身心障礙婦女與女孩受到多重歧視，就此應採取措施，確保其充分與平等地享有所有人權及基本自由。
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。

第7條 身心障礙兒童

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。
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。
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。

第 8 條 意識提升

1. 締約國承諾採取立即有效與適當措施，以便：
 - (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；
 - (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；
 - (c)提高對身心障礙者能力與貢獻之認識。
2. 為此目的採取之措施包括：
 - (a)發起與持續進行有效之宣傳活動，提高公眾認識，以便：
 - (i)培養接受身心障礙者權利之態度；
 - (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；
 - (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；
 - (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；
 - (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；
 - (d)推行瞭解身心障礙者及其權利之培訓方案。

第 9 條 無障礙

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；
- (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；
- (c)提供相關人員對於身心障礙者之無障礙議題培訓；
- (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；
- (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；
- (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；
- (g)促進身心障礙者有機會使用新資訊與通信技術及系統，包括網際網路；
- (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。

第 10 條 生命權

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。

第 11 條 危險情況與人道緊急情況

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。

第 12 條 在法律之前獲得平等承認

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。
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。
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。
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。

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。

第 13 條 獲得司法保護

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。
2. 為了協助確保身心障礙者有效獲得司法保護，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。

第 14 條 人身自由與安全

1. 締約國應確保身心障礙者在與其他人平等基礎上：
 - (a) 享有人身自由及安全之權利；
 - (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。
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。

第 15 條 免於酷刑或殘忍、不人道或有辱人格之待遇或處罰

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。
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。

第 16 條 免於剝削、暴力與虐待

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。
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。
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。

第 17 條 保障人身完整性

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。

第 18 條 遷徙自由與國籍

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：
 - (a) 有權取得與變更國籍，國籍不被任意剝奪或因身心障礙而被剝奪；
 - (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。

(c)可以自由離開任何國家，包括本國在內；

(d)不被任意剝奪或因身心障礙而被剝奪進入本國之權利。

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。

第 19 條 自立生活與融合社區

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：

- (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；
- (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；
- (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。

第 20 條 個人行動能力

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性下，享有個人行動能力，包括：

- (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；
- (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；
- (c)提供身心障礙者及與其共事之專業人員行動技能培訓；
- (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。

第 21 條 表達與意見之自由及近用資訊

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：

- (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；
- (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；
- (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；
- (d) 鼓勵大眾媒體，包括透過網際網路資訊提供者，使其服務得為身心障礙者近用；
- (e) 承認及推廣手語之使用。

第 22 條 尊重隱私

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。
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。

第 23 條 尊重家居與家庭

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，消除對身心障礙者之歧視，以確保：
 - (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；
 - (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；

- (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。
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。

第 24 條 教育

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：
 - (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；
 - (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；
 - (c) 使所有身心障礙者能有效參與自由社會。
2. 為實現此一權利，締約國應確保：
 - (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；
 - (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；

- (c)提供合理之對待以滿足個人需求；
 - (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；
 - (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。
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：
- (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；
 - (b)促進手語之學習及推廣聽覺障礙社群之語言認同；
 - (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。
4. 為幫助確保實現該等權利，締約國應採取適當措施，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。
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。

第 25 條 健康

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，包括與健康有關之復健服務。締約國尤其應：

- (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；

- (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；
- (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；
- (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；
- (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；
- (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。

第 26 條 適應訓練與復健

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：
 - (a)及早開始依據個人需求與優勢能力進行跨專業之評估；
 - (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。
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。
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。

第 27 條 工作與就業

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，包括免於騷擾之保障，並享有遭受侵害之救濟；
 - (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；
 - (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；
 - (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；
 - (f)促進自營作業、創業經營、開展合作社與個人創業之機會；
 - (g)於公部門僱用身心障礙者；
 - (h)以適當政策與措施，促進私部門僱用身心障礙者，得包括平權行動方案、提供誘因及其他措施；
 - (i)確保於工作場所為身心障礙者提供合理之空間安排；
 - (j)促進身心障礙者於開放之勞動市場上獲得工作經驗；
 - (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。
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。

第 28 條 適足之生活水準與社會保障

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。
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：
 - (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；
 - (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；
 - (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；
 - (d) 確保身心障礙者參加公共住宅方案；
 - (e) 確保身心障礙者平等參加退休福利與方案。

第 29 條 參與政治與公共生活

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平等基礎上享有該等權利，並應承諾：

- (a) 確保身心障礙者能夠在與其他人平等基礎上，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：
 - (i) 確保投票程序、設施與材料適當、無障礙及易懂易用；
 - (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；
 - (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；

(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：

(i)參與關於本國公共與政治生活之非政府組織及團體，及參加政黨之活動與行政事務；

(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。

第 30 條 參與文化生活、康樂、休閒與體育活動

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：

(a)享有以無障礙格式提供之文化素材；

(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；

(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、休閒與體育活動，締約國應採取下列適當措施：

(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；

(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，在與其他人平等基礎上，鼓勵提供適當之指導、培訓及資源；

(c)確保身心障礙者得以使用體育、康樂與旅遊場所；

(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；

(e)確保身心障礙者於康樂、旅遊、休閒與體育等活動籌組時，獲得參與所需之服務。

第 31 條 統計與資料收集

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：

(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；

(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。

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。

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。

第 32 條 國際合作

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：

(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；

(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；

(c)促進研究方面之合作，及科學與技術知識之近用；

(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。

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。

第 33 條 國家實施與監測

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，以促進不同部門及不同層級間之有關行動。
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。
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。

第 34 條 身心障礙者權利委員會

1. (聯合國) 應設立一個身心障礙者權利委員會(以下稱委員會)，履行以下規定之職能。
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。
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。
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。
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。
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。

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。
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。
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。
10. 委員會應自行制定議事規則。
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。
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。
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。

第 35 條 締約國提交之報告

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，說明為履行本公約規定之義務所採取之措施與於該方面取得之進展。
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。
3. 委員會應決定適用於報告內容之準則。
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。
5. 報告可指出影響本公約所定義務履行程度之因素與困難。

第 36 條 報告之審議

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。
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。
3. 聯合國秘書長應對所有締約國提供上述報告。
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。
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。

第 37 條 締約國與委員會之合作

1. 各締約國應與委員會合作，協助委員會成員履行其任務。
2. 於與締約國之關係方面，委員會應適度考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。

第 38 條 委員會與其他機構之關係

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：

- (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。

(b)委員會於履行其任務時，應適當諮詢各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。

第 39 條 委員會報告

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。

第 40 條 締約國會議

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。
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。

第 41 條 保存人

聯合國秘書長為本公約之保存人。

第 42 條 簽署

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。

第 43 條 同意接受約束

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。

第 44 條 區域整合組織

1. “區域整合組織”是指由某一區域之主權國家組成之組織，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。
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。

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。
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。

第 45 條 生效

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。
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。

第 46 條 保留

1. 保留不得與本公約之目的與宗旨不符。
2. 保留可隨時撤回。

第 47 條 修正

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。修正案只對接受該項修正案之締約國具有約束力。
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。

第 48 條 退約

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。

第 49 條 無障礙格式

本公約之文本應以無障礙格式提供。

第 50 條 正本

本公約之阿拉伯文、中文、英文、法文、俄文與西班牙文文本，同一作準。

下列簽署人經各自政府正式授權於本公約簽字，以昭信守。

Convention on the Rights of Persons with Disabilities

Preamble

The States Parties to the present Convention,

(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,

(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,

(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,

(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 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) 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) 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) Emphasizing the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,

(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) Recognizing further the diversity of persons with disabilities,

- (j) Recognizing the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,
- (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) Recognizing the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,
- (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 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) Recognizing the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,
- (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) 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) Recognizing that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,
- (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) 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) 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) 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,

(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,

(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,

(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,

(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 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,

Have agreed as follows:

Article 1

Purpose

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.

Article 2

Definitions

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 accessible information and communication technology;

“Language” includes spoken and signed languages and other forms of non spoken languages;

“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;

“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;

“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.

“Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 3

General principles

The principles of the present Convention shall be:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4

General obligations

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:

- (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- (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;
- (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
- (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;
- (e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- (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;
- (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 with disabilities, giving priority to technologies at an affordable cost;
- (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;
- (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.

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.

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.

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.

5. The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.

Article 5

Equality and non-discrimination

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.

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.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

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.

Article 6

Women with disabilities

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights

and fundamental freedoms.

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.

Article 7

Children with disabilities

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.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

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 other children, and to be provided with disability and age-appropriate assistance to realize that right.

Article 8

Awareness-raising

1. States Parties undertake to adopt immediate, effective and appropriate measures:

(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;

(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;

(c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

(a) Initiating and maintaining effective public awareness campaigns designed:

(i) To nurture receptiveness to the rights of persons with disabilities;

(ii) To promote positive perceptions and greater social awareness towards persons with disabilities;

(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;

(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;

(c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;

(d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

Article 9

Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States 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) 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) To provide training for stakeholders on accessibility issues facing persons with disabilities;

(d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read

and understand forms;

(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) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

(g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(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.

Article 10

Right to life

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.

Article 11

Situations of risk and humanitarian emergencies

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.

Article 12

Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

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.

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 be proportional to the degree to which such measures affect the person's rights and interests.

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.

Article 13

Access to justice

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.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Article 14

Liberty and security of person

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

(a) Enjoy the right to liberty and security of person;

(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.

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.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

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.
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.

Article 16

Freedom from exploitation, violence and abuse

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.
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 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.
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.

Article 17

Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Article 18

Liberty of movement and nationality

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:

(a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;

(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;

(c) Are free to leave any country, including their own;

(d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

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.

Article 19

Living independently and being included in the community

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal 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:

(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;

(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;

(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.

Article 20

Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

(a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;

(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;

(c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;

(d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Article 21

Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression 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:

(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;

(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;

(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;

(d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;

(e) Recognizing and promoting the use of sign languages.

Article 22

Respect for privacy

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.

2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

Article 23

Respect for home and the family

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 equal basis with others, so as to ensure that:

(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;

(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;

(c) Persons with disabilities, including children, retain their fertility on an equal basis with others.

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 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 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.

Article 24

Education

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:

(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;

(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;

(c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

(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;

(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;

(c) Reasonable accommodation of the individual's requirements is provided;

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

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:

(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;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

(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.

4. In order to help ensure the realization of this right, States Parties 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.

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.

Article 25

Health

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-sensitive, including health-related rehabilitation. In particular, States Parties shall:

(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;

(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;

(c) Provide these health services as close as possible to people's own communities, including in rural areas;

(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, 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;

(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;

(f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

Article 26

Habilitation and rehabilitation

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 rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

(a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;

(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.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

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.

Article 27

Work and employment

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 harassment, and the redress of grievances;

(c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;

(d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

(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;

(f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;

(g) Employ persons with disabilities in the public sector;

(h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

- (i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
 - (j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
 - (k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.
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.

Article 28

Adequate standard of living and social protection

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 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.
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:
- (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;
 - (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;
 - (c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
 - (d) To ensure access by persons with disabilities to public housing programmes;
 - (e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

Article 29

Participation in political and public life

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:

(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:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(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;

(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;

(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:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Article 30

Participation in cultural life, recreation, leisure and sport

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:

(a) Enjoy access to cultural materials in accessible formats;

(b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;

(c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as 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 recreational, leisure and sporting activities, States Parties shall take appropriate measures:

(a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

(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;

(c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;

(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;

(e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

Article 31

Statistics and data collection

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:

- (a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
 - (b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.
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 with disabilities in exercising their rights.
3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

Article 32

International cooperation

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:
- (a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
 - (b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
 - (c) Facilitating cooperation in research and access to scientific and technical knowledge;
 - (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.
2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

Article 33

National implementation and monitoring

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 establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

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.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

Article 34

Committee on the Rights of Persons with Disabilities

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.

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.

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.

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 representation and participation of experts with disabilities.

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.

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.

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.

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.

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.

10. The Committee shall establish its own rules of procedure.

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.

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.

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.

Article 35

Reports by States Parties

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 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.

2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

3. The Committee shall decide any guidelines applicable to the content of the reports.

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.

5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 36

Consideration of reports

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.

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.

3. The Secretary-General of the United Nations shall make available the reports to all States Parties.

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.

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.

Article 37

Cooperation between States Parties and the Committee

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.
2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

Article 38

Relationship of the Committee with other bodies

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

- (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;
- (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.

Article 39

Report of the Committee

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.

Article 40

Conference of States Parties

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.

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.

Article 41

Depositary

The Secretary-General of the United Nations shall be the depositary of the present Convention.

Article 42

Signature

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.

Article 43

Consent to be bound

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.

Article 44

Regional integration organizations

1. "Regional integration organization" shall mean an organization 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. References to "States Parties" in the present Convention shall apply to such organizations within the limits of their competence.

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. 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. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 45

Entry into force

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.
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.

Article 46

Reservations

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.
2. Reservations may be withdrawn at any time.

Article 47

Amendments

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United 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 following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

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.

Article 48

Denunciation

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.

Article 49

Accessible format

The text of the present Convention shall be made available in accessible formats.

Article 50

Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

總統令 中華民國 106 年 5 月 5 日

特派詹中原為 106 年公務人員特種考試司法人員、法務部調查局調查人員、國家安全局國家安全情報人員、海岸巡防人員及移民行政人員考試典試委員長。

總 統 蔡英文
行政院院長 林 全

總統令 中華民國 106 年 5 月 8 日

任命劉進興為內政部簡任第十二職等司長，張燕燕、陳杰宗、蕭文村、王成機、陳子和為內政部簡任第十一職等專門委員，林家正為內政部簡任第十一職等視察，鄭敏祿為內政部統計處簡任第十一職等副處長，林順裕為內政部會計處簡任第十二職等處長。

任命褚諒盛、李瓊琳為財政部簡任第十一職等專門委員，張聰穎為財政部簡任第十一職等秘書，邱美齊、莊瑩洲為財政部國庫署簡任第十職等專門委員，黃勤文、張麗惠為財政部國庫署簡任第十職等副組長，顏麗鳳為財政部國庫署簡任第十一職等組長，吳素珍為財政部高雄國稅局簡任第十職等主任秘書，黃正輝為財政部高雄國稅局鳳山分局簡任第十職等分局長，盧貞秀為財政部南區國稅局簡任第十二職等局長，陳思元為財政部南區國稅局簡任第十一職等副局長，羅斌賢為財政部南區國稅局簡任第十職等主任秘書，林進明、蔡文標為財政部關務署簡任第十職等關務監副組長，沈榮詳為財政部關務署簡任第十二職等關務監副署長，李天琪為財政部關務署簡任第十職等關務監稽核，張慶瑩、江振文為財政部關務署基隆關簡任第十職等關務監主任，趙成立為財政部關務署高雄關簡任第十職等關務監室主任，洪瓊

瑜、黃文亮為財政部關務署高雄關簡任第十職等關務監主任，賴明豪、林明泰為財政部關務署高雄關簡任第十職等關務監組長，陳善助為財政部關務署高雄關簡任第十一職等關務監關務長，顏國斌為財政部關務署高雄關簡任第十一職等關務監副關務長。

任命劉光華為國立臺灣師範大學主計室簡任第十職等專門委員，王麗珍為國立勤益科技大學主計室簡任第十職等主任，沈里通為國立臺北護理健康大學簡任第十職等總務長。

任命林靜怡為法務部行政執行署士林分署簡任第十職等主任行政執行官兼科長，孔憲臺為法務部廉政署簡任第十職等專門委員。

任命游振偉為經濟部工業局簡任第十二職等副局長，郭崇文為經濟部加工出口區管理處簡任第十職等技正，蔡春風為經濟部加工出口區管理處簡任第十一職等組長，劉繼傳為經濟部加工出口區管理處高雄分處簡任第十一職等分處長，歐燕棉為經濟部加工出口區管理處高雄分處簡任第十職等副分處長，王元芳為經濟部加工出口區管理處屏東分處簡任第十職等副分處長，楊志文為經濟部標準檢驗局花蓮分局簡任第十一職等分局長，杜在國為經濟部智慧財產局簡任第十職等專利高級審查官，趙慶泠為經濟部智慧財產局簡任第十職等專利高級審查官兼科長。

任命洪建男為交通部民用航空局高雄國際航空站簡任第十職等副主任，鄭明典為交通部中央氣象局簡任第十一職等主任，劉士銘為交通部觀光局簡任第十一職等組長，劉佩蓉為交通部航港局簡任第十一職等組長。

任命劉傳名以簡任第十三職等為勞動部簡任第十二職等參事，陳明仁為勞動部簡任第十二職等主任秘書，鄒子廉為勞動部職業安全衛生署簡任第十二職等權理簡任第十三職等署長。

任命陳青梅為衛生福利部簡任第十一職等技正，蔡鈺泰為衛生福利部統計處簡任第十二職等處長，許慧麗為衛生福利部南區老人之家簡任第十職等主任，鄧如秀為衛生福利部疾病管制署簡任第十職等權理簡任第十一職等組長，劉芳銘、邱秀儀為衛生福利部食品藥物管理署簡任第十一職等主任。

任命林慧芬為文化部簡任第十二職等參事，曹源暉為文化部簡任第十一職等專門委員。

任命歐陽瑜為科技部新竹科學工業園區管理局簡任第十職等專門委員，謝勝隆為科技部新竹科學工業園區管理局簡任第十職等技正，上官天祥為科技部南部科學工業園區管理局簡任第十職等專門委員。

任命賴又全、陳信彰為薦任公務人員。

任命莫汝梅、謝美絹、王淑玲為薦任公務人員。

任命徐妙君為薦任公務人員。

任命張慧如、蘇有仁、呂玉璇為薦任公務人員。

任命林月婷為薦任公務人員。

任命倪如婷、施群英、劉宇華、劉秀霞、陸侶光、謝忠育、陳婉玲、劉瑞峯、陳珏如、蔡心雅、楊為洸、李宜湘、黃晴儀、陳兆禎、賴亮今、陳香吟、王順天、楊景棋、陳銘聰、梁寓婷、邱麗梅、蔡孟吟、易繼香為薦任公務人員。

任命劉怡婷、簡仲田為檢察官。

總 統 蔡英文
行政院院長 林 全

總統令 中華民國 106 年 5 月 8 日

任命張傳忠、楊春鈞、劉章遠、蔡耀坤為警監二階警察官，張春

波為警監三階警察官，廖材楨、李忠萍、林武宏、蔡元戎、洪振順為警監四階警察官。

任命蕭清憶、簡愷緯、林合豐、江中月、侯建安、洪幼敏、陳慶霖、吳秉陽、顏伯叡、陳庭棗、翁任賢、張哲偉、吳泓修、徐國安、梁哲銘、劉威成、吳沐澤、洪冠偉、吳宣葆、陳冠綸、陳祺育、陳攸青、古傑中、孫子評、柯虹瑩、陳昭諭、卓宜澂、謝坤璋、林政緯、陳韋辰、蘇宇炫、翁仕融、葉光倫、王玟婷、廖廷浩、謝怡珣、吳孟航、張証凱、潘孝典、洪予姮、鍾瀚璋、黃政諺、楊昱謙、楊凱文、楊世彬、邱俊皓、林俊璋、楊文杰、吳昀潔、謝孟哲、黃佩紋、蔡兆榮、黃昱慈、柳毓平、洪誌宏、黃榮禾、廖佳沐、張佩愉、歐約昇、洪懿亨、邱泰恆、李錦芳、薛惟仁、曾鐘錡、黃俊龍、吳翰昱、蕭守晴、蘇展毅、鍾承餘、盧育村、郁明儒、陳彥嘉、孫承懋、蘇怡珊、施佑霖、黃世宏、簡宇辰、侯景尹、陳奕豪、劉建廷、柯景耀、何英信、黃文彬、張昭偉、潘施芬為警正警察官。

總 統 蔡英文
行政院院長 林 全

總統活動紀要

記事期間：

106年5月5日至106年5月11日

5月5日（星期五）

- 接受印度「印度人報」、印尼「指南日報」、馬來西亞「太陽報」、菲律賓「每日詢問報」、新加坡「海峽時報」及泰國「民族報」等六國媒體聯合專訪（總統府）

5月6日（星期六）

- 蒞臨「屏東縣同鄉會總會成立大會」致詞並致贈「鄉誼永固」中堂（臺北市中山區大直典華旗艦館）

5月7日（星期日）

- 無公開行程

5月8日（星期一）

- 視察「前瞻基礎建設-永安漁港」聽取簡報並致詞（桃園市新屋區）
- 蒞臨「桃園農業博覽會」參訪展區並致詞（桃園市新屋區）
- 向法國新任總統當選人馬克宏（Emmanuel Jean-Michel Frédéric Macron）先生以及法國人民表達祝賀之意。

5月9日（星期二）

- 接見「國際大學運動總會（Fédération internationale du sport universitaire，FISU）會長馬提辛（Oleg Matytsin）」一行

5月10日（星期三）

- 接見「國防大學106年『遠朋複訓班』學員」一行
- 向大韓民國新任大統領當選人文在寅（Moon Jae-In）先生及大韓民國人民表達祝賀之意。

5月11日（星期四）

- 接見「第24屆全國十大傑出愛心媽媽慈暉獎得獎人」一行

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**副總統活動紀要**  
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記事期間：

106年5月5日至106年5月11日

5月5日（星期五）

- 蒞臨「高階文官培訓飛躍方案106年訓練開訓典禮」致詞（臺北市

南港區國家文官學院)

- 蒞臨「台北國際觀光博覽會開幕典禮」欣賞開場表演、致詞並參觀各參展攤位(臺北市信義區臺北世貿展覽一館)

5月6日(星期六)

- 蒞臨「中華民國106年全國大專校院運動會開幕典禮」致詞(臺北市大安區國立臺灣大學)

5月7日(星期日)

- 無公開行程

5月8日(星期一)

- 無公開行程

5月9日(星期二)

- 接見「美國聯邦眾議員蘿倫絲(Brenda Lawrence)及貝芮耿(Nanette Barragán)訪問團」一行

5月10日(星期三)

- 接受「POP搶先報」專訪(臺北市中正區台北流行廣播電台)

5月11日(星期四)

- 蒞臨「2017國際長照產業領袖論壇開幕典禮」致詞(臺北市信義區臺北國際會議中心)
- 蒞臨「2017台灣電子遊戲機國際產業展開幕典禮」致詞並參觀展場(臺北市信義區臺北世貿展覽一館A區)
- 蒞臨「2017台灣室內設計·材料大展開幕典禮」致詞(臺北市信義區臺北世貿展覽一館B區)