# 消除對婦女一切形式歧視公約」第 34 號一般性建議 郭玲惠(國立臺北大學法律學系)

標題:《關於農村婦女權利的第 34(2016)號一般性建議》

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第34 號一般性建議內容目次

		第 3 叶
項目		重點
I. 導言:1-2 段	•	第 14 條之擬定背景(1)
	•	第14條之具體目標(2)
II.背景: 3-6 段	•	目的 (3)
	•	農村面臨的人權現況 (4)
	•	農村現況分析(5)
	•	農村婦女之特殊境遇(6)
III. 締約國尊重、保	•	第一條和第二條的適用(7-15)
護和實現農村婦女權	•	第十四條第 1 款 (16-17)
利的總體義務: 7-34	•	與第三條、第四條第 1 款、第五條(a)項、第六條、第
段		九條、第十五條和 第十六條一併解讀的第十四條第 1
		款(18-34)
締約國在農村婦女權	•	參與農村發展並從中受益的權利(35-36)
利具體方面的義務:	•	保健服務(37-39)
35-92 段	•	經濟和社會生活(40-41)
	•	教育(42-47)
	•	就業(48-52)
	•	政治和公共生活(53-54)
	•	土地和自然資源(55-78)
	•	適當的生活條件(79-87)
	•	發達國家的農村婦女(88-92)
IV. 關於農村婦女狀	•	缺乏統計資料(93)
況的資料:93-94 段	•	統計分析內容(94)

# 壹、 背景及概述

農村婦女占世界總人口的四分之一,其對於維護和改善農村生活與農村社區之建立,扮演關鍵角色。然從聯合國大量之案例呈現,農村婦女人權面臨著系統性與持續性障礙,農村婦女之權益往往於各該國之法律、政策、預算編列或投資策略中,遭到忽視或未能確實落實。縱使是已開發國家,農村婦女的處境大多遠不如農村男性與城市婦女和男性。農村婦女遭受貧窮與排斥情狀嚴重,特別難以獲得土地和自然資源的公平對待。然而農村婦女卻受限於性別與家庭角色之刻板印象與不平等,使其承大部分擔農務與和護理工作,但卻多為無酬。縱使能從事

有酬之工作,也多為具有危險性、薪資低或無保障的非正規工作,無法受到社會保護。同時也難以受到教育,往往流於被販運、從事強迫勞動,甚至成為童婚和(或)強迫婚姻及其他有害做法受害者的高風險族群。進而其健康保健處境更為不利,導致更容易生病、易患營養不良或死於可預防病因。不可否認地,現今農村婦女往往被排斥於參與各級領導和決策職位,因而其權益更難獲得平等對待,常常處於性別暴力恐懼的陰影,卻缺乏訴諸法律的機會,無法給予有效的法律補救。

第十四條是國際人權條約中唯一專門涉及農村婦女的條款,依此消除對婦女 歧視委員會確認農村婦女做出了重要貢獻。惟有關於農村婦女之權益所涉及之條 款當不侷限於該條,因此第 34 號一般性建議(以下簡稱本建議)亦探討公約第 十四條與其他條款之間的關連與適用。本建議之核心目的乃給予締約國指導原則, 使其履行對於農村婦女之義務,雖然以開發中國家為主要對象,但並不侷限於此, 已開發國家亦有觸及,我國當然亦有適用。本建議最重要之核心為,國家有義務 增強農村婦女之經濟權能、積極促使其能參與政治和公共生活、並獲得服務以及 避免農村女性工遭受勞動剝削。

# 貳、 第34號一般性建議之內容重點

本建議主要區分為二大部分,其一為締約尊重、保護和實現農村婦女權利的 總體義務,其二則為締約國的具體實現義務。前者主要規範公約第 14 條與各款 間之關聯性,後者則列出締約國必須履行的九大具體義務。

#### 一、 總體義務部分

# A. 第一條和第二條的適用

公約第一條所規定的歧視定義,不得基於性別有區別、排斥或限制適用於所有婦女,當然適用農村婦女。第二條為國家之一般性義務規定,締約國應譴責對婦女的一切形式歧視,該條並依各該條款包含第十四條,尊重、保護、促進與實現對於農村婦女的保護,避免一切的作為和不作為歧視行為。為能實現對於農村婦女之保護,應依一般性建議第33號之內容,提供農村婦女有可及性與可適性之司法救助(34/9)。

針對農村婦女所遭受之間接歧視情形,政策擬定上應特別考慮,例如未考慮農村婦女和女童在無報酬工作上之貢獻、難以獲得土地與自然資源的機會,以及貿易自由化、私有化和土地、水和自然資源商品化在內的經濟政策給農村婦女的生活

及其權利的實現造成的消極和有差別的影響,進而損及其社會福利之保障(34/10、34/11)。又如各國在規劃和執行有關環境、氣候變化、減少災害風險、備災和災害管理的所有政策時,應切實消除此類風險對農村婦女的影響,並確保農村婦女充分參與此類政策的擬定、規劃和實施。締約國還應在災害及其他危機的各個階段,即從預警到救濟、復原、恢復和重建,確保農村婦女和女童受到保護,安全無虞(34/12)。

另國家必須依公約第二條的核心義務第 28 號一般性建議 (e)項關於消除任何公共或私人行為體對婦女的歧視的規定,監管其轄域內本國非國家行為體的一切活動,包括它們在其域外開展業務時的活動(34/13)。

此外前開第 28 號一般性建議亦提醒有關於交叉歧視之問題:農村婦女可能 因為其族裔、語言和傳統生活方式受到歧視,身障婦女在生活的各個領域均面臨 獨特挑戰、農村老年婦女和寡婦所可能遭受的羞辱和隔離(34/15)。

締約國應確保締約國應制定政策和方案,確保農村婦女中弱勢和邊緣化群體免受 交叉形式歧視,並有機會獲得教育、就業、水和衛生設施以及醫療保健等。同樣 確保老年農村婦女有機會獲得社會服務和適當的社會保護以及經濟資源,能有尊 嚴的生活。(34/16)

# B. 第十四條第1款

公約第 14 條第 1 款規定,締約各國應考慮到農村婦女面臨的特殊問題和她們對家庭生計,包括她們在經濟體系中非商品化部門的工作方面所發揮的重要作用,並應採取一切適當措施,保證對農村婦女適用本公約的各項規定。於此特別必須注意充分承認其有報酬和無報酬工作的經濟價值。(34/16)

締約國應促進包容性和可持續經濟發展,使農村婦女能夠切實享受其權利,具體而言:

- (a) 肯認婦女無償家務活動的貢獻及確認其在國民生產總值中的價值。
- (b) 採取第 25 號一般性建議擬定暫行特別措施,促進增強其權能,並確保其經濟和社會獨立。
- (c) 使農村婦女能參與設計和制定所有相關計畫和策略,確保其能從經濟和社會 方案中受益。

# C. 與第三條、第四條第 1 款、第五條(a)項、第六條、第九條、第十五條和第十 六條一併解讀的第十四條第 1 款

公約第三條規定,締約國應在所有領域採取一切適當措施,包括制定法律,保證農村婦女得到充分發展和進步。(34/18、34/19)

第四條第 1 款規定,締約國應採取暫行特別措施,以加速實現實質上的平等,積

極消彌農村婦女所遭受之歧視(34/20、34/21)。

第五條(a)項規定,消除歧視性陳規定型觀念和做法,蓋農村婦女和女童往往會因童婚和(或)強迫婚姻、一夫多妻制和切割女性生殖器官等有害做法而處於不利地位,根據關於有害做法的第 31(2014)號一般性建議,締約國應消除那些給農村婦女和女童的健康、福祉和尊嚴造成負面影響的有害做法,包括童婚和(或)強迫婚姻、切割女性生殖器官和繼承祖先債務(34/23)。另關於暴力侵害婦女行為的第 19(1992)號一般性建議指出,農村婦女容易遭受暴力,因為在許多農村社區,有關婦女的從屬作用的傳統態度仍頑固存在(34/24),締約國應照第 19 號和第 33 號一般性建議,預防和消除對農村婦女和女童的一切形式暴力(34/25),包含(a)性別意識之提升、(b)採取有效措施,以預防、調查、起訴和懲治暴力侵害農村婦女和女童的行為、(c) 確保生活在農村地區的受害者有效獲得司法救助、(d) 確保農村婦女和女童獲得受害者綜合服務、(f)採取措施,以預防和應對農村婦女人權桿衛者受到的威脅和攻擊。

第六條關於禁止販運婦女及意圖營利,對於因生活在偏遠地區而面臨特定風險的農村婦女和女童,尤其具有現實意義,國家應特別加強其認識(34/26、34/27)。

第九條締約國應根據關於婦女的難民地位、庇護、國籍和無國籍狀態與性別相關方面的第32(2014)號一般性建議,給予婦女與男子有取得、改變或保留國籍的同等權利(34/28、34/29)。

第十五條農村婦女具有與男子同等的、不依賴丈夫或男性監護人簽訂合同和 管理財產的同等法律行為能力(34/30、34/31)。

第十六條條,締約國應按照關於婚姻和家庭關係中的平等的第 21(1994)號一般性建議和關於婚姻、家庭關係及其解除的經濟後果的第 29(2013)號一般性建議,修改個人狀況和家庭法,使之符合第十六條,保障農村婦女在婚姻中的平等權利,(34/32、34/33、34/34)。

# 二、 具體義務部分

#### A. 參與農村發展並從中受益的權利(第十四條第2款(a)項)

根據《關於在國家糧食安全範圍內對土地、漁場及林地保有權進行負責任治理的自願準則》和《在糧食安全和消除貧困背景下保障可持續小規模漁業自願準則》、關於婦女參與政治和公共生活的第 23(1997)號一般性建議和可持續發展目標,應制定有利的體制、法律和政策框架,確保農村發展、農業和水務政策(包括林業、畜牧業、漁業和水產養殖政策)能夠促進性別平等且預算充足;主管機關應由高級別工作人員組成的性別平等單位,以落實本建議,另特別是在規劃與衝突和衝突後環境下解除武裝、復員和重返社會努力有關的農村發展方案,應考量農

村婦女的權益。(34/36)

# B. 保健服務(與第十二條一併解讀的第十四條第2款(b)項)

農村衛生服務預算撥款不足、缺乏基礎設施和訓練有素的工作人員、關於現代避孕方法的資訊匱乏、地處偏遠和交通不便等原因,包括老年婦女和殘疾婦女在內的農村婦女獲得保健服務的管道常常極其有限。另許多農村地區的孕產婦死亡率和發病率過高,因此締約國應保障農村婦女和女童獲得適當保健的權利,並確保農村地區: (a) 優質保健且負擔得起的保健服務與設施(b) 醫療保健體系供資充足(c) 廢除對農村婦女獲得保健設置障礙的法律法規(d) 系統地定期監測孕婦和產婦,特別是未成年母親及其嬰兒的健康和營養狀況。(e) 衛生保健機構配備了適當的水和衛生服務 (f) 通過各種媒體用當地語言和方言廣泛傳播衛生保健資訊。(g) 有效監管母乳代用品的銷售和的執行和監測。(h) 對社區衛生工作者和傳統助產人員進行促進性別平等且適應文化的培訓。(i) 投資社區和微健康保險計畫,支助農村婦女(包括護理人員)滿足其健康需要。

# C. 經濟和社會生活(與第十一條第 1 款(e)項及第 2 款(b)項和第十三條(a)項一併解讀的第十四條第 2 款(c)項)

為了消除經濟和社會生活中對農村婦女的歧視,締約國應:按照關於城鄉家庭企業中無酬女工的第16(1991)號一般性建議,確保從事無報酬工作或在非正規部門就業的農村婦女獲得不繳費的社會保護,並按照第十四條第2款(b)項及(h)項和國際勞工組織2012年《社會保護最低標準建議書》(第202號),確保所有農村婦女都能獲得基本衛生保健、托兒設施和收入保障(34/41)。

#### D. 教育(與第十條(a)項一併解讀的第十四條第2款(d)項)

締約國應保護農村女童和婦女的受教育權利,並確保:(a)改善農村地區的教育基礎設施與教育資源(包括合格教師人數)(b)對教育系統各級教學人員開展系統培訓,宣傳農村女童和婦女的權利(c)支助農村女童及其父母抵消教育的直接和間接費用,改變農村地區對女童教育的負面態度(d)保護農村女童免遭勞動剝削、童婚和(或)強迫婚姻和性別暴力(e)保護教育機構安全(f)鼓勵農村女童和婦女選擇非傳統的學科和職業領域(g)學校對於懷孕少女懷孕期間與重返校園之協助(h)學校配備適當的水設施和女生專用的獨立、安全、有遮蔽的廁所、個人衛生教育和經期衛生資源(i)為農村婦女實施成人掃盲方案(j)量身打造農村婦女在職培訓,並確保農村婦女平等獲得可持續耕作方法、動物健康和改進畜牧業等技術和職業教育及培訓(34/43)。

除培訓和教育外,第十四條第2款(d)項還規定,農村婦女應該能夠從社區服務和推廣服務中受益,提高農村婦女在農業技術推廣服務中的代表性,並確保組織政策有助於實現婦女的權利、需要和願望。締約國並應完善優質農業技術推廣

和農村諮詢服務的設計和交付,承認婦女作為農民和用戶的雙重身份,提高推廣服務中與農村婦女有關的教育內容的比例,著力促進農村婦女獲得關於糧食收穫技術、保鮮、貯藏、加工、包裝、行銷和創業的技術知識(34/44、34/45、34/46、34/47)。

# E. 就業(與第十一條一併解讀的第十四條第2款(e)項)

農村婦女從事低薪或非正規部門就業的人數過多,且享受不到社會保護,未能平等獲得收入多元化的機會(34/48)。締約國應按照關於同等價值工作同等報酬的第13(1989)號一般性建議和第23號一般性建議,將享有體面工作條件的權利和同等價值工作同等報酬原則充分納入本國法律和政策框架(34/50)。締約國應通過下列舉措進一步確保農村婦女的就業權利:(a)通過實施國際勞工組織2015年《關於從非正規經濟向正規經濟轉型的建議書》(第204號),促進農村婦女從非正規經濟向正規經濟轉型的建議書》(第204號),促進農村婦女從非正規經濟向正規經濟轉型。(b)擴大農村婦女經營工廠及其他企業的機會。(c)改善農村工作條件(d)保護農村女性勞工參加集體談判(e)通過採取立法和其他措施,保護農村婦女免受有害化學品之害,保護其職業健康與安全。(f)提供農村婦女社會保障(g)促進農村婦女作為生產者、企業家、供應商、勞工和消費者積極有效地加入當地和全球價值鏈與市場(h)在農村地區提供托兒及其他護理服務(i)擬定和實施定向措施,促進農村婦女在當地就業(34/52)。

# F. 政治和公共生活(與第七條一併解讀的第十四條第2款(a)項和第2款(f)項)

締約國應執行第23號和第25號一般性建議,特別是:(a)確定農村婦女擔任決策職位的配額和指標(b)確保農村婦女和婦女組織能夠影響所有關乎其權益的領域的各級政策制定、實施和監測(c)解決男女之間不平等的權力關係(d)確保農村婦女參與所有農業和農村發展戰略的制定和實施(e)確保在實施農村發展專案之前,務必先開展參與性性別和環境影響評估,讓農村婦女充分參與其中(f)處於衝突和衝突後局勢的締約國應按照第30號一般性建議,確保農村婦女作為決策者參與建設和平努力和進程(34/54)。

#### G. 土地和自然資源(與第十三條一併解讀的第十四條第2款(g)項)

農村婦女的土地和自然資源權利常常有限,許多地區,其土地與自然資源權利方面受到 歧視,締約國應採取措施,1、確保農村婦女,包括必要的暫行特別措施,以實現農村婦女 在土地和自然資源方面的實質性平等(34/57)。2。締約國應執行相關的農業政策,為農村女 農民提供支助,承認和保護自然共有資源,促進有機農作並保護農村婦女免受有害農藥和化 肥之害(34/62)。3、締約國應確保在糧食主權框架內實現農村婦女的食物權和營養權,並確 保她們擁有管理和控制其自然資源的權利(34/62);通過法律、政策和措施,促進和保護農村 婦女多樣化的當地農業方法和產品及它們進入市場(34/64)。4、締約國應推動向正規金融服 務轉型,並確保農村婦女在與農村男子平等的基礎上獲得信貸、貸款、婚姻儲蓄、保險和國內支付服務,並促進提升其經濟、金融和商業技能,包含:(a) 社區管理和移動金融服務(b) 關於金融服務和機構的資訊(c) 使用考慮到文盲問題的創新方法的財務能力建設方案(34/68)。並締約國應確保金融服務(包括信貸和貸款)中包含促進性別平等的機制,且不因農村婦女缺乏男性擔保人而拒不提供(34/69)。5、其他例如通過基礎設施建設和技術創新減少農村婦女的勞動時間和精力特別重要(34/73);增強其權能婦女資訊和通信技術(34/74);開展土地改革時應優先注重農村婦女的平等權利,並視之為土地改革的一個具體和核心目標(34/77)。

# H. 適當的生活條件(第十四條第二款(h)項)

締約國應使農村婦女獲得適當的生活條件,包含住房、水、衛生和能源以及交通運輸。締約國應將住房問題作為農村整體發展的一部分加以解決,並確保在制定措施時徵詢農村婦女的意見。締約國應通過擬定和實施考慮到農村婦女特殊需要的有針對性的政策和方案來提高農村住房品質(34/80)。農村婦女和女童的水和衛生設施權利本身不僅是基本權利,也是實現健康權、食物權、受教育權和參與權等一系列其他權利的關鍵(34/81)。締約國應確保農村婦女獲得基本服務和公共產品,其中包括:(a) 充足、安全、可接受和切實可得且負擔得起的水,以供個人和家庭使用及灌溉; (b) 適當的環境衛生和個人衛生,使婦女和女童能夠應對經期衛生,並獲得衛生巾(34/85)。此外8締約國應分析農村地區不同性別對交通運輸服務的需求,確保交通運輸部門的政策和方案反映農村婦女的行動需要,並為她們提供安全、經濟和便利的交通手段(34/87)。

### I. 發達國家的農村婦女

許多發展中國家一樣,發達國家的農村經濟也往往對男子有利,其農村發展 政策可能偶爾也會忽視婦女的需要和權利。發達國家(和發展中國家)仍然需要採 取促進和保障其權利享受的定向政策和方案(34/88)。

在發達國家,許多移徙女工在農業領域工作,其人權常常遭到嚴重侵犯,包括暴力、剝削和得不到保健等服務。此外,許多發達國家在向產業化農業邁進的過程中往往將小農戶邊緣化,這對農村婦女影響異常嚴重。因此,必須促進和扶持替代的、促進性別平等的農業發展方案,使小規模婦女生產者能夠參與農業和農村發展並從中受益(34/89、34/91)。

締約國應確保落實關於移徙女工問題的第 26(2008)號一般性建議,確保依法保護農村移徙女工的權利和獲得救濟,同時保護持證和無證農村婦女不受歧視或基於性別的剝削和虐待(34/90)。

締約國應改善農村婦女的生活狀況,特別是原住民婦女的生活狀況,優先發展該農村社區,讓當地婦女參與農村發展計畫的制定和實施(34/92)。

#### 三、農村婦女狀況的資料

實施第十四條面臨的一項根本挑戰是普遍缺乏關於農村婦女狀況的分類資料,因此締約國應收集、分析、使用和傳播關於農村婦女狀況的且按性別、年齡、地理位置、殘疾和社會經濟狀況、少數民族或其他狀況分類的資料(34/93、34/94)。

# 參、 我國現況及未來待改善之處

我國現況與未來改善之處,依本建議所涉及主要區分為三大項:

## 一、平權意識、參與決策及社區活動

### (一)現況

我國農業就業人口統計,2016 年臺灣地區農業就業人口 55 萬 7,000 人, 其中女性 15 萬 2,000 人(27.3 %);根據農業用地所有權人性別統計資料,至 2016 年農業用地持有者中女性占 31.1%。

各農民團體參與會員資格無性別限制,縱使女性擁有農村土地者不及男性,如其實際從事農作,當能有機會參與農村組織。然《農會法》及其施行細則規定,農會會員每戶以 1 人為限,該規定原本用意良善,係因絕大部份的農家經營規模較小,為減輕農戶繳交會費、事業資金及推廣經費等負擔,規定一戶一人為限參與農會。此規定雖形式上並無歧視之意圖,然卻忽略傳統上大都習慣男主外,由家中男性代表加入,因此,女性參與機會受到侷限,故女性申請加入農會人數相對較少。2013 年至 2016 年 女性農會會員比率雖由 32.4%微幅提升至 32.5%,但仍有很大之落差。雖然農會法也指出會員同戶家屬均能享受農會服務,並不影響農民之權益,然是同戶家屬之權益,卻受制於該會員之資格或同意。

不可否認,近年政府積極努力提升農村地區女性加入農會組織,2009 年至2016 年各層級農會選任人員女性比率均有微幅提升:會員代表 由 4.2%提升至5.6%、理監事由 1.9%提升至 2.7%、總幹事由 15.2%提升 至 19.2%。相對於農會,漁會女性會員投入之比例較高,2009 年至 2016 年,女性漁會會員由 47.7%提升至 49.7%。惟礙於漁村婦女多協助丈夫處理水產品行銷、 加工等作業,不如直接從事捕撈或養殖作業之男性欲進入漁會決策階層之意願,其投入決策層級之比例較參加漁會組織之低許多。雖然政府近年積極透過漁會籌組之組織(家政班等)辦理宣導措施及性別意識培力課程,鼓勵漁村婦女參與漁村社區公共事務活動,進而進入決策階層。因此2009 年至 2016 年,各級漁會選任人員女性比率雖有微幅提升,但仍有改善之空間:會員代表由 7.6%提升至 9.1%、理監事由 3.4%提升至 5%,值得一提者,前開漁會選任人員女性比例雖未達 1/3,

但總幹事由 22.5%提升至 30%;政府對於漁村婦女參與公共事務之努力,已初 見成果。

除了農漁會外,農田水利會亦於我國農村扮演重要角色。然類似於農會法之規定,農田水利會組織通則亦規定,農田水利會會員須為耕地之所有權人或承租人,而不可否認定,傳統文化影響,土地傳承以男性居多,農田水利會會員以男性為主,故雖法令無直接歧視女性,同樣產生間接歧視女性之結果。另農村地區多數仍存在「男主外,女主內」保守思維,及由女性承擔大部分家務及照顧子女責任等等主客觀因素,致女性會員參選會務委員意願偏低。2013年至2016年女性農田水利會會員僅能微幅增加,由26.4%提升至27.6%;女性會務委員由3.6%提升至4.3%。

#### (二) 近年之作為與依本建議改善之空間

為促進女性參與農業決策,政府 2004 年開始實施「農村再生培根計畫」,培訓農村營造人力,加強與產業結合,以提升農村經濟。透過培根課程培力,引導農村居民參與社區公共 議題之討論,以回饋需求及意見,提供女性參與社區決策及治理之機會,農村女性亦有積極參與機會,例如 2015 年女性參與人數1 萬 4,919 人次(42.2%)。

# 1、 農漁會

不可否認,政府雖積極的投入女性人力資源之培力,擬打破公約第 5 條男尊女卑或家庭分工之刻板印象,然仍離性別平等之目標,有相當大的距離,是否有依公約第四條第 1 項,採取暫行特別措施之必要性,消除阻礙女性加入農會之機會。因此主管機關雖於 2014 年擬定《農會法》修正草案,放寬加入資格,但未獲通過。後再次邀集相關機關單位及學者專家,研議相關調整措施或配套方案。於 2016 年修正「農業推廣教育設施補助計畫研提及補助要點」,優先補助選任人員女性比率較高之農會。2016 年共補助 30 間農會,因本規定受益之農會共計 7 間(占 23.3%); 2016 年修正「漁業產銷班漁事推廣補助計畫」,優先補助女性班員比率達 50%以上之漁業產銷班。2016 年共補助 29 班產銷班,其中產銷班班長為女性,占 31%。前該作為雖為政府依公約第 7 條積極鼓勵女性參與決策之作為,然由數據顯示,仍有相當困難,是否將性別定額比例納入農漁賄選任人員之定額比例或採取其他資源重行分配之方式,值得我國再深思。 2、農田水利會

另為提升女性參與農田水利會決策階層之意願,主管機關自 2017 年起將性平工作納入農田水利會業務檢查項目,且於 2015 年「農林漁牧業普查」,將戶內人口之決策關係人納入問項,符合本建議國家應收集、分析、使用和傳播關於農村婦女狀況之義務,未來可參考本建議,建立更完整之資料庫。

我國農村地區有為數眾多之原住民,國家如何協助原住民女性決策參與為落實原住民自治,亦為本建議重要之內容。

#### 3、農村地區原住民

2014 年首次直選直轄市原住民區長共 6 名,女性占參 選人比率為 5% (男 19 人;女 1 人),無女性當選(男 6 人,女 0 人);直轄 市原住民區民代表共 50 名,女性占參選人比率為 22%(男 73 人,女 21 人),當選比率為 24%(男 38 人,女 12 人),仍有改善空間。建議政府能藉由部落會議或部落公法人化之建制與再造,給予積極的暫行特別措施,增加原住民婦女參與公共事務之機會。

除農村在地組織外,積極參與原住民女性參與政府組織亦為重要,女性原住民 2013 年至 2016 年女性擔任原民會簡任官比率由 7.7%提升至 16.7%,2016 年原民會聘任專任族群委員共 16 名,女性委員比率為 31.3%, 2014 年至 2016 年培訓共計 92 名意見領袖人才;且研擬「原住民族經濟產業發展 4年(107-110 年)計畫」,研擬過程各地辦理座談會廣納意見,參加人數共 308 人,女性占 34%。此模式應可為未來如何鼓勵農村地區女性,特別是新住民等弱勢族群,性別意識培力與參與決策之重要參考。

#### 二、生計、財產及經濟機會

#### (一)知識培力與經濟培訓

依本建議農村地區女性之知識培力及技術培訓是提升其經濟力的重要工作,主管機關亦投入大量資源舉辦多元化之培訓課程,並鼓勵女性與青年加入: 2016 年全國各級農會家政班班員共 7 萬 4,109 人,女性占 97.9%; 2016 年漁會家政班女性成員占 86%;雖然參加者多為女性,但課程內容卻複製女性為家中主要承擔家務之刻板印象。

為破除農漁會家政班參與者為女性之刻板印象,鼓勵夫妻或祖孫三代親 子共同參與,並將性別意識培力納入家政班課程,破除性別刻板化及男女任 務定型觀念。

另家政班課程安排以多元化培力為導向,包括副業培育、漁村社區活化活動、性暴力零容忍、性別意識培力、語言學習;為增加女性收入,訓練包含發展田園料理、地方特色農產品加工等等,提升生活經營能力。為協助青年投入農牧業工作,2013 年至 2016 年專案輔導青年農民共 320 人,女性占 12.5%,並輔導 16 個地方農會成立在地青年農民聯誼會,提供 互助合作及農事產銷經驗傳承環境與機會。

不可否認,主管機關近年積極投入農村地區女性之培力,但除培訓和教

育外,第十四條第2款(d)項還規定,農村婦女應該能夠從社區服務和推廣服務中受益,換言之,參與培訓者雖然多,但並未有效地轉換為其經濟力的提升。因此依本建議未來應加強提高農村婦女在農業技術推廣服務中的代表性,並確保組織政策有助於實現婦女的權利、需要和願望。

#### (二)就業與創業

農村婦女從事低薪或非正規部門就業的人數過多,且享受不到社會保護, 未能平等獲得收入多元化的機會。特別是存在許多原住民、新住民或客家族 群,如何增加其就業或創業能力,並協助創業,主管機關近年積極投入。 為鼓勵原住民返鄉創業,透過原住民技藝研習中心提供有機傳統農業、風味 餐飲經營等創業訓練課程。2013 年至 2016 年計補助地方政府辦理原住 民 族職業訓練培訓 4,119 人次,女性占 66.3%。為協助原住民族創新創業, 自 2011 年至 2013 年辦理「臺灣原住民族精實創業輔導計畫」(原「臺灣 原住民族創業育成中心計畫」)。

為發展客家文化產業,2013 年至 2016 年補助具客家特色之產業活動,提供女性參與各式研習課程,包含客家特色相關之產業輔導、觀光導遊人才培育等計畫。2016 年計培育各類人才 3,129 人(女性 56.8%),相較於 2015 年 1,593 人(女性 54.1 %),人數增加 1,536 人,女性比率增加 2.7%。結合民間團體執行「多元就業開發方案」、鼓勵女性參與農、漁、畜禽產業產銷班 補助經費鼓勵漁村住民籌組產銷組織;其中產銷班班長為女性者,占3.7%。

經由政府多年之努力,許多農村婦女確實接受了相關培訓,然仍多從事低薪或非正規部門就業,可能因此無法受到社會保護,未能平等獲得收入多元化的機會。建議國家應依本建議,進行農村資料統計,瞭解農村地區女性所從事之工作是否有按照關於同等價值工作同等報酬的第 13(1989)號一般性建議和第 23 號一般性建議,享有體面工作條件的權利和同等價值工作同等報酬之公約精神,並提出具體針對農村地區之改善措施。

#### (三)合作社與經濟力提升

針對農村地區,合作社之建立,使婦女能藉由互助合作的力量,協助社員解決生產、運銷及生活消費上的困難,提升其經濟力。政府依《合作社法》、《兒童及少年福利與權益促進保障法》與《加值型及非加值型營業稅法》等法,給予免徵營業稅,助於營造有利合作社事業發展環境。另透過「原住民合作社輔導計畫」,分級輔導原住民籌組合作社。並提供各種講習課程,包含理合作社幹部研習班,排定績優合作社經營實務分享課程,提升女性就業率,協助其生活及經濟利益。另辦理「平民銀行實驗方案」專案,以微型貸款概念,協助原住民、新移民、中

低收入戶、單親等經濟弱勢者,可以有尊嚴的取得所需資金融通管道,以改善生活。經由諸多努力,2016 年儲蓄互助社共 340 社,女性社 員占 53.5%(較 2012 年成長 0.4%);貸款金額 93 億 2,882 萬餘元。2016 年農業合作社共 1,342 社,女性社員占 17.5%;股金總額 35 億 7,263 萬餘元;勞動合作社提供社員就業機會,2016 年勞動合作社共 337 社,女性社員占 44.2%(較 2012 年成長 0.1%)。

合作社之發展確實對農村女性經濟力之提升有相當之貢獻,但如何將婦女無償家 務活動的貢獻及確認其在國民生產總值中的價值,一併納入思考,應為政府未來 之改善之方向。

#### 三、保健服務

本建議結合公約第14條及第12條,要求締約國提供符合農村地區需求且適當之保健服務。因此我國於偏鄉及農村透過23處農村社區服務中心,提供農村婦女預防保健諮詢、心理諮詢服務、電話問安、到宅問安、陪同就醫、家事服務、送餐服務、失能者訪視等服務,促進農村老年婦女活躍老化。

針對資源缺乏之部落,2015 年補助 12 個地方政府設置 109 站部落文化關懷站,藉結合教會團體及重點部落承辦協會之資源提供老人每週 2-3 次之 集體照顧服務。自 2015 年起推展「原住民部落文化健康照顧計畫」現已設置 121 站,受益老年女性比率占 68%。補助地方推動衛生保健,提供原住民女性全面性的孕產期、嬰幼兒保健之生育保健指導、諮詢與相關資源轉介服務。2013 年至 2016年生育健康指導及諮詢檢核達成率分別為 88%、90%、90.5%及 100%。 保障偏鄉及農村婦女取得醫療資源為確保偏鄉及農村地區住民能就近取得有品質的健康服務,近年亦大幅度改善農村地區之醫療設施、人力與設備資源,包含建置共用醫療資訊系統(HIS)、醫療影像之傳輸系統(PACS)、補助重擴建醫療儀器及設備,以及增加醫事人力,推動「全民健康保險山地離島地區醫療給付效益提昇計畫」、「佈建原住民族、離島及資源不足地區照管中心分站計畫」,提供在地化的醫療。

檢視本公約要求締約國履行之義務,我國已逐步朝向此方向進行,惟因應我國農村人口結構之改變,特別是人口老化與新住民之增加,未來建議透,過各種媒體用當地語言和方言廣泛傳播衛生保健資訊。且能對社區衛生工作者和傳統助產人員進行促進性別平等且適應文化的培訓。長遠而言亦可建立微健康保險計畫,補足全民健康保險之不足,支助農村婦女(包括護理人員)滿足其健康需要。

#### 四、提升教育

改善農村地區的教育基礎設施與教育資源為本建議要求締約國履行的第一步,特別是針對農村地區的人口結構。我國為提升原住民基本生活安全維護及提升資訊取得與知的權利,補助各地方政府設置原住民族家庭服務中心,提供諮詢服務、個案管理與轉介及各類社區方案(部落福利宣導、人身安全與權益教育、社會團體工作、促進原住民家庭親職功能等)。2016 年起原民會於各部落圖書資訊站辦理女性專班,培訓部落女性使用數位科技。並建立原住民族部落大學,提供原住民族語文教育、產業經營教育、社會教育、人權教育、兩性教育、健康促進與照護等學程。為協助農漁民子女順利就讀高中職及大專院校,提供農漁民子女就學獎助學金,2013 至 2016 年累計發放 45 億 2,943 萬 6,000 元;協助 57 萬 1,332 人次農漁民子女就讀高中職及大專校院,受益女性 33 萬 2,195 人次(占 58.1 %)。

此外,原住民地區幼兒托育需求,亦不可忽略,特別是偏鄉因地理條件限制, 難以覓得符合幼兒園設立要件之場地及教保人員,因此使其採社區互助式方式對 幼兒提供教保服務,發揮部落照顧之精神,益形重要。2014年至 2016 年補助已 設立登記完成之社區互助式教保服務中心營運相關費用,保障女性就業及幼兒受 教權利,僱用女性教保服務人員共計 54 人次,受益學童計 377 人次。

教育之提升不僅包含學校教育,亦包含農村婦女之社會教育,雖然我國近年 針對農村地區之教育資源與設備已投入相當的努力,依本建議或可進一步提供更 完善之經費補助,支助農村女童及其父母抵消教育的直接和間接費用,改變農村 地區對女童教育的負面態度,鼓勵農村女童和婦女選擇非傳統的學科和職業領域, 遠程而言量身打造農村婦女在職培訓,並確保農村婦女平等獲得可持續耕作方法、 動物健康和改進畜牧業等技術和職業教育及培訓。

## 五、面對暴力、災害與衝突

農村婦女面對家庭暴力、全球暖化氣候變遷與戰爭等衝突,更易成為受害者。我國針對天然災害,訂定有「災害防救業務計畫」特明訂協助老人、嬰幼兒、孕婦、產婦及身心障礙等弱勢族群優先避難,並每年調查更新避難弱勢及土石流潛勢地區保全對象等清冊,於災害發生或有發生之虞時,優先疏散撤離。雖然內政部針對台灣天然災害之統計,呈現女性人口因天然災害傷亡之比率低於男性,不因其性別而提高風險脆弱性。雖然衛福部每年皆召開年度防汛整備會議及災害防救演習及業務訪評,督導地方政府落實收容場所內弱勢族群之照顧,然並未針對災害之特殊性以及性別之特殊需求,有更積極完整之方案,特別是防災在地化之可能性,尤其針對新住民與老人等族群之需求與意識培力。雖辦理土石流防災專員培訓,且培訓比例亦由 2013 年女性占 13%增加至 2016 年占 18.4%,逐年

提升,有助於增加女性面臨災害時之應變能力。未來應依本建議,使該地區之女 性與相關團體參與決策之擬定,更能減低災害對於農村女性之衝擊與預防災害之 發生。

另關於暴力侵害婦女行為的第 19(1992)號一般性建議指出,農村婦女容易遭受暴力,我國相關之家庭暴力防治法制亦已建立,然針對該地區特別是新住民、原住民與女童所遭受之家庭暴力統計分析以及因應策略,仍有待進一步之改善。 肆、建議配合此一般性建議需檢視的法規

依本建議我國仍有部分法規應修正或增定,第一有關於農村婦女參與決策部分、第二有關於社會保障不足部分、第三有關於經濟力提升部分:

# 一、參與決策與公共事務部分

農會是農村地區重要的組織,無論是金融服務、農產運銷或參加農民保險等等皆扮演重要角色。然而加入農會之資格,仍逃脫不了土地之所有與家戶制度。不可否認地,受限於傳統土地或不動產多由家中之男性繼承之現況,農村婦女往往難以獲得土地或其他不動產,一方面因而無法有較強之經濟地位,特別是農村婦女中有相當數額為新住民,更將使其難以加入農會成為會員。雖然依農會法第12條規定;凡中華民國國民,年滿二十歲,設籍農會組織區域內,實際從事農業,並合於左列各款之一者,經審查合格後,得加入該組織區域之基層農會為會員:一、自耕農。二、佃農。三、農業學校畢業或有農業專著或發明,現在從事農業推廣工作。四、服務於依法令登記之農、林、牧場員工,實際從事農業工作。特別是農村地區有許多農作皆由一般婦女或新住民女性從事,如其確有施作農事,當允許其成為會員。然同法第14條卻規定,農會會員每戶以一人為限,該規定是農村婦女往往受制於傳統家戶觀念,亦無法成為該戶之代表人,無法參與農會會務;亦無法依同法第20條之一被選任為農會理監事參與決策,同樣情形亦發生於農田水利會,依農田水利會組織通則第14條,將以土地或耕地之所有人為會員,亦減少農村參與該組織之機會。

#### 二、有關於農村婦女社會保障部分

農村婦女所從事之農作、護理工作或其他家內勞動,往往被忽略其價值,進 而影響到其獲得社會保障之機會。例如農民健康保險條例第5條規定,農會法第 十二條所定之農會會員從事農業工作,未領取相關社會保險老年給付者,得參加 本保險為被保險人,並以其所屬基層農會為投保單位。非前項農會會員,年滿十 五歲以上從事農業工作之農民,未領取相關社會保險老年給付者,得參加本保險 為被保險人,並以其戶籍所在地之基層農會為投保單位。依第一款之規定農村婦 女如非農會會員,當無法成為農民健康保險之被保險人。雖然可依第二款之規定取得被保險人之資格,然其保險資格依附於其配偶,蓋依從事農業工作農民申請參加農民健康保險認定標準及資格審查辦法第2條規定,從事農業工作之農民申請參加農民健康保險,應具備下列各款資格條件:....四、依法從事農業工作,合於下列各目情形之一者:(一)自有農業用地:以本人、配偶、直系血親、翁姑或媳婦所有三七五減租耕地以外之農業用地,林地平均每人面積○·二公頃以上、其餘農業用地平均每人面積○·一公頃以上,或依法令核准設置之室內固定農業設施平均每人面積○·○五公頃以上,從事農業生產者。另如依同條第3款之規定,將因戶籍遷離原農會組織區域或因會員資格變更致喪失會員資格。

同樣依附於配偶者,例如依實際從事農業工作者申請參加全民健康保險認定標準及資格審查辦法第2條,實際從事農業工作者(以下簡稱農業工作者)申請參加全民健康保險(以下簡稱本保險),應具備下列各款資格條件:...四、依法從事農業工作,合於下列各目情形之一者:

(一)自有農業用地:以登記為本人、配偶、直系血親、翁姑或媳婦所有三七五減租耕地以外之農業用地,林地平均每人面積○·二公頃以上、其餘農業用地平均每人面積○·一公頃以上,或依法令核准設置之室內固定農業設施平均每人面積○·○五公頃以上,從事農業生產者。...

值得注意者,無論是前開規定或同辦法第3條或第8條規定,皆將媳婦或翁 姑納入計算,仍留有傳統刻板印象,違反公約第5條之規定,實有修正之必要。

#### 三、有關於提升農村婦女經濟力部分

擴大家庭農場經營規模協助農民購買耕地貸款辦法,第 9 條 第七條第一項家庭農場經營耕地面積,其計算以借款人本人、配偶、共同生活戶內之父母、配偶之父母及子女所有之耕地、三七五承租耕地及未繳清價款之放領地為限。農村女性取得土地與自然資源較不容易,如貸款辦法仍使其必須與相關親屬共同計算農地面積,將使其經濟力之提升取決於其他家人,特別是配偶,有斟酌修正之必要。類似之補助或創業協助,亦應針對農村女性之特性,給予相對應之修正。

#### 一般性建議法規檢視建議

一般性建議	權責機關	法規名稱
34	行政院農業	農會法
	委員會	通則農田水利會組織通則
		農民健康保險條例
		擴大家庭農場經營規模協助農民購買耕地貸款辦法

### 伍、 第34號一般性建議重要內容提示

本建議最重要之核心為,國家有義務增強農村婦女之經濟權能、積極促使其能參與政治和公共生活、並獲得服務以及避免農村女性工遭受勞動剝削。 有關於增加農村婦女之經濟權能部分,應避免農村婦女成為農村發展的受害者, 積極使其參與發展,並從中受益的權利,如何促使農業發展在地化,並積極鼓勵 農村婦女強化其專業能力。

有關於積極促使其參與公共事務部分,特別是透過參與農漁會等農業組織, 參與決策,確保農村婦女之社會保障以及符合其需求之保健服務與良好的生活條 件。另有關於農村地區婦女獲得土地或自然資源之不利益情形,亦應透過政府協 助,提出改善方案。

另針對避免農村婦女遭受勞動剝削之情形,除加強農村婦女之經濟與技術技能培訓外,亦應協助其獲取經濟資源與創業之可能性。此外農村地區面臨女性多從事非正規工作之情形,應積極落實同值同酬以及避免剝削,使其享有同等之勞動條件。特別是農村婦女從事許多無酬勞動,例如農作或護理工作,其價值未能獲肯定,進而影響其社會保障與經濟地位

最後值得注意者,我國農村地區婦女與其他發達國家的農村婦女面臨同樣的 女性移工問題,其人權常常遭到嚴重侵犯,包括暴力、剝削和得不到保健等服務。 此外,許多發達國家在向產業化農業邁進的過程中往往將小農戶邊緣化,這對農 村婦女影響異常嚴重,亦為我國未來所必須注意者。

The core idea of the above suggestion is that the nation has the obligation to improve the economic power of women from rural areas, to prompt these targeted populations to actively participate and to be served in political, public activities, and to protect these targeted workers from labor exploitation.

In regards to increasing the economic power of women from rural areas, the nation should prevent these women from becoming victims of rural development and actively promotes their participation in rural development to benefit from it in terms of promoting the localization of agricultural development. Also, the nation should actively encourage rural women to strengthen their professional skills.

Regarding actively promote public participation of rural women, especially through involving in agricultural organizations to engage in decision-making process, the nation

#### should

ensure rural women's social insurance, health services and good living conditions that meet their needs. As for the unbeneficial condition when obtaining land and natural resources for rural women, improvement plans should be proposed through the assistance of government.

In addition, respecting to protecting rural women from labor exploitation, the nation should not only strengthen the economic as well as professional skills training but assist these targeted populations in receiving economic resources and initiating an entrepreneurship. Rural women often engage in informal works, particularly unpaid works such as farming and nursing jobs that cannot be affirmed and this impacts the social insurance as well as economic status of rural women. Hence, the nation should actively implement equal pay and equal value to avoid exploitation and to ensure these targeted populations have equal working conditions.

Finally, rural women in our nation face female immigrant problems like the rural women in other developed nations. The human rights of these targeted populations are invaded in forms including violence, exploitation, unequal health insurance and so forth. Besides, many developed nations marginalize individual farmers when moving towards industrial agriculture and this influences rural women seriously. Thus, these are issues needed to be concerned for our nation in the future.

中文	英文
9.締約國應按照第 33 號一般性建議,確保本	9. States parties should ensure that legal
國法律框架不帶有歧視性,並保障農村婦女獲	frameworks are non-discriminatory and
得司法救助	guarantee access to justice to rural women, in line
	with general recommendation No. 33, including
	by:
10. 不考慮性別不平等的宏觀經濟根源,就不	10. Discrimination against rural women cannot
能充分認識農村婦女遭受的歧視。各國經常不	be fully understood without taking into account
承認農村婦女和女童在無報酬工作中的作用、	the macroeconomic roots of gender inequality.
她們對國內生產總值的貢獻和由此為永續發	States often fail to acknowledge the role of rural
展所做的貢獻。雙邊和多邊貿易協定、稅收以	women and girls in unpaid work, their
及其他經濟和財政政策可能會對農村婦女的	contribution to the gross domestic product and,
生活造成嚴重的負面影響。包括氣候變化和自	therefore, to sustainable development. Bilateral
然災害在內的環境問題通常是因人們對自然	and multilateral agreements on trade, tax and
資源的不永續利用以及廢物管理做法欠佳引	other economic and fiscal policies can have a
起的,它們也會對農村婦女的福祉產生有害影	significant negative impact on the lives of rural

響。而不分性別的政策、改革和法律有可能維 護和鞏固與上述情況有關的現有不平等。

11. 締約國應確保包括貿易、財政和投資政策在內的宏觀經濟政策以及雙邊和多邊協定順應農村婦女的需要,並增強小規模婦女生產者的生產和投資能力。各國應該消除包括農業和一般貿易自由化、私有化和土地、水和自然資源商品化在內的經濟政策給農村婦女的生活及其權利的實現造成的消極和有差別的影響。同樣,發展夥伴也應確保其發展援助政策側重於農村婦女的具體需要。

#### 英文

women. Environmental issues, including climate change and natural disasters, often provoked by the unsustainable use of natural resources, as well as poor waste management practices, also have detrimental impacts on the well-being of rural women. Gender-neutral policies, reforms and laws may uphold and strengthen existing inequalities related to all of the above.

11. States parties should ensure that macroeconomic policies, including trade, fiscal and investment policies, as well bilateral and multilateral agreements, are responsive to the needs of rural women and strengthen the productive and investing capacities of small-scale women producers. They should address the negative and differential impacts of economic policies, including agricultural and general trade liberalization, privatization and commodification of land, water and natural resources, on the lives of rural women and the fulfilment of their rights. Similarly, development partners should also ensure that their development assistance policies focus on the specific needs of rural women.

12. States parties should address specific threats posed to rural women by climate change, natural disasters, land and soil degradation, water droughts, floods, desertification, pollution, pesticides and agrochemicals, extractive industries, monocultures, biopiracy and the loss of biodiversity, in particular agro-biodiversity. They should alleviate and mitigate those threats and ensure that rural women enjoy a safe, clean and healthy environment. They should effectively address the impact of such risks on rural women in the planning and implementation of all policies concerning the environment, climate change, disaster risk reduction, preparedness and management and ensure the full participation of rural women in designing, planning and implementing such policies. States parties should also ensure the protection and security of rural women and girls in all phases of disasters and other crises, ranging from early warning to relief, recovery, rehabilitation and reconstruction.

#### 英文

13. States parties should regulate the activities of domestic non-State actors within their jurisdiction, including when they operate extraterritorially. General recommendation No. 28 (2010) on the core obligations of States parties under article 2 reaffirms the requirement under article 2 (e) to eliminate discrimination by any public or private actor, which extends to acts of national corporations operating extraterritorially. States parties should uphold extraterritorial obligations with respect to rural women by, inter alia: not interfering, directly or indirectly, with the enjoyment of their rights; taking regulatory measures to prevent any actor under their jurisdiction, including private individuals, companies and public entities, from infringing or abusing the rights of rural women outside their territory; and ensuring that international cooperation and development assistance, whether bilateral or multilateral, advance the rights of rural women outside their territory. Appropriate and effective remedies should be available to affected rural women when a State party has violated its extraterritorial obligations.

States parties should eliminate all forms of discrimination against disadvantaged and marginalized groups of rural women. For example, States parties should ensure that disadvantaged and marginalized groups of rural women, including those belonging to indigenous, Afro-descendent, ethnic and religious minorities, heads of household, peasants, pastoralists, fisherfolk, landless women, migrants and conflict-affected rural women, are protected from intersecting forms of discrimination and have access to education, employment, water and sanitation and health care, among others. States parties should develop policies and programmes ensuring the equal enjoyment of rights by rural women with disabilities, including by ensuring the accessibility of infrastructures and services. States parties should similarly ensure that older rural women have access to social services and adequate social protection, as well as economic resources and the empowerment to live life with

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中文	英文
	dignity, including through access to financial
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16. 根據第十四條第1款,締約國必須考慮到	16. Under article 14, paragraph 1, States parties
農村婦女面臨的特殊問題和她們對家庭生計	are required to take into account the particular
包括她們在經濟體系中非商品化部門的工作	problems faced by rural women and the
方面發揮的重要作用。包容性和永續發展必須	significant roles that they play in the economic
維護農村婦女的權利,凸顯她們作為主要行為	survival of families, including their work in the
體的作用,並充分承認其有報酬和無報酬工作	non-monetized sectors of the economy. Inclusive
的經濟價值。	and sustainable development must uphold the
	rights of rural women, underscoring their role as
	key actors and fully acknowledging the economic
	value of their paid and unpaid work.
18. 第三條規定,締約國應在所有領域採取一	18. Article 3 provides that States parties shall
切適當措施,包括制定法律,保證婦女得到充	take all appropriate measures, in all fields,
分發展和進步。	including legislation, to ensure the full
	development and advancement of women.
19. 締約國應通過有效的法律、政策、法規、	19. States parties should adopt effective laws,
方案、行政程式和體制結構,確保農村婦女的	policies, regulations, programmes, administrative
充分發展和進步,保障婦女在與男子平等的基	procedures and institutional structures to ensure
礎上,行使和享有人權和基本自由。	the full development and advancement of rural
	women, for the purpose of guaranteeing them the
	exercise and enjoyment of human rights and
	fundamental freedoms on a basis of equality with
	men.
20. 第四條第 1 款規定,締約國應採取暫行特	20. Article 4, paragraph 1, provides for the
別措施,以加速實現實質上的平等。此類措施	adoption of temporary special measures by States
可能包括重新分配決策角色和資源。第 25 號	parties to accelerate substantive equality. Such
一般性建議強調,如有必要,應針對遭受多重	measures may include redistributing decision-
歧視的婦女,包括農村婦女,採取此類措施。	making roles and resources. General
	recommendation No. 25 emphasizes that, where
	necessary, those measures should be directed at
	women subjected to multiple discrimination,
	including rural women.
21. 締約國應制定和實施暫行特別措施,在農	21. States parties should develop and
村婦女代表不足或處境不利的所有領域,包括	implement temporary special measures to
政治和公共生活、教育、衛生和就業領域,加	accelerate the achievement of substantive
速實現其實質上的平等。	equality for rural women in all areas in which
	they are underrepresented or disadvantaged,
	including in political and public life, education,
	health and employment.
23. 根據關於有害做法的第 31(2014)號一般性	23. In line with general recommendation No.
建議,締約國應消除那些給農村婦女和女童的	31 (2014) on harmful practices, States parties
健康、福祉和尊嚴造成負面影響的有害做法,	should eliminate harmful practices, including
包括童婚和(或)強迫婚姻、切割女性生殖器官	child and/or forced marriage, female genital
和繼承祖先債務。各國應消除歧視性陳規定型	mutilation and the inheritance of ancestral debt,

觀念,包括那些妨礙農村婦女對土地、水和其他自然資源享有平等權利的歧視性陳規定型觀念。在這方面,締約國應協同傳統領袖和民間社會採取一系列措施,包括外聯和支助方案、提高認識和媒體運動,以消除有害做法和陳規定型觀念。

24. 關於暴力侵害婦女行為的第 19(1992)號一般性建議指出,農村婦女容易遭受暴力,因為在許多農村社區,有關婦女的從屬作用的傳統態度仍頑固存在。農村社區的女童離開農村到城裡找工作時特別容易遭受暴力、性剝削和性騷擾。農村婦女人權捍衛者在開展工作時,如在保護受害者、移風易俗或爭取自然資源權利時,往往面臨遭受暴力的風險。

26. 關於禁止販運婦女及意圖營利使婦女賣 淫的第六條對於因生活在偏遠地區而面臨特 定風險的農村婦女和女童(包括原住民族婦女 和女童)尤其具有現實意義。由於農村生活貧 苦,加之缺乏有關販運和販運者如何運作的資 訊,她們特別容易遭受販運,特別是在受衝突 影響的地區。

27. 締約國應通過增強農村婦女的經濟權能和提高農村居民對受販運者引誘的風險和販運者運作方式的認識,從根源上解決販運婦女問題。締約國應確保打擊販運人口的立法應對農村婦女和女童面臨的社會和經濟挑戰,並就預防措施與受害者保護和援助向司法機關、員警、邊境警衛隊、其他執法人員和社會工作者開展促進性別平等的培訓,特別是在農村地區和原住民族社區。

#### 英文

which negatively affect the health, well-being and dignity of rural women and girls. They should eliminate discriminatory stereotypes, including those that compromise the equal rights of rural women to land, water and other natural resources. In this regard, States parties should adopt a range of measures, including outreach and support programmes, awareness-raising and media campaigns, in collaboration with traditional leaders and civil society, to eliminate harmful practices and stereotypes.

24. In general recommendation No. 19 (1992) on violence against women, it is stated that rural women are at risk of violence because of traditional attitudes regarding the subordinate role of women that persist in many rural communities. Girls from rural communities are at special risk of violence, sexual exploitation and harassment when they leave the rural community to seek employment in towns. Rural women human rights defenders are often at risk of violence when working, for example, to protect victims, transform local customs or secure natural resource rights.

26. Article 6 on the suppression of the traffic in women and of the exploitation of prostitution has special relevance for rural women and girls, including indigenous women and girls, who face specific risks because they live in remote areas. The economic hardships of rural life, alongside the lack of information on trafficking and how traffickers operate, can make them especially vulnerable, in particular in conflict-affected regions.

27. States parties should address the root causes of the traffic in women by economically empowering rural women and raising awareness in rural areas of the risks of being lured by traffickers and the ways in which traffickers operate. States parties should ensure that anti-trafficking legislation addresses the social and economic challenges faced by rural women and girls and provide gender-responsive training on prevention measures, protection and assistance for victims to the judiciary, the police, border

中文	英文
	guards, other law enforcement officials and social workers, especially in rural areas and indigenous communities.
28. 第九條規定,締約國應給予婦女與男子有取得、改變或保留國籍的同等權利。農村婦女及其子女的公民身分,如得不到承認,即可能被剝奪其上述權利。他們的無國籍狀態往往要歸咎於那些婦女不能將國籍傳給子女和外籍配偶或者規定一經與外國人結婚或一經離婚即有可能喪失國籍的歧視性法律。此外,在農村地區,身分檔可能更難獲得,特別是因為缺乏出生登記或者結婚、離婚或死亡證明。	28. Article 9 provides that States parties shall grant women equal rights with men to acquire, change or retain their nationality. Rural women and their children may be deprived of their rights if not recognized as citizens of their countries. Their statelessness is often the consequences of discriminatory legislation whereby women cannot pass on their nationality to their children and foreign spouse or may risk losing their nationality through marriage with a foreigner or as a consequence of divorce. In addition, identity documents may be more difficult to acquire in rural areas, owing in particular to the lack of birth registration or of marriage, divorce or death certificates.
29. 根據關於婦女的難民地位、庇護、國籍和無國籍狀態與性別相關方面的第 32(2014)號一般性建議,締約國應確保農村婦女可在與男子相同的條件下獲得、改變、保留或放棄國籍,或者將之傳給子女和外國配偶,並確保她們都知曉自己這方面的權利。締約國還應為農村婦女提供獲得個人身分證明檔(如身分證、護照和社會保障號碼)的管道,並確保農村地區無障礙地辦理公民登記程式,包括出生、結婚、離婚和死亡登記程序。	29. In line with general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, States parties should ensure that rural women may acquire, change, retain or renounce their nationality, or transfer it to their children and foreign spouse under the same conditions as men, and that they are aware of their rights in this regard. States parties should also provide rural women with access to personal identification documents (such as identity cards, passports and social security numbers) and ensure that civil registration procedures, including for birth, marriage, divorce and death, are accessible in rural areas.
30. 第十五條規定,男女在法律面前平等的地位,且在公民事務上有同等的法律行為能力,因此,農村婦女具有與男子同等的、不依賴丈夫或男性監護人簽訂契約和管理財產的同等法律行為能力。  31. 締約國應確保農村婦女在法律面前享有	30. Article 15 provides for equality of women and men before the law and identical legal capacity in civil matters, so that, for example, rural women have the same legal capacity as men to conclude contracts and administer property independent of their husband or any male guardian.  31. States parties should ensure that rural
平等地位,且在公民事務上有與男子相同的法	women are equal before the law and have the

same legal capacity as men in civil matters,

including to conclude contracts and administer property independent of their husband or any

律行為能力,包括不依賴丈夫或男性監護人簽

訂契約和管理財產。

32. 第十六條規定,婦女在婚姻和家庭關係中享有平等地位,而這卻是許多農村婦女有時享受不到的,究其原因,不外乎存在歧視性社會規範、做法和法律、多元司法制度存在或相關法律得不到執行。農村社區的女童尤其容易面臨童婚和(或)強迫婚姻和早孕風險。農村婦女也倍受一夫多妻制之害,這嚴重損害了婚姻和家庭關係中的平等。

- 33. 締約國應按照關於婚姻和家庭關係中的平等的第21(1994)號一般性建議和關於婚姻、家庭關係及其解除的經濟後果的第29(2013)號一般性建議,修改個人狀況和家庭法,使之符合第十六條,保障農村婦女在婚姻中的平等權利,包括在離婚時或配偶死亡後對婚姻財產的權利和獲得生活費或贍養費的權利,以及提高農村地區對婦女婚內權利的認識。
- 34. 締約國應採取措施,防止和禁止農村婦女和女童中的童婚和(或)強迫婚姻,包括通過改革和執行禁止農村地區此類做法的法律、開展媒體運動(特別旨在提高男子的認識)、制定以學校為基礎的預防方案(包括與年齡相適的性健康和生殖健康綜合教育),以及向農村已婚女童和有童婚和(或)強迫婚姻風險的內量提供社會和醫療保健服務。此外,締約國應打壓和禁止一夫多妻制,後者在農村地區可能更為常見。

36. 締約國應制定有利的體制、法律和政策框架,確保農村發展、農業和水務政策(包括林業、畜牧業、漁業和水產養殖政策)能夠促進性別平等且預算充足。

英文

male guardian.

- 32. Article 16 provides for equality for women in marriage and family relations, which is something that many rural women do not enjoy owing to discriminatory social norms, practices and laws, plural justice systems where they exist, or the lack of enforcement of relevant laws. Girls from rural communities are at special risk of child and/or forced marriage and early pregnancy. Rural women are also disproportionately affected by polygamy, which severely undermines equality in marriage and family relations.
- 33. States parties should harmonize personal status and family laws with article 16, in line with general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, guarantee that rural women have equal rights in marriage, including to marital property upon divorce or death of their spouse and to maintenance or alimony, and raise awareness of women's rights within marriage in rural areas.
- 34. States parties should take steps to prevent and prohibit child and/or forced marriage among rural women and girls, including through the reform and enforcement of laws prohibiting such practices in rural areas, media campaigns, particularly aimed at raising the awareness of men, the provision of school-based prevention programmes, including comprehensive age-appropriate sexual and reproductive health education, as well as the provision of social and health services for rural married girls and girls at risk of child and/or forced marriage. In addition, States parties should discourage and prohibit the practice of polygamy, which may be more common in rural areas.
- 36. States parties should establish enabling institutional, legal and policy frameworks to ensure that rural development, agricultural and water policies, including with respect to forestry, livestock, fisheries and aquaculture, are gender-responsive and have adequate budgets. States parties should ensure:

- (a) The integration and mainstreaming of a gender perspective in all agricultural and rural development policies, strategies, plans (including operational plans) and programmes, enabling rural women to act and be visible as stakeholders, decision makers and beneficiaries, in line with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, general recommendation No. 23 (1997) on political and public life and the Sustainable Development Goals. States parties should ensure that those policies, strategies, plans and programmes have evidence-based monitoring and clear evaluation frameworks;
- (b) The establishment of gender units with senior-level staff in ministries relevant to rural development, supported by adequate budgets, institutional procedures, accountability frameworks and effective coordination mechanisms;
- (c) The protection of the rights of rural women, specifically when planning rural development programmes linked to disarmament, demobilization and reintegration efforts in conflict and post-conflict environments, in line with general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.
- 41. 為了消除經濟和社會生活中對農村婦女 的歧視,締約國應:
- (a) 按照關於城鄉家庭企業中無酬女工的第 16(1991)號一般性建議,確保從事無報酬工作 或在非正式部門就業的農村婦女獲得不繳費 的社會保護,並確保在正式部門就業的農村婦 女有權獲得繳費的社會保障金,不論其婚姻狀 況為何;
- (b) 按照第十四條第 2 款(b)項及(h)項和國際 勞工組織 2012 年《社會保護最低標準建議書》 (第 202 號),制定促進性別平等的社會保護最

- 41. To eliminate discrimination against rural women in economic and social life, States parties should:
- (a) Ensure that rural women engaged in unpaid work or in the informal sector have access to non-contributory social protection in line with general recommendation No. 16 (1991) on unpaid women workers in rural and urban family enterprises, and that those employed in the formal sector have access to contributory social security benefits in their own right, irrespective of their marital status;
  - (b) Adopt gender-responsive social

低標準,確保所有農村婦女都能獲得基本衛生 保健、托兒設施和收入保障。

- 43. 締約國應保護農村女童和婦女的受教育權利,並確保:
- (a) 通過改善農村地區的教育基礎設施、增加合格教師(包括女教師)的人數和確保推行小學免費義務教育,讓優質教育對農村婦女和女童(包括身心障礙婦女和女童)而言切實可得且負擔得起,並確保教學採用當地語言且與文化相適應;
- (b) 對教育系統各級教學人員開展系統培訓,宣傳農村女童和婦女的權利,以及打擊那些限制農村婦女和女童受教育機會的基於性別、基於社會性別、種族及其他歧視性陳規定型觀念的必要性。應對課程設置進行審查,以消除關於家庭和社會中男女角色和責任的歧視性陳規定型觀念;
- (c) 開展提高認識運動,改變農村地區對女 童教育的負面態度,並出臺激勵措施,支助農 村女童及其父母抵消教育的直接和間接費用, 包括通過獎學金和財政支持、貸款和現金轉讓 及交通補助;
- (d) 在學校系統內外出臺方案,讓農村女童 少參與妨礙其出勤的無報酬護理工作,並保護 農村女童免遭勞動剝削、童婚和(或)強迫婚姻 和性別暴力,包括性暴力和虐待;
- (e) 女童和教師如遇到來自反對女童教育者 的攻擊,保護教育機構便是安全部隊的優先任 務;
- (f) 鼓勵農村女童和婦女選擇非傳統的學科和職業領域,如數學、資訊學、自然科學和農業科學與技術,包括通過職業指導和學術諮詢方案,這些方案可同樣適用於家庭或社區微型創業活動;

英文

protection floors to ensure that all rural women have access to essential health care, childcare facilities and income security, in line with article 14, paragraphs 2 (b) and (h), and Social Protection Floors Recommendation, 2012 (No. 202) of the International Labour Organization.

- 43. States parties should protect the right of rural girls and women to education, and ensure that:
- (a) High-quality education is accessible to and affordable for all rural women and girls, including those with disabilities, by improving educational infrastructures in rural areas, increasing the number of qualified teachers, including women, and ensuring that primary education is compulsory and provided free of charge and that education is provided in local languages and in a culturally appropriate manner;
- (b) Systematic training is provided for teaching personnel at all levels of the education system on the rights of rural girls and women and on the need to combat discriminatory sex-based and gender-based, ethnic and other stereotypes that limit the educational opportunities of rural women and girls. Curricula should be reviewed to eliminate discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society;
- (c) Awareness-raising is implemented to change negative attitudes in rural areas towards girls' education and incentives are provided to support rural girls and their parents in offsetting the direct and indirect costs of education, including through scholarships and financial support, loans and cash transfers, and transportation;
- (d) Programmes are in place, both inside and outside the school system, to reduce the engagement of rural girls in unpaid care work, which constitutes a barrier to school attendance, and to protect rural girls from labour exploitation, child and/or forced marriage and gender-based violence, including sexual violence and abuse;
- (e) Where girls and teachers face attacks from opponents of girls' education, the protection

- (g) 農村學校的懷孕少女在懷孕期間不被 開除,並允許她們在分娩後重返校園,同時向 她們提供托兒設施及哺乳室,以及兒童保育和 哺乳諮詢;
- (h) 農村地區的學校配備適當的水設施和女 生專用的獨立、安全、有遮蔽的廁所,並提供 個人衛生教育和經期衛生資源,要特別關注身 心障礙女童;
  - (i) 為農村婦女實施成人掃盲方案;
- (j) 根據農村婦女的職業需要有針對性地量 身打造在職培訓,並確保農村婦女平等獲得永續耕作方法、動物健康和改進畜牧業等技術和 職業教育及培訓。

44. 除培訓和教育外,第十四條第2款(d)項還規定,農村婦女應該能夠從社區服務和推廣服務中受益,這些服務在農民教育、提高農業生產力和增強婦女經濟權能方面發揮著重要作用。這些服務常常不能有效回應農村婦女的優先事項、能力和需要,且不足以擴大她們獲得技術知識的機會。

45. 締約國應完善優質農業技術推廣和農村 諮詢服務的設計和交付,承認婦女作為農民和 用戶的雙重身分。此種服務應確保男女推廣人 員和農村諮詢服務工作人員掌握促進性別平 等方案擬定和交付的專門知識,並定期接受關 於婦女權利、性別平等、社會性別分析和促進 英文

of educational institutions is a priority for security forces;

- (f) Rural girls and women are encouraged to choose non-traditional fields of study and careers, such as mathematics, informatics, natural and agricultural sciences and technology, including through career guidance and academic counselling programmes that may also be applied to home-based or community-based micro-entrepreneurial activities;
- (g) Pregnant girls in rural schools are not expelled during pregnancy and allowed to return to school following childbirth, and childcare facilities and breastfeeding rooms, as well as counselling on childcare and breastfeeding, are made available;
- (h) Schools in rural areas have adequate water facilities and separate, safe, sheltered latrines for girls and offer hygiene education and resources for menstrual hygiene, with special focus on girls with disabilities;
- (i) Adult literacy programmes are provided for women in rural areas;
- (j) On-the-job training is tailored and targeted to rural women's professional needs, and rural women have equal access to technical and vocational education and skills training, such as on sustainable farming practices, animal health and improved husbandry.
- 44. In addition to training and education, article 14, paragraph 2 (d), also provides that rural women shall be able to benefit from community and extension services, which play an important role in education for farmers, farm productivity and women's economic empowerment. Those services often do not respond effectively to rural women's priorities, capacities and needs, and insufficiently promote their access to technical knowledge.
- 45. States parties should improve the design and delivery of high-quality agricultural extension and rural advisory services, recognizing women as farmers and clients. Such services should ensure that male and female extension and rural advisory service staff have

中文	英文
性別平等方案規劃的培訓。締約國應通過、實施並定期監測和評估促進性別平等的農業技術推廣和農村諮詢政策和方案。	expertise in gender-responsive programme design and delivery and are regularly trained on women's rights, gender equality, gender analysis and gender-responsive programming. States parties should adopt, implement and regularly monitor and evaluate gender responsive agricultural extension and rural advisory policies and programmes.
46. 締約國應通過雇用更多婦女擔任推廣和諮詢人員,提高農村婦女在農業技術推廣服務中的代表性,並確保組織政策有助於實現婦女的權利、需要和願望。締約國還應通過聘用更多的女科學家從事農業研究,提高推廣服務中與農村婦女有關的教育內容的比例。	46. States parties should promote rural women's representation in agricultural extension services by employing a greater number of women as extension and advisory staff, and ensure that organizational policies are supportive of the rights, needs and aspirations of women. States parties should also increase the proportion of educational content provided through extension services that is relevant to rural women by employing additional female scientists in agricultural research.
47. 締約國應著力促進農村婦女獲得關於糧食收穫技術、保鮮、貯藏、加工、包裝、行銷和創業的技術知識。	47. States parties should specifically promote rural women's access to technical knowledge on food harvesting techniques, preservation, storage, processing, packaging, marketing and entrepreneurship.
48. 農村婦女獲得有酬就業的機會有限,往往要在低技能、非全日制、季節性、低薪或無報酬工作、家庭活動和自給農業上超長時間勞作。她們在非正式部門就業的人數過多,且享受不到社會保護。農村婦女不能與農村男子一樣平等獲得收入多元化的機會,因此常常更加貧窮。	48. Rural women have limited paid employment opportunities and tend to work extremely long hours in low-skilled, part-time, seasonal, low-paid or unpaid jobs, home-based activities and subsistence farming. They are disproportionately represented in the informal sector, uncovered by social protection. Unequal access to income diversification opportunities often results in rural women being poorer than rural men.
50. 締約國應按照關於同等價值工作同等報酬的第 13(1989)號一般性建議和第 23 號一般性建議,將享有尊嚴勞動條件的權利和同等價值工作同等報酬原則充分納入本國法律和政策框架,並特別關注農村婦女的狀況和勞動力代表情況。	50. States parties should fully incorporate the right to decent conditions of work and the principle of equal pay for work of equal value into their legal and policy frameworks, paying special attention to the situation and labour force representation of rural women, in line with general recommendations No. 13 (1989) on equal remuneration for work of equal value and No. 23.
52. 締約國應通過下列舉措進一步確保農村婦女的就業權利:	52. States parties should further ensure rural women's rights to employment by:  (a) Facilitating the transition of rural

- (a) 通過實施國際勞工組織 2015 年《關於從 非正式經濟向正式經濟轉型的建議書》(第 204 號),促進農村婦女從非正式經濟向正式經濟 轉型,包括在農業部門,以確保她們的收入保 障和改善生計機會;
- (b) 擴大農村婦女經營工廠及其他企業的 機會,包括通過小額信貸機制;
- (c) 改善農村工作條件,包括通過提供帶薪產假;設定生活工資,其中,非正式部門亟待關注;以及採取措施,預防工作場所性騷擾、剝削和其他形式的虐待;
- (d) 保護農村婦女工人進行集體談判以確保尊嚴勞動條件的權利;
- (e) 通過採取立法和其他措施,保護農村婦女免受有害化學品之害,保護其職業健康與安全。應該讓她們瞭解使用和接觸化學品特別是農業、採掘業及其他行業所用危險化學品、農藥及其他產品對健康和環境的影響。締約國應制定和實施關於這些影響和替代辦法的公共認識方案,並確保不經農村婦女及所在社區明確同意不得使用、儲存或處置危險材料或物質;
- (f) 向農村婦女提供社會保障,包括疾病或 殘廢情況下的保障;
- (g) 促進農村婦女作為生產者、企業家、供應商、工人和消費者積極有效地加入當地和全球價值鏈與市場,包括通過促進品質保證和標準以及公共採購方面的能力發展;
- (h) 在農村地區提供托兒及其他護理服務, 包括通過團結和社區護理服務,以減輕農村婦 女的無報酬護理工作負擔,同時,促進她們從 事有報酬工作,並允許她們在工作時間內哺 乳;
- (i) 擬定和實施定向措施,促進農村婦女在 當地就業,尤其是通過開展創收活動。

英文

women from the informal to the formal economy, including in the agricultural sector, through the implementation of Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) of the International Labour Organization, ensuring opportunities for income security and improved livelihoods;

- (b) Expanding opportunities for rural women to run businesses and other enterprises, including through microcredit facilities;
- (c) Improving rural working conditions, including by providing paid maternity leave; setting living wages, with urgent attention to the informal sector, and taking steps to prevent sexual harassment, exploitation and other forms of abuse in the workplace;
- (d) Protecting the rights of rural women workers to bargain collectively to ensure decent working conditions;
- (e) Protecting the occupational health and safety of rural women by taking legislative and other measures to protect them against exposure to harmful chemicals. They should receive information about the health and environmental effects of the use of and exposure to chemicals, in particular hazardous chemicals, pesticides and other products used in agriculture and in extractive and other industries. States parties should develop and implement public awareness programmes on those effects and on alternatives and ensure that no use, storage or disposal of hazardous materials or substances takes place without the explicit consent of rural women and their communities;
- (f) Providing social security to rural women, including in cases of sickness or invalidity;
- (g) Promoting rural women's active and effective engagement as producers, entrepreneurs, suppliers, workers and consumers in local and global value chains and markets, including by promoting capacity development on quality assurance and standards and public procurement;
  - (h) Providing childcare and other care

英文

services in rural areas, including through solidarity and community-based care services, in order to alleviate rural women's burden of unpaid care work, facilitating their engagement in paid work, and allowing them to breastfeed during working hours;

- (i) Designing and implementing targeted measures to promote the employment of rural women in their localities, in particular through the creation of income-generating activities.
- 54. To ensure the active, free, effective, meaningful and informed participation of rural women in political and public life, and at all levels of decision-making, States parties should implement general recommendations Nos. 23 and 25, and specifically:
- (a) Establish quotas and targets for rural women's representation in decision-making positions, specifically in parliaments and governance bodies at all levels, including in land, forestry, fishery and water governance bodies, as well as natural resource management. In this regard, clear objectives and time frames should be in place to reach substantive equality of women and men;
- (b) Ensure that rural women and their organizations can influence policy formulation, implementation and monitoring at all levels and in all areas that affect them, including through participation in political parties and in local and self-governing bodies, such as community and village councils. States parties should design and implement tools to monitor rural women's participation in all public entities in order to eradicate discrimination;
- (c) Address unequal power relations between women and men, including in decision-making and political processes at the community level, and remove barriers to rural women's participation in community life through the establishment of effective and gender-responsive rural decision-making structures. States parties should develop action plans that address practical barriers to rural women's participation in

54. 為了確保農村婦女積極、自由、有效、切實和知情參與政治和公共生活以及各級決策,締約國應執行第 23 號和第 25 號一般性建議,特別是:

- (a) 確定農村婦女擔任決策職位的配額和指標,特別是在各級議會和管理機構中,包括在 土地、林業、漁業和水務管理機構中,以及在 自然資源管理部門。在這方面,應出臺明確的 目標和時限,以實現男女實質上的平等;
- (b) 確保農村婦女和婦女組織能夠影響所有關乎其權益的領域的各級政策制定、實施和監測,包括通過加入政黨以及進入地方和自治機構,如社區委員會和村委會。締約國應制定和執行相關工具,以監測農村婦女在所有公共實體的參與情況,以消除歧視;
- (c) 解決男女之間不平等的權力關係,包括在社區一級的決策和政治進程中,並通過建立有效的和促進性別平等的農村決策結構,掃清農村婦女參與社區生活的障礙。締約國應制定行動計畫,解決農村婦女在參與社區生活方面的實際障礙,並開展運動,大力宣傳她們參與社區決策的重要性;
- (d) 確保農村婦女參與所有農業和農村發展 戰略的制定和實施,並確保她們能夠有效參與 關於水、衛生、交通和決策能源等農村基礎設 施和服務的規劃和決策,以及參加農業合作 社、農民生產組織、農村工人組織、自助團體 和農產品加工實體。農村婦女及其代表應能夠 直接參與所有農業和農村發展戰略的評估、分 析、規劃、擬定、預算編制、籌資、實施、監

測和評價;

- (e) 確保在實施農村發展專案之前,務必先開展參與性性別和環境影響評估,讓農村婦女充分參與其中,並征得她們自由、事先和知情同意。在就此類項目的實施做出任何決定時,應以參與性評估的結果為根本準繩。應採取有效措施,減輕可能造成的不良環境和性別影響;
- (f) 處於衝突和衝突後局勢的締約國應按照 第 30 號一般性建議,確保農村婦女作為決策 者參與建設和平努力和進程。

57. 締約國應採取一切措施,包括必要的暫行 特別措施,以實現農村婦女在土地和自然資源 方面的實質性平等,並擬定和實施一項綜合戰 略,以解決阻礙其享有土地和自然資源權利的 歧視性陳規定型觀念、態度和做法。 英文

community life and implement campaigns to raise awareness about the importance of their participation in community decision-making;

- (d) Ensure the participation of rural women in the development and implementation of all agricultural and rural development strategies, and that they are able to participate effectively in planning and decision-making relating to rural infrastructure and services, including water, sanitation, transportation and energy, as well as in agricultural cooperatives, farmers' producer organizations, rural workers' organizations, self-help groups and processing entities. Rural women and their representatives should be able to participate directly in the assessment, analysis, planning, design, budgeting, financing, implementation, monitoring and evaluation of all agricultural and rural development strategies;
- (e) Ensure that rural development projects are implemented only after participatory gender and environmental impact assessments have been conducted with the full participation of rural women, and after obtaining their free, prior and informed consent. The results of participatory assessments shall be considered to be fundamental criteria for taking any decision regarding the implementation of such projects. Effective measures should be taken to mitigate possible adverse environmental and gender impacts;
- (f) In the case of States parties in conflict or post-conflict situations, ensure the participation of rural women as decision makers in peacebuilding efforts and processes, in line with general recommendation No. 30.
- 57. States parties should take all measures, including temporary special measures, necessary to achieve the substantive equality of rural women in relation to land and natural resources, and design and implement a comprehensive strategy to address discriminatory stereotypes, attitudes and practices that impede their rights to land and natural resources.

62. 締約國應執行相關的農業政策,為農村女

62. States parties should implement

農民提供支助,承認和保護自然共有資源,促 進有機農作並保護農村婦女免受有害農藥和 化肥之害。各國應確保農村婦女能夠有效地獲 得農業資源,包括優質的種子、工具、知識和 資訊,以及進行有機農作所需的設備和資源。 此外,締約國還應當:

- (a) 尊重和保護農村婦女的傳統和生態友好型農業知識,特別是婦女養護、使用和交換傳統和本土種子的權利;
- (b) 保護和保存可提供食品和藥品來源的當 地特有植物物種和品種,並防止本國和跨國公 司的專利登記威脅到農村婦女的權利。締約國 應禁止關於妨礙農村婦女保存能育種子的強 制採購種子生產企業所產不育種子(「終結者 種子」)的契約要求;
- (c) 確保土地收購(包括土地租賃契約)不會 侵犯農村婦女的權利或導致強制驅逐,並保護 農村婦女不受本國和跨國公司土地收購、開發 專案、採掘業和大型專案帶來的負面影響;
- (d) 在批准任何影響農村土地或領地及資源的收購或專案(包括那些與土地租賃和出售、土地徵用和重新安置有關的收購或專案)之前,征得農村婦女的自由和知情同意。如確要進行此種土地收購,締約國應按照國際標準行事,且農村婦女應獲得適當賠償;
- (e) 通過並有效執行相關法律和政策,限制可 出售或租賃給第三國或公司的農村土地數量 和品質。

英文

agricultural policies that support rural women farmers, recognize and protect the natural commons, promote organic farming and protect rural women from harmful pesticides and fertilizers. They should ensure that rural women have effective access to agricultural resources, including high-quality seeds, tools, knowledge and information, as well as equipment and resources for organic farming. In addition, States parties should:

- (a) Respect and protect rural women's traditional and eco-friendly agricultural knowledge, in particular the right of women to preserve, use and exchange traditional and native seeds;
- (b) Protect and conserve native and endemic plant species and varieties that are a source of food and medicine, and prevent patenting by national and transnational companies to the extent that it threatens the rights of rural women. States parties should prohibit contractual requirements on the mandatory purchase of seeds producing plants whose seeds are sterile ("terminator seeds"), which prevent rural women from saving fertile seeds;
- (c) Ensure that land acquisitions, including land lease contracts, do not violate the rights of rural women or result in forced eviction, and protect rural women from the negative impacts of the acquisition of land by national and transnational companies, development projects, extractive industries and megaprojects;
- (d) Obtain the free and informed consent of rural women before the approval of any acquisitions or project affecting rural lands or territories and resources, including those relating to the lease and sale of land, land expropriation and resettlement. When such land acquisitions do occur, they should be in line with international standards, and rural women should be adequately compensated;
- (e) Adopt and effectively implement laws and policies that limit the quantity and quality of rural land offered for sale or lease to third States or companies.

- 64. 締約國應確保在糧食主權框架內實現農村婦女的食物權和營養權,並確保她們擁有管理和控制其自然資源的權利。
- 68. 締約國應推動向正式金融服務轉型,並確保農村婦女在與農村男子平等的基礎上獲得信貸、貸款、婚姻儲蓄、保險和國內支付服務,並促進提升其經濟、金融和商業技能。締約國應確保農村婦女平等獲得:
- (a) 社區管理和移動金融服務,這些服務應通 過向缺乏抵押物的婦女發放貸款等手段,解決 農村婦女的需要,採用簡化、低成本的銀行業 務做法,並促進農村婦女獲得正式金融服務提 供者的服務;
- (b) 關於金融服務和機構的資訊;
- (c) 使用考慮到文盲問題的創新方法的財務 能力建設方案。
- 69. 締約國應確保金融服務(包括信貸和貸款)中包含促進性別平等的機制,且不因農村婦女缺乏男性擔保人而拒不提供。登記程式應根據許多農村婦女面臨的時間和行動挑戰進行調整。農業信貸和貸款應該考慮到許多女農民對所持小農場並無保有權,以便那些可能無正式保有權的農村婦女仍然能夠獲得信貸和貸款。
- 73. 通過基礎設施建設和技術創新減少農村婦女的勞動時間和精力特別重要。在這方面,她們需要農業、灌溉和集水技術以及節省勞力的農業設備。此外,農村婦女獲得資訊和通信技術(信通技術)和接入移動網路與提高其銷售及其他技能同等重要。

#### 英文

- 64. States parties should ensure the realization of the right to food and nutrition of rural women within the framework of food sovereignty and ensure that they have the authority to manage and control their natural resources.
- 68. States parties should promote the transition to formal financial services and ensure rural women's access to credit, loans, matrimonial savings, insurance and domestic payment services, on the basis of equality with rural men, and promote their economic, financial and business skills. States parties should ensure that rural women have equal access to:
- (a) Community-managed and mobile financial services, which should address rural women's needs, for example by lending to women who may lack collaterals, employ simplified, low-cost banking practices and facilitate rural women's access to formal financial service providers;
- (b) Information on financial services and facilities;
- (c) Financial skills-building programmes using innovative methods that take into account concerns of illiteracy.
- 69. States parties should ensure that financial services, including credit and loans, include gender-responsive mechanisms and are not withheld from rural women because they lack a male guarantor. Registration procedures should be adapted to the time and mobility challenges faced by many rural women. Agricultural credit and loans should allow for the untenured nature of the smallholdings held by many women farmers, so that rural women who may lack formal tenure rights are still able to gain access to them.
- 73. Reducing rural women's labour time and effort through infrastructure and technological innovation is particularly vital. In this regard, they are in need of agricultural, irrigation and water-harvesting technology and labour-saving agricultural equipment. Furthermore, the access of rural women to information and communications technology (ICT) and mobile

中文	英文
	networks is as important as improving their
	marketing and other skills.
74. 締約國應確保農村婦女有節省勞力和無	74. States parties should ensure that labour-
害環境的技術(包括農業、灌溉和集水技術)	saving and environmentally sound technology,
和可減輕無報酬家務和生產工作負擔的技術	including agricultural, irrigation and water-
可用且能夠獲得此類技術,並在農村地區創造	harvesting technology, and technology to reduce
有利環境,使她們更好地獲取技術,包括信通	the burden of unpaid domestic and productive
技術。在開發此類技術時,應徵詢農村婦女的	work are available and accessible to rural women
意見,並應擴大她們獲得此類創新技術解決方	and create enabling environments that improve
案的機會。	their access to technology, including ICT, in rural
	areas. Rural women should be consulted in the
	development of such technology and their access
	to such innovative technological solutions should
	be promoted.
77. 土地改革經常將農村婦女排斥在外,且實	77. Land and agrarian reform often exclude
施方式不能促進性別平等。土地改革政策有時	rural women and are not implemented in a
<b>會帶有男性偏見,如土地只能登記在男子名</b>	gender-responsive manner. Land reform policies
下、賠償金大多轉至男子名下或僅以男子的活	sometimes have a male bias, such as registering
動作為土地使用限制(導致土地喪失、用途喪	land only in men's names, making compensation
失和土地價值喪失)賠償的依據。	payments mostly in their name or compensating
	for land use restrictions (resulting in the loss of
	land, the loss of use and the loss of land value)
	based only on men's activities.
80. 締約國應將住房問題作為農村整體發展	80. States parties should address housing as
的一部分加以解決,並確保在制定措施時徵詢	part of overall rural development and ensure that
農村婦女的意見。締約國應通過擬定和實施考	measures are developed in consultation with rural
慮到農村婦女特殊需要的有針對性的政策和	women. States parties should improve the quality
方案來提高農村住房品質。在做出這類努力	of rural housing through the design and
時,應遵守國際住房權標準,包括《關於出於	implementation of targeted policies and
發展目的的搬遷和遷離問題的基本原則和準	programmes that take into account the specific
則》(A/HRC/4/18,附件一),並應採取強有力	needs of rural women. Such efforts should be
的措施,以有效保護農村婦女免遭國家和非國	made in line with international housing rights
家行為體強行驅逐。	standards, including the basic principles and
	guidelines on development-based evictions and
	displacement (A/HRC/4/18, annex I), and should
	contain strong measures to protect rural women
	effectively from forced eviction by State and non-
	State actors.
85. 締約國應確保農村婦女獲得基本服務和	85. States parties should ensure that rural
公共產品,其中包括:	women have access to essential services and
( ) 十日 內入 一体のイニ南一川の人地川	public goods, including:
(a) 充足、安全、可接受和切實可得且負擔得	(a) Sufficient, safe, acceptable and

- (a) 充足、安全、可接受和切實可得且負擔得 起的水,以供個人和家庭使用及灌溉;
- (b) 適當的環境衛生和個人衛生,使婦女和
- (a) Sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses and irrigation;
  - (b) Adequate sanitation and hygiene,

女童能夠應對經期衛生,並獲得衛生巾;

- (c) 永續和可再生能源來源、將網格服務拓展 至農村地區,並開發太陽能等技術成本低的永 續能源來源。
- 87. 締約國應分析農村地區不同性別對交通 運輸服務的需求,確保交通運輸部門的政策和 方案反映農村婦女的行動需要,並為她們提供 安全、經濟和便利的交通手段。
- 88. 發展國家和發展中國家的農村婦女在遭受貧窮和排斥方面面臨類似挑戰,在可獲得服務、社會保護和增強經濟權能方面同樣可能有相似的需要。同許多發展中國家一樣,發展國家的農村經濟也往往對男子有利,其農村發展政策可能偶爾也會忽視婦女的需要和權利。發展國家(和發展中國家)仍然需要採取促進和保障其權利享受的定向政策和方案。上文緊節所提建議多與發展國家農村婦女的狀況緊密相關。儘管如此,也有一些獨有的問題值得特別注意。

89. 例如,在發展國家,許多移徙女工在農業 領域工作,其人權常常遭到嚴重侵犯,包括暴 力、剝削和得不到保健等服務。此外,許多發 展國家在向產業化農業邁進的過程中往往夥 小農戶邊緣化,這對農村婦女影響異常嚴 中人之類促進和扶持替代的、促進性別 的農業發展方案,使小規模婦女生產者能夠 展國家的農村社區往往可能社會服務配套 好且交通運輸基礎設施、水、衛生、技術、有 製工。 對理輸基礎設施、水、衛生、技術、有 村社區的情況盡是相同。在許多地方,此類服 務明顯缺乏,生活在這些農村社區中的婦女不 僅權利慘遭剝奪,其護理負擔也因此加重。週 英文

enabling women and girls to manage their menstrual hygiene and have access to sanitary pads;

- (c) Sustainable and renewable sources of energy, extending on-grid services to rural areas and developing solar energy and other sustainable energy sources with low-cost technology.
- 87. States parties should analyse the sexdifferentiated demands for transport services in rural areas, ensure that transportation sector policies and programmes reflect the mobility needs of rural women and provide them with safe, affordable and accessible means of transport.
- 88. Rural women in developed and developing countries often face similar challenges in terms of poverty and exclusion and may have similar needs in terms of accessible services, social protection and economic empowerment. As in many developing countries, rural economies in developed countries tend to favour men, and rural development policies in developed countries may also at times pay scant attention to women's needs and rights. Rural women in developed countries (and in developing countries) continue to need targeted policies and programmes that promote and guarantee the enjoyment of their rights. Many of the recommendations made in the preceding sections will be relevant to the situation of rural women living in developed countries. Nonetheless, there are unique issues that merit special attention.
- 89. For example, many migrant women workers in developed countries are employed in agriculture and often face serious violations of their human rights, including violence. exploitation and denial of access to services, including health care. In addition, the move to industrial farming in many developed countries has tended to marginalize small farmers, having a disproportionate impact on rural women. There is therefore a need to facilitate and support alternative and gender responsive agricultural development programmes that enable small-scale women producers to participate in and benefit from agriculture and rural development. In

中文	英文
邊或偏遠農村社區更是如此,包括原住民族社區,它們地處偏遠,貧困程度往往更高。	addition, while rural communities in developed countries may often be well connected to social services and have access to transportation infrastructure, water, sanitation, technology, education and health-care systems, among others, the situation is not equal across all rural communities. In many places, such access is noticeably lacking, and women living within those rural communities experience not only the deprivation of such rights but also an increased burden of care work as a result. This holds particularly true in peripheral or remote rural communities, including indigenous ones, which are isolated and tend to have higher levels of poverty.
90. 締約國應確保落實關於移徙女工問題的第 26(2008)號一般性建議,其中特別注意作為季節性移徙農場工人的農村婦女。在這方面,各國應該確保依法保護農村移徙女工的權利和獲得救濟,同時保護持證和無證農村婦女不受歧視或基於性別的剝削和虐待。	90. States parties should ensure the implementation of general recommendation No. 26 (2008) on women migrant workers, paying special attention to rural women working as seasonal migrant farmworkers. They should in this regard ensure legal protection for the rights of rural women migrant workers and access to remedies, protecting both documented and undocumented rural women migrant workers from discrimination or sex-based exploitation and abuse.
91. 締約國應該促進和扶持促進性別平等的替代性農業發展方案,使小規模婦女生產者能夠參與農業和農村發展並從中受益。這些方案應支助婦女領導的農場和女農民,並促進婦女的傳統耕作方式。	91. States parties should facilitate and support alternative and gender responsive agricultural development programmes that enable small scale women producers to participate in and benefit from agriculture and rural development. Such programmes should support women-led farms and women as farmers and promote women's traditional farming practices.
92. 締約國應改善農村婦女的生活狀況,特別是原住民族婦女的生活狀況,她們住在週邊地區,往往更加貧窮、更加孤立且可獲得的社會服務更少。各國應該優先注重那些農村社區的發展,讓當地婦女參與農村發展計畫的制定和實施。	92. States parties should improve the living situation of rural women, in particular indigenous ones, who reside in peripheral regions, which tend to be poorer, more isolated and less connected to social services. They should accord priority to the development of those rural communities, engaging local women in the design and implementation of rural development

- 93. A fundamental challenge the to 遍缺乏關於農村婦女狀況的分類資料,這阻止 implementation of article 14 is a general lack of

plans.

中文	英文
了充分監測和實現《公約》規定的農村婦女權	disaggregated data about the situation of rural
利。	women, which prevents the adequate monitoring
	and enforcement of their rights under the
	Convention.
94. 締約國應收集、分析、使用和傳播關於農	94. States parties should collect, analyse, use
村婦女狀況的且按性別、年齡、地理位置、身	and disseminate data on the situation of rural
心障礙和社會經濟狀況、少數民族或其他狀況	women, disaggregated by sex, age, geographical
分類的資料。各國應根據此類資料(包括永續	location, disability and socioeconomic, minority
發展目標的指標相關資料)來擬定措施,包括	or other status. Such data, including for
暫行特別措施,旨在在生活的各個方面實現農	Sustainable Development Goal indicators, should
村婦女實質上的平等。這些資料還應該包括關	be used to inform and design measures, including
於農村婦女(包括面臨交叉形式歧視且在獲享	temporary special measures, aimed at achieving

substantive equality for rural women in all spheres of life. Those data should also include

information on the situation of rural women, including on specific groups of rural women who face intersecting forms of discrimination and specific barriers in gaining access to their rights.

其權利方面遇到具體障礙的特定農村婦女群

體)狀況的資訊。