「消除對婦女一切形式歧視公約」第 36 號一般性建議 陳金燕(國立彰化師範大學輔導與諮商學系)

標題:消除婦女歧視委員會關於女童和婦女受教育權的第 36 號一般性建議

文件號:聯合國文件 CEDAW/C/GC/36(2017)

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	適當措施,通過消除刻板化和歧視確保弱勢族群女童和婦女的受教權益(46)。 · 排除針對性的襲擊和威脅、面臨襲擊導致死亡或重傷的風險、身體虐待與性暴力的傷害及學校空間與設施的破壞,以保障女童和婦女在衝突局勢和自然災害中的受教機會與權利(47-50)。 · 祛除父權制度及限制女童和婦女的傳統角色之文化規範和習俗對女童和婦女受教育權的障礙,如:童婚、殘割女性生殖器、童工等,以減輕文化和宗教習俗對女童和婦女受教育機會的影響(51-55)。
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壹、背景及概述1

1979年CEDAW公布以來,至今(2019)年正好滿四十年,本號一般性建議於2017年提出之前,CEDAW委員會從未直接針對CEDAW第10條女童和婦女教育權訂頒一般性建議,而是在其他一般性建議中強調:在涉及各種不同議題及各種不同的情境下,保障女性/女童教育權益之必要與重要;明文論及與教育相關的一般性建議有第3、5、14、15、18、19、21、23、24、25、26、27、28、30、31、32、33、34及35號。前述各號建議雖各有主題重點,但也都提及並關注教育與各主題重點之間的密切相關,因此,除了一致性地強調女童和婦女應享有平等的教育機會與資源外,亦不斷彰顯「知識即是權力」的觀點,呼籲及要求各國政府應透過各類教育及知識資訊的提供,並加強性別平等教育之宣導,以達到確保女童和婦女在各方面權益之實質平等。

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¹ 本段「背景及概述」摘錄自陳金燕 (2015) 教育上的性別平等,313-324 頁。

一、各號一般性建議所涉及的平等教育權

(一)1986至2000年²之間公布的一般性建議:

第3號強調「教育及宣傳」對於消除女性歧視及促進平等的重要性;

第<u>5</u>號明言:為了保障女童和婦女能享有教育的實質平等,國家應提出具體暫行特別措施減少可能的妨礙與阻力;

第<u>14</u>號要求各國應透過學術研究及教育宣導「女性生殖器殘割」(又稱「女性割禮」)對女童及婦女所造成的身心傷害,以期制止此種惡習;

第<u>15</u>號要求加強教育宣導民眾,使之提高警覺,並瞭解愛滋病毒感染和愛 滋病對婦女和兒童所造成的危險及影響,更應強化女性作為教育資訊提供 者的機會與功能;

第<u>18</u>號強調國家有義務保障與促進身心障礙女童及婦女之受教權益,不因其身心障礙而妨害或剝奪其受教的機會與資源,並須為她們營造無障礙的學習環境及提供突破與克服學習障礙所需之輔具;

第<u>19</u>號要求國家應透過教育以達消除民眾偏見及有效預防之目的,消除因性別暴力對女童及婦女取得受教機會與資源之妨礙、限制或剝奪,並保障教育體制中從事教育工作及接受教育的女性不因性別暴力(如:性侵害、性騷擾或性霸凌),而影響其受教或工作的機會與品質;

第<u>21</u>號強調透過計劃生育知識的獲得與了解,有助於提升婦女的生育自主 自決,並確保女童之受教權不因童婚、生育而被剝奪;

第<u>23</u>號強調透過保障女童及婦女在教育機會與資源上的實質平等,以確保 女性參與政治與決策的平等權益;

第<u>24</u>號指出:保障女性在接受保健教育及服務時,除了資訊及服務的獲得之外,更能獲得尊重友善的對待態度。

(二) 2001-2015年之間訂頒的一般性建議:

第25號特別要求國家應針對教育法令、制度及政策等各方面採取必要的暫行特別措施,確保女童及婦女在教育機會與資源之實質平等的及早達成;第26號明示:透過「提升意識課程」強化女性移工對自身工作權利之認知與了解,進而得以主張及捍衛個人權益,經由「培訓課程」加強及提升女性移工的工作知能,以確保其工作效能與獲益;

第<u>27</u>號強調平等的教育機會與資源應從學齡前即開始,直到高齡階段,此 乃國家無可推卸的義務;

 $^{^2}$ 依《聯合國千年宣言》(MDGs, 2000-2015)及「可持續發展目標」(SDGs, 2016-2030)之起迄期間區分。

第<u>28</u>號要求國家應從學齡前即開始積極保障女童受教育的平等機會與資源,並強調性教育與生育教育的重要;

第<u>30</u>號要求各國政府應制訂方案保障因衝突影響而中輟的女學生,除了及時搶救及重建教學硬體設施外,亦應積極阻止針對女童及婦女的攻擊、威脅事件,以確保女性師生能在安全的環境中安心地教與學;

第<u>31</u>號是由CEDAW委員會與兒童權利委員會針對有關有害做法聯合公布的一般性建議,強調女童和婦女受教育程度低和有害做法的普遍程度之間明顯相關,尤其是童婚導致女童中輟、被迫離開學校的現象,所以,所有有害作法均必須被制止;

第<u>32</u>號呼籲各國應一視同仁地給予尋求庇護和難民婦女獲得教育的權利;第<u>33</u>號指出:文盲是阻礙婦女獲得司法救助的因素之一,因此,教育是保障婦女獲得司法救助的管道之一,各國應針對陳規定型觀念的影響提供足以反映性別視角的教育,並通過民間社會、媒體和資訊通信技術提高認識。

(三)2016年之後的一般性建議:

第<u>34</u>號指出:農村³婦女及女童因教育權受阻導致文盲,又因識字水準較低限制了其接受教育及培訓的機會,形成一個惡性循環,加上童婚、家務負擔、路途的遙遠及不安全、設備的不完善、暴力威脅等因素的影響,均加劇了農村婦女及女童教育權受阻之情形,有賴國家採取積極作為與措施排除前述障礙,以保障農村婦女及女童的受教育權;

第<u>35</u>號更新第19號,更完整論述性別暴力對女性在各方面的嚴重侵害,為 了有效防範及終止基於性別的暴力對女童及婦女的侵害,必須將關於性別 平等及人權教育的內容納入公、私立各級學校的教學大綱,並應從兒童早 期教育開始。

從前述各號一般性建議均論及平等教育權觀之,幾乎是自第21號起的一般性建議都會強調平等教育權(尤其是從2000年核可MDGs之後的各號建議),顯見女童及婦女的教育權不僅與各項議題有關,同時也是全面達到性別實質平等的重要基石。因此,訂頒關於女童和婦女受教育權的第36號一般性建議,當是順勢而為、水到渠成之舉。

二、女童及婦女的教育權一般性建議草案之概念紀要

CEDAW委員會於2014年5月7日提出「女童及婦女的教育權一般性建議草案

³ 聯合國將「rural」譯為「農村」,參照論述內涵,筆者認為亦可以「偏鄉」的概念理解之。

之概念紀要」(Concept Note on the Draft General Recommendation on Girls'/Women's Right to Education,以下簡稱「概念紀要」),並於2014年7月7日依程序針對草案辦理為時半天的「一般性討論會」(General Discussion⁴),除了陳述CEDAW委員會對於保障「女性及女童教育權」之努力,並說明本號一般性建議的目的在於:提供適切且具權威性之指導原則,確保各國政府善盡國家義務及制定適當措施,落實CEDAW第10條之規範,以期完整保障女性及女童教育權,達成教育中的實質性別平等。由於這是CEDAW委員會首次針對CEDAW第10條教育權研議的一般性建議,因此,本段落特簡要概述CEDAW委員會之概念紀要。

概念紀要明指CEDAW第10條規範教育權的五項核心原則:(1)消除一切形式的歧視,保證婦女及女童在教育方面享有與男子及男童同等的機會,能接受相同品質與形式的教育及擁有從教育中獲益之相同可能;(2)女性的教育權不僅侷限於中小學教育,而是包含從學前至所有層級之學術、技職、運動、體育及繼續教育;(3)教育必須是對所有城鄉及弱勢族群的婦女及女童都是可選擇的、可得到的、可接受的、可適應的;(4)首要措施以提升婦女及女童的教育權及自由抉擇學習及生涯領域為主,不受限於男女社會角色的刻板化;及(5)提升婦女及女童的教育權以促進享有個人及家庭與政治及公共事務等權利。

為了強化及鞏固教育權的價值,概念紀要依據《世界人權宣言》、國際法律文書(International Legal Instruments,如:經社文公約等)、區域法律文書(Regional Legal Instruments,如:阿拉伯人權憲章、美洲國家組織憲章、美洲人類權利及義務宣言等)及不具法律約束力之架構(Non-Binding Frameworks,如:北京宣言暨行動綱領、千禧年發展目標等)四類文獻對教育權的保障提出具體規範架構。同時,為了彰顯教育權的多元性及全面性,亦將《公約》第10條保障女性的教育權與CEDAW的其他條文及一般性建議連結。進而以人權取向論述教育權,包含:受教育權(Rights to Education)、教育範圍內各項權利(Rights Within Education)及通過教育實現的權利(Rights Through Education)。最後,依循前述教育人權三個向度,綜述政府遵循第10條保障教育權所應承擔之國家義務。根據這份概念紀要及討論結果,CEDAW委員會於2017年11月16日頒布關於女童和婦女受教育權的第36號一般性建議,是為保障女性教育權實質平等之畫臬5。

⁴ CEDAW 委員會於日內瓦聯合國總部 CEDAW 會議期間,辦理半天的一般性討論會(Half-Day General Discussion) 乃一般性建議審議過程之必要程序,針對教育權相關文件及議程等資訊詳參: <https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Womensrighttoeducation.aspx > (2019 年 4 月 6 日瀏覽)。

⁵ 關於2014年7月7日「一般性討論會」的議程、重要的發言錄音及書面意見等紀錄,均可至聯合國人權高專辦公室(OHCHR)的官網上瀏覽、聆聽或下載,限於講義篇幅,本文未予引述、說明,

貳、第36號一般性建議之內容重點

本號建議計分10點83段,依序為導言(1-5)、受教育權的可訴性(6-7)、受教育權:現有規範框架(8-12)、一般性建議的範圍:三方的人權框架(13-19)、應對教育中的性別歧視(20-24)、應對性別陳規定型觀念(25-27)、受教育權(right of access to education)(28-55)、教育範圍內各項權利(rights within education)(56-75)、通過教育實現的權利(rights through education)(76-81)及國家責任:實施和監測(82-83)。論述質量最多的重點集中在以「受教育權」、「教育範圍內各項權利」及「通過教育實現的權利」三個層面為主軸的教育人權框架。以下逐點摘述說明內容重點6。

一、導言(1-5)

委員會開宗明義地主張:教育是實踐性別平等、增強女權、發展勞權的重要途徑與工具;首先,聯合國在2000年9月核可的《聯合國千年宣言》(MDGs)中,以2015年為目標年,宣示要確保世界各地的兒童都能夠完成初級教育,並保障女童和男童能平等接受所有各級教育。然而,時至今日,各國雖有朝向這個目標努力邁進的進展,但成效有限,以致尚未能完全實現前述目標。不論是女童、少女或婦女,在失學或文盲的比例上,均遠多於男童、少男或男性的事實現象,都意謂著:在整體教育過程中,女童和婦女在入學、在讀、完成學業、待遇、學習成果及職業選擇方面依然是受到明顯的歧視與限制,直接或間接地造成她們在學校教育和學校環境之外的劣勢。因此,致力於確保所有人都能被含納於優質教育中,並促進終生學習,已再次被納為聯合國於2015年所通過之「可持續發展目標」(SGDs)中目標4(Quality Education)的優先事項,仍是以15年作為努力的期限,希望能在2030年達成「改變世界」的目標;這個目標除了確保兒童能接受及完成免費、公平和優質的中小學教育,聯合國更呼籲及要求各國應更加強消除教育中的性別差距,確保身心障礙者、原住民/土著居民、和處境脆弱兒童等弱勢群體平等獲得各級教育和職業培訓。

據此,在2015年11月所商定的《2030年教育行動框架》中,明確承認並強調 性別平等與全民教育的權利是密不可分的,各國應採取以權利為基準的策略

(瀏覽日: 2019年4月7日)。

⁶ 逐點的摘述說明主要是以第36號一般性建議之英文版及聯合國中譯版為主要參考,筆者在不違反原意的前提之下,予以減縮以符講義篇幅字數限制,或參照我國用語陳述,以利讀者閱讀。

(rights-based approach)來達成這個目標。由於,貧困和經濟危機、性別刻板化觀念、基於性別的暴力、結構性和意識形態的限制等因素,明顯阻礙女童和婦女接受教育的基本人權。所以,國家及相關團體組織均應積極排除這些障礙因素,並建置更公平、可行、友善的法律機制,以確實積極保障與維護女童和婦女受教育的基本人權。

二、受教育權的可訴性(6-7)

依據《世界人權宣言》的宣示,教育是一項具有可訴性(Justiciability)且依法可強制執行的基本人權,因此,透過法律保障所有人在教育領域免受歧視,是人權保障的具體實踐。委員會並依第33號一般性建議,再次強調國家不僅有義務保護女童和婦女,維護她們不因任何形式的歧視而剝奪了接受各級教育機會之基本人權,並有義務確保她們有尋求司法保障的途徑,能夠過司法捍衛她們的受教權利。

三、受教育權:現有規範框架(8-12)

受教權為「世界人權宣言」及其他國際公約及國家法律之保障,並對其他人權與自由的享有、性別平等及和平之促進、經濟收入的增長、健康生活的獲取有所助益,亦能減少童婚、孕娩與疾病傷亡。而一切與受教育有關之權利保障、目標達成、策略奏效、自由選擇等,均有賴國家制訂與執行以受教育權為核心的法律。

關於受教育權具有法律約束力的文書包括:「《經濟、社會及文化權利國際公約》(第13條)、《消除一切形式種族歧視國際公約》(第5條)、《保護所有移徙工人及其家庭成員權利國際公約》(第30條、《殘疾人權利公約⁷》(第24條)、《兒童權利公約》(第28條)、教科文組織《國際體育教育、體育活動和體育運動憲章》(第1條)以及《技術和職業教育公約》⁸」。而不具約束力但肯認受教育權的政治承諾和策略包括:「1994年開羅國際人口與發展會議、《1995年北京行動綱要》、1990年在泰國吉姆田確立並於2000年在達卡重申的全民教育目標和2000年確立的千年發展目標,以及最近2015年通過的2030年可持續發展議程目標⁹。」

四、一般性建議的範圍:三方的人權框架(13-19)

意欲落實及達成性別平等的教育,必須奠基於性別敏察度。教育的人權框架

⁷ 我國譯為「身心障礙者權利公約」。

⁸ 第 36 號一般性建議第 11 段。

⁹ Ibid, 第 12 段。

包括受教育權(the right of access to education)、教育範圍內各項權利(rights within education)及通過教育實現的權利(rights through education)三個層面,充分地反映了政府在確保學校教育之無障礙環境(accessibility)、可獲取性(availability)、可接受性(affordability)和可調試性¹⁰(adaptability)所列各項權利的國家義務。就內涵而言,受教育權強調平等的參與、教育範圍內各項權利以促進教育中實質的性別平等為主軸、通過教育實現的權利界定了學校教育在教育領域外的生活各方面塑造權利和性別平等的方式。

本號建議的目標旨在確保女童和婦女享有教育人權,消除基於多種相互交叉 歧視的區域差距和國家內部的不平等現象,並擴大了《公約》第10條的意旨與範 圍,且連結其他條款和現有一般性建議,所適用的對象包含:公職人員、學術人 員、學生、教師、家長協會、教育相關非政府組織、宗教組織、大眾媒體、企業 組織及工會等。

五、應對教育中的性別歧視(20-24)

國家應善盡國家義務並採取一切適當措施確實保障女童和婦女在受教育權 上的平等與不受歧視,不僅應依《公約》第10條保證婦女在教育方面享有與男子 平等的權利,更應依《公約》第1條及第2條落實「禁止歧視」,並做到「尊重、 保護、促進、實現」女童和婦女接受教育的權利、教育範圍內各項權利和通過教 育實現的權利。

為能達成前述目標,委員會具體建議10項措施:加強遵守《公約》第10條及宣傳教育在人權及婦權增能上的重要,並納入各級學校課程中;不僅透過立法確保教育人權框架的三個層面之落實,並及於所有弱勢族群之女童及婦女,更須消除可能存在的歧視政策、體制、指示與作法;立法規範確保女性結婚、完成義務教育及就業之最低結婚年齡一致為18歲,並保障女童和婦女不因懷孕、生育而剝奪其教育權利,且予以法律保障及司法救助。

六、應對性別陳規定型觀念(25-27)

女童和婦女所遭受之教育歧視導因於意識形態與結構性因素。《公約》第5和10(c)條除了呼籲修改社會和文化中性別刻板化之角色與分工外,亦強調:也應廢除或修改歧視性的國家法律、政策和方案,以免助長歧視。第5(a)條說明植根於男尊女卑觀念或男女定型角色的偏見、習俗和一切其他做法,則需透過破除權力、規範的沿襲,帶來轉型及改變。

¹⁰ 聯合國將「adaptability」譯為「可調試性」,參照論述內涵,筆者認為譯為「可調適性」 似較合宜。

具體建議國家採取5項措施,以消除在教育領域持續導致對女童和婦女的直接和間接歧視的性別刻板觀念、偏見、習俗、傳統:(1)改變父權意識形態與結構;(2)制定和實施針對各級學校及社會的性別平等教育政策和方案,改變社會和文化之性別刻板化模式,消除性別偏見和習俗;(3)鼓勵媒體形塑女性正面及非性別刻板化之形象,並積極向社會宣導性別平等觀念;(4)編製教學課程、教科書和教材以消除複製及強化性別歧視與刻板化觀念,提升女性之正面形象;(5)強制培訓各級教育人員,增強其性別平等知能及敏感度,並覺察其性別行為對教學和學習過程的影響。

七、受教育權 (28-55)

這是本號建議內容最多的一點,以建構「無障礙的教育環境」(accessibility) 為主。由於女童和婦女無法獲得高品質的教育,將導致她們在許多重大事項上未 能有充分的自主權及選擇,因此,委員會以第28至55段的篇幅針對「受教育權」 提出說明及建議,並再細分為「實體環境無障礙」、「技術上無障礙」、「經濟 上無障礙」、「女童和婦女弱勢群體」、「在衝突局勢和自然災害中的受教育機 會」及「文化障礙」六個主題,依序論述國家必須透過無障礙的確保、機會的提 供及障礙的排除,方能有效保障所有女童和婦女獲得高品質教育的權利。

(一)實體環境無障礙:適足基礎設施的提供情況(29-32)

首先,在教育機構及方案上的數量要能滿足女童和婦女受教需求,同時,必 須顧及教育機構所在地的便利性及往返的安全性,以免除就學路途中潛藏的性別 暴力之威脅與風險,尤其是在偏遠、不便的偏鄉地區。其次,無障礙的教育環境 應提供適當、充足的設備,以確保供水無虞及個人與公共衛生的維護,同時,應 加強工作人員在衛生保護材料和關於青春期和月經問題之培訓,以期有效提供支 持與資訊,以排除因社會排斥而阻礙女童的受教權益。

委員會針對有形的設施部分提出6項建議:(1)提供充足的經費、人力及行政資源;(2)處理因社經地位、地理位置、民族、性別認同和宗教信仰所導致的經費分配不均;(3)採取暫行特別措施,經由提供適當與持續的培訓增加女性合格教師的數量;(4)定期地以包含性別、地理位置、年齡、學校類型和族裔群體的入學指標進行性別統計,以期針對女童和婦女受教育權的實施情況進行監測,監測的重點包含:存活率、輟學率、在學率、留級率、平均受教育年限、教師的性別比例、識字率的性別差異等,並據以作為瞭解及制訂保障女童和婦女受教育之決策與政策;(5)依據統計,採取策略鼓勵與監測學校的入學、出勤、在學及中輟後返校等;(6)經由全面性提供依性別區隔的廁所及洗手間與安全飲水,改善衛生設施。

為了確保所有女童和婦女的受教育權,委員會也提出6項建議:(1)確保偏鄉及偏遠地區的女童和婦女均能依《公約》第14(d)和4條享有受教權,並適時以暫行特別措施支持之;(2)確保學校出入的無障礙及往返的安全;(3)提供參與包含讀寫教育之繼續教育的機會,達成依《公約》第10(e)條縮小教育機會之性別差距的目標;(4)透過積極措施提升在學人數,如:社會保護方案、學校供餐計畫、提供衛生保護用品等;(5)為遠地的女童提供住宿或交通接駁,並確保不會遭受性及任何形式的虐待;(6) 培訓教師提供有利的環境和文化,使青春期少女能在免於恐懼、恥辱或風險的情況下自信地學習。

(二)技術上無障礙(33-35)

善用遠距通信科技突破偏鄉/距離的不便、家務/育兒的牽絆、社會/文化的排斥等障礙,有助於保障機會受限的女童和婦女,亦同時嘉惠必須兼顧工作與家務的婦女。委員會明確指出:開放式學習有助於新教學與學習模式的開發,促成新的學習文化,並開展學習的靈活性;對雇主及政府而言,也提高了職業發展、一般教育與培訓的成本效益。

針對現階段在尚未能提供遠端和開放式學習機會以保障女童和婦女的受教育權之前,委員會提出3項建議:(1)評估在高中及高等教育實施開放式學習機會並建立認證機制的可行性;(2)提升教師使用通訊及通信技術的知能,並予開放式學習相關技能培訓;(3)確保弱勢、偏鄉、文盲之女童和婦女不因缺乏工具、技能而被排除平等接受教育的機會。

(三)經濟上無障礙(36-39)

國家必須確保教育費用是所有人都能負擔,且不因性別或其他因素而遭歧視性限制,逐步達成免費高等義務教育之終極目標。同時,部分學校加收的附加費用及支付校服、交通、課本、教材、午餐等隱性費用,都可能嚴重阻礙貧窮學生的受教機會。當經濟資源貧乏時,由於性別不平等及「男主外、女主內」等觀念之影響,家長常有女童的投資報酬率較低之想法,以致女童的受教機會常因此被限制、剝奪。部分國家因經濟危機而將「教育私有化」的作法,亦對女童和婦女的受教育機會有特定的負面影響,尤其是來自貧窮家庭的女童。

為保障女童和婦女不因經費而限制受教機會,委員會提出5項建議:(1)提供學前至中學的免費義務教育,不論經濟狀況,具公民、移民或難民身分的女童和婦女均一視同仁;(2)減少各種費用及成本,降低高等教育負擔;(3)採行安全網與相關措施,以保障低社經階層的女童和婦女的受教機會不因費用因素而遭剝奪;(4)個人有權經營學術機構的條件是:遵行在公共機構不歧視女童和婦女的相同

標準;(5)導正家長及社會「偏好男性」的教育觀念,並肯定教育女童的價值。

(四)女童和婦女弱勢群體(40-46)

許多女童和婦女不僅因交織性歧視而被排斥及邊緣化,更因課程、語言、暴力、污名、貧窮等因素而受阻,她們包含了以下族群:少數民族和土著;難民、尋求庇護者、無國籍者、無合法證件者、境內流離失所者以及移民;身心障礙者¹¹;女同性戀、雙性戀、跨性別和雙性(LBTI)學生。

少數民族和土著:沒上學的女童多數來自少數民族及受排斥的族群,主要影 響因素為貧窮、歧視、文化不利及採行主流語言的教學,導致低成就、高中輟、 語言流失及低自尊等結果。難民、尋求庇護者、無國籍者、無合法證件者、境內 流離失所者以及移民:這些離鄉背井的女童和婦女,或沒有學校可讀、或僅有不 適當的臨時學校,而流離失所亦導致人力設備資源的流失與損毀、合法證件的遺 失,安全顧慮則是另一項造成女童棄學的原因。**身心障礙者**:有數百萬身心障礙 的女童和婦女因性別和身心障礙的多重歧視被剝奪受教育權,同時,根據教科文 組織的統計,全世界三分之一的失學兒童是身心障礙兒童;雖然不少國家採取融 合式教育,但身心障礙女童仍常被排除在外或被隔離於特教學校中,缺乏無障礙 環境、師長的拒收、課程教材的不符需求是共通性的不利因素,更普遍的是污名 化及家長與社區對身心障礙女童和婦女的學習能力所抱持之負面態度;另外,合 格的特教師資數量也常是不足的。女同性戀、雙性戀、跨性別和雙性學生:師生 的霸凌、騷擾和威脅明顯阻礙了LBTI女童和婦女的受教育權,教育主管機關及學 校的教師、校長與主管對於不歧視的政策執行不力、不夠落實,致使學校延續及 增強了社會偏見;侷限的教育與文化的禁忌阻礙LBTI學生了社會流動性、增加了 她們遭受暴力的風險。

委員會呼籲國家應採取一切適當措施,通過消除刻板化和歧視確保弱勢族群 女童和婦女的受教權益,並提出9項建議:(1)消除對女童和婦女的性別刻板化, 以減少女童和婦女因這些刻板觀念及習俗而面臨的風險及暴力威脅;(2)解決社 經地位及生活條件的不利現象,以排除因資源不足及「男性優先」而限縮女童和 婦女接受教育的阻礙;(3)積極爭取經費以確保所有弱勢女童和婦女的受教權與 安全性;(4)確保不因強制性的服裝規定或禁止而阻礙任何人的受教權益,尤其具 有移民身分之女童和婦女;(5)透過檢視並消除教育機構及社區內任何足以妨礙 身心障礙女童和婦女受教權利的法律、空間、社會、經濟、態度溝通及語言等障 礙,以消除對身心障礙女童和婦女一切形式的歧視;(6)透過提供合理、便利的學

¹¹ 聯合國將「disabilities」譯為「殘疾人」,參照我國用語,筆者改用「身心障礙者」,若是學生則以「特教生」稱之。

習環境,確保身心障礙女童和婦女在各級教育中均不受歧視;(7)確保全面教育環境的無障礙,禁止校長阻礙身心障礙學生入學,並確保課程及教材教法均能符合不同障別學生的需求;(8)採行暫行特別措施,透過獎勵吸引及培訓各級教育所需之特教師資;(9)透過制訂排除阻礙LBTI女童和婦女受教權利之政策,解決對LBTI女童和婦女的歧視。

(五)在衝突局勢和自然災害中的受教育機會(47-50)

委員會呼籲:排除針對性的襲擊和威脅、面臨襲擊導致死亡或重傷的風險、 身體虐待與性暴力的傷害及學校空間與設施的破壞,以保障女童和婦女在衝突局 勢和自然災害中的受教機會與權利。

武裝衝突所造成基礎建設的崩壞,是限制女童和婦女受教機會的另一個因素, 衝突帶來的安全威脅、被佔領或毀壞致使學校關閉,也阻礙了女童的就學。委員 會於第30號一般性建議(第48段)即已指出:非國家行為體對女童與教師的針對 性攻擊與威脅及額外的照顧責任與家庭責任,均是阻礙女童受教權利的因素。

根據「保護教育免受襲擊全球聯盟」(the Global Coalition to Protect Education from Attack, GCPEA)的資料,2005至2012年之間,至少有分布於四大洲24個國家的教育機構被佔用於衝突事件,使在這些學校上學的女童面臨因攻擊而死亡或重傷及遭受身體或性別虐待(暴力)等風險。武裝份子的存在致使女童可能成為性別暴力或性騷擾受害者的高風險性,嚇阻了女童就學的機會,甚至導致了更多以保護為名的童婚。是以,教育機構的遭襲或軍事佔用均對女童和婦女帶來巨大或歧視性的影響。在任何天然災害中,女童和婦女亦是最易受害的年齡族群,學校的毀壞或移做災民避難場所,嚴重影響教學機會,並導致授課時間減少、輟學率增加。

因此,委員會建議國家採取以下10項作為,以確保女童和婦女在衝突和自然 災害情況下的受教育權和安全:(1)透過制訂法律、修訂政策、積極培訓,禁止各 種武裝部隊及團體違反國際法規佔用任何教育設施與機構;(2)採取保護措施以 保護女性學生與教師免於遭受佔領者的身體與性別虐待;(3)評估並解決武裝衝 突對女童和婦女教育的影響;(4)回顧安理會關於婦女、和平與安全的第1325號決 議及後續決議之義務,展現國家的積極承諾,採取必要措施防止對教育機構的攻 擊及保護婦女和女童;(5)確保婦女有意義地參與攻擊監測及預防、保護與建立和 平措施的制訂,確保包含弱勢族群在內的所有婦女都能參與制訂的過程;(6)規劃 兼顧法律及非法律問責措施的有效、協調、重建、迅速的因應措施,以追究加害 者的責任;(7)依據國際標準,系統化地調查與起訴那些下令、參與或指揮毀壞教 育機構作為並應為違反國際人權、人道主義及刑法負責的人;(8)在學校遭毀或充 當災民避難所時,應確保女童和婦女的就學機會免於受限;(9)優先重建遭天然災害影響且為弱勢族群就讀的學校;(10)確保所有新建校舍均符合建築規範且具抗災能力,並定期檢視既有學校。

(六)文化障礙(51-55)

排除經費及環境障礙等限制因素,女童和婦女的受教育權仍受阻於父權體制 及文化規範與習俗下的傳統性別角色限制,而女童不上學,常被迫童婚。此種因 宗教或文化習俗而來的歧視性和有害性的童婚和強迫婚姻,惡性循環式地剝奪了 女童的受教育權,亦即:女童因不上學而被迫童婚、已上學的女童因童婚而被迫 中輟。童婚亦提高家庭暴力、生殖健康及限制行動自由等風險,若不能制止童婚, 各國政府就無法落實保障女童平等接受教育的義務。

部分地區因「殘割女性生殖器」(female genital mutilation, FGM)的共同文化習俗而妨礙、終止女童的就學。手術後的併發症會影響女童的學習表現以致中輟,執行手術的費用會排擠女童的就學經費資源,手術的成年儀式意義則讓女童因童婚的婚姻與家庭責任而輟學。貧窮與文化習俗的交織,會導致兒童因被迫從事有酬或無酬的工作而未能就學;根據國際勞工組織(International Labour Organization, ILO)2015年童工與教育的報告:有1.68億名5至17歲的兒童被迫從事童工,其中,女童從事家庭勞務的人數遠多於男童,必須同時承擔家庭內、外的雙重工作負擔,以致被剝奪了上學的時間;在課業與工作難以兼顧之下,女童常因而輟學。部分地區則依文化習俗要求兒童在特定季節或日子從事家庭相關的工作,也會影響女童的受教權益與機會。

為了減輕文化和宗教習俗對女童和婦女受教育機會的影響,委員會提出以下 9項建議:(1)根據CEDAW第31號及CRC第18號有關有害習俗聯合一般性建議/意見,確保女童和婦女不因父權、宗教或文化規範與習俗而被剝奪受教權;(2)促進與宗教、傳統領袖之間的對話,著重於教育女童的價值及排除女童和婦女受教育之作為與習俗障礙的重要性;(3)根據CEDAW第31號及CRC第18號一般性建議/意見,以18歲為女童的最低結婚年齡,且不受父母同意與否之影響;(4)根據CEDAW第14號一般性建議,將FGM納入正式及非正式的教育中,透過去污名化的公開討論,確保女童和婦女正確知悉此項習俗之害處與傷害性影響;(5)培訓教師、主事者及青年工作者具有教導女童FGM相關知識及支援面臨手術風險或已完成手術的女童之能力;(6)鼓勵宗教與社區領袖出面反對FGM的習俗,並向其社群宣傳及教育FGM的危險;(7)制訂足以確保未滿18歲的懷孕少女、母親及已婚女童能繼續留在學校或重返校園接受教育的政策,並積極向所有教育機構、行政人員、家長及社區民眾宣傳相關政策;(8)排除受教機會的各種阻礙,讓女童從

事無酬的家務勞動是其中之一;(9)確保所有未達就業年齡門檻的兒童均應接受 全時教育,並適當地依國際勞工標準納入技職教育。

八、教育範圍內各項權利 (56-75)

委員會強調女童和婦女在教育範圍內的各項權利與政府是否落實教育的「可接受性」(acceptability)息息相關,可接受性涉及了教育的形式(內容)與實體(品質),適用於學校環境設備及教育的形式與方式,欲落實教育範圍內的各項權利需要有政府為師生提供的資金、必要的基礎設施、資助與用品,同時確保女童接受教育的教師與設施質量與男童平等,提供女童和婦女有平等追求自我決定與自我實現之目標的機會環境,所以,教育範圍內的各項權利保障意指對女童和婦女的人權尊重與促進必須是貫穿完整的教育週期。

女童和婦女在教育機構中遭遇缺乏尊重與尊嚴的經歷實乃廣泛社會秩序的 反映,同時也與學校的性別制度有密切關係;一個對女童和婦女缺乏尊重與尊嚴 的環境,往往具有根深蒂固之父權體制意識、作為與結構,並形塑了師生的日常。 女童至少有10年的時間身陷在承受身體、情感與性虐待的環境中,致使女童在教 育範圍內的各項權利均被剝奪。必須解決各種造成阻礙的問題,方能確保教育機 構人員在內的女童和婦女均可享有平等的待遇與機會。此點細分為「學校和知識 的分層」、「學校中的性別不平等、虐待和性暴力」、「網路欺淩12」及「婦女 對管理結構的公平參與13」四個主題分述之。

(一)學校和知識的分層(第10(a)和(b)條)(58-63)

一般而言,教育體制在學生朝向技職或學術培訓的分流上是高度差異化的,特別是在初級轉中級的關鍵點。在某些體制中,學生很難在定向之後再在技職與學術培訓之間流動;社經地位明顯地影響著學生進入不同類型的學校;高社經地位的學生較可能就讀教導高階知識的學術導向學校,為高等教育提供捷徑。因此,高度分流的教育體制早在學生完成學業、進入職場前的人生前期,便已延續了社經地位的不平等。這樣的差異化體制,在課程資源分配上也是不均的;通常,在物資與師資方面,位於社經條件較差社區的學校均較位於社經地位較佳社區的學校為差,因為後者的學生家長較有能力補足公共資金的不足。

不論學校的類型,都存在著性別分流或隔離的觀念,在學術導向的學校明顯 地是「男理工、女人文」;技職學校的女學生則多數以食物、營養、美容、文書 的專業訓練為主,以致女童被迫進入社會地位較低的職業。此種性別分流的現象

¹² 聯合國將「cyberbullying」譯為「網路欺凌」,對照我國用語,意同「網路霸凌」。

¹³ 就語意而言,「婦女在管理結構中的公平參與」似較符合英文原意。

在單一性別的學校更為明顯,因為缺乏多元課程、資源;所以,女校不會有木工、建築、施工等科目。因此,促進女童和婦女接受相同品質教育的權利,學校必須排除課程的性別隔離,提供完整的學術與技職學科。資訊通信技術是女童和婦女極少參與的一個技職領域,全球約有六成的人無權享有網路帶來的改變,而其中大部分是女童和婦女。學校應排除使女性受到排斥的阻礙,以期消除因性別而帶來的數位落差,並提供婦女獲得就業資訊與機會的平等機會。

關於體育運動部分,《公約》第10(g)條也呼籲國家應確保女童和婦女積極參與的平等機會,惟在所有體育運動及活動中充斥著基於性別刻板觀念而來的歧視,致使在體育運動上婦女賦權與性別平等的效果不彰。由於性別隔離的存在,限制了婦女在國家與國際層級的決策參與。此外,由於女性運動的不受重視,以致支持婦女參與的資源不足及女性運動員薪資較低。媒體對女性運動員的報導,也助長了性別刻板化的印象,而對婦女的暴力、剝削及騷擾,如實地反映了在運動界中由男性主導的傳統現象。

委員會提出以下10項建議,確保教育體制中的性別平等及選擇學科與職業的 自由:(1)改革及標準化教育制度,確保所有學校教育資源的公平分配,不因地區 及對象而有差別;(2)消除男女同校中的意識形態與結構性障礙,包括學校的課程 安排及老師的態度,前者可能透過性別隔離的課程設計妨礙男女學生的互動與討 論,後者則可能阻礙了女童在科目及課程上的自由選擇;(3)透過師培生及老師提 供學生與家長職業諮詢,以破除及改變對學科與職業的性別刻板化觀念;(4)依 《公約》第4條及第25號一般性建議,透過提供獎學金等特別獎勵措施及暫行特 别措施,提高各級教育中婦女和女童在科學、技術、工程及數學領域的參與;(5) 確保在男女分校的學校中提供所有領域的學科,使女童有機會學習以男性為主的 學科領域,反之亦然,尤其是有關技職領域的學科,以提供多元的職業選擇;(6) 發展國家通訊科技的計畫與策略,以期在學校及高等教育中落實通訊科技學習機 會的性別平等,並提供具體經費支援的方案與有助於監測目標達成的及時性性別 統計;(7)制訂法規與政策保護女童和婦女在教育機構中參與以男性為主的學科 及活動時,不會遭受性騷擾與暴力;(8)在教育機構中提供女童和婦女平等的機會, 使之能依其意願選擇參與體育活動及運動,並從中獲得身心健康的效益;(9)不論 是男女合校或單純女校,均應破除傳統性別刻板觀念,提供女童和婦女參與以男 性為主的體育活動及運動;(10)依第25號一般性建議在運動、文化及休閒方面採 取積極作為、優惠待遇或配額制度,並依第34號一般性建議適時採行前述措施, 以保障包含農村婦女在內遭受多重歧視的女童和婦女。

(二)學校中的性別不平等、虐待和性暴力(64-69)

教育中的性別不平等包含了因性別而來的差別待遇,特定性別享有優待或在 獎勵、關注、給分、機會及讚揚上有優先權,而犯錯時易被輕罰;教育中的性別 不平等也展現在師生互動中取得心理地位與權力的不平等。女童在教育場域中遭 遇前述不平等待遇的影響因素有:性別、社經地位、種族/族裔/少數族群身份、 容貌和語言等。

教育參與的性政治(sexual politics)是造成女童和婦女遭受不利影響的另一範疇,校園中的性政治意指以莫須有的性暗示為標記的性別關係,例如:性騷擾在學校或往返途中的女童;她們可能同時面臨學生、教師及社區民眾的性騷擾與凌虐及學校的偏頗對待。校園中的性侵害及其他形式的性別暴力,明顯的導致女童低自尊、低成就及不利於健康與福祉的長期影響。若當權者不採取質疑、制止,暴力便從口頭辱罵與具威脅性的姿態,轉成暴力行為,而暴力帶來的結果便是:女童無法就學、中輟或不能完整參與學習。來自弱勢族群的女童面臨因愛滋病毒感染、種姓、族裔、種族及宗教等而來的多重形式歧視,使她們成為校園中遭遇暴力的高危險群,也影響她們遭受的暴力性質;女性特教生遭受性別與身心障礙交織的歧視,LBTI學生則同時經歷性別歧視與恐同言行的對待。雖然,教育場域中普遍存在對女童的性騷擾與虐待,並明顯阻礙著她們享有受教權及教育範圍內各項權利,但卻未有系統地納入教育政策與方案中,以致於在缺乏嚴謹的問責機制之下,這個問題被學校所忽略或歸咎於受害人,而加害人得以逍遙法外。

對女童的虐待可能導致少女意外懷孕,因此必須警告女童注意這個問題及其後果。對於這個對家庭、學校及社區均屬極為嚴重問題的重要因應便是:依《公約》第10(h)與12條及第24與35號一般性建議,在各級學校強制教導適齡的性教育(comprehensive sexuality education, CSE),內容包含性和生殖健康及權利、負責的性行為、預防早孕及性病傳染;並給予教師專門的訓練以期提供不同層級的適齡教育。針對以男性為主要教學人員的情況,應增加招募、培訓及聘任中學階段的女性教師,既可作為女童及青年女性榜樣,亦可提升教室的安全性及有利性。

針對遏止教育機構與學校中的暴力行為,以保護女童和婦女獲得尊重與尊嚴的權利,委員會提出9項建議,(1)制訂並實施適當的法律、政策及規程,以禁止與解決教育機構內外對女童和婦女的暴力,包括語言與情緒虐待、盯梢、性騷擾與性暴力、肢體暴力與剝削;(2)在以男性教師為多數的教育機構中,招募、培訓及聘任更多的女性教師;(3)確保在學校受暴力影響的婦女和女童能有效訴諸司法並獲得補救;(4)經由保密與獨立報告機制、有效的調查、適時的刑事訴訟、適當地懲罰加害人及為受害者/倖存者提供服務等作為,有效地因應教育機構中女童和婦女的受暴案件;(5)確實地舉發與記錄教育機構中女童和婦女受暴力侵害的事件,落實學校人員聘用前的犯罪查核,研製與執行所有學校人員及學生適用

的行為準則;(6)採行國家行動計畫解決校園中侵害女童的暴力,包含學校準則、強制訓練師生有關及早解決女童遭受性騷擾與暴力的策略;(7)指定一個政府機制負責預防與調查教育機構中的暴力事件,同時提供充足的經費來解決這個問題;(8)提供受暴女童心理諮商、醫療、HIV/AIDS資訊及藥物等支持服務;(9)在各級教育規劃執行適齡且具有佐證性、科學準確性的必修課程,包含性和生殖健康及權利、負責的性行為、預防早孕及性病傳染的完整資訊。

(三)網路欺淩(70-72)

經由各種通訊互動管道及社交媒體平台進行恐嚇、威脅或騷擾的網路欺凌是女童經歷的另一種凌虐,雖然男、女童都會涉入網路欺凌,但研究顯示:女童成為受害者和加害者的可能性是男童的兩倍,尤其是青少女。青少女常面臨的網路欺凌形式有:謾罵、造謠、威脅、洩密、圖像與影片、報復性色情及多數來自陌生人的性騷擾與性挑逗。這些網路欺凌帶給青少女廣泛的影響,例如:或輕微或極端的情緒影響、不安感及恐懼感,在某些情況下,會有自殺念頭或自殺行為。

雖然網路欺凌並非根源自學校,但政府應在學校採取以下6項措施來保護女童:(1)警告家長網路欺凌現象的蔓延及對女童的影響;(2)規劃全面性的方案向教師、學生及家長宣導網路欺凌的樣態及潛在影響,並提供受網路欺凌的學生心理諮商與支持服務;(3)制訂政策確保並監督學校科技不會成為網路欺凌的工具;(4)建立同儕及教師心理諮商服務、校園安全角落與匿名通報熱線等多元管道,以利學生即時通報;(5)告知女童從事網路欺凌對受害者之健康與福祉的後果及可能適用於加害者的制裁;(6)立法界定並懲處透過通訊管道及網路騷擾婦女和女童的所有言行。

(四)婦女對管理結構的公平參與(73-75)

教育機構中的性別體制對女性人員明顯不利,特別是在中學與大專校院,女性在升遷與擔任決策職位的空間與機會顯然受限。雖然教育被視為是偏屬女性化的專業,但是女性在資深及高層管理位置的人數比例卻是普遍偏低。造成婦女在各級教育擔任領導者與決策者人數比例偏低的因素有:受教機會受限,特別是中小學教師接受進階進修機會有限;歧視性的任用與升遷作法;家庭態度;生涯中斷;文化的刻板化觀念;隔離於男性文化的網絡與提攜之外;對於婦女進入管理階層的持續抵制。

針對縮短各級教育領導職位上的性別差距以消除婦女所面對的歧視,委員會 建議政府應採行以下6項措施:(1)提供補助、獎學金幫助婦女取得研究所學歷, 並採行鼓勵留任的措施與方案,促進婦女在高教學習中的專業流動;(2)依《公 約》第4(1)條及第25號一般性建議採取包含暫行特別措施在內的各種措施,致力於增加各級教育中的女性領導人數,特別是所有領域中的大學教授;(3)檢視任用與晉升程序,去除阻礙婦女平等擔任教育機構領導者的歧視性規定,並解決在任用與晉升上的歧視性作法;(4)解決妨礙婦女在教育專業中升遷的組織文化;(5)盡快建立確保高等教育中資深職位、教授、校長、副校長等職位平等的目標;(6)確立政策與配額確保婦女在高等教育的管理階層(如:委員會、理事會)與研究機構中的平等任職。

九、通過教育實現的權利 (76-81)

雖然自1985年以來,聯合國持續關注人權、婦女、社會及永續發展等議題,確定了許多提升性別平等與賦權女性的行動,並強調教育是落實改善婦女社會地位的方法;也確認教育有助於個人對社會變遷的適應能力,亦能加倍提升婦女在不限於學校的所有領域中爭取權利的效應。然而,婦女通過教育實現的權利明顯尚未達成。雖有區域性差異,但全球資料顯示:女性比男性擁有較高的教育認證,是較高品質的人力資源;然而,特定工作與職位偏好較低水準的男性而捨棄較高程度的女性,助長了職場上普遍存在的性別隔離現象。亦即:認證的社會指標與價值是男女有別的;即使擁有相同的教育水準,男性在就業方面仍是較估優勢。也由於「男性是家庭支柱」的意識形態根深蒂固,導致男性在有酬的勞動職場上具有優勢地位,造成在多數社會中婦女處於低就業水準、高失業率與貧窮程度、兼職、低薪、較高危險或較低下的工作機會。

女性在社會及政治體制中決策階層的代表性明顯不足,以致缺乏真正的自主權。雖然增加受教機會可改善婦女及其子女的生活,但由於文化信仰與習俗重現了根深蒂固的性別意識形態、結構和系統,以致透過教育改變經濟、政治與社會的整體權力平衡及賦權婦女的策略性改變均尚未達成。此種模式與產製及維持性別分工的性別社會化歷程有關,這個歷程界定了女性化、男性化同時,又與「男主外、女主內」的公、私領域二元化聯結。結果導致學校失去了變革性,反成為國家複製性別秩序與維持男女、主從、公私階層的工具。由於缺乏足夠的婦女代表而無法有效改變對她們有影響的政策,此種婦女參與政治及決策的趨勢將持續存在。於2017年,全球婦女在政府職務中獲選或被提名的比例約為4:1,婦女在下議院佔23.4%,在上議院佔22.9%;在公、私部門理、監事會中擔任委員或主席的婦女代表情況亦復如此。由於歧視性的法律、習俗、態度和性別刻板化,婦女仍被排斥於政治領域及決策的邊緣位置。

委員會建議國家應採取8項積極具體作為,以增加婦女對社會、經濟和政治 過程及所有決策性職位的平等參與,(1)訓練教師採用建構式教學,培育女童和婦 女批判性思考力及正向自我價值感與自信,得以平等參與社會、經濟、政治上高階及決策性職位;(2)調整女童和婦女的教育選項與內容,增加她們對科學、技術和管理課程的參與,並提升其資格,以確保她們能獲得高階及決策性職位,特別是在以男性為主的職業與工作;(3)加強學校的公民與品德教育及促進性別平等的持續性成人識字教育,以達提高婦女角色及在家庭與社會參與的目標;(4)確認經由在政府、公共政策、經濟、通訊科技與科學領域的教育及訓練,達到賦權所有婦女的重要性,確保她們獲得在公共領域中得以貢獻的知能;(5)透過挑戰勞動市場「男性優先」的性別隔離,在「提攜」重於「才能」任用場域中保障婦女從事體面工作的權利;(6)改善及擴大婦女獲得包含電子政務工具的通訊科技之機會,以期促進她們的政治參與及提升更寬廣的民主參與,並滿足包含邊緣化婦女在內的所有婦女的需求;(7)經與婦女協商後發展適當的工具、技能及培訓方案,同時賦權與賦能婦女參與領導職務及承擔公共責任;(8)採取一切適當措施消除阻礙婦女在社會、經濟及政治領域全面參與的偏見及性別刻板化觀念。

十、國家責任:實施和監測(82-83)

最後,委員會強調國家應致力於履行公約規定,善盡第28號一般性建議所提出的國家義務;為了確保及時執行與監測上述各點建議,以保護女童和婦女的受教育權、教育範圍內各項權利及通過教育實現的權利,委員會提出4項建議:(1)廣泛地向教育及相關部門的政府員、各級教育工作人員、學生、家長、媒體及相關國家與社區組織宣導一般性建議;(2)視需要將本號建議譯成國家語言及各少數族群的語言;(3)成立包含教育主管機關及民間團體成員的跨部會工作單位,制訂具體進度的執行監督方案、明確的成效基準及專責的督考人員;(4)確保有充足的量化與質性資料庫以供監測成果及將成果最佳化。

參、我國現況及未來待改善之處

本段落參照本號建議的重點檢視我國在教育人權的現況,分以「教育中的性 別歧視與性別刻板化觀念」、「受教育權」、「教育範圍內及通過教育實現的各項權 利」及「國家責任」四點依序論述。至於,我國現況的檢視,主要是參酌我國三 次CEDAW國家報告14相關內容及教育部15、行政院主計總處16及有關機關(如:科技部等)之相關性別統計資料或性別圖像。惟限於講義篇幅,未便逐一於文中引述完整統計資料,建請讀者自行參閱附註連結。同時,文中對於每一點的檢視論述多會舉例說明,但是,本文未能窮盡所有例證,故請讀者能以「舉一反三」的能力,延伸例證所要提醒的現象與觀念,以期深入我國現況,並認真、積極面對需要改善之處。

一、教育中的性別歧視與性別刻板化觀念

(一)性別歧視與性別刻板化觀念對學生的影響

我國自1968年開始實施九年國民教育¹⁷迄今,教育普及率高,乃眾所周知;由於相關法規(如:《國民教育法》¹⁸等)沒有明文限制女童接受教育之直接歧視作為,所以,在大學以下的男、女學生比例並無顯著差距;但若檢視高等教育中碩士生及博士生的性別統計,則明顯呈現男多於女¹⁹的現象,顯示:即使沒有明文直接的限制,我國在接受高等教育的機會與資源分配上,仍明顯可見女性還無法享有與男性一樣的平等教育權之性別歧視情形,尤其是在博士班層級(女性博士生僅約佔三分之一),這應與女性正值適婚、懷孕、生育的年齡階段,而被刻板化期待承擔家務、母職的性別分工與責任有關。反之,在專科學校部分,則顯著地呈現女多於男(女學生約佔四分之三),這應與我國現有專科學校以醫護管理學校居多有關,因為護理工作被視為女性的工作領域使然,所彰顯的是性別刻板化觀念的另一個影響與限制。

此種性別刻板化觀念,亦明顯展現在大學學科領域的性別隔離,所謂「男主外、女主內」與「男理工、女人文」的性別刻板化觀念,仍是教育場域中學科領

¹⁴ 行政院性別平等會, CEDAW 國家報告, < https://gec.ey.gov.tw/Page/4F1236117429F91E> (瀏 管日: 2019 年 6 月 7 日)。

¹⁵ 教育部統計處,性別統計指標彙總性資料, 6%96%99(瀏覽日:2019年6月7日)。

¹⁶ 行政院主計總處,性別統計專區,<<u>https://www.stat.gov.tw/np.asp?ctNode=6015</u>>;性別圖像下載網址:

https://ebook.dgbas.gov.tw/lp.asp?CtNode=5971&CtUnit=2045&BaseDSD=46&xq_xCat=10&mp=103&pagesize=8 (瀏覽日:2019年6月7日)。

^{17 1979} 年「國民教育法」公布後,則為九年國民義務教育。

¹⁸ 本文所參閱之法規均以「全國法規資料庫」為準,<https://law.moj.gov.tw/index.aspx>。

¹⁹ 教育部統計處,性別統計指標彙總性資料-學生, https://depart.moe.edu.tw/ed4500/cp.aspx?n=DCD2BE18CFAF30D0>(瀏覽日:2019年6月7日)。

域分流之主要依據。而「醫藥衛生」學門明顯呈現女多於男的特殊現象,則是因為教育部將以女性為主的護理領域計算在內使然,若將「醫學」與「護理」分開統計,便會看到「男醫師、女護士」的性別刻板化結果;此種性別隔離現象,也同時展現了專業領導與權力上「男尊女卑」、「男主女從」的性別實質不平等。此種在教育訓練階段的性別隔離現象,對於女性學生畢業後的就業選擇與發展,亦有延續性的影響與限制。

(二)性別歧視與性別刻板化觀念對教師的影響

同樣的性別歧視與刻板化,不只發生在學生身上,也明顯存在於以教師為主的教育人員階層中。由於前述學生在教育訓練階段所存在的性別隔離,自然延續到教學師資、學術發展與成就上的性別傾斜現象。根據教育部的資料20:從幼稚園到高級中等學校的校園中,都是女性教師佔多數,層級越低越明顯,特教學校的師資也是女多於男;至大專校院則相反,女性教師比率驟減至三成六,且與級別高低呈反比,女性教授僅約兩成。若將學科領域一併納入統計,此種因性別刻板化而來的現象更為明顯、懸殊(例如:女性教授在資訊領域僅10.5%、工程領域僅6.5%)。

攸關學術研究表現與發展機會的專題計畫補助部分,根據大專校院主要申請補助的科技部統計²¹:2018年研究案之申請及核定件數,女性計畫主持人都約佔四分之一;補助案之申請及核定件數則為四分之一弱;委辦案之申請與核定件數,雖女性佔比高達八成七,但總件數僅有8件,與前述研究案及補助案之件數差距極為懸殊。顯見:我國在學術資源的獲取比例上,仍有尚待跨越及縮小的性別鴻溝。

綜合而言,我國現行教育法規制度上,雖然不存在明顯、直接歧視的規定,同時,也訂頒促進性別地位實質平等之相關法規(如:《性別平等教育法》等)。但是,從實際執行結果來看,仍明顯存在著基於性別刻板化、傳統、習俗等觀念對女性在教育機會、資源與發展上的間接歧視。自2009年以來的三次CEDAW國家報告之總結意見與建議中,均對上述現象持續提出應積極改善的建議,可惜仍未見主管機關提出具體有效的策略,以改善教育中的性別刻板化觀念與現象。

²⁰ 教育部統計處,性別統計指標彙總性資料-教職員, (瀏覽日:2019年6月7日)。

²¹ 科技部學術統計資料庫-進階查詢, (瀏覽日:2019年6月10日)。

二、受教育權

受教育權以建構「無障礙的教育環境」為主,強調建立環境、技術及經濟的 無障礙,並積極排除弱勢群體身分、衝突和自然災害及文化的障礙。

(一)環境、技術及經濟的無障礙

在建立物理環境的無障礙與技術無障礙方面,因基礎建設與科技資源的完備而堪稱完善。雖然,因少子女化的現象,可能導致位於偏遠地區學校因受限於學生人數而面臨學校存廢問題,或將直接影響少數居住在偏遠地區女童的受教育權;但是,我國於106年訂頒《偏遠地區學校教育發展條例》以因應偏遠地區學校²²教育之特性及需求,應有助於保障偏遠地區女童的受教權益。透過網路、視訊、電視等遠距教學形式,亦有助於突破時間與空間的阻礙或限制,達到保障女童和婦女受教育權的目的。

在經濟無障礙方面,根據教育部「十二年國民基本教育實施計畫²³」,我國國民不分男女都能負擔且完成九年國民義務教育,或延續完成十二年國民基本教育。同時各級教育階段亦有免費、助學、減免、救助、貸款、補助等措施與資源²⁴,確保經濟弱勢學生不分男女的就學機會與權益。依教育部的統計²⁵,女性學生在高等教育階段申請學雜費減免、弱勢助學計畫及就學貸款利息補貼等比率均多於男性。從經濟資源獲得的角度觀之,意謂著:有較多的女性學生可免於因經濟因素而被剝奪或被迫放棄接受高等教育的機會;但若依據申請條件與資格的角度思之,或可進一步瞭解的是:為何會有較多的女性學生處於經濟弱勢處境,以致需要透過經費補助才能順利完成高等教育?

(二)弱勢群體學生的保障

針對保護及保障來自弱勢群體(如:原住民、新住民、身心障礙者及LBTI) 女童與女性受教育權的部分,就法制面而言,我國已公布施行許多保障原民生、 特教生、多元性別學生之受教權益的法規,例如:《原住民族教育法》、《特殊

²² 本條例所稱偏遠地區學校,指因交通、文化、生活機能、數位環境、社會經濟條件或其他因素,致有教育資源不足情形之公立高級中等以下學校。

²³ 十二年國民基本教育資訊網,<;教育部「十二年國民基本教育實施計畫」,

https://www.edu.tw/News_Content.aspx?n=D33B55D537402BAA&s=37E2FF8B7ACFC28B> (瀏覽日:2019年6月10日)。

²⁴ 教育部圓夢助學網, < https://helpdreams.moe.edu.tw/> (瀏覽日:2019年6月10日)。

²⁵ 行政院性別平等會, CEDAW 第二次國家報告, https://gec.ey.gov.tw/Page/7C0DC455B12AE2DE>(瀏覽日:2019年6月10日)。

教育法》、《性別平等教育法》等;教育部亦針對原民生、新住民子女、特教生之教育事務訂頒多項優惠、保障辦法26,針對具有弱勢群體成員身份之學生,不分男女均予以特別保障;因此,本段落的檢視重點以實際執行結果是否存有間接歧視或交織性歧視而來的性別不平等現象為主。

教育部統計顯示27,在國小、國中及高中階段,原民女學生接近五成、略低於男學生,但是,在大專校院階段則是接近六成,尤其是在五專學制中的原民女學生高達八成六;這似乎顯示了原民女童受教育的機會與權利均受到良好的保障,但有兩點值得深思:其一、在大專階段的女多於男,是否由於原民男性就學人數及比例偏低,因而觀托出原民女生較多?其二、以醫護管理為主的五專學制所呈現女多於男的懸殊比例,是否也只是顯示了性別刻板化觀念對原住民女童在就學及就業選擇上的影響與限制?至於,新住民子女就學部分,就讀國小及國中的女童接近五成,顯示在國民義務教育階段,新住民之女受教育的權利與機會與新住民之子相近;然而,由於教育部並無針對新住民子女在高中以上層級就讀的性別統計,故無法有進一步檢視的性別統計。

有關特教生的部分,根據衛福部2016年的資料28,我國領有身心障礙證明(手冊)的女性約為四成三,其中以65歲以上者最多;再依教育部統計:就讀於特教學校或各級學校之女性特教生均為三成五上下,申請教育補助則約三成左右,女性原民特教生申請教育補助者亦是約三成左右,大致接近我國女性身心障礙者的比例;據此,我國在保障女性特教生的受教機會與權利方面,堪稱積極、努力。同時,針對無障礙設施及校園環境訂有《內政部主管活動場所無障礙設施設備設計標準》、《大眾運輸工具無障礙設施設置辦法》、「教育部補助大專校院改善無障礙校園環境要點29」、「教育部國民及學前教育署補助改善無障礙校園環境原則30」等法規辦法,均有助於提升所有身心障礙者(包含男女特教生在內)在

²⁶ 教育部國民及學前教育署,原住民族與少數族群及特殊教育組之主管法規,

 (瀏覽日:2019年6月10日)。

²⁷ 同註 19。

²⁸ 衛生福利部統計處,性別圖像與分析,https://dep.mohw.gov.tw/DOS/lp-1723-113.html>(瀏 覽日:2019年6月10日)。

²⁹ 教育部主管法規查詢系統,

(瀏覽日:2019年6月10日)。

³⁰ 教育部主管法規查詢系統,,

<a href="mailto:shttp://edu.law.moe.gov.tw/LawContent.aspx?id=GL001209&KeyWord=%E6%95%99%E8%82%B2%E9%83%A8%E5%9C%8B%E6%B0%91%E5%8F%8A%E5%AD%B8%E5%89%8D%E6%95%99%E8%82%B2%E7%BD%B2%E8%A3%9C%E5%8A%A9%E6%94%B9%E5%96%84%E7%84%A1%E9%9A%9C%E7%A4%99%E6%A0%A1%E5%9C%92%E7%92%B0%E5%A2%83%B2%E7%92%B0%E5%A2%83%B2%E7%BD%B2%E8%A3%B2%E5%9C%92%E7%92%B0%E5%A2%83%B2%E7%BD%B2%E8%A3%B2%E5%B2%B2%E7%B0%E5%A2%83%B2%E7%BD%B2%E8%A3%B2%E5%B2%B2%E7%BD%B2%E8%A3%B2%E5%B2%E7%BD%B2%E8%A3%B2%E5%B2%B2%E7%B2%B0%E5%A2%83%B2%E5%B2%E7%BD%B2%E8%A3%B2%E5%B2%B2%E7%B2%B0%E5%A2%83%B2%E5%B2%E7%B2%B0%E5%A2%83%B2%E5%B2%E7%B2%B0%E5%A2%B3%B2%E5%B2%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B2%B0%E5%B0%E5%B2%B0%E5%B2%B0%E5%B0%E

校園內外之自主、自由行動的能力。然而,不論是在特教學校或一般學校就讀的 特教生,仍難免面對來自校園內外的污名化與歧視眼光或對待,意謂著我國在檢 視並消除教育機構及社區內任何足以妨礙身心障礙女童和婦女受教權利的法律、 空間、社會、經濟、態度溝通及語言使用等障礙方面,仍有改善的空間。

至於LBTI學生的保護與保障,應該是我國政府與各級學校必須大力改善的 部分。我國雖早在2004年即已訂頒《性別平等教育法》及相關子法31,以「促進 性別地位之實質平等,消除性別歧視,維護人格尊嚴,厚植並建立性別平等之教 育資源與環境32」。然而,「徒法不足以自行」,自2011年開始,特定保守宗教 勢力針對性別平等教育及多元性別認同議題積極地反挫,例如:2011年反對同志 教育之「真愛聯盟」事件33與2013年以來因反對同婚法案而來的爭議言論與行動, 乃至2018年為了推動反對同婚及性平教育公投34,特定宗教勢力挾其豐厚的財力, 在平面媒體與網路影音平台上,鋪天蓋地的傳遞不實廣告與宣傳;甚至在《司法 院釋字第七四八號解釋施行法》於2019年5月24日生效後,仍層出不窮地出現許 多逾越了理性論述的言論,繼續公開地發表污名化、污衊、歧視「同志族群」的 激烈恐同言詞以及扭曲性別平等教育的不實言論,甚至引發教育部依《社會秩序 維護法》向內政部警政署行文舉報35。在在顯示:我國政府與各級學校在落實《性 別平等教育法》,保護與保障LBTI學生的部分仍有極大的努力空間。也由於此種 歧視及不友善的氛圍,造成我國女男同性戀/雙性戀/跨性別/雙性者(LGBTI)均有 「出櫃」(come out)的壓力、風險與恐懼,多數LGBTI均不敢輕易透露、承認 自己的性傾向或性別認同,以致我國並無有關LGBTI學生之正式且具體的統計資 料。根據行政院規劃:我國2020年換發的新版身分證上之「性別」編碼將納入跨 性別者³⁶,此項措施適時地呼應了世界衛生組織(WHO)將「跨性別」去疾病化 的決議,也將為我國的性別統計開創新頁;但,卻未必能確保LGBTI學生能因此 免遭歧視及不友善的對待,因為,世界衛生組織早於1990年便將「同性戀」去疾 病化,時至今日,仍有諸多對同性戀者的歧視言行充斥,可見一斑。因此,如何 落實《性別平等教育法》積極建立性別友善、多元尊重的教育環境,是我國保障

E5%8E%9F%E5%89%87>(瀏覽日:2019年6月10日)。

^{31 《}性別平等教育法施行細則》及《校園性侵害、性騷擾及性霸凌防治準則》。

^{32 《}性別平等教育法》第1條。

³³ 台灣性別平等教育協會,真愛聯盟事件大事記,<(瀏覽日:2019年6月14日)。

³⁴ 中央選舉委員會,全國性公民投票專區,<<u>https://web.cec.gov.tw/preview/cms/27073</u>>(瀏覽日:2019年6月14日)。

³⁵ 詳見教育部長潘文忠個人臉書, < (瀏覽日:2019年6月14日)。

³⁶ 陳冠宇 (2019/3/18),取消性別國籍!新版身分證明年上路,數字「7」有玄機。TVBS NEWS。https://news.tvbs.com.tw/politics/1100953>(瀏覽日:2019年6月17日)。

(三)衝突和自然災害及文化障礙的影響

本號建議所指稱的衝突是以「武裝衝突」為主,這在我國現況中較為少見;因此,也較少發生學校因武裝襲擊、軍事佔領而毀壞、關閉之情形。但是由於台灣的地理位置及地形地貌之故,我國因地震、颱風等天然因素導致的災害則是極為常見。因此,教育部訂領「教育部主管各級學校及所屬機構災害防救要點37」等相關規定,以健全各級學校及教育機構的災害防救體系,強化災害防救功能,並達到儘速減災、整備、應變、復原、重建的目的。相關規定及措施均有助於降低因天然災害而損及學生受教育權益之情形,惟,相關規定與措施乃以整建校園為主,保障對象為全體師生,並非特別針對女性師生相關教育權益之保護及保障。

在文化障礙方面,主要是關注在父權體制及文化規範與習俗下,傳統性別角色分工的限制對女童和婦女受教育權之影響。雖然,我國沒有「FGM」這種嚴重歧視女性,且明顯導致剝奪女童受教權益的文化習俗,早年存在的「裹小腳」、「童養媳」等明顯歧視、迫害女童的文化習俗,也已隨時代變遷與法規規範而漸失;但是,民法對於男女結婚年齡的差別規定(男18歲、女16歲³⁸),意指:我國法律允許16-18歲在就學年齡階段的女童可依法結婚,亦即代表著:我國民法保障「女童童婚」的合法性;再根據內政部資料³⁹:15-19歲結婚的女童約為男童4.5倍;可見:基於民法規範,「童婚」在我國雖不似某些國家、地區普遍,但仍然合法存在;而且,結婚的女童有極高的比例是與20歲以上的成年人結婚,這對女童的受教育權益勢必有所影響。事實上,以18歲為女童的最低結婚年齡,是自2009年以來的三次CEDAW國家報告之總結意見與建議中的持續建議,可惜迄今仍未能完成修法程序。

至於童工的部分,由於我國勞動力的調查對象是以15歲以上為準,故無從確知15歲以下女童從事有酬勞動工作的統計,當然也不易知悉15歲以下女童從事無酬勞務的情形;又因15歲以上的第一級距是「15-19歲」,所以,也無從細分得知介於15至18歲之間的女童勞動統計。但是,沒有統計並不能排除女童可能因從事勞動而影響其受教權益存在之事實;只能說是:由於缺乏直接且具體的性別統計資料,以致未能直接、深入檢視童婚、童工是否直接剝奪或限制女童的受教育權益。然而,如果從「國民中小學補習學校概況」的學生人數中,女性為男性之四

³⁷ 同註 28。

³⁸ 民法,第980條。

倍(國中)與十倍(國小)40的性別比例來看,或可推知:相對於現在就學的均衡性別比例,我國早年存在女童在國民教育階段失學的比例較男童為高的事實41;而今,又或與以女性為主的新住民人數有關,這亦衍生另一個雖非直接與女童教育權益有關,但值得思考的性別問題:「為何我國以婚姻關係移入的新住民是以女性(高達九成)為主?」

綜合而言,就建構「無障礙的教育環境」而言,我國在建立環境、技術及經濟的無障礙著力頗深,也努力排除因弱勢群體身分、武裝衝突和自然災害及文化所帶來的障礙,並在相關法規制度方面堪稱積極作為,亦即:我國較不存在因前述障礙而有明顯、直接歧視的規定。但是,即使已訂頒《性別平等教育法》,針對LBTI學生的保護與保障之實際作為與成效上,則是前述所有障礙排除成效中,相對明顯有所不足的;這也是三次CEDAW國家報告之總結意見與建議中,多所建議之處,寄望主管機關能採取更積極、具體有效的策略改善之。

三、教育範圍內及通過教育實現的各項權利

檢視實質平等與否的三個向度為:「機會平等」、「資源取得的平等」及「結果平等」。因此,當女童和婦女能夠平等地跨過了接受教育的門檻(機會平等),得以進入校園接受教育之後,在各級教育階層及各種教育組織中,能否也擁有平等的人權尊重與保障(資源取得的平等),是教育範圍內各項權利所關注的重點。接續跨越門檻的平等教育權利與機會及跨越門檻後的平等人權尊重與保障之後,婦女能否擁有完成教育後之各項權利的保障與實現(結果平等),則是檢視教育權益實質平等與否的最後一個指標。所以,本段以檢視我國教育體制、結構的性別友善程度與結果,依「學校和知識的分層」、「學校中的性別不平等、虐待和性界力」、「網路霸淩」、「婦女在教育管理結構中的公平參與」及「婦女在社會/經濟/政治上的權利(力)與地位」五個主題分述之。

(一)學校和知識的分層

在課程部分,由於教育部分別訂頒九年課網、十二年課網42,在小、中、高

⁴⁰ 教育部統計處,性別統計指標彙總性資料-教育環境-補習及進修教育, https://depart.moe.edu.tw/ED4500/cp.aspx?n=0A95D1021CCA80AE>(瀏覽日:2019年6月30日)。

⁴¹ 行政院性別平等會,CEDAW 第三次國家報告, https://gec.ey.gov.tw/Page/DEBC79210F1AC20D/cd03da9b-bb37-43f9-9672-49fa1129e99a (瀏覽日:2019年6月30日)。

⁴² 教育研究院, < https://www.naer.edu.tw/files/15-1000-14113,c639-1.php?Lang=zh-tw; 教育部國民及學前教育署, < https://www.k12ea.gov.tw/Tw/Common/SinglePage?filter=11C2C6C1-D64E-475E-916B-D20C83896343> (瀏覽日: 2019年6月30日)。

層級的教學課程規劃上非以性別區隔,似較不會有出現性別分流、隔離的情形; 但在職業類型的教育訓練及高等教育層級的科系及學術領域上,則仍有前面已論 述過的性別隔離現象。

針對因經濟因素所造成的學術與技職的分流情形,缺乏直接的統計資料佐證;但似乎仍可發現:我國就讀國立與私立大專校院的學生家長背景與經濟,是有社經背景地位上的差異存在,「...個人社會階層背景較高者,就讀普通大學的機會多於社會階層背景較低者,且個人社會階層背景最高者,就讀公立大學機會也最高。...」43;但此種經濟差異帶來的分流現象,並未直接呈現「性別差異」的影響程度。

《就業服務法》中明定「主管機關為增進就業服務工作人員之專業知識及工作效能,應定期舉辦在職訓練」44,亦規定:公立就業服務機構應提供符合資格之求職人、學生、失業者及特定族群(如:身心障礙者、原住民、低收入戶、退伍者、更生保護人等)必要的職前訓練45,惟,規定中之在職或職前訓練均採不分性別為之;同法明確規範:「主管機關為輔導獨力負擔家計者就業,或因妊娠、分娩或育兒而離職之婦女再就業,應視實際需要,辦理職業訓練」46,雖考量了女性的職訓需求,卻設定了「獨力負擔家計」或「懷孕生產育兒」之前提,直接地排除了前述兩種條件之外的其他女性。另有《職業訓練法》,旨在「實施職業訓練,以培養國家建設技術人力,提高工作技能,促進國民就業...」47,明訂職業訓練分養成訓練、技術生訓練、進修訓練及轉業訓練實施,並規範應與職業教育、補習教育及就業服務,配合實施48,但也同樣並未針對女性國民與移工職訓權益之明確保障。

由於法令未明確保障女性職業訓練教育的平等機會,以致在實際執行結果上,仍難免落入因別刻板化觀念及傳統性別分工的影響而造成職業訓練項目、類別之性別分流與隔離現象。根據勞動部資料,以公立職訓機構結訓人數觀之,不論職前或在職訓練,女性均為男性之二分之一弱49,可惜因未區分訓練類別與項目,故無法進行更細緻地檢視;再從「婚育與就業的關係」50的性統計資料觀之,女

⁴³ 陳正昌(2005)社會階層背景與大學入學機會,屏東教育大學初等教育學系第三屆「社會理論與教育研究學術研討會」。<http://faculty.nptu.edu.tw/~chence/6-2.pdf>(瀏覽日:2019年6月30日)。

^{44 《}就業服務法》第8條。

⁴⁵ Ibid,第 17-20、27-31 條。

⁴⁶ Ibid,第 26 條。

^{47 《}職業訓練法》第1條。

⁴⁸ Ibid,第 3-4 條。

⁴⁹ 勞動部,性別勞動統計專輯-統計結果表,https://www.mol.gov.tw/statistics/2452/2465/>
(2019年7月11日瀏覽)。

⁵⁰ Ibid,性別勞動統計專輯-提要分析(2019年7月11日瀏覽)。

性婚後的勞參率遠低於男性,顯見:女性的職業訓練與勞參率成正比關係;亦不 難推論:我國女性的職業訓練與勞動參與仍深受「男主外、女主內」之影響與限 制。而勞動部勞動力發展署官網雖設有「職業訓練」專區51,但未見職業訓練參 訓、完訓之相關性別統計,更未見有關職業訓練之類別、項目的性別統計,故未 能進一步具體檢視。若以農委會的訓練為例52,該會的「農民農業專業訓練」明 顯以男性為主,而「農會家政班」更是直接被框限以「婦女」為主要訓練對象, 顯見別刻板化觀念及傳統性別分工直接對農委會教育訓練的影響。

有關運動體育部分,國小運動代表隊不論隊數、校數、人數,在多數項目中 均是男多於女53,且十分懸殊,僅有在現代舞、民俗舞、民族舞等項目呈現女多 於男。國中運動代表隊的隊數及校數均是男略多於女,但在人數部分則呈現男生 兩倍於女生的明顯差距,也只有在民俗舞、古典舞等極少數項目是女略多於男。 顯示:在體育運動部分,女童的參與機會明顯低於男童,在項目上,也仍因性別 刻板化觀念有性別隔離、分流現象。而在成人體育運動活動的報導及賽場上,「男 性比賽、女性加油」、「男性球員、女性啦啦隊」的刻板化現象依然方興未艾,透 過專屬影音媒體的賽事報導,不斷地傳遞且強化此種性別分流與隔離的景象。

至於運動員薪資及獎金部分,由於缺乏具體的薪資統計資料,以致未能確實比較,但從國際運動員薪資的相關報導不難看到:男、女運動員的薪資存在著極為懸殊的落差54。關於相關獎勵辦法部分,如:「國光體育獎章及獎助學金頒發辦法」、「有功教練獎勵辦法」、「中等以上學校運動成績優良學生升學輔導辦法」55等,多採不分性別而以賽事項目、類別、名次為給予獎勵的標準;亦依相同原則針對身心障礙選手另訂相關獎勵辦法,如:「績優身心障礙運動選手及其有功教練獎勵辦法」等。因此,從法規層面觀之,並無直接歧視之情形;然而,若依循前述隊數、人數的性別統計來看,仍須以實際執行結果的性別統計為準,方能較真實地檢視「性別實質平等」之達成與否。

 (2019年7月11日瀏覽.)。

⁵¹ 勞動部勞力發展署,職業訓練,

⁵² 行政院農委會,性別統計專區,<https://www.coa.gov.tw/ws.php?id=2447105> (2019年7月11日瀏覽)。

⁵³ 教育部統計處,性別統計指標彙總性資料-教育成果-國中小運動代表隊學生人數, (瀏覽日:2019年6月30日)。

⁵⁴ 球迷進化論 (2018/9/13) 同一級別運動員,男女薪資差 400 倍!男女運動員該不該同工同酬?https://kknews.cc/sports/ze6gpbg.html>(瀏覽日:2019年6月30日)。

⁵⁵ 教育部主管法規查詢系統,<<u>http://edu.law.moe.gov.tw/LawContent.aspx?id=GL000792</u>>(瀏覽日:2019年6月30日)。

(二)學校中的性別不平等、虐待和性暴力

《性別平等教育法》於2004年訂頒之後,開始有校園性侵害與性騷擾案件的統計,2011年性霸凌防治入法後,增列性霸凌案件的統計。根據教育部統計56,校園性侵害與性騷擾案件的受害者以女性居多,前者約近七成五,後者高達八成,性霸凌案件的受害者則相反地以男性居多,女性受害者約佔三成七。然而,不論何種類型的性別暴力,加害者均多為男性,性侵害與性騷擾案件的男性加害者高達九成,性霸凌案件的受害者雖以男性居多,但加害者亦以高達八成四的男性為主,顯見:女性學生在校園中確實承受著性別不平等所衍生的性別暴力威脅。而且,目前這些統計均只以依法「申請調查」且「調查屬實」者為準;然而,在《性別平等教育法》訂頒前後,均有隱藏未曾提出申請調查的黑數案件,且可能追溯至多年之前57,因此,實際的校園性別暴力案件數量應比教育部的統計案件為多,此種隱而未現的情形實與整個校園縱容、包庇的共犯結構與體制有著密切的關係。同時具有特教生或LBTI身份的女性學生,亦常因交織性而易遭受歧視或仇恨言行的對待。

落實性教育與性別平等教育是性別暴力防治的重要基礎環節!然而,長久以來,特定宗教勢力化身為「家長/志工」進入中、小學校園,假「性教育」或「生命教育」之名,推行「守貞」教育58。早年,此類宗教團體以驚悚的影片(如:殘蝕的理性)59及恫嚇的手段單方面脅誘女學生簽署「守貞卡」;爭議影片雖於多年前因遭抗議而停止,但「守貞卡」依然持續在校園中廣為流傳60。種種作為,除了違反我國《教育基本法》第6條「教育應本中立」之規定在校園宣傳特定宗教教義,也彰顯著「處女情結」的父權思維,且就本質而言,或可算是我國校園

56 教育部統計處,性別統計指標彙總性資料-教育環境-校園性侵害、性騷擾或性霸凌性別統計,https://depart.moe.edu.tw/ED4500/cp.aspx?n=0A95D1021CCA80AE> (瀏覽日: 2019年6月30日)。

⁵⁸ 趙弘毅 (2014/11/23) 以守貞與婚姻框架為核心的性別平等教育?想想(小英教育基金會),https://www.thinkingtaiwan.com/content/3412>(瀏覽日:2019年7月17日)。

⁵⁹ 由輔仁大學神學院所發行之墮胎紀實影片,以反墮胎為訴求,2004 年在全國各高中職軍訓護理課程廣為播放,造成不少高中女生覺得噁心、驚駭,甚至惡夢連連,引發婦女團體強烈批判影片內容偏頗,不僅顯示對性教育與性別平等教育的無知,亦漠視女性身體自主權。相關報導:青少年解放陣線-「殘蝕的理性」墮胎紀實影片爭議, (瀏覽日:2019年7月17日)。

⁶⁰ 林芮緹 (2016/10/28)【不是叫彩虹就是性別友善】入會要同意「守貞、一夫一妻」的彩虹愛家,怎麼教小學生「性別平等」?報橋, https://buzzorange.com/2016/10/28/fuck-you-rainbowkids-org/>(瀏覽日:2019年7月20日)。

中對女童及青少女實施的「心理性FGM」。近年來,特定宗教勢力更將性別平等教育及尊重多元性別之教育污衊為「同志『養成』教育」61,除了扭曲依法施行的性別平等教育,更強力阻礙性別平等政策的推動與執行62。針對這些現象,再次地彰顯了:訂頒《性別平等教育法》之後,仍有待政府善盡國家義務採取一切必要措施去落實,並展現公權力依法監督63,方能竟功。

(三)網路霸淩

為了落實網路霸凌的防治,教育部除了將「網路霸凌」增列於《校園霸凌防制準則》修正草案中64,亦在「中小學網路素養與認知」網站設置專區宣導65,內政部警政署也透過官網宣導何謂「網路霸凌」66,在在彰顯教育及警政主管機關致力於網路霸凌防治的作為;惟,前述相關作為乃不分性別而為,並未特別針對童或青少女所面臨的網路霸凌形式與影響有進一步的作為。因此,在論述網路霸凌的特性、種類、行為、處理方式、案例時,均難免落入「去性別化」以致有「性別盲」之情形;在呼籲學校、教師及家長關注網路霸凌的提醒與建議上,亦復如此。明顯地忽略了網路霸凌實際存在的性別差異現象,未能強化針對青少女在網路霸凌中的預防、保護措施。

(四)婦女在教育管理結構中的公平參與

除了前面曾論述過學術領域的性別區隔,攸關掌管教育資源分配的校長及主管67等決策職位與層級,也是很容易被檢視出性別不平等的範疇。以校長職位而言,國民小學、中學女性校長約佔三成,公、私立高級中等學校女性校長約兩成,大專校院女性校長則是不及一成。換言之,即使是在女性教師佔多數的國小、國中、高中,學校的決策與資源分配權依然是掌握在男性手中;遑論女性教師原本就是居於少數的大專校院,更是理所當然地由男性掌握權力與資源。若以主管階

62 潘寬(2019/1/30)以「守貞教育」之名行傳教之實,異性戀和性少數學生都受害。關鍵評論, https://www.thenewslens.com/article/112557>(瀏覽日:2019年7月20日)。

⁶¹ 同註 33。

⁶³ 周雅淳 (2019/7/14)「彩虹媽媽」爭議,反映出校園志工家長缺乏監督機制。關鍵評論, https://www.thenewslens.com/article/121881> (瀏覽日:2019年7月20日)。

⁶⁴ 行政院公報資訊網,預告「校園霸凌防制準則」修正草案, https://gazette.nat.gov.tw/egFront/detail.do?metaid=102694&log=detailLog (瀏覽日:2019年7月8日)。

⁶⁵ 教育部,中小學網路素養與認知-網路霸凌,<<u>https://eteacher.edu.tw/Archive.aspx?id=277</u>> (瀏覽日: 2019年7月8日)。

⁶⁶ 內政部警政署,常見問答-什麼是網路霸凌, <<u>https://www.npa.gov.tw/NPAGip/wSite/ct?xItem=78840&ctNode=12879&mp=1</u>>(瀏覽日: 2019年7月8日)。

⁶⁷ 同註 20。

層的性別統計來看,國小、國中、高中主任、組長的男女比例相當,但在大專校院中的女性學術或行政主管則僅約四分之一;專科學校學術主管約有五成五、行政主管約佔四成的例外現象,應仍與專科學校以培育護理人員為主有關,也再次證明了性別刻板化觀念的影響,從師生學科領域的分流,一直延續到決策與資源的掌握,直接影響與限制了女性在管理結構中的公平參與。

2004年《性別平等教育法》首開明訂相關委員會「任一性別不得少於三分之一」之規定68,保障女性教職員在學校「考績委員會」、「申訴評議委員會」、「教師評審委員會」等重要委員會中的平等參與權,同時,也確保女性在中央與直轄市、縣(市)主管機關之「教師申訴評議委員會」的參與,消除女性長期被排除在學校管理結構之外的不平等現象。之後,2005年行政院通過「行政院各部會所屬各委員會委員任一性別比例至少三分之一原則」69,要求所屬各機關委員會的性別比例,確保不同性別者之決策參與權;與教育相關者如:「教育部學術審議會設置要點」、「教育部醫學教育會設置要點」、「國立大學校長遴選委員會組織及運作辦法」、「私立學校諮詢會組織及運作辦法」、「技職教育發展小組設置要點」、「教育部公費留學審議會設置要點」、「教育部師資培育審議會設置辦法」等70(餘請詳參教育部網頁)。

雖然,「任一性別不少於三分之一」的措施,確實逐步提升了女性在學校、 地方及中央層級的教育決策參與權利及機會;然而,若以聯合國SDGs的目標: 於2030年達到男女比例分佔50:50的實質性別平等71,顯然是需要加快改善的步 伐方可達標。

(五)婦女在社會/經濟/政治上的權利(力)與地位

離開接受教育的階段之後,女性或繼續生活於原生家庭中、或進入新的婚姻家庭關係,也開始置身於社會、經濟、政治的環境中。因此,本段透過女性在社會經濟的職位、薪資、決策權力參與及代表性、角色分工等向度,檢視女性通過教育實現在社會、經濟和政治上的平等參與之機會與保障。

根據2018年的性別圖像72,我國整體女性勞參率已突破五成,但是,因婚育

^{68 《}性別平等教育法》第16條。

⁶⁹ 行政院性別平等會,大事記,< https://gec.ey.gov.tw/Page/DC3D9B9445478426>(瀏覽日: 2019年6月30日)。

⁷⁰ 同註 55。

⁷¹ 台灣國家婦女館,主題展示-2016 在地出發邁向平等(2016/3/18), http://www.taiwanwomencenter.org.tw/zh-tw/News/Subject/Content/1/subject2016>(瀏覽日: 2019 年 7 月 10 日)。

⁷² 行政院主計總處,性別圖像下載網址:
https://ebook.dgbas.gov.tw/lp.asp?CtNode=5971&CtUnit=2045&BaseDSD=46&xq_xCat=10&m">p=103&pagesize=8>(瀏覽日:2019年7月20日)。

及家庭因素等傳統性別分工與性別刻板化觀念之影響,女性勞參率從婚育前的九成多,隨年齡增加而急速下降將近雨成;對照已婚女性平均每日無酬照顧時間將近4小時的事實,其中又以家事勞務、照顧子女及家人與長者為主,更是彰顯了女性因「男主外、女主內」的觀念及性別分工而受限。亦可從女性擔任經濟戶長之家庭僅佔全體家庭三成左右看到相似的影響。另外,從育嬰假請假比例是女性多於男性,但期滿返回原事業單位原工作職位之女性比率低於男性,亦再次看到女性受家庭因素影響、限制其職場發展的現象。這似乎也與性別之間的「薪資差距」有關,我國2016年的薪資差距為32.9%73,2019年的「同酬日」是2月23日74,均顯示:女性薪資待遇不如男性,也較容易被期待成為放棄收入、回歸家庭的對象。「性別薪資差距」對女性的影響是個十分弔詭的現象,既是因、也是果,性別歧視與不公平的因素使得多數女性在職位、升遷、薪資等明顯受限,以致於造成職位、薪資均較男性為低的「結果」,而這種低職低薪的結果,又成為女性理所當然成為放棄收入、回歸家庭的「原因」;因此,必須打破此種弔詭的「因果」循環,才能從基礎面向確實保障女性在家庭、社會、經濟之間,擁有與男性一樣的平等權利(力)及地位。

延續前述的現象,不難預見:女性在主管及決策參與的機會與權利上亦是不及男性的事實;同樣根據2018年的性別圖像75,屬於基層公務人員的女性薦任人員雖然已達五成七,但是女性簡任人員卻未達三分之一,擔任主管的比率則僅為三成六左右。至於擔任民意代表、主管及經理人員之女性僅約四分之一;中小企業負責人為女性者約三成六;因此,縱使不以聯合國SDGs的50:50為目標,我國在提升及保障女性的決策權力參與及代表性上,亦應退而求其次地以四成女性代表為標準,積極努力達標。

四、國家責任

依第28號一般性建議要求,國家應善盡「尊重」、「保護」、「促進」、「實現」之義務⁷⁶,確保及時執行與監測本號建議,保護女童和婦女的受教育權、教育範圍內各項權利及通過教育實現的權利,故本段落依據委員會所提之4項建議提醒我國政府應據以善盡國家責任:

(一)教育部及各地方教育局(處)之人員均應先行透過內部訓練,熟悉、瞭解

 $^{^{73}}$ Ibid,性別薪資差距=(1-女性時薪×女性每月有酬工時×女性就業率/男性時薪×男性每月有酬工時×男性就 業率)×100%。

⁷⁴ 勞動部,108年3月14日新聞公告:我國108年同酬日為2月23日,維持與去年同天。 https://www.mol.gov.tw/announcement/2099/39419/ (瀏覽日:2019年7月20日)。

⁷⁵ 同註 72。

⁷⁶ 第28號一般性建議,第27段。

本號建議,再向各級教育工作人員、學生、家長、媒體及相關公部門與社區組織宣導本號建議;

- (二)行政院應責成教育部及各地方教育局(處)將本號建議譯成台語、客語及原住民與新住民的語言,並透過適當管道向不同族群成員宣導;
- (三)行政院或教育部宜成立一個包含教育主管機關及民間團體成員的跨部會工作單位,依循本號建議之各點各段建議,制訂具體進度的執行監督方案、明確的成效基準及專責的督考人員;
- (四)行政院及教育部應積極建置量化與質性資料庫,以供監測本號建議之成果。

肆、建議配合此一般性號建議需檢視的法規

依照我國《消除對婦女一切形式歧視公約施行法》⁷⁷及「CEDAW第二次國家報告總結意見與建議」⁷⁸,政府應依本號建議檢視既有法規及行政措施,使之符合建議的規範。雖然,經過2012-2013年間,依《公約》條文進行全面性法規檢視之後⁷⁹,我國現有法規應該大致無明顯、直接歧視女童和婦女教育權益的情形;但是,當時檢視法規時,聯合國尚未訂頒本號建議;再者,根據前段檢視及實際執行結果的性別統計觀之,仍見間接歧視或多重歧視的現象存在。因此,重要的是:有賴主管機關依《公約》第4條擬定及採行「暫行特別措施」,並依加強以期加速性別實質平等之達成;並依《公約》第5條加強消除因父權體制與意識、性別刻板化觀念等導致的歧視與不平等。因此,本段落針對應配合本號建議予以檢視之法規提出初步提醒與建議。

整體而言,我國從整體教育基本法規至規範各級教育的相關法規,多侷限於以「教育」為主,而沒有特別區分不同性別者的教育權益保障,因此,雖然不存在直接歧視、限制或剝奪女童和婦女教育權益的規定,但是,也很難在條文中看到直接、明確保障女童和婦女教育權益的規定。換言之,我國教育以《教育基本法》為準,有針對各級教育之《幼兒教育及照顧法》、《國民教育法》、《高級中等教育法》、《專科學校法》、《技術及職業教育法》、《大學法》、《私立學校法》等,有保障終身學習之《終身學習法》、《空中大學設置條例》、《補

^{77 《}消除對婦女一切形式歧視公約施行法》,第3條。

⁷⁸ 行政院性別平等會, CEDAW 第次國家報告- CEDAW 第 2 次國家報告審查委員會總結意見 與建議中文版-第 7 點, https://gec.ey.gov.tw/Page/B4F978699BF76C15/dbdcf43d-66c4-4b7a-9791-b6dd9dcb33c5> (瀏覽日: 2019 年 6 月 30 日)。

⁷⁹ 行政院性別平等會, CEDAW, 法規/措施檢視, https://gec.ey.gov.tw/Page/7B6AB502570C3DDE>; 不符合 CEDAW 規定之法規及行政措施(清冊、修正進度、彙編), https://gec.ey.gov.tw/Page/DED329DC207B5986>(瀏覽日:2019年6月30日)。

習及進修教育法》等,有針對特定領域之《藝術教育法》、《國民體育法》等,亦有強化區域資源之《偏遠地區學校教育發展條例》等,也有針對與學校教育息息相關的家庭教育訂頒《家庭教育法》;然而,所有法規多以「不分性別」方式訂頒。以《家庭教育法》為例,該法以「...增進國民家庭生活知能、家人關係,健全家庭功能80」為標的,所稱家庭教育「係指具有增進家人關係與家庭功能之各種教育活動及服務;其範圍由中央主管機關定之81」。細究法條內容,均未見直接「性別」或「性別平等」,實難確保透過該項法令之執行,可具體落實符合《公約》精神與性別平等的家庭教育,亦難從法規內容確認女童和婦女在家庭教育中的平等與權益保障。

教育制度之外,整個教育權益所關注的焦點便是「人」:接受教育的人與提供教育的人。除了前述「教育制度」相關法規之外,我國另有針對特定族群或對象訂頒特別法以資保障,有全面性規範者,如:《兒童及少年福利與權益保障法》、《身心障礙者權益保障法》、《原住民族基本法》、《老人福利法》等,亦有以保障教育權益為主的,如:《特殊教育法》、《身心障礙學生升學輔導辦法》、《原住民族教育法》等。以《特殊教育法》為例,該法聚焦於保障「...身心障礙及資賦優異之國民,均有接受適性教育之權利,充分發展身心潛能,培養健全人格,增進服務社會能力⁸²...」,包含從學前、小、中、高至高等及成人教育階段,然而,亦未明確針對身心障礙女性受教權益之保障。同樣地,制定《身心障礙者權益保障法》以「維護身心障礙者之權益,保障其平等參與社會、政治、經濟、文化等之機會,促進其自立及發展⁸³...」,並有「教育權益」專章⁸⁴,亦非在於女性身心障礙者受教權益之保障。至於《老人福利法》,旨在「維護(六十五歲以上)老人尊嚴與健康,安定老人生活,保障老人權益,增進老人福利⁸⁵」,也未明指保障高齡女性之受教權益。

凡此,建請前述各法規主管機關應參酌本號建議,檢視評估如何更具體、積極保障不同年齡階段、不同族群女性在接受教育上之機會、資源及結果的實質平等。

另有針對提供教育之「教育人員」的法規,如:《教師法》、《師資培育法》、 《教育人員任用條例》;有關教育環境條件與資源方面,保障學生受教環境的相 關法規有《性別平等教育法》、《學生輔導法》等,而關注教育人員提供教育的

^{80 《}家庭教育法》第1條。

⁸¹ Ibid,第2條。

^{82 《}特殊教育法》第1條。

^{83 《}身心障礙者權益保障法》第1條。

⁸⁴ Ibid,第三章第 27 至 32 條。

^{85 《}老人福利法》第1條。

環境條件之相關法規,多從職場、勞動、就業等面向切入,例如:《勞動基準法》、《就業服務法》、《職業訓練法》、《性別工作平等法》等。以《勞動基準法》為例,明訂保障女性勞工的分娩哺乳權益,但無涉教育權益。或直接提及工作中的性別議題者為《性別工作平等法》,雖以「保障性別工作權之平等,貫徹憲法消除性別歧視、促進性別地位實質平等之精神86...」為宗旨,然而,僅涉及女性在職場上的工作權益保障,但並未包含相關教育權益與需求的規範。據此,建請前述各相關法規主管機關應參酌本號建議,檢視評估如何更直接、具體、積極保障女性學生與教育人員的學習與工作環境、條件、福利等之機會、資源及結果的實質平等。

一般性建議法規檢視清單

一般性建議	權責機關	法規名稱
36	教育部	教育基本法
		幼兒教育及照顧法
		國民教育法
		高級中等教育法
		專科學校法
		技術及職業教育法
		大學法
		私立學校法
		終身學習法
		空中大學設置條例
		補習及進修教育法
		藝術教育法
		國民體育法
		偏遠地區學校教育發展條例
		家庭教育法
		特殊教育法
		身心障礙學生升學輔導辦法
		原住民族教育法
		教師法
		師資培育法
		教育人員任用條例

^{86 《}性別工作平等法》第1條。

一般性建議	權責機關	法規名稱
		性別平等教育法
		學生輔導法
		國光體育獎章及獎助學金頒發辦法
		有功教練獎勵辦法
		績優身心障礙運動選手及其有功教練獎勵辦法
		中等以上學校運動成績優良學生升學輔導辦法
		教育部補助大專校院改善無障礙校園環境要點
		校園霸凌防制準則
	衛生福利部	兒童及少年福利與權益保障法
		身心障礙者權益保障法
		老人福利法
	勞動部	勞動基準法
		就業服務法
		職業訓練法
		性别工作平等法
36	法務部	民法
	內政部	內政部主管活動場所無障礙設施設備設計標準
	交通部	大眾運輸工具無障礙設施設置辦法
	原住民族委	原住民族基本法
	員會	

伍、第36 號一般性建議重要內容提示

本段落完整呈現本號建議之英文原文與中文翻譯,並據以摘述重點,以利讀者在快速摘取重點的同時,也能對照聯合國的原文及中譯,確保對本號建議各點 各段的正確理解與解讀。

	原文	中譯87	重點
A.	Introduction	等言(1-5)	
1.	Education plays a pivotal, transformative and empowering role in promoting human rights values		

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 $^{^{87}}$ 以聯合國之簡體中譯為準,依據行政院性平會轉為繁體之中譯,部分用語與我國慣用語或有不同。詳參性平會網頁:https://gec.ey.gov.tw/Page/876AE3EDF26D8E91> (2019 年 4 月 16 日瀏覽)。

	原文	中譯87	重點
	and is recognized as the pathway to gender equality	是實現性別平等和增強婦女權能的	、發展勞權的重
	and the empowerment of women.1 It is also an		要途徑與工具。
	essential tool for personal development and for the		
	development of an empowered workforce and		
	citizenry that can contribute to civic responsibility		
	and national development. In the United Nations		
	Millennium Declaration, the General Assembly	議),決心確保到 2015 年,世界各地的	
	resolved to ensure that, by 2015, children everywhere	兒童都能夠完成初級教育的全部課程,	
	would be able to complete a full course of primary	並且女童和男童能夠平等接受所有各級	
	schooling and that girls and boys would have equal	教育。	
	access to all levels of education (resolution 55/2).		
2.	Despite important progress, that goal was not	這一目標儘管取得了重大進展,但尚未	排除障礙因素並
	achieved. The education of girls and women is	實現。女童和婦女的教育被認為是實現	建置法律機制以
	considered to be one of the most effective	可持續和包容性發展最有效的投資之	確實達致女童和
	investments for sustainable and inclusive	一,但是全世界 2012 年有 3 200 萬小學	婦女受教育的基
	development; however, in 2012, 32 million girls of	適齡女童失學,佔所有失學兒童的53%,	本人權的積極保
	primary school age around the world were out of	另有 3 160 萬初中年齡青春期少女	障與維護。
	school, representing 53 per cent of all out-of-school	(50.2%)失學。 即使在提供受教育機會	
	children, as were 31.6 million adolescent girls (50.2	的情況下,不平等現象持續存在,阻礙	
	per cent) of lower secondary school age.2 Even	婦女和女童充分利用這些機會。聯合國	
	where educational opportunities are available,	教育、科學及文化組織(教科文組織)2013	
	inequalities persist, preventing women and girls from	年 9 月報告稱 ,世界上有 7.735 億成年	
	fully taking advantage of such opportunities. In	人(15 歲以上)是文盲,其中婦女佔	
	September 2013, the United Nations Educational,	61.3%,而青年人(15 歲至 24 歲)為 1.252	
	Scientific and Cultural Organization (UNESCO)	億,其中女性佔61.3%。一般而言,女童	
	reported3 that 773.5 million adults (15 years of age	和婦女在教育過程中,在入學、在讀、完	
	or older) worldwide were illiterate, and 61.3 per cent	成學業、待遇、學習成果以及職業選擇	
	of them were women, while among youth (15 to 24	方面受到過分歧視,造成她們在學校教	
	years of age) 125.2 million were illiterate, with	育和學校環境之外的劣勢。	
	women and girls representing 61.3 per cent of that		
	population. Girls and women are disproportionately		
	discriminated against during the schooling process in		
	terms of access, retention, completion, treatment and		
	learning outcomes, as well as in career choices,		
	resulting in disadvantage beyond schooling and the		
	school environment.		
3.	The need to ensure inclusive and quality education	需要確保全民接受全納和優質教育並促	
	for all and promote lifelong learning is a priority of	進終生學習,這是由 192 位世界領導人	
	Sustainable Development Goal 4, as contained in	中 189 位所通過的 2015 年後可持續發	
	General Assembly resolution 70/1, adopted with a		
	view to transforming the world by 2030. Two critical	優先事項,旨在到 2030 年改變世界。需	
	education targets to be met are ensuring that all girls	要實現的兩項關鍵的教育方面的具體目	
	and boys complete free, equitable and quality	標是:(a) 確保所有男女兒童完成免費、	
	primary and secondary education leading to relevant		
	and effective learning outcomes; and eliminating	和有效的學習成果;(b) 消除教育中的性	

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4.	gender disparities in education and ensuring equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations. In the Education 2030 Framework for Action, adopted on 4 November 2015 by the General Conference of UNESCO, and considered by the global education community as complementary to the Sustainable Development Goals, it is acknowledged that gender equality is inextricably linked to the right to education for all and that its achievement requires taking a rights-based approach, in order to ensure that all learners not only gain access to and complete education cycles, but are empowered equally in and through education. However, certain factors disproportionately prevent girls and women from claiming and enjoying their basic human right to education. Such factors include barriers to access for girls and women from disadvantaged and marginalized groups, exacerbated by poverty and economic crises, gender stereotyping in curricula, textbooks and teaching processes, violence against girls and women in and out of school and structural and ideological restrictions to their engagement in male-dominated academic and vocational fields.	脆弱等群體平等獲得 2015 年 11 月經報 2015 年 11 月經報 2030 年 2030 年教育行動框架》不 資子 11 月經報 2030 年 2030 年教育行動框架》不 選出 11 月經報 2030 年 2030 年教育 4 2030 年教育 4 2030 年教育 5 2030 年教育 6 2030 年 2030 年	
J.	The gap between the legal recognition of the right of girls and women to education remains critical, and the effective implementation of that right calls for further guidance and action on article 10 of the Convention, as set out below. The recommendations herein are grounded in existing jurisprudence under the Convention, including the Committee's concluding observations and existing general recommendations, and information obtained from submissions received and oral presentations made by States parties and a wide range of stakeholders, including non-governmental and civil society organizations and academics, at a preliminary half-day consultation hosted by the Committee in July 2014.	之間仍然存在很大差距。如本一般性建議指出,有效落實該權利需要進一步就《消除對婦女一切形式歧視公約》第10條提供指導和採取行動。本一般性建議及其建議的制定立足於《公約》現有判例,基於結論性意見和現有一般性建議,以及締約國和包括非政府和民間社會組以及學術界在內的一系列廣泛的利益做關方在消除對婦女歧視委員會2014年7月主辦的半日初步協商中所提交呈文和口頭介紹中的信息。	
-	Justiciability of the right to education Since the adoption of the Universal Declaration of		教育是基本人
J.	Human Rights by the General Assembly in December	權宣言》以來,教育被確認為一項基本	權。

		中譯87	重點
	1948, education has been acknowledged as a basic) . 横。陈悠,艾工园胶、厄埃和园安立妻	
	human right. Subsequently, several international,		
	regional and national instruments and court		
	decisions 5 have established that the right is		
	justiciable and consequently enforceable in law.		
	Those instruments therefore provide that protection		
	from discrimination in the field of education is an		
	underlying and basic principle of human rights law.		
7.	Therefore, in line with the Committee's general	因此,根據該委員會關於婦女獲得司法	
/.	recommendation No. 33 (2015) on women's access		
	to justice, all States parties have an obligation to		
	protect girls and women from any form of		
	discrimination that denies them access to all levels of		
	education and to ensure that, where that occurs, they		
	have recourse to avenues of justice.		
C.	Right to education: existing normative framework	受教育權:現有規範(8-12)	
8.	I In addition to the Universal Declaration of Human		受教權為「世界
0.	Rights, the right to education is enshrined in a	束力的國際和區域文書 載入受教育	人權宣言」及其
	number of international and regional legally binding	權。因此締約國有義務尊重、保護和實	他國際公約及國
	instruments. States parties, therefore, have an	現受教育權,該權利必須在國家法律制	家法律之保障,
	obligation to respect, protect and fulfil the right to	度中可予審理。	並有助於享有其
	education, which must be justiciable in national legal		他人權、自由與
	systems.		平等之權益。
9.	As a human right, education enhances the enjoyment	作為一項人權,教育有助於享有其他人	
	of other human rights and freedoms, yields	權和自由、實現重大的發展惠益、促進	
	significant development benefits, facilitates gender	性別平等和促進和平。教育還會減輕貧	
	equality and promotes peace. It also reduces poverty,	窮;促進經濟增長和增加收入;增加獲	
	boosts economic growth and increases income,		
	increases the chances of having a healthy life,		
	reduces child marriage and maternal deaths and		
	provides individuals with the tools to combat	4	
	diseases.		
10.	Although it is recognized internationally, including		
	by UNESCO, that education can be progressively		
	implemented according to available resources, the		
	aspects of national law that constitute the core of the		
	right to education must be immediately implemented.		
	including ensuring the right of access to public		
	educational institutions and programmes on a non-		
	discriminatory basis, ensuring that education		
	conforms to the objectives set out in international		
	standards, providing primary education for all		
	adopting and implementing a national educational		
	strategy that includes the provision of fundamental,	,	

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	secondary and higher education and ensuring free		
	choice of education, without interference from the		
	State or third parties, subject to conformity with		
	minimum educational standards.		
11.	International legally binding instruments on the right	國際上關於受教育權具有法律約束力的	
	to education include the following: International	文件包括:《經濟、社會及文化權利國際	
	Covenant on Economic, Social and Cultural Rights	公約》(第13條)、《消除一切形式種族歧	
	(article 13); International Convention on the	視國際公約》(第5條)、《保護所有移徙	
	Elimination of All Forms of Racial Discrimination	工人及其家庭成員權利國際公約》(第30	
	(article 5); International Convention on the	條)、《殘疾人權利公約》(第24條)、《兒	
	Protection of the Rights of All Migrant Workers and		
	Members of Their Families (article 30); Convention	際體育教育、體育活動和體育運動憲章》	
	on the Rights of Persons with Disabilities (article 24):		
	Convention on the Rights of the Child (article 28);		
	International Charter of Physical Education, Physical		
	Activity and Sport of UNESCO (article 1); and		
	Convention on Technical and Vocational Education		
	of UNESCO.		
12.	Non-binding political commitments and global		
		各國政府有責任承認教育是加快國家發	
	Governments in recognizing education as a catalyst		
	for accelerating national development and social		
	transformation. States are called upon to take		
	strategic action in confronting inequalities and		
	inadequacies in the access of girls and women to		
	education and training. They include the following:		
	Programme of Action of the International Conference on Population and Development, 1994; Beijing		
	Platform for Action, 1995; World Declaration on		
	Education for All, 1990; Dakar Framework for		
	Action, 2000; Millennium Development Goals.		
	2000; and 2030 Agenda for Sustainable		
	Development, 2015, which includes the Sustainable		
	Development Goals and targets aimed at the		
	elimination of all forms of discrimination against all		
	women and girls.		
D.	Scope of the general recommendation: the	框架一般性建議的範圍:三方的人權框	
ν.	tripartite human rights framework	架(13-19)	
13	Education that empowers girls and women equips		落實性別平等的
	them with capacities to claim and exercise broader		
	socioeconomic, cultural and political rights, on an		
	equal basis with boys and men in their societies. To	的權利。為實現性別平等,教育制度的	
	achieve gender equality all aspects of the education	所有方面(法律和政策、教育內容、教學	
	system, laws and policies, educational content,	法和學習環境)應當對性別敏感,能滿足	

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	pedagogies and learning environments should be	女童和婦女的需求,並對女性和男性都	
	gender sensitive, responsive to the needs of girls and	有轉變作用。	
	women and transformative for all.		
14.	The present general recommendation is grounded in		教育的人權框架
	a human rights framework for education, which is		包括受教育權、
	focused on three dimensions. The first is the right of	權;其次是教育範圍內各項權利;第三	教育範圍內各項
	access to education; the second, rights within	是 通過教育實現的權利 。本三重框架很	權利及通過教育
	education; and the third, the instrumentalization of		實現的權利三個
	education for the enjoyment of all human rights		層面,反映了各
	through education. The tripartite framework largely		段所指的無障礙
	reflects the rights set out by the Special Rapporteur		環境、可獲取性
	on the right to education in the framework on		、可接受性和可
	governmental obligations on school accessibility		調試性所列的權
	availability, acceptability and adaptability8 and		利。
	referred to below.		
15.	The right of access to education involves	受教育權涉及參與問題,反映在女童和	受教育權強調平
	participation and is reflected in the extent to which	男童以及婦女和男子平等參與的程度,	等的參與、教育
	girls and boys and women and men are equally	以及各級有足夠的基礎設施滿足各年齡	範圍內各項權利
	represented and the extent to which there is adequate		以促進教育中實
	infrastructure at the various levels to accommodate	級過渡的指標是涉及受教育權的關切問	質性的性別平等
	the respective age cohorts. Attendance, retention in	題。	為主軸、通過教
	school and transition from one level to another are		育實現的權利界
	indicators of the degree to which the right of access		定了學校教育在
	to education is respected.		教育領域外的生
16.	Rights within education extend beyond numerical	教育範圍內各項權利 超出了數字上的平	活各方面塑造權
	equality and are aimed at promoting substantive	等,旨在促進教育中實質性的性別平等。	利和性別平等的
	gender equality in education. They concern equality	因此,這些權利涉及待遇平等和機會平	方式。
	of treatment and opportunity, as well as the nature of	等以及男女學生和教師之間在教育機構	
	gender relations between female and male students	中性別關係的性質。這一平等層面尤為	
	and teachers in educational settings. The equality	重要,因為正是社會通過社會機構塑造	
	dimension is particularly important, given that	和複製了基於性別的不平等,教育機構	
	society shapes and reproduces gender-based	在這方面扮演關鍵角色。在許多社會,	
	inequalities through social institutions, and	學校教育未挑戰根深蒂固的歧視性性別	
	educational institutions are critical players in that	規範和習俗,而是強化性別陳規定型觀	
	1 -	念,並維持社會性別秩序,表現方式是	
	discriminatory gender norms and practices, in many	複製女/男和從屬/支配等級制度,以及生	
	societies, gender stereotypes are reinforced through		
	schooling and it maintains the gender order of	1	
	society, expressed through the reproduction of the		
	female/male and subordination/domination		
	hierarchies and the reproductive/ productive and		
	private/public dichotomies.		
17.	Rights through education define the ways in which	通過教育實現的權利 界定了學校教育在	
	schooling shapes rights and gender equality in	教育領域外的生活各方面塑造權利和性	

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	aspects of life outside the sphere of education. The	 別平等的方式。本應產生變革作用的教	
	absence of such a right is particularly evident when		
	education, which should be transformational, fails to	治和經濟領域的地位,從而使其無法充	
	significantly advance the position of women in the	分享受這些領域的權利,在此情況下,	
	social, cultural, political and economic fields, thereby	缺少此類權利尤為明顯。一個核心問題	
	denying their full enjoyment of rights in those arenas.		
	A central concern is whether certification carries the	的價值和社會價值。全球趨勢表明,在	
	same value and social currency for women as for	許多情況下,甚至在男性受教育程度低	
	men. Global trends show that, in many instances	於女性的情況下,男性在這些領域佔據	
	even where the educational attainment of males is	的職位更高。	
	lower than that of females, males occupy better		
	positions in those arenas.		
18.	The present general recommendation is aimed at	本一般性建議旨在確保妨礙女童和婦女	確保妨礙女童和
10.	ensuring that regional disparities and within-country	享有教育權、教育範圍內各項權利和通	婦女享有教育人
	inequalities based on the multiple and intersecting	過教育實現的權利、基於多種相互交叉	權,消除基於多
	forms of discrimination that prevent girls and women	歧視的區域差距和國家內部的不平等現	種相互交叉歧視
	from enjoying rights to, within and through education	象得到應對並最終消除。因此,本一般	的區域差距和國
	are addressed and ultimately eliminated. The present	性建議擴大了《公約》第10條,並將其與	家內部的不平等
	general recommendation expands upon article 10 of	其他所有條款和相關現有一般性建議聯	現象。
	the Convention and links it with all other articles and	繫起來,以確立受教育權與享受《公約》	
	the relevant existing general recommendations to	所載其它各項權利之間的關聯。	
	establish the correlation between the right to		
	education and the enjoyment of other rights		
	enshrined in the Convention.		
19.	The target users of the present general	本一般性建議的目標用戶包括:負責制	適用對象: 公職
	recommendation include: all State officials tasked	定並執行與各級公共和私立教育相關的	人員、學術人
	with the formulation and implementation of legal and	法律和政策性决定的所有國家官員;學	員、學生、教
	policy decisions pertaining to public and private	術界和研究員;學生、教師和家長協會;	師、家長協會、
	education at all levels; academia and researchers	國會議員、參與女童和婦女教育的非政	教育相關非政府
	student, teacher and parent associations; government	府組織;傳統和宗教組織;大眾媒體;企	組織、宗教組
	agencies and non-governmental organizations	業組織和工會。	織、大眾媒體、
	engaged in girls' and women's education; traditional		企業組織及工會
	and faith-based organizations; the media; and		等。
	corporate organizations and trade unions.		
E.	Addressing gender based discrimination in	應對教育中的性別歧視(20-24)	
	education		
20.	The Convention is the international bill of rights for		國家應善盡國家
	women and serves as binding international law for		義務並採取一切
	the 189 States that have ratified it as at June 2017		
	Article 10 addresses women's and girls' legal right to		
	education; States parties are to take all appropriate		教育上的平等與
	measures to eliminate discrimination against womer		不受歧視。建議
	in order to ensure them equal rights with men in the		國家應採取具體
	field of education and thereby to eliminate	約國在整個生命週期以及在各級教育中	措施,以達尊

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	discrimination against women in education 消傷 throughout the life cycle and at all levels of 足身 education. To meet the criterion of non-踐中 discrimination, education must be accessible, in both屬 blaw and practice, to all girls and women, including 女, those belonging to disadvantaged and marginalized groups, without discrimination on any prohibited ground.	中對所有女童和婦女均無障礙,包括 於弱勢群體和邊緣群體的女童和婦	重、保護和實現 女童和婦女之教 育人權 。
21.	Article 1 of the Convention defines discrimination as 《公 any distinction, exclusion or restriction made on the 作自 basis of sex which has the effect or purpose of 其 impairing or nullifying the recognition, enjoyment or 或 exercise by women, irrespective of their marital 或 for status, on a basis of equality of men and women, of 或 for human rights and fundamental freedoms in the 此 political, economic, social, cultural, civil or any other 人 field. States parties are required therefore to ensure 件 not only that education is recognized as a human right 行 but also that appropriate conditions are created for that right to be fully and freely enjoyed and exercised by girls and women.	的任何區別、排斥或限制,其影響或 目的均足以妨礙或否認婦女不論已婚 未婚在男女平等的基礎上認識、享有 于使在政治、經濟、社會、文化、公民 任何其他方面的人權和基本自由。因 ,締約國不但需要確保教育作為一項 權得到 承認 ,而且確保創造適當的條 ,使女童和婦女充分和自由地 享有 和	
22.	In specifying situations and requirements by which 《 2 States parties must ensure the realization of the right 須爾 for men and women, and their enjoyment of that 和 fright, on an equal basis, article 2 of the Convention 義	確保男子和婦女在平等的基礎上實現享受權利的情況和要求,動物 的核心是禁患者,所有人人。這意味著統則與免責接致免責接受權力的人。這意味者和婦女充分多數國必須等有受教育。同樣,統領人。同樣,於為國人。一個人人人人人人人人人人人人人人人人人人人人人人人人人人人人人人人人人人人	
23.	The gains in numerical equality that girls and women 儘管 have made in the field of education in some regions 律禾 of the world conceal the continuing discrimination 童禾 that they face in spite of the existence of formal legal 了如 and policy frameworks intended to promote de facto 約》 equality. The protections of equality contained in 書中 formal instruments are effective only if those 效。	如政策框架,但是在世界某些地區女如婦女在教育領域數字上的進步掩蓋 也們持續面臨的歧視。只有按照《公 的第1和2條中的規定實施正式平等文 中的保護措施,這些措施才能切實有	

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	instruments are enforced, in line with provisions set		
	out in articles 1 and 2 of the Convention.		
	The Committee recommends that States parties	委員會建議締約國採取以下措施, 尊重、	
∠¬.	institute the following measures to respect, protect		
	and fulfil the rights of girls and women to, within		
		現的權利:	
	(a) Enhance compliance with article 10 of the		
	Convention and raise awareness in society of the		
	importance of education as a fundamental human		
	right and the basis for the empowerment of		
	_	納入各級學校課程;	
	(b) Integrate age-appropriate education on	_ , , , , ,	
	women's human rights and the Convention into		
	g .	婦女接受教育的權利、教育範圍內各項	
	(c) Undertake constitutional amendments and/or	權利和通過教育實現的權利;	
	other appropriate legislative action to ensure the	(d)頒布立法,對整個生命週期所有女童	
	protection and enforcement of the rights of girls	和婦女的受教育權作出規定,包括所有	
	and women to, within and through education;	婦女和女童弱勢群體;	
	(d) Enact legislation that provides for the right to	(e)消除和(或)改革在教育部門直接或間	
	education, throughout the life cycle, for all girls	接歧視女童和婦女的政策、體制、行政	
	and women, including all disadvantaged groups of	或管理指示和做法;	
	women and girls;	(f)頒布將女性最低結婚年齡定為 18 歲	
	(e) Eradicate and/or reform policies, institutional,	的立法,並遵守國際標準,使完成義務	
	administrative and regulatory directives and	教育的年龄與最低就業年齡一致;	
	practices that directly or indirectly discriminate	(g)審查和(或)廢除允許開除懷孕女童、	
	against girls or women within the education	其他類別的受訓人員和教師的法律和政	
	sector;	策,並確保她們生育後重返不受任何限	
	(f) Enact legislation that sets the minimum age of	制;	
	marriage for girls at 18 years and, in compliance		
	with international standards, align the end of	的權利,一旦受到侵犯,女童和婦女獲	
	compulsory education with the minimum age of	得平等和有效的司法救助,而且有權獲	
	• • •	得包括賠償在內的補救;	
	(g) Review and/or abolish laws and policies that		
	allow the expulsion of pregnant girls and teachers	· · · · · · · · · · · · · · · · · · ·	
	and ensure that there are no restrictions on their		
	,	(j)與國際社會和民間社會一道努力提高	
	(h) Recognize rights in education as legally		
	enforceable and that, upon the violation of those		
	rights, girls and women have equal and effective		
	access to justice and the right to remedies,		
	including reparation;		
	(i) Monitor the implementation of the national,		
	regional and international provisions governing		
	the right of girls and women to education,		
	ensuring the right to remedy where there are		

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	violations;		
	(j) Work with the international community and		
	civil society towards the enhancement and		
	development of the right of girls and women to education.		
		底址址以底相 户到抽 A/25 27\	
F.	Addressing gender stereotyping	應對性別陳規定型觀念(25-27)	
25.	Discrimination faced by girls and women in		建議國家應採取
	education is both ideological and structural. The	意識形態方面的,也是結構性的。意識	具體措施,以消
	ideological dimension is addressed in articles 5 and	形態層面在《公約》第5和10(c)條中述及,	除在教育領域持
	10 (c) of the Convention; States parties are to modify	其中呼籲各國修改已被接受的基於男	續導致對女童和
	accepted social and cultural patterns of conduct of	女陳規定型角色的男女社會和文化行為	婦女的直接和間
	men and women which are based on stereotyped roles	模式。這一點在確保婦女和女童能夠享	接歧視的性別刻
	for women and men, which is of paramoun	有接受教育的權利、教育範圍內各項權	板化觀念、偏
	significance in ensuring that women and girls car	利和通過教育實現的權利方面極其重	見、習俗、傳
	enjoy their rights to, within and through education	要。這一點至關重要,因為這些歧視性	統。
	and essential, as these discriminatory practices no	做法不僅在個人層面實施,而且還編入	
	only are exercised at the individual level but also are	法律、政策和方案,因而由國家進行延	
	codified in law, policy and programmes and are	續和執行。	
	therefore perpetuated and enforced by the State.		
26.	In article 5 (a), the structural dimension of	第5(a)條涉及歧視的結構層面,說明歧視	
	discrimination is described as being rooted in	植根於基於性別而分尊卑觀念或基於男	
	prejudices and customary and all other practices	女定型角色的偏見、習俗和一切其他做	
	which are based on the idea of the inferiority or the	法。在此方面,《公約》要求締約國採取	
	superiority of either of the sexes or on stereotyped	措施以促進機會、機構和制度的真正改	
	roles for men and women. States parties are to adopt	變,不再以歷史沿襲的男性權力和生活	
	measures towards a real transformation of	方式的規範為基礎。教育制度是需要變	
	opportunities, institutions and systems so that they		
	are no longer grounded in historically determined	以加快在其他領域的積極變化。	
	male paradigms of power and life patterns. The		
	education system is an example of an area for		
	transformation that, once achieved, can accelerate		
	positive change in other areas.		
47.	In line with articles 5 and 10 (c) of the Convention		
	the Committee recommends that States parties		
	strengthen efforts and take proactive measures to		
	eliminate gender stereotyping in education that		
	perpetuates direct and indirect discrimination		
	against girls and women by:	(a)挑戰和改變限制女童和婦女充分行使	
		其人權和自由以享有受教育權、教育範	
	ideologies and structures that limit girls and		
	women from freely and fully exercising and		
	enjoying their human rights to, within and		
	,	學校和整個社會開展的關於《公約》、性	
	(b) Developing and implementing policies and	別關係和性別半等的提高認識運動和教	

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	programmes, including awareness-raising and	育活動,旨在依照《公約》第 5(a)條改變	
	educational campaigns about the Convention,	男女社會和文化行為模式,以期消除偏	
	gender relations and gender equality, at all levels	見和習俗;	
	of schooling and among society at large, directed	(c)鼓勵媒體塑造女性包括族裔和少數群	
	at modifying the social and cultural patterns of	I I	
	conduct of men and women, with a view to		
	achieving the elimination of prejudices and		
	customary practices, in line with article 5 (a) of the		
		教科書和教材,以消除複製和加強針對	
	(c) Encouraging the media to project positive and		
	non-sexualized images of women, including		
	women and girls from ethnic minority groups		
	older women and women and girls with	·	
	disabilities, and promote the value of gender		
	• • •	訓,內容涉及性別平等問題、性別敏感	
	(d) Revising and developing non-stereotypical		
	educational curricula, textbooks and teaching materials to eliminate traditional gender		
	materials to eliminate traditional gender stereotypes that reproduce and reinforce gender-		
	based discrimination against girls and women and		
	to promote more balanced, accurate, healthy and		
	positive projections of the images and voices of		
	women and girls;		
	(e) Instituting mandatory training of teaching		
	staff at all levels of education on gender issues and		
	gender sensitivity and the impact of gendered		
	behaviours on teaching and learning processes.		
G.	The right of access to education	受教育權(28-55)	
28.	The right of girls and women of access to high-	女童和婦女獲得高質量教育的權利依賴	透過實體環境無
	quality education is based on the availability of	於提供適足的基礎設施滿足她們的需	障礙、技術上無
	adequate infrastructure to meet their needs. Without	求,否則獲取權將受到損害。如果女童	障礙和經濟上無
	such availability, the right of access is compromised		障礙的排除並採
	When girls and women lack access to high-quality		取具體措施,確
	education, they ultimately face major difficulties,		保女童和婦女獲
	including lack of personal autonomy and choices,		得高品質教育的
	including control over their health and sexual and		權利。
	reproductive decisions, lower-quality health care for		
	themselves and their children, intergenerational		
	poverty and lack of power-sharing and participation		
	on an equal basis with boys and men in both the		
	private and public domains. Ensuring that right		
	necessitates paying due attention to physical,		
	technological and economic access, in particular for		
	disadvantaged groups and those in precarious		

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	situations.		
		實體環境無障礙:適足基礎設施的提供	
	infrastructure	情况(29-32)	
29.	Availability refers to providing functioning	提供情況是指在締約國管轄範圍內,提	
29.	educational institutions and programmes in sufficient		
	quantity to meet the needs of girls and women within	滿足女童和婦女的需求,不按地點(第14	
	the jurisdiction of the State party irrespective of their	條)或任何其他因素提供不相同的資源。	
	location (article 14) or any other factor. Access to	此外,通過確保教育機構設在較為便利	
	educational institutions must be provided within safe	的地點或通過現代技術可以到達,女童	
	reach for girls and women, either by ensuring that	和婦女必須能在安全範圍內進入教育機	
	they are accessible at some reasonably convenient	構。鑒於在公共場所對女童和婦女的性	
	geographical location or through technological	別暴力猖獗以及女性在往返學校途中面	
	means. Proximity to schools, in particular in rural	臨的風險,離學校近尤其在農村地區非	
	areas, is crucial, given the prevalence of gender-	常重要。學校的距離可能構成入學的主	
	based violence against girls and women in public	要障礙,尤其在農村地區,所有失學兒	
	spaces and the risk that they face when travelling to	童80%以上生活在農村。	
	and from school. School distance can constitute an		
	significant barrier to school attendance, especially in		
	rural areas, where over 80 per cent of all out-of-		
	school children live.		
	Essential consideration must be given to providing		
	adequate infrastructure in educational institutions in		
	order to remove the barriers to the successful		
	completion of school faced by girls from the age of		
	menarche. Lack of an enabling school environment,		
	including inadequate water and sanitation and		
	hygiene facilities segregated by gender, untrained or		
	unsupportive staff, lack of appropriate sanitary		
	protection materials and lack of information on		
	puberty and menstrual issues, contribute to social		
	exclusion, reduced participation in and focus on		
	learning and decreased school attendance.	A D A A ME IN III	
51.	The Committee recommends that States parties		
	take the following measures to ensure the	· ·	
	availability of physical facilities for the education		
		以確保在小學和中學各級提供充足的經	
	(a) Provide adequate budgetary, human and		
	administrative resources to ensure that adequate		
	provision is made at the primary and secondary		
	levels to accommodate all girls according to their		
		衡; (a))))	
	(b) Address imbalances in budgetary allocations		
	for disadvantaged and marginalized groups of		
	girls and women based on socioeconomic status,	安為为性情况卜女性教師的數重,包括	

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	location, ethnicity, gender identity and religious	通過提供適當和持續的培訓;	
	persuasion;	(d)通過定期收集按性別、地理位置、年	
	(c) Institute temporary special measures, in line	龄、學校類型和族裔群體分列的各級教	
	with article 4 of the Convention, to increase the	育入學指標(在各級教育中入學的女性	
	number of qualified teachers, in particular	 和男性人數在學齡人口中所佔的比例	
	women, where the teaching force consists	製據,對女童和婦女受教育權的實施情	
	predominantly of men, including through the	沉進行監測;存活率、輟學率、在學率和	
	provision of appropriate and continued training;	留級率;女性和男性平均受教育年限;	
	(d) Monitor the implementation of the right of	 各級(兒童早期、初等教育、初中等教育	
	girls and women to education by regularly	 和中等/高等/職業)之間的過渡;男和女	
	collecting data disaggregated by sex, location, age	】 教師的數量,即師資的均衡;不同年齡	
	school type and ethnic group on access at all levels	層次的女性和男性識字率;利用該信息	
	of education, including the following indicators:	為關於女童和婦女受教育機會障礙的決	
	number of female and male students enrolled, and		
	as a proportion of the overall school-age		
	population, at each level of education; retention	(e)基於分類數據,採取戰略鼓勵和監測	
	dropout, attendance and repetition rates; average		
	years of schooling for female and male students	, , , , , , , , , , , , , , , , , , , ,	
	rate of successful transition between school levels		
	including for early childhood to primary, primary		
	to secondary and secondary to tertiary or		
	vocational; number of male and female teachers.		
	as an indication of the level of parity among		
	teachers; and female and male literacy rates at		
	different age levels; and by using the information		
	to inform decision-making, policy formulation		
	and periodic reports to the Committee on barriers		
	to girls' and women's access to education;		
	(e) Adopt strategies to encourage and monitor	•	
	school enrolment, attendance, retention and		
	reintegration after dropout, based on		
	disaggregated data;		
	(f) Improve sanitation facilities by providing sex-		
	segregated toilets and washrooms in all schools, as		
	well as access to safe drinking water.		
22	The Committee recommends that States parties	本員會建議締約國採取下列 措施 ,以確	
32.	take the following measures to ensure access to		
	education for all girls and women:	(a)確保生活在農村和偏遠地區的婦女和	
	(a) Ensure that girls and women living in rural		
	and remote areas have access to education, in line		
	with articles 4 and 14 (d) of the Convention, and		
		(b)確保學校可無障礙出入,並且離家的	
	appropriate, to support their right to education;		
	(b) Ensure that schools are physically accessible		
	and located within safe distances from students	1 -	
	and located within safe distances from students	以來供多加些修教月月采的機會,包括	

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	/尔 ス homes, in particular in rural and remote areas;	' '
	· · · · · · · · · · · · · · · · · · ·	成人識子和員用識子教身的機會,特別 D是旨在縮小男女之間教育水平上一切差
	programmes of continuing education, including	1
	adult and functional literacy programmes, in	
	particular those aimed at reducing any gaps in	
	education between men and women (article 10	
	(e));	遠地區的在學人數;
	(d) Institute policy initiatives, including socia	
	protection programmes, school feeding initiative	
	and the provision of sanitary protection materials	
	to increase school attendance, in particular in	
	rural and remote areas;	(f)培訓教師提供有利的環境和文化,使
	(e) Provide hostels and transportation for girls	1
	where the distance between home and school	
	inhibits access to education and ensure that girls	
	in such facilities are protected from sexual and	1
	other forms of abuse;	
	(f) Train teachers to provide a supportive	
	environment and culture that allows pubescen	
	girls to participate confidently in learning	'
	without fear, shame or risk.	技術上無障礙(33-35)
	Technological accessibility	
33.	Where financing is limited, an alternative to	
	providing physical access to educational facilities is	
	through the use of information and communications	·
	technologies in distance and open learning settings	
	Such approaches provide distinct benefits for girls	s育和培訓機會有限的女童和婦女提供了
	and women with limited access to conventiona	
	forms of education and training, including those who	被排除在外的女童和婦女:居住在農村,
	forms of education and training, including those who are excluded owing to distance from school in rura	被排除在外的女童和婦女:居住在農村, l離學校太遠;家務勞動和育兒責任,特
	forms of education and training, including those who are excluded owing to distance from school in rura areas, domestic work and parental responsibilities, in	被排除在外的女童和婦女:居住在農村, l離學校太遠;家務勞動和育兒責任,特 1別是在童婚和少女懷孕的情況下;基於
	forms of education and training, including those who are excluded owing to distance from school in rura areas, domestic work and parental responsibilities, in particular in cases of child marriage and adolescen	被排除在外的女童和婦女:居住在農村, l離學校太遠;家務勞動和育兒責任,特 l別是在童婚和少女懷孕的情況下;基於 t其他社會和文化障礙的排斥情況。願意
	forms of education and training, including those who are excluded owing to distance from school in rura areas, domestic work and parental responsibilities, in particular in cases of child marriage and adolescen pregnancy, and on the basis of other social and	被排除在外的女童和婦女:居住在農村, l離學校太遠;家務勞動和育兒責任,特 n別是在童婚和少女懷孕的情況下;基於 t其他社會和文化障礙的排斥情況。願意 n接受高等教育但同時兼顧工作和家庭責
	forms of education and training, including those who are excluded owing to distance from school in rura areas, domestic work and parental responsibilities, in particular in cases of child marriage and adolescen pregnancy, and on the basis of other social and cultural barriers. Women who want to pursue	被排除在外的女童和婦女:居住在農村, l離學校太遠;家務勞動和育兒責任,特 1別是在童婚和少女懷孕的情況下;基於 t其他社會和文化障礙的排斥情況。願意 1接受高等教育但同時兼顧工作和家庭責 e任的婦女也受益於這些可能性。
	forms of education and training, including those who are excluded owing to distance from school in rura areas, domestic work and parental responsibilities, in particular in cases of child marriage and adolescen pregnancy, and on the basis of other social and cultural barriers. Women who want to pursue advanced education while combining work and	被排除在外的女童和婦女:居住在農村, l離學校太遠;家務勞動和育兒責任,特 l別是在童婚和少女懷孕的情況下;基於 t其他社會和文化障礙的排斥情況。願意 l接受高等教育但同時兼顧工作和家庭責 e任的婦女也受益於這些可能性。
	forms of education and training, including those who are excluded owing to distance from school in rura areas, domestic work and parental responsibilities, in particular in cases of child marriage and adolescen pregnancy, and on the basis of other social and cultural barriers. Women who want to pursue advanced education while combining work and domestic responsibilities also benefit from those	被排除在外的女童和婦女:居住在農村, l離學校太遠;家務勞動和育兒責任,特 l別是在童婚和少女懷孕的情況下;基於 t其他社會和文化障礙的排斥情況。願意 l接受高等教育但同時兼顧工作和家庭責 e任的婦女也受益於這些可能性。
	forms of education and training, including those who are excluded owing to distance from school in rura areas, domestic work and parental responsibilities, in particular in cases of child marriage and adolescen pregnancy, and on the basis of other social and cultural barriers. Women who want to pursue advanced education while combining work and domestic responsibilities also benefit from those possibilities.	被排除在外的女童和婦女:居住在農村, l離學校太遠;家務勞動和育兒責任,特 l別是在童婚和少女懷孕的情況下;基於 t其他社會和文化障礙的排斥情況。願意 l接受高等教育但同時兼顧工作和家庭責 e任的婦女也受益於這些可能性。
34.	forms of education and training, including those who are excluded owing to distance from school in rura areas, domestic work and parental responsibilities, in particular in cases of child marriage and adolescen pregnancy, and on the basis of other social and cultural barriers. Women who want to pursue advanced education while combining work and domestic responsibilities also benefit from those possibilities. Other distinct benefits that can be derived from the	被排除在外的女童和婦女:居住在農村, l離學校太遠;家務勞動和育兒責任,特 1別是在童婚和少女懷孕的情況下;基於 t其他社會和文化障礙的排斥情況。願意 1接受高等教育但同時兼顧工作和家庭責 e任的婦女也受益於這些可能性。 1
34.	forms of education and training, including those who are excluded owing to distance from school in rura areas, domestic work and parental responsibilities, in particular in cases of child marriage and adolescen pregnancy, and on the basis of other social and cultural barriers. Women who want to pursue advanced education while combining work and domestic responsibilities also benefit from those possibilities. Other distinct benefits that can be derived from the use of open learning technologies are the	被排除在外的女童和婦女:居住在農村, l離學校太遠;家務勞動和育兒責任,特 l別是在童婚和少女懷孕的情況下;基於 t其他社會和文化障礙的排斥情況。願意 i接受高等教育但同時兼顧工作和家庭責 e任的婦女也受益於這些可能性。 d e 使用開放式學習技術產生的其他明顯益 e處包括:開發新的教學和學習模式,並
34.	forms of education and training, including those who are excluded owing to distance from school in rura areas, domestic work and parental responsibilities, in particular in cases of child marriage and adolescen pregnancy, and on the basis of other social and cultural barriers. Women who want to pursue advanced education while combining work and domestic responsibilities also benefit from those possibilities. Other distinct benefits that can be derived from the use of open learning technologies are the development of new patterns of teaching and	被排除在外的女童和婦女:居住在農村, l離學校太遠;家務勞動和育兒責任,特 l別是在童婚和少女懷孕的情況下;基於 t其他社會和文化障礙的排斥情況。願意 t其他社會和文化障礙的排斥情況。願意 进接受高等教育但同時兼顧工作和家庭責 是任的婦女也受益於這些可能性。 也 使用開放式學習技術產生的其他明顯益 也 也 也 也 也 也 也 也 也 也 也 也 也
34.	forms of education and training, including those who are excluded owing to distance from school in rura areas, domestic work and parental responsibilities, in particular in cases of child marriage and adolescen pregnancy, and on the basis of other social and cultural barriers. Women who want to pursue advanced education while combining work and domestic responsibilities also benefit from those possibilities. Other distinct benefits that can be derived from the use of open learning technologies are the development of new patterns of teaching and learning, the fostering of a new learning culture	被排除在外的女童和婦女:居住在農村, l離學校太遠;家務勞動和育兒責任,特 l別是在童婚和少女懷孕的情況下;基於 t其他社會和文化障礙的排斥情況。願意 t其他高等教育但同時兼顧工作和家庭責 是任的婦女也受益於這些可能性。 是使用開放式學習技術產生的其他明顯益 是使用開放式學習技術產生的其代式, 是成一種新的學習文化;為成年學生提 提見大的靈活性;為雇主提供機會,提
34.	forms of education and training, including those who are excluded owing to distance from school in rura areas, domestic work and parental responsibilities, in particular in cases of child marriage and adolescen pregnancy, and on the basis of other social and cultural barriers. Women who want to pursue advanced education while combining work and domestic responsibilities also benefit from those possibilities. Other distinct benefits that can be derived from the use of open learning technologies are the development of new patterns of teaching and learning, the fostering of a new learning culture increased flexibility for adult learners, opportunities	被排除在外的女童和婦女:居住在農村, 1離學校太遠;家務勞動和育兒責任,基於 t其他社會和文化障礙的排斥情況。願意 t其他社會和文化障礙的排工作和家庭 是任的婦女也受益於這些可能性。 是任的婦女也受益於這些可能性。 是他,與人人的愛對技術學型模式學 是他,與包括:開發新的教學也,為成年學會 是他,其他,其一種一個 是是他,其他,其一種一個 是是是一個 是是是一個 是是是一個 是是是一個 是是是一個 是是是一個 是是是一個 是是是一個 是是是一個 是是是一個 是是是是一個 是是是是一個 是是是是一個 是是是是一個 是是是是一個 是是是是一個 是是是是是一個 是是是是是是是是是是
34.	forms of education and training, including those who are excluded owing to distance from school in rura areas, domestic work and parental responsibilities, in particular in cases of child marriage and adolescen pregnancy, and on the basis of other social and cultural barriers. Women who want to pursue advanced education while combining work and domestic responsibilities also benefit from those possibilities. Other distinct benefits that can be derived from the use of open learning technologies are the development of new patterns of teaching and learning, the fostering of a new learning culture	被排除在外的女童和婦女:居住在農村, 離學校太遠;家務勞動和育兒責任, 大樓學校大遠,少女懷孕的情况下。願意 大樓會和文化障礙的排斥情況。願 接受新的人性學對於 接受過去 上樓的婦女也受益於這些可能性。 上樓的婦女也受益於這些可能性。 上樓的婦女也受益於不作性。 上樓的婦女也受益於不能性。 上樓的婦女也受益於不能性。 上樓的婦女也要習技的數學不與關於 上樓的學習人生, 上樓的人工, 上樓的人工, 上樓的人工, 上樓一, 上樓一 上

	原文	中譯87	重點
	Governments to increase the cost-effectiveness of		
	and capacity for education and training		
35.	The Committee recommends that States parties	委員會建議,在未向女童和婦女提供通	
33.	take the following measures where opportunities		
	for girls and women to gain access to education		
	through distance and open learning do not exist:		
	(a) Examine the feasibility of introducing access,		
	at the upper secondary and tertiary levels, by		
	setting up facilities to provide certification		
		識和能力,並對開放式學習環境下運行	
		所需的技能提供培訓;	
	(b) Upgrade teachers' knowledge and competence		
	in the use of information and communications		
	technologies and provide training in the skills		
	required to operate in an open learning	除在這些機會之外。 	
	environment;		
	(c) Ensure that girls and women belonging to		
	disadvantaged groups, those from rural		
	communities and those with low levels of literacy		
	are not excluded from such opportunities owing to		
	a lack of access to the tools and the skills required		
	for meaningful participation.		
	Economic accessibility	經濟上無障礙(36-39)	
36.	Economic accessibility Education must be affordable for all, without		
36.	neonomic accessionity	教育費用必須人人負擔得起,不附加基	
36.	Education must be affordable for all, without	教育費用必須人人負擔得起,不附加基 於性別以及其他任何被禁止理由的歧	
36.	Education must be affordable for all, without discrimination based on sex or any other prohibited ground, and should be free and compulsory from	教育費用必須人人負擔得起,不附加基 於性別以及其他任何被禁止理由的歧	
36.	Education must be affordable for all, without discrimination based on sex or any other prohibited ground, and should be free and compulsory from	教育費用必須人人負擔得起,不附加基於性別以及其他任何被禁止理由的歧視,並從學前教育到中學系統並逐步到高等教育提供免費義務教育。儘管存在	
36.	Education must be affordable for all, without discrimination based on sex or any other prohibited ground, and should be free and compulsory from preschool through secondary school and	教育費用必須人人負擔得起,不附加基 於性別以及其他任何被禁止理由的歧 視,並從學前教育到中學系統並逐步到 高等教育提供免費義務教育。儘管存在 規定到某一法定年齡或年級提供免費教	
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	原文	中譯87	重點
	educational investment. Because of entrenched	男性。因此,家長得出結論認為,最好讓	
	gender inequality, labour markets generally favour	男童受教育,因為男童受教育後能夠獲	
	men. Parents therefore conclude that it is better to	得更好的就業機會。家長的選擇也受到	
	educate boys, who are able to gain access to better	了將女童置於家庭中的定型觀念的影	
	employment opportunities after their schooling.	響。	
	Parents' choices are also influenced by stereotypes		
	that place girls in the domestic sphere.		
38.	In the context of economic crises, many States parties	在經濟危機的背景下,許多締約國削減	
	make cuts to social services, and education is	社會服務,將教育外包給私營實體並由	
	outsourced to private entities, as well as provided by	宗教或社區團體和(或)非政府組織等非	
	non-State organizations such as religious or	國家組織提供教育。現已確定,私有化	
	community groups or non-governmental	對女童和婦女具有特定的消極影響,特	
	organizations. It has been established that	別是來自貧窮家庭的女童,使其無法受	
	privatization has specific negative consequences for	教育。	
	girls and women, and in particular girls from poorer		
	families, namely, their exclusion from education.		
39.	The Committee recommends that States parties	委員會建議締約國採取包括以下措施在	
	take all measures to ensure that user fees and	內的一切措施,確保使用費和隱形費用	
	hidden costs do not have a negative impact on	不會負面影響女童和婦女受教育的機	
	girls' and women's access to education by	會 :	
	instituting the following measures:	(a)提供從學前到中學的普遍免費義務教	
	(a) Universal, free and compulsory education	育,不論國家公民以及具有移民和難民	
	from preschool to secondary school, regardless of	地位的女童和婦女的社會經濟狀況;	
	socioeconomic status, for citizens of the State	(b)通過減少使用費以及間接和機會成	
	party, as well as for girls and women with migrant	本,提供負擔得起的高等教育;	
	or refugee status;	(c)推出安全網和其他措施,以確保來自	
	(b) Affordable education at the tertiary level, by	較低社會經濟階層的女童和婦女不會因	
	reducing user fees and indirect and opportunity		
	costs;	奪接受任何水平教育的機會;	
	(c) Introduction of social safety nets and other		
	measures to ensure that girls and women from		
	lower socioeconomic strata are not denied access		
	to any level of education on the basis of their		
		偏向男性接受教育的運動,並認可女童	
	(d) Ensuring that private actors respect the same		
	standards regarding non-discrimination of girls		
	and women as do public institutions, as a		
	condition of their running academic institutions;		
	(e) Campaigns targeting parents and the wider		
	society to overcome male preference where		
	education is concerned and recognize the value of		
	educating girls.		
	Disadvantaged groups of girls and women	女童和婦女弱勢群體(40-46)	

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40.	Many girls and women are excluded from education	許多女童和婦女被排斥在教育之外並被	特別關注面臨交
	and are marginalized because they are	邊緣化,因為她們同時面臨交織在一起	織性歧視的女童
	simultaneously exposed to the intersection of	的不同形式的歧視,以及使用非本地語	和婦女,包含:
	multiple forms of discrimination, as well as owing to	言的課程和交流缺乏相關性、受到暴力	少數民族和土著
	lack of relevance of the curriculum, teaching	和污名化及貧窮等問題。這些處境不利	; 難民、尋求庇
	conducted only in the majority language, exposure to		護者、無國籍者
	violence, stigma or poverty. Such disadvantaged or		、無合法證件者
	vulnerable groups include the following.		、境內流離失所
	Students from ethnic minority groups and indigenous	女童和婦女弱勢群體	者以及移民;身
	groups	來自少數民族和土著學生	心障礙者;女同
41.	The majority of girls not in primary school belong to		性戀、雙性戀、
	ethnic minority groups and other excluded groups.		跨性別和雙性學
	The main factors having an impact on the access of		生。國家應採取
	those groups to education include poverty,		一切適當措施,
	discrimination, lack of cultural relevance and, often,		通過消除刻板化
	instruction delivered only in the dominant language,		和歧視確保弱勢
	resulting in lower educational achievement, higher		族群女童和婦女
	dropout rates, loss of heritage languages and lower		的受教權益。
	self-esteem.		
	Students who are refugees, asylum seekers, Stateless,		
		件者、境內流離失所以及移民學生	
42.	When forcibly uprooted, girls and women in those		
	situations end up in camps with no schools or in		
	makeshift schools with limited capacity, without		
	curricula or instruction in their languages.		
	Displacement causes particular barriers to learning;		
	human resources may be lost and physical		
	infrastructure destroyed and, during flight, children		
	may lose State-mandated documentation, thereby		
	preventing them from enrolling in new schools. Girls		
	can be particularly affected during displacement		
	because the situation of increased insecurity causes	字录女里某字凹家。	
	some parents to keep girls at home.	身心障礙學生	
	Students with disabilities		
43.	Millions of girls and women with disabilities are		
	deprived of the right to education as a result of		
	intersecting forms of discrimination, on the basis of		
	gender and disability. According to UNESCO, a third		
	of out-of-school children worldwide are children		
	with disabilities.		
44.	Many Governments officially promote inclusive		
	education; however, in practice, children with		
	disabilities, especially girls, are either excluded or		
	segregated in special schools. Low attendance rates	別是殘疾女童)就讀率低在全球範圍內	

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	of children with disabilities, in particular girls, have similar causes globally, namely, lack of physical accessibility, refusal of teachers or school principals to enrol such children, lack of accommodation of their needs in school curricula and teaching materials and, more generally, stigma and lack of awareness among parents and communities, which yield negative attitudes about the learning capacities of women and girls with disabilities. Additionally, the number of teachers trained to address students with special needs is often inadequate.	師或學校校長拒絕接收這類兒童入學; 學校課程和教材未能考慮其需求;更廣 泛而言,污名化及家長和社區缺乏認識 導致對殘疾婦女和女童的學習能力持消 極態度。此外,受過如何教授有特殊需 要學生培訓的教師的數量往往不夠。	
45.	Lesbian, bisexual, transgender, and intersex students Bullying, harassment and threats against such students by fellow students and teachers constitute barriers to their right to education. Schools perpetuate and reinforce social prejudices, often as a result of the poor implementation of policies by school governance bodies, as well as irregular enforcement of non-discrimination policies by teachers, principals and other school authorities. Limited education and cultural taboos are among the factors that prevent lesbian, bisexual, transgender, and intersex students from achieving social mobility and increase their vulnerability to violence.	同學和教師對這些學生的欺凌、騷擾和 威脅構成了女同性戀、雙性戀、跨性別 和雙性女童和婦女享有教育權的障礙。 通常因為學校治理機構對政策執行不力 以及教師、校長和其他學校主管部門對 非歧視政策落實得不正規,學校延續和 加強了社會偏見。教育程度有限和文化 禁忌等因素阻礙了女同性戀、 跨性別和雙性學生實現社會流動,並增 加了她們遭受暴力的脆弱性。	
46.	The Committee recommends that States parties take all appropriate measures to ensure the right of all categories of disadvantaged and marginalized groups to education by eliminating stereotyping and discrimination, removing barriers to access and implementing the following measures: (a) Address stereotyping, in particular of indigenous girls and women and of those from minority groups, that puts them at risk in gaining access to education, exposes them to violence in school and the community and on their way to and from school, especially in remote areas; (b) Address the low socioeconomic status and living conditions, in particular of indigenous girls and women and of those from minority groups, that are barriers to gaining access to education, in particular in the light of male preference where schooling is concerned in situations of scarce	通消除陳規定型和歧視消別弱勢群體 採取以所有類別弱勢群體和土著女童和 以下措施的受教育權: (a)消除陳規企型和整體和土著女童和 處緣群體的受教育權和土著女童和 婦女教育權和主著女童和 婦女教育之型使她們 在受和 這些陳規定型使她們 在受和 這些陳規定是 (b)解決 在 (b)解決 在 (b)解 與 是 以 是 一 一 一 一 一 一 一 一 一 一 一 一 一 一 一 一 一	

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	(c) Ensure, when necessary, in collaboration with(e)通過查明和海	肖除教育機構和社區內的	
	donors and humanitarian agencies, that adequate法律障礙、有形	, , , , , , , , , , , , , , , , , , , ,	
	provision is made for the education and safety of 凝及態度、溝道		
		-切形式的歧視;	
	(d) Ensure that the application of a mandatory(f)採取必要措施	. ,	
	dress code and banning of specific clothing does的學習環境中提	•	
	not hamper access to inclusive education, in級教育中不歧初		
		講建成無障礙環境,並防	
	(e) Eliminate all forms of discrimination against 止校長阻礙殘房	,, , , , , , , , , , , , , , , , ,	
	girls and women with disabilities by identifying確保根據受各種		
	and removing legal, physical, social, financial,人的獨特需求策		
	attitudinal, communication and language barriers戦略;		
		问措施第 4 條,採納獎勵 	
		及教育吸引和培訓特殊教	
	(f) Take the measures necessary to ensure non- 育教師;		
	discrimination against girls and women with(i)通過確保採取	4應對阻礙女同性戀、雙	
	disabilities at all levels of education by providing性戀、跨性別系		
	inclusive education in learning environments育的障礙的政策	· ·	
	offering reasonable accommodation;		
	(g) Ensure the physical accessibility of educational		
	institutions and prevent principals from blocking		
	the enrolment of students with disabilities, in		
	particular girls, and ensure that curricula,		
	teaching materials and pedagogical strategies are		
	tailored to the unique needs of individuals affected		
	by the various forms of disability;		
	(h) In line with article 4 of the Convention, on		
	temporary special measures, institute incentives		
	to attract and train special education teachers for		
	all levels of education;		
	(i) Address discrimination against lesbian,		
	bisexual, and transgender, women and girls, and		
	intersex persons by ensuring that policies are in		
	place to address the obstacles that impede their		
	access to education.		
	Access to education during situations of conflict 在衝突局勢和自	1然災害中的受教育機會	
	and natural disaster (47-50)		
т,.	Another factor constraining girls' and women's 限制女童和婦女		排除針對性的襲
	access to education is the total breakdown of 是國家提供公与		擊和威脅、面臨
	infrastructure for State public service provision裝衝突完全崩潰		襲擊導致死亡或
	owing to armed conflict, resulting in the lack of 必要服務。在领		重傷的風險、身
	delivery of essential services to the population. In不安全而關閉,		體虐待與性暴力
	conflict-affected areas, schools are closed owing to 體佔領或摧毀,		的傷害及學校空
	insecurity, occupied by State and non-State armed 學。委員會關方		間與設施的破
	groups or destroyed, all of which impede girls' access 中及衝突後局勢	中的作用的第 30 號一	壞,以保障女童

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	小人	比山、甘从四世)立体企业大	
	to school. In its general recommendation No. 30般性建議。		和婦女在衝突局
	(2013) on women in conflict prevention, conflict and的因素包		
	post-conflict situations, the Committee noted that師有針對		的受教機會與權
	other factors preventing girls' access to education 須承擔額		利。
	include targeted attacks and threats to them and their 第 48 段)		
	teachers by non-State actors, as well as the additional		
	caregiving and household responsibilities that they		
	are obliged to undertake.	A AF An . A . I	
48.	According to the Global Coalition to Protect保護教育:		
	Education from Attack, between 2005 and 2012,2005 年到		
	educational institutions were used in conflicts in at個國家,		
	least 24 countries, across four continents. In addition 臨襲擊導		
	to the risk of death or severe injury from attacks, 隊和武裝:		
	students attending classes in schools under能遭受身份		
	occupation by troops or armed forces may be exposed 男童面臨		
	to physical or sexual abuse, with girls at greater risk在學校時	,家庭往往不願送女童上學,	
	than boys. The presence of armed men often 因為擔心	他們會成為性暴力的受害者或	
	discourages families from sending girls to school for 受到性騷	憂。因此,他們常常更願意將	
	fear that they will become victims of sexual violence 女兒早嫁	相信這可能給她們提供保護。	
	or be subjected to sexual harassment. They therefore 總體而言	, 對教育機構的襲擊以及將學	
	often marry off their daughters at an early age,校和大學,	用於軍事目的對女童和婦女造	
	believing that it may afford them protection. Overall,成巨大影	響或帶來歧視。	
	attacks on education and use of schools and		
	universities by the military or armed groups have a		
	disproportionate or discriminatory impact upon girls		
	and women.		
49.	Women and children are the most vulnerable groups婦女和女	童是任何自然災害中最易受傷	
.,.	during any natural disaster. The destruction of or use 害的年龄;	组。摧毀學校或利用學校作為	
	of schools as community shelters for affected 受影響家	庭的社區收容所對接受教育的	
	families have serious consequences for access to機會造成	嚴重後果,導致課堂教學時間	
	education, causing loss of time for classroom損失和高輔	双學率 。	
	instruction and high dropout rates.		
50.	The Committee recommends that, in situations of 委員會建	義,在衝突和自然災害情況下	
50.	conflict and natural disaster States parties締約國實	施以下措施,以最大限度地減	
	implement the following measures to minimize少其對女		
	their impact on girls' and women's access to她們的受	改育權和安全 :	
	education and to protect their rights to education(a) 頒布立	上法、修訂軍事慣例和政策並實	
		以禁止國家武裝部隊和武裝團	
	(a) Enact legislation, revise military practice and 體違反國	祭人權法和(或)國際人權法規	
	policy and introduce training to prohibit national定的教育		
	armed forces and armed groups from using or 其他教育		
	occupying schools, school grounds or other(b)採取措		
	educational facilities and institutions in a manner 佔領教育		
	that violates international humanitarian law身體虐待		

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and/or the right to education under international	(c)評估和處理武裝衝突對女童和婦女教	
human rights law;	育的影響;	
(b) Institute measures to protect female students	(d)回顧安理會關於婦女與和平與安全	
and teachers from physical and sexual abuse by		
State and non-State actors occupying educational		
institutions;	積極承諾採取必要措施,防止針對教育	
(c) Assess and address the impact of armed	機構的攻擊,並保護婦女和女童;	
conflict on girls' and women's access to education;		
(d) Bearing in mind Security Council resolution		
1325 (2000) on women and peace and security and		
subsequent resolutions on women and peace and		
security, demonstrate a proactive commitment to		
take the measures necessary to prevent targeted		
attacks on educational institutions and to protect		
	(g)根據國際標準,系統地調查和起訴應	
(e) Ensure the meaningful participation of women	0/11/14/14/14/14/14	
	和刑法行為負責的人,他們命令、參加	
	或負責指揮這些構成對教育機構襲擊的	
measures, and ensure the participation of women,		
including those from disadvantaged groups, in		
their development;	用作收容所時,女童/婦女的受教育機會	
(f) Devise effective, coordinated, reconstructive	不受到不適當的限制;	
and rapid responses, including both legal and non-	(i)優先恢復受自然災害影響的學校,特	
legal accountability measures to hold perpetrators		
accountable;	(j)確保所有新校舍符合建築規範,納入	
(g) Systematically investigate and prosecute, in	抗災能力,並對現有的學校進行定期審	
accordance with international standards, those	計。	
individuals responsible for ordering, taking part		
in or bearing command responsibility for the		
range of violations of international human rights,		
humanitarian and criminal law that constitute		
attacks on education;		
(h) Ensure that, when schools are destroyed or		
used as shelters during natural disasters, girls'		
and women's access to schooling is not unduly		
curtailed;		
(i) Give priority to the rehabilitation of schools		
affected by natural disasters, especially those		
serving disadvantaged girls and women;		
(j) Ensure that all new school buildings adhere to		
prescribed building codes which incorporate		
disaster resilience, and carry out regular audits on		
existing schools.		
Cultural barriers	文化障礙(51-55)	

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51.	Even where there is adequate provision of education	即使經費充足並且無障礙環境不是一個	祛除父權制度及
	and accessibility is not a constraining factor, the	限制因素,基於長期存在的父權制度以	限制女童和婦女
	persistence of patriarchal systems and cultural norms	及與女童和婦女相關的傳統角色的文化	的傳統角色之文
	and practices based on those systems and the	規範和習俗可能成為女童和婦女享有受	化規範和習俗對
	traditional roles associated with girls and women, car	教育權的強大障礙。	女童和婦女受教
	become powerful barriers to the enjoyment by girls	5	育權的障礙,
	and women of their right to education.		如:童婚、殘割
52.	When girls are not in school, they are more likely to	女童如果不上學,更有可能被迫結婚。	女性生殖器、童
	be forced to marry. The discriminatory and harmfu	在一些社會中,這種與宗教或文化習俗	工等,以減輕文
	practices of child and/or forced marriage, associated	相關的歧視性和有害的童婚和(或)強迫	化和宗教習俗對
	with religious or cultural practices in some societies	婚姻習俗對受教育權產生了不利影響。	女童和婦女受教
	negatively impacts the right to education. When girls	此外,如果女童由於童婚和(或)強迫婚姻	育機會的影響。
	are unable to finish their education because of child	和懷孕而無法完成學業,她們面臨著被	
	and/or forced marriage and pregnancy, they face	迫離開學校、將女童限制在家庭內的社	
	practical barriers, including forced exclusion from	會規範和污名化等實際障礙。童婚還造	
	school, social norms confining girls to the home and	成家庭暴力、生殖健康和行動自由權利	
	stigma. Child marriage also contributes to ar	受限的風險增加。如果不制止童婚,各	
	increased risk of domestic violence, reproductive	國政府就不能履行其確保女童擁有與男	
	health risks and limitations to the right to freedom of	童平等的接受教育機會的義務。	
	movement. By failing to curb child marriage	,	
	Governments fail in their obligation to ensure access	5	
	to education for girls on an equal basis with boys.		
53.	In some regions of the world, the pervasive cultural	在世界上一些地區,殘割女性生殖器的	
	practice of female genital mutilation hinders and/or	共同文化習俗妨礙和(或)終結了女童的	
	ends girls' education. Complications following the	學業。手術後的併發症可造成女童較少	
	procedure can cause girls to be less focused in school	關注學業或者缺勤,導致成績欠佳並最	
	or absent, resulting in poor performance and	終過早退學。在一些國家,與手術相關	
	ultimately premature termination of their studies. Ir		
	some countries, the high cost associated with the		
	procedure also has an impact on parents' capacity to		
	subsequently meet school expenses, resulting in girls	導致輟學,或把重點放在家庭的責任。	
	dropping out of school. Forced marriage after the		
	procedure, considered an initiation into maturity, car	1	
	also lead to dropout due to pregnancy or a focus or	1	
	responsibilities in the home.		
54.	Poverty, combined with cultural practices	,貧窮,再加上文化習俗,迫使兒童從事	
	necessitates children's undertaking both paid and		
	unpaid work. In a report of 2015 on child labour and		
	education,10 the International Labour Organization		
	(ILO) indicated that 168 million children 5 to 17		
	years of age were trapped in child labour. Girls are		
	overrepresented in the care economy involving work		
	in their own or others' households and bear the		
	double burden of work inside and outside the home	作的女童往往成績不佳而導致輟學。在	

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	often with little or no time left for schooling. For	\$P\$ ***********************************	
	those who manage to combine school and work,		
	performance often suffers, leading to dropout. In		
	many regions, the practice of child labour is also		
	culturally determined, with children incorporated in		
	family-related work in particular seasons or on		
	certain days of the week.		
55.	The Committee recommends that States parties	委員會建議締約國採取下列措施,以減	
33.	take the following measures to mitigate the impact	輕文化和宗教習俗對女童和婦女受教育	
	of cultural and religious practices on girls' and		
	women's access to education:	(a) 根據消除對婦女歧視委員會第 31 號	
	(a) Protect girls and women from being deprived	以及兒童權利委員會有關有害習俗的第	
	of their right to education on the basis of	18 號聯合一般性建議/意見,保護女童和	
	patriarchal, religious or cultural norms and	婦女不因父權、宗教或文化規範和習俗	
	practices, in line with joint general	被剝奪受教育權;	
	recommendation No. 31 of the Committee on the	(b)促進與宗教和傳統領袖之間的對話,	
	Elimination of Discrimination against	討論為女童提供教育的價值以及消除對	
	Women/general comment No. 18 of the	女童和婦女參與各級教育構成障礙的做	
	Committee on the Rights of the Child (2014) on	法和習俗的重要性;	
	harmful practices;	(c)確保無論父母同意與否,依照第 31 號	
	(b) Facilitate dialogue with religious and	和第 18 號一般性建議/意見,女童的最	
	traditional leaders on the value of educating girls	低結婚年齡被定為 18 歲;	
	and the importance of addressing practices and	(d)依照委員會關於女性割禮的第 14 號	
	customs that act as barriers to their participation		
	at all levels of education;	入正規和非正規教育,以便可以在免受	
	(c) Ensure that the minimum age of marriage,		
	with or without parental consent, is set at 18 for		
	girls, in line with joint general recommendation		
	,	(e)培訓教師、協調人和青年工作者如何	
	(d) Integrate the topic of female genital mutilation		
	into formal and non-formal education, so that it is		
	openly discussed, without stigma, to enable girls	1 2 2	
	and women to receive accurate information on the		
	detrimental and harmful effects of the practice, in		
		教育殘割女性生殖器帶來的危險;	
	recommendation No. 14 (1990) on female		
	'	滿 18 歲的懷孕少女、年輕母親和已婚女	
	(e) Train teachers, facilitators and youth workers to equip them to educate girls about female genital		
	mutilation and support those at risk of		
	undergoing the procedure or who have already		
		例如讓女童在家中從事無報酬的勞動;	
	(f) Encourage religious and community leaders to		
	oppose the practice of female genital mutilation		
	and to inform and educate their communities on		
	and to miorin and cudcate their communities on	4	

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	原文	中譯 ⁸⁷	重點
	the dangers of the practice;	適當情況下依照相關國際勞工標準,納	
	(g) Formulate re-entry and inclusive education	入職業或技術教育。	
	policies enabling pregnant girls, young mothers		
	and married girls under 18 years of age to remain		
	in or return to school without delay and ensure		
	that such policies are disseminated to all		
	educational establishments and administrators, as		
	well as among parents and communities;		
	(h) Address practices that may hinder access to		
	education, such as involving girls in unpaid labour		
	in the home;		
	(i) Ensure that all children, in particular girls,		
	under the minimum age of employment are in		
	school full time, including, where appropriate and		
	consistent with the relevant international labour		
	standards, in vocational or technical school.		
Н.	Rights within education	教育範圍內各項權利(56-75)	
56.	Girls' and women's rights within education relate to	女童和婦女在教育範圍內的各項權利與	女童和婦女在教
50.	the governmental obligation to make education	「可接受性」對應。 可接受性涉及教育	育範圍內的各項
	acceptable. Acceptability addresses issues of the	的形式(待遇)和實質(質量)問題,既適用	權利與「可接受
	form (content) and substance (quality) of education,	 於學校環境,也適用於教育內容和方法。	性」對應,並應
	which apply to the school setting, as well as	 這些權利需要政府為學生和教師提供資	解決因父權思
	educational content and method. The realization of		想、習俗和結構
	rights within education requires the government's	權利還要求在教師質量和設施數量方面	造成女童和婦女
	provision of funds, the necessary infrastructure,	女童擁有與男童同質量教育的平等機會	在教育機構中經
	support and supplies for students and teachers. It also	以及以女童和婦女有機會追求目標以實	歷的缺乏尊重和
	requires that girls be ensured equal access to the same	現自決和自我實現為特點的環境。因此,	尊嚴之現象。
	quality of education as boys, in terms of the quality	教育範圍內各項權利必須包括在整個教	
	of teachers and amenities, and an environment	育週期尊重和促進女童和婦女的人權。	
	characterized by girls and women having		
	opportunities to pursue goals towards their self-		
	determination and self-actualization. Rights within		
	education, therefore, encompass respect for and		
	promotion of the human rights of girls and women		
	throughout the education cycle.		
57.	The lack of respect and dignity that girls and women	女童和婦女在教育機構中經歷的缺乏尊	
٥,,	experience in educational institutions, depending	重和尊嚴由反映更廣泛社會秩序的學校	
	upon the gender regime of the school, is a reflection	性别制度所決定。這種環境的特點往往	
	of the wider social order. An environment lacking	是根深蒂固的父權思想、習俗和結構,	
	respect and dignity for girls and women is often	深刻影響了教師和學生的日常生活。因	
	marked by entrenched patriarchal ideologies,		
	practices and structures that shape the daily	年的時間里遭受身體、情感和性虐待,	
	experience of teachers and students. As a result of	導致在教育領域里權利被剝奪。應解決	
	girls being exposed to such an environment, which	各種問題,以確保女童和婦女,包括女	

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	can be one of physical, emotional and sexual abuse	性工作人員,可以享有平等的待遇和機	
	for as many as 10 years or more, they are denied their		
	rights within the education arena. Various issues need		
	to be addressed to ensure that girls and women		
	including the staff of educational institutions, car		
	enjoy equality of treatment and opportunity.		
	Stratification of schools and knowledge (article 10 a	學校和知識的分層(第 10(a)和(b)條)(58-	
	and b)	63)	
58.	In general, education systems are highly	一般而言,教育制度在將學生錄取進入	說明學校和知識
56.	differentiated in the ways by which students are	重視職業培訓或重視學術培訓的學校和	的分層及解決校
	sorted, in particular at the point of transition from the	(或)班級的分類方式方面高度分化,特別	園中的性別不平
	primary and secondary levels, into schools and/or	是在從小學階段升入中學階段的節點。	等、虐待和性暴
	streams that stress either vocational or academic	在一些制度中,學生一旦被錄取,在二	力 與網絡欺凌等
	training. In some systems, once students are placed	者之間轉學較為困難。社會經濟情況深	問題。進而強化
	movement between vocational or academic training	刻影響了學生進入這些不同類型學校的	及提升婦女在管
	is challenging. Socioeconomic status strongly	情況。經濟境況更好的學生更有可能進	理結構中的公平
	influences student placement into the different types	入立足學術的學校,這些學校提供為進	參與。
	of schools. Students of high economic status are more	入高等教育直接鋪路的高等知識。因此,	
	likely to attend academically oriented schools	高度分化的教育制度在人生早期、早在	
	offering high-status knowledge that provides a direc	學生完成學業進入勞動力市場之前維持	
	pathway to tertiary education. Highly differentiated	了社會經濟的不平等。	
	education systems therefore maintain socioeconomic		
	inequalities from quite early in the lifecycle and wel		
	before students complete their education and enter		
	the labour force.		
59.	In such a differentiated education system there are	在這種分化的教育制度中,在分配給學	
	also marked differences in the material resources	校用於教授課程的實物資源方面也存在	
	allocated to schools to support delivery of the	著顯著差異。通常社會經濟條件較差社	
	curricula. Schools in communities of lower	區的學校與社會經濟條件較好社區的學	
	socioeconomic status are generally more poorly	校相比,物質資源和教師素質方面更差,	
	endowed both in terms of material resources and	後者能夠更好地受益於家長的補貼,以	
	teacher quality compared with those of higher	抵消公共資金的不足。	
	socioeconomic status, with students in the latter		
	better positioned to benefit from parental subsidies to		
	offset insufficient public funding.		
60.	Between and within school types, students are also		
	differentiated on the basis of perceptions of		
	appropriate subject options for each sex. In academic		
	schools, girls are often clustered in programmes ir		
	the humanities and underrepresented in science		
	technology, engineering and mathematics, while, ir		
	vocational schools, women and girls predominate ir		
	areas such as food and nutrition, cosmetology and		
	clerical studies. The stratification of students and	的職業。這種分層可能在單一性別學校	

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	knowledge ultimately leads to girls being propelled	中進一步加強,這些學校往往只教授被	İ
	into what are socially regarded as low-status		
	occupations. Such stratification has the potential for		
	further reinforcement in single-sex schools, where		
	often the only subjects deemed suitable for the		
	particular sex are offered. As a result, a school for		
	girls would not offer instruction in woodworking, or		
	building and construction. Facilitating the realization		
	of the right of girls and women to the same quality		
	education as that offered to boys and men entails		
	providing for the full range of academic and		
	vocational subjects in schools and not reinforcing		
	segregation of the curricula by sex.		
	A critical technical and vocational area in which girls	 	1
	and women are underrepresented is in information		
	and communications technology. Sixty per cent of		
	people in the world, most of them girls and women,		
	are denied the right of access to the transformative		
	power of the Internet. To overcome the digital divide		
	between men and women in the use of new		
	technologies and to provide women with equal access		
	to information and employment opportunities in		
	those industries, schools need to address the barriers		
	that result in their exclusion.	ハル	_
•	Article 10 (g) of the Convention provides that States	_	
	parties are to ensure that girls and women have the		
	same opportunities as boys and men to actively		
	participate in sports and physical education.		
	However, on the basis of prevailing stereotypes,		
	positive outcomes for the empowerment of women		
	and gender equality in that sphere are constrained by		
	discrimination in all areas of sports and physical		
	activity. Sex segregation persists, and the		
	participation of women in decision-making is limited		
	at both the national and international levels. In		
	addition, the value placed on women's sports is often		
	lower, resulting in the inadequate allocation of		
	resources to support their participation, as well as the		
	lower remuneration of women athletes. Media		
	representations of women in sports also influence		
	prevailing stereotypes. Violence against women,		
	exploitation and harassment in sports also reflect		
	traditional male domination in the sporting arena.		

	原文	中譯87	重點
63.	The Committee recommends that States parties	委員會建議締約國採取以下行動,以確	
05.	take the following actions to ensure that education	保教育制度允許兩性擁有平等的機會,	
	systems allow for equal opportunities for both	自由選擇學習科目和職業:	
	sexes and for free choice of courses of study and of	(a)在必要時改革和規範教育制度,確保	
	careers:	在所有學校公平分配教育資源,不論地	
	(a) Reform and standardize, as necessary, the	點和所服務的人群;	
	education system to ensure the equitable	(b)尤其是在中學一級,在男女同校的學	
	distribution of all educational resources in all	校里消除意識形態方面和結構性障礙	
	schools regardless of the location or population	(例如交叉安排與性別掛鈎科目的時間)	
	served;	以及妨礙女童在科目和課程的選擇方面	
	(b) Eliminate ideological and structural barriers	作出自由選擇的教師態度;	
	in co-educational schools, in particular at the	(c)讓教師受訓人員和教師能夠向學生和	
	secondary level, including such barriers as school	家長提供職業咨詢,以應對和改變對適	
	timetables that are arranged so that only subjects	合某一性別的學科和(或)職業根深蒂固	
	segregated by sex are offered in a given time slot,	的觀念;	
	which obliges students to take the sex-segregated	(d)依照第4條和委員會關於暫行特別措	
	class and precludes interaction and discussion	施的第25號一般性建議,通過提供特別	
	between girls and boys on those subjects, and	獎勵措施(如獎學金)和採取暫行特別措	
	teacher attitudes that prevent girls from making	施,採取提高女性在各級教育中對科學、	
	free choices in terms of subject choice and course	技術、工程和數學課程參與度的措施;	
	options;	(e)確保在單一性別學校提供各種學科,	
	(c) Equip teacher trainees and teachers to provide	特别是在技術職業領域,以便女童有	
	career counselling for students and parents to	機會參加由男性主導的領域,反之亦然,	
	address and modify the entrenched perceptions of	從而提供更廣泛的職業選擇;	
	which subjects and careers are appropriate for	(f)制定國家信通技術計劃和戰略,納入	
	each sex;	在學校和高等教育機構在獲取信通技術	
	(d) Institute measures to increase the participation	方面實現性別公平的具體目標,輔之以	
	of women and girls in science, technology,	預算撥款充足的具體方案和及時收集用	
	engineering and mathematics programmes, at all	於監測目標的按性別分列數據的計劃;	
	levels of education, by providing such special	(g)採取明確的立法和政策措施,以確保	
	incentives as scholarships and adopting	當女童/婦女在教育機構中參與男性主	
	temporary special measures, in line with article 4	導的學科和活動時,保護其免受性騷擾	
	of the Convention and the Committee's general	•	
	recommendation No. 25 (2004) on temporary	(h)在教育機構中提供平等機會,使女童	
	special measures;	/婦女可以自由選擇願意參與的體育活	
	(e) Ensure that, in single-sex schools, the full range		
	of subjects, in particular in the technical and	· ·	
	vocational areas, are offered so that girls have the		
	opportunity to participate in male-dominated		
	areas, and vice versa, to allow for wider career		
	1 -	運動;	
		(j)依照第 25 號一般性建議,在體育運	
	communications technology plans or strategies		
	with specific targets for achieving gender equity		
	in access to information and communications	殿性建議,在必要時使這些措施針對遭	

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	technologies in schools and tertiary-level	受多重歧視的女童和婦女,包括農村婦	
	institutions, backed by specific programmes that		
	can be implemented in schools and with a budget		
	necessary for their delivery and the gathering of		
	timely data disaggregated by sex for the		
	monitoring of the achievement of targets;		
	(g) Institute clear legislative and policy measures		
	to ensure that, when girls and women participate		
	in male-dominated disciplines and activities in		
	educational institutions, they are protected from		
	sexual harassment and violence;		
	(h) Provide equal opportunities in educational		
	institutions for girls and women to freely choose		
	areas of physical activity and sport in which they		
	wish to engage and to enjoy the health and		
	psychological benefits that accrue from such		
	engagement;		
	(i) Address traditional stereotypes and provide		
	facilities that allow for the participation of girls		
	and women in male-dominated physical activities		
	and sports in both co-educational and female		
	single-sex educational institutions;		
	(j) Institute positive actions, preferential		
	treatment or quota systems, in the areas of sport,		
	culture and recreation, in line with general		
	recommendation No. 25 and, where necessary,		
	direct such measures at girls and women who are		
	subjected to multiple forms of discrimination,		
	including rural women, in accordance with		
	general recommendation No. 34 (2016) on the		
	rights of rural women.		
	Gender inequality, abuse and sexual violence in		
		69)	
04.	Gender inequality in education includes differential		
	treatment whereby one sex is favoured or given		
	preferential access to rewards by the school system,		
	in terms of attention, grades, opportunities and praise,		
	and more lenient punishment for misbehaviour.		
	Gender inequality is also manifested in unequal		
	access to non-material status and power in teacher-		
	student interactions. In educational settings, the way		
	girls experience such inequality is influenced by		
	several attributes, including their sex, socioeconomic		
	status, race or ethnicity or belonging to a minority		
	group, appearance and language patterns.		

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65.	Another area in which girls and women are adversely	女童和婦女受到不利影響的另一個領域	
05.	affected is in the sexual politics associated with their	是與其參與教育相關的性別政治。學校	
	participation in education. Sexual politics in schools	中的性别指的是以不必要的性暗示為特	
	refers to gender relations marked by unwarranted	點的性別關係。一個常見的例子是在學	
	sexual overtones, such as the sexual harassment of	校和(或)上下學途中對女童的性騷擾。女	
	girls in schools or on the way to and from school.	童可能遭受男性同學、教師和社區成員	
	They may be confronted with sexual harassment and	實施的性騷擾和虐待以及學校里有偏見	
	abuse perpetrated by students, teachers and	的待遇。學校里的性侵犯和其他形式的	
	community members, as well as biased treatment in	性別暴力很大程度上加劇自卑、學習成	
	school. Sexual assault and other forms of gender-	績差和不利的長期健康和福祉狀況。由	
	based violence in schools significantly contribute to	於暴力,女童不入學、輟學或不能充分	
	low self-esteem, poor educational achievement and	参與學校生活。暴力行為往往始於辱罵	
	have adverse long-term effects on health and well-	和威脅手勢,這種情況下如果沒有當權	
	being. As a result of violence, girls are kept out of	者質疑,隨之而來的是暴力行為。	
	school, drop out of school or do not fully participate		
	in school. Violence often begins with verbal insults		
	and threatening gestures which, when not challenged		
	by those in authority, are followed by violent acts.		
66.	Disadvantaged groups of girls are at an increased risk	由於女童弱勢群體面臨多種形式的歧	
	of violence at school because of the multiple forms	視,她們在學校遭遇暴力的風險增加。	
	of discrimination that they face, in particular on the		
	basis of their HIV status, caste, ethnicity, race and		
	religion, which increase the risk of abuse and		
	influence the nature of the violence experienced.		
	Girls with disabilities face discrimination on the basis		
	of both their gender and disability, while lesbian,		
	bisexual, transgender, and intersex children		
	experience both sexism and homophobia.		
67.	In spite of the rampant sexual harassment and abuse		
	of girls in educational institutions, and that they		
	constitute a key barrier to their right to and within		
	education, those facts have not been systematically		
	factored into educational policy and programmes. In		
	many instances there is no strict accountability		
	mechanism and, in schools, the matter is ignored or		
	responded to by victim-blaming, with impunity for		
-	perpetrators.	业儿立山山市任丁山潜水屯山市内	
68.	The sexual abuse of girls may result in unwanted		
	pregnancies, and there is therefore a need to alert		
	girls, in particular during adolescence to that problem and its consequences. An important response to the		
	magnitude of the problem in the home, school and		
	community is instituting mandatory, age-appropriate		
		般性建議和關於對女性的性別暴力的第	
	parricula, at all levels of Education, on	双正大喊作,厕心到又江时往们不力的乐	

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	comprehensive sexuality education, including on	35 號一般性建議,在各級教育開設適齡	
		的強制性全面性教育課程,包括性和生	
	responsible sexual behaviour, prevention of early	殖健康及權利、負責任的性行為、預防	
	pregnancy and prevention of sexually transmitted	早孕和預防性傳播疾病。教師應接受專	
	infections, in line with articles 10 (h) and 12 of the	門訓練,在各級提供適齡的教育。在一	
	Convention, the Committee's general	些情況下,如中學階段的教學人員大多	
	recommendation No. 24 (1999) on women and health	為男性,應努力徵聘、培訓和雇用可以	
	and general recommendation No. 35 (2017) on	作為女童和青年婦女榜樣的女教師,使	
	gender-based violence against women, updating	教室對其更加安全和有利。	
	general recommendation No. 19. Teachers should be		
	specifically trained for the various levels of age-		
	appropriate delivery. In situations where the teaching		
	staff is predominantly male, such as at the secondary		
	school level, efforts should be made to recruit, train		
	and hire female teachers who can serve as role		
	models and make classrooms safer and more		
	enabling places for girls and young women.		
09.	The Committee recommends that States parties		
	take the following measures to curtail violence		
	against girls and women associated with		
	educational institutions and schooling, thereby		
ľ	protecting their right to be treated with respect		
	. ·	以禁止和消除在教育機構內和周圍對女	
	(a) Enact and enforce appropriate laws, policies		
	and procedures to prohibit and tackle violence		
	against girls and women in and around	·	
	educational institutions, including verbal and		
	emotional abuse, stalking, sexual harassment and sexual violence, physical violence and		
	, L	(c)確保在學校受到暴力影響的婦女和女 童能有效訴諸司法和獲得補救;	
	exploitation; (b) Recruit, train and hire more female teachers		
	in educational institutions where the school		
		型近径 D	
	(c) Ensure that girls and women affected by		
	violence in schools have effective access to justice		
	and remedy;	(e)確保所有女童和婦女在教育機構遭受	
	(d) Respond to cases of violence against girls and		
	women in educational institutions through		
		制定和實施適用於所有學校工作人員和	
	mechanisms, effective investigations, criminal		
	prosecutions where appropriate and the adequate		
ĺ	punishment of perpetrators and by providing		
ľ		則,並在早期干預戰略方面對教師和學	
	(e) Ensure that all incidents of violence against		
	girls and women in educational institutions are		

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	reported and recorded, check the criminal		
	records of school personnel prior to their		
	employment and develop and enforce codes of	· · ·	
	·	(h)為遭受暴力侵害的女童提供支助服	
	(f) Adopt national plans of action to address	務,包括咨詢、醫療、艾滋病毒/艾滋病	
	school-related violence against girls, including	信息和藥物;	
	guidelines for schools and compulsory training for	(i)在所有各級教育制訂和推行適齡、循	
	teachers and students in early intervention	證、科學上準確的強制課程,包括關於	
	strategies to address sexual harassment and	性和生殖健康及權利、負責任的性行為、	
	violence against girls;	預防早孕和性傳播疾病的全面信息。	
	(g) Designate a government mechanism for		
	preventing and investigating incidents of violence		
	in educational institutions and provide adequate		
	public funding to address the problem;		
	(h) Provide support services for girls who		
	experience violence, including counselling,		
	medical treatment, HIV/AIDS information and		
	medication;		
	(i) Develop and introduce age-appropriate,		
	evidence-based, scientifically accurate mandatory		
	curricula at all levels of education, covering		
	comprehensive information on sexual and		
	reproductive health and rights, responsible sexual		
	behaviour, prevention of early pregnancy and		
	sexually transmitted infections.		
	-	網絡欺凌(70-72)	
	Another form of abuse that girls experience is	上 · · · · · · · · · · · · · · · · · · ·	
70.	cyberbullying, by which information and		
	communications technologies and various social media platforms are the means through which		
	perpetrators intimidate, threaten or harass them.		
	While both boys and girls are involved in cyberbullying, research shows that girls, in particular		
	adolescent girls, are almost twice as likely as boys to		
		色情、往往來自陌生人的性騷擾和性挑	
	victimization of adolescent girls takes many forms,		
	including name-calling, rumours, threats, disclosure		
	of confidential information, images and videos,		
	revenge porn, sexual harassment and sexual		
	advances, often from strangers.		
/ 1.	Cyberbullying has a wide variety of effects on		
	adolescent girls, including mild or extreme emotional		
	effects, feelings of being unsafe and frightened and,		
	in some instances, suicidal ideation or suicide.	僅引起自殺的念頭,而且導致實施自殺。	

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72. The Committee recommends that, although	gh委員會建議,儘管網絡欺凌並非總是植	
cyberbullying is not always rooted in the scho	ol根於學校,但締約國在學校採取下列措	
environment, States parties take the following	ng施保護女童:	
measures in schools to protect girls:	(a)提醒父母這一現象的蔓延以及可能對	
(a) Alert parents to the spread of the phenomeno	on 女童造成的影響;	
of cyberbullying and the impacts that it can ha	ve(b)制訂全面方案,向教師、學生和家長	
on girls;	介紹網絡欺凌可能的形式及其潛在影	
(b) Develop comprehensive programmes th	at響,並為遭受網絡欺凌的受害學生提供	
inform teachers, students and parents about t	he <mark>咨詢和支持;</mark>	
forms that cyberbullying can take and t	he(c)制定確保學校的現有技術不用於網絡	
potential impacts, and provide counselling an		
support for students who are victims	of(d)通過建立同齡人和教師咨詢服務、學	
cyberbullying;	校熱點以及匿名舉報熱線,建立學生可	
(c) Put into place policies that ensure that t		
technologies available in schools are not used f		
the purpose of cyberbullying and monitor the		
implementation;	(f)頒布界定和懲處所有形式的基於信通	
(d) Establish multiple and readily accessib		
channels that students can use to report su		
incidents by establishing peer and teach		
counselling services, safe locations in schools a	nd	
hotlines for anonymous reporting;		
(e) Inform girls of the consequences of engaging		
cyberbullying to victims' health and well-being,		
well as the sanctions that may be applied	to	
perpetrators;		
(f) Enact legislation that defines and penaliz		
harassment through use of information an		
communications technologies and the onli	ne	
harassment of women and girls in all its forms.		
Equitable female participation in management	nt烯女對管理結構的公平參與(73-75)	
structures		
73. The gender regime evident in educational institution		
has negative impacts on female staff, in particul		
staff in systems of secondary and tertiary education		
Those impacts are most evident in terms of the		
limited upward mobility in the profession and the		
rate of transition to decision-making position		
Although teaching is considered to be a feminiz		
profession, there is a disproportionately lo		
representation of women in senior and to	•	
management positions at all levels of education	on,	
worldwide.		

7.4. Several factors account for the underrepresentation of 整千四素造成粉女在各級教育领导和决 women in leadership and decision—making positions 紫薇娅的大块的情感,包括:接受教 at all levels of education. They include limited access for education, especially opportunities for pursuing consistent of the convertion of these teaching at the development of the convertion of the converti		原文	中譯87	重點
institute the following measures to close the gender gap in leadership positions at all levels of we will be a sequent of the content of the	/4.	women in leadership and decision-making positions at all levels of education. They include limited access to education, especially opportunities for pursuing higher educational certification for those teaching at the lower levels, discriminatory appointment and promotion practices, family attitudes, career interruptions, cultural stereotyping, alienation from the male culture of networking and patronage, and continued resistance to including women in management positions.	策職位的人數比例偏低,包括:接受教育的機會有限,特別是較低層次教師接受高等教育的機會有限;歧視性的任用和晉升做法;家庭的態度;職業中斷;文化的陳規定型;遠離建立關係網和提攜的男性文化;對接納婦女進入管理職位的持續抵制。	
, , , , , , , , , , , , , , , , , , ,	75.	The Committee recommends that States parties institute the following measures to close the gender gap in leadership positions at all levels of education to ensure the elimination of the discrimination women face in that regard: (a) Increase the professional mobility of women in institutions of higher learning by providing grants and/or scholarships to enable them to acquire advanced postgraduate degrees and introduce incentives and schemes to retain them; (b) Strengthen efforts to increase the number of women in leadership positions at all levels of education, especially university professors in all fields, through the use of measures, including temporary special measures in accordance with article 4 (1) of the Convention and general recommendation No. 25; (c) Review appointment and promotion procedures and remove any discriminatory provisions, which act as barriers to the equal participation of women in leadership positions in educational institutions, and address discriminatory practices in appointments and promotions; (d) Address prevailing organizational cultures that are unfavourable to the upward mobility of women in the teaching profession; (e) Establish targets, within a given timeline, to ensure parity in positions in higher education, including senior positions, professorships chancellorships and vice-chancellorships in universities;	在各級教婦性 (a) 通等定性 (b) 是 (c) 要 (c) 要 (e) 持 (e) 要 (e) 要 (f) 理 政策 在任任 校 有 等 生 是 是 是 是 是 是 是 是 是 是 是 是 是 是 是 是 是 是	

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	higher education, such as senates and councils,		
	and in research bodies.		
I.	Rights through education	通過教育實現的權利(76-81)	
76.	Since 1985, several United Nations international	自1985年以來,一些聯合國國際會議專	由於婦女通過教
,	conferences have focused on human rights, women,	注於人權、婦女、社會問題和可持續發	育實現的權利明
	social issues and sustainable development and have	展,並確定了促進性別平等和增強婦女	顯尚未達成,造
	identified numerous actions to promote gender		成婦女在職場上
	equality and the empowerment of women. Many of		的性別隔離、職
	the conferences emphasized education as the means		位、薪資與決策
	for achieving those goals and for improving the		
	position of women in society. Education equips		
	individuals with the skills to be adaptable to the needs		
	of changing societies and therefore has a multiplier		力代表性不足等
	effect in enabling women to claim rights in all		現象,建議國家
	spheres, beyond the school. However, women's		應採取積極具體
	rights through education are far from being realized.		作為以增加婦女
77.	In spite of regional disparities, global data indicate		對社會、經濟和
	that more women than men have higher educational		
	certifications and thus are the more highly qualified		
	source of human capital. However, men with lower		的平等參與。
	levels of certification are favoured for certain jobs		
	and positions over women with higher levels of certification, contributing to the universal	和歌问任別隔離的音遍現象。因此,認 證對男子和婦女的社會價值不同。即使	
	certification, contributing to the universal phenomenon of horizontal and vertical sex-		
	segregation of labour markets. Certification therefore		
	does not carry the same social currency for women		
	and men. Even where both sexes have equal levels of		
	education, men are often given preferential treatment		
	in employment.		
70	Such systemic patterns become entrenched, in	這些系統性模式變得根深蒂固,在勞動	
78.	particular in the labour market, which operates on the		
	basis of the "man as breadwinner" ideology, resulting		
	in men occupying dominant positions in wage labour.		
	As a result, in most societies, women experience	多數社會,婦女就業水平較低,失業率	
	lower levels of employment and higher levels of		
	unemployment and of poverty, are more highly		
	represented as part-time workers, earn less than men,	作的脆弱領域所佔比例過高;因此較少	
	on average, are disproportionately represented in	有機會獲得體面工作的條件。此外,她	
	vulnerable areas of work, and have less opportunities	們在社會和政治體制中微觀和宏觀兩級	
	for decent working conditions. Women are	擔任決策性職位的人員不足,缺乏真正	
	underrepresented in decision-making positions at all	的個人自主權。雖然增加教育機會改善	
	levels of social and political institutions and lack real	了婦女及其子女的生活條件,但是由於	
	personal autonomy. Although increased access to		
	education has improved the condition of women's	系統的文化信仰和習俗,目前教育在改	

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	lives and that of their children, the potential for	變經濟、政治和社會領域的總體均勢方	
	education, as it presently exists, to shift the overall		
	balance of power in the economic, political and social		
	spheres and to make a strategic difference in terms of		
	the empowerment of women, has not been achieved,		
	owing to cultural beliefs and practices that reproduce		
	entrenched gendered ideologies, structures and		
	systems.		
79.	That consistent pattern is linked to gender	該長期模式的主要原因與性別社會化過	
,,,,	socialization processes that reproduce and maintain a	程相關,後者複製和保持明確的男女性	
	sexual division of labour, which defines what is	別分工,反過來又與公/私二元化聯繫在	
	feminine and masculine and is in turn linked to a	一起。在這一制度中,男性在公共領域	
	public/private dichotomy, a system in which males	佔主導地位,而女性在私營領域佔主導	
	dominate the public sphere and females the private	地位。結果是制度化的學校教育不具備	
	sphere. The result is that, rather than being	變革性,而是成為國家複製性別秩序和	
	transformative, institutionalized schooling becomes	保持男/女、支配/從屬以及公/私等級制	
	an instrument of the State for reproducing the gender	度的一種工具。	
	order and maintaining the male/female, dominant/		
	subordinate and public/private hierarchies.		
80.	The trend continues in the level of participation of	這一趨勢將在婦女對政治進程和決策的	
	women in political processes and decision-making	參與中繼續下去,因為婦女仍然在這方	
	where, because women remain poorly represented		
	they cannot effectively influence policy that affects	影響的政策。2017年,在選舉或提名的	
	them. In 2017, the proportion of women holding	政府職位中,婦女的全球平均任職情況	
	elected or nominated government positions		
	worldwide was approximately 1:4, compared with	·	
	men. In the lower houses of parliaments, women hold		
	23.4 per cent of representative posts and in the upper		
	houses, 22.9 per cent. The same trend is evident in		
	the representation of women as members and chairs		
	of public and private sector boards. Women continue		
	to be largely marginalized in the political sphere and		
	in boardrooms as a result of discriminatory laws,		
	practices, attitudes and gender stereotypes.	4 P A shall the transfer of the 19 and 19 an	
81.	The Committee recommends that States parties		
	pursue the following measures to achieve the		
	equal participation of women in social, economic		
	and political processes, as well as in decision-		
		女童/婦女具備與男性一樣平等參與社会、經濟和政治領域高紹別和決策性聯	
	(a) Train teachers to adopt constructivist teaching strategies that equip girls and women with critical	111	
	thinking skills and a sense of positive self-worth		
	and confidence to participate equally with men in		
	high-level and decision-making positions in the		
	mgn-icver and decision-making positions in the	即用这种太平门谷,他叫省加她们到杆	

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soci	ial, economic and political spheres;	學、技術和管理資格的參與,從而確保	
(b)	Adapt the options and content of girl's and	能夠獲得高級別工作和決策性職位,尤	
wor	men's education, in particular at the higher	其在男性主導的職業和工作;	
leve	els to increase their participation in scientific,	(c)加強旨在提高婦女在家庭和更廣泛社	
tecl	hnical and managerial courses of study, and	會中作用和參與程度的學校公民學和公	
the	reby their qualifications, in order to ensure	民教育以及促進性別平等的成人持續掃	
acc	ess to high-level jobs and decision-making	盲方案;	
pos	sitions, in particular in male-dominated	(d)確認必須通過關於政府、公共政策、	
pro	ofessions and jobs;	經濟、信息技術和科學等領域的教育和	
(c)	Strengthen civic and citizenship education in	培訓來增強所有婦女的權能,以確保她	
sch	ools and gender-responsive continuing adult	們獲得為公共生活各個領域作出充分貢	
lite	racy programmes aimed at enhancing the roles	獻所需的知識和技能;	
of w	vomen and their participation in the family and	(e)通過挑戰勞動力市場根深蒂固的橫向	
soci	iety;	隔離,保護婦女從事體面工作的權利,	
(d)	Recognize the importance of empowering all	因為男子在勞動力市場享有特權,基於	
wor	men through education and training in	提攜而非才能進入高地位職業部門的人	
gov	vernment, public policy, economics,	大都是男性;	
	ormation and communications technology and	, , , , , , , , , , , , , , , , , , , ,	
scie	ence to ensure that they develop the knowledge	具在內的信息和通信技術的機會,以便	
and	l skills needed to make full contributions in all	能夠參與政治並推動參與更廣泛的民主	
sph	neres of public life;	進程,同時還使這些技術更能滿足婦女	
(e)]	Protect the right of women to decent work by	的需要,包括邊緣化婦女的需要;	
	llenging the entrenched horizontal segregation	⁻	
of l	abour markets where men are privileged and		
pre	edominantly positioned in high-status	位,並在公共生活中承擔責任;	
occi	upational sectors on the basis of patronage	(h)採取一切適當措施,消除阻礙婦女進	
ratl	her than merit;	入並充分參與社會、經濟和政治領域的	
(f)	Improve and broaden women's access to	偏見和性別陳規定型觀念。	
info	ormation and communications technologies,		
	luding e-government tools, in order to enable		
poli	itical participation and to promote engagement		
	broader democratic processes, while also		
_	proving the responsiveness of such technologies		
	the needs of women, including those of		
	rginalized women;		
	Develop appropriate tools, skills and training		
Γ	ogrammes, in consultation with women, to		
_	ip and empower them to participate in		
	dership positions and to assume responsibilities		
_	public life;		
	Take all appropriate measures to eliminate the		
Γ	judices and gender stereotypes that constitute		
	riers to women's access to and full		
	ticipation in the social, economic and political		
sph	neres.		

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J.	State responsibility: implementation and	國家責任:實施和監測(82-83)	
	monitoring		
82.	Information in the preceding sections of the present	本一般性建議前幾節中的信息表明,雖	強調國家應致力
02.	general recommendation indicates that, although	然在女童和婦女受教育權方面取得了一	於履行公約規定
	there have been some gains towards the realization of	些進展,她們在所有三個領域的權利,	、善盡國家義務
	the right of girls and women to education, their rights	即接受教育的權利、教育範圍內各項權	, 並提出具體建
	in all three domains — to, within and through —		議。
	remain not fully realized. The recommendations		
	contained herein identify benchmarks for the		
	adoption and reform of policy and legislative		
	frameworks and the financial and human resources		
	required to provide for and protect the rights of girls		
	and women in those three domains. If education is		
	ultimately to be the vehicle for the personal, social		
	economic and political empowerment of women and		
	the tool for equipping them to seize opportunities to		
	make a direct contribution to national and regional		
	development processes, then attention to those		
	actions is not optional but obligatory. Transformation		
	of systems and structures can only be realized.		
	however, where there is political will. States parties		
	need to commit to fulfil their internationally binding		
	obligations under agreements such as the		
	Convention, as supported by the general		
	recommendations of the Committee, in particular		
	general recommendation No. 28 (2010) on the core		
	obligations of States parties under article 2 of the		
	Convention.		
	The Committee urges States parties to take the	田山,禾昌合促接绕约岡校田以下行動,	
83.		以確保及時執行和監測本一般性建議中	
		的建議,保護女童和婦女接受教育的權	
	recommendations contained in the present		
	general recommendation to protect the right of		
	girls and women of access to education and their		
	rights within and through education, which		
	elaborate upon article 10 of the Convention and are linked to other articles of the Convention and		
		血似關力,包括教育部门和文助部门的 所有政府官員、各級教育系統中的教育	
	Committee:	JTT 月 以 所 目 貝 、 合 級 教 月 系 統 中 的 教 月 工 作 者 、 學 生 、 家 長 、 媒 體 以 及 相 關 國 家	
		, ,, , , , , , , , , , , , , , , , , , ,	
	(a) Ensure the wide dissemination of the general recommendation to all stakeholders, including all	· ·	
	government officials engaged in the education		
	sector and supporting sectors, educators at all	•	
		<u> </u>	
	levels of the education system, students, parents,		
	the media and the relevant national and	部门以及	

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community organizations;	關方的成員,旨在制定一項有明確時限	
(b) As necessary, translate the document into the	的全面執行和監督戰略以及衡量實現成	
national languages and into those used by the	果情況的基準,並分配人員監督該計劃	
ethnic minority groups in States parties;	的具體方面;	
(c) Establish a national multisectoral task force	(d)確保提供充足可用的定量和定性數	
with representation from the major government	據集,為監測成果提供參考;實現成果	
sectors involved in the delivery of education and	最大化,為此將本一般性建議的執行工	
educational services and the major non-	作與符合本文書的關於女童和婦女受教	
governmental stakeholders engaged in education	育權、教育範圍內各項權利和通過教育	
to develop a comprehensive implementation and	實現的權利的其他國際、區域和國家文	
monitoring strategy with clear timelines,	書的要求協調一致。	
benchmarks for measuring the achievement of		
outcomes and individuals assigned to provide		
oversight to specific dimensions of the strategy;		
(d) Ensure that adequate quantitative and		
qualitative datasets are available and accessible to		
inform monitoring of outcomes and maximize		
outcomes by harmonizing implementation of the		
present general recommendation with		
requirements under other international, regional		
and national instruments that address the rights		
of girls and women to, within and through		
education, which are consistent with the present		
instrument.		

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