

# law

- 家庭暴力防治法(Domestic Violence Prevention Act)
- 性侵害犯罪防治法  
(Sexual Assault Crime Prevention Act)
- 性騷擾防治法  
(Sexual Harassment Prevention Act)
- 消除對婦女一切形式歧視公約施行法  
(Enforcement Act of Convention on the Elimination of All Forms of Discrimination against Wome)
- 中華民國刑法(Criminal Code of the Republic of China)

# Prevention- Prevention Center

## □ 性侵害犯罪防治法(Sexual Assault Crime Prevention Act)

- **Article 6** : A municipality and a county (city) government should set up a Sexual Assault Prevention Center, which undertakes the following tasks:
  1. Provide a 24-hour hotline service.
  2. Provide victims with a 24-hour emergency rescue.

## □ 家庭暴力防治法(Domestic Violence Prevention Act)

- **Article 8** :The municipal and county (city) competent authorities shall consolidate the activities and manpower of its police, education, health, social policy, civil administration ,household registration, and labor and news departments and agencies, establish domestic violence prevention centers, and coordinate with relevant judicial and immigration authorities to perform the following matters:
  1. Provision of a 24-hour hotline service.
  2. Provision of a 24-hour emergency rescue service, assistance with medical visits, injury certification, evidence collection and emergency placements.

# Prevention- training courses

## □ 性侵害犯罪防治法(Sexual Assault Crime Prevention Act)

- **Article 7** : In each academic year, students at all levels of middle and primary schools should have four hours or more of **courses on sexual assault prevention**.
- **Article 6** : A municipality and a county (city) government should set up a Sexual Assault Prevention Center, which undertakes the following tasks:
  1. Provide a 24-hour hotline service.
  2. Provide victims with a 24-hour emergency rescue.

# Protection-

## Civil Protection Orders/within 24hours from issuance

- Chapter 2 Civil Protection Orders 民事保護令
- **Article 9** : Civil protection orders (hereinafter “protection orders”) are divided into通常保護令 ordinary protection orders, temporary protection orders暫時保護令 and emergency protection orders緊急保護令.
- **Article 18** : Other than an emergency protection order, a protection order shall be sent to the litigant, the victim, the police department and the municipal or county (city) competent authority **within 24hours from issuance.**

# Protection- Shelter

□ 家庭暴力防治法(Domestic Violence Prevention Act)

## ➤ Article 8:

Provision of short-term, mid-term and long-term shelter placements for the victims and their minors.

# Protection- other service

## □ 家庭暴力防治法(Domestic Violence Prevention Act)

- **Article 8:**The municipal and county (city) competent authorities shall consolidate the activities and manpower of its police, education, health, social policy, civil administration, household registration, and labor and news departments and agencies, establish domestic violence prevention centers, and coordinate with relevant judicial and immigration authorities to perform the following matters:
3. Provision or referral of financial aid, legal services, education services and lodging assistance to the victims, including provision of stage-by-stage, supportive and diversified vocational training and employment services.
  5. Provision or referral of physical and mental treatment, counseling, social and psychological evaluation and disposition for the victims and the children, youth or family members who have witnessed domestic violence and who need these services.
  6. Referral of offender treatment and follow-up assistance.
  7. Follow-up and management of referral service cases.
  8. Promotion of domestic violence prevention education, training and promotion.
  9. Risk analysis and organization of cross-institutional network meetings.

# Rrosecution-

## □ 家庭暴力防治法(Domestic Violence Prevention Act)

### Chapter 3 Criminal Procedure

- **Article 2 : An offense of domestic violence: Means a criminal offense stipulated by another law** due to an act of domestic violence committed in a willful manner against a family member.
- **Article 29:** A police officer shall arrest any offender that is found to be committing an offense of domestic violence and Article 92 of the Code of Criminal Procedure shall apply.

During the criminal investigation, a prosecutor, judicial police sergeant or judicial police officer may arrest a defendant or suspect in emergency cases where there is material suspicion of an offense of domestic violence or breach of a protection order and where there is a danger of continuous infringements upon the life, body or freedom of any family member.

# Rosecution-

## □ 家庭暴力防治法(Domestic Violence Prevention Act)

- **Article 41:** The Ministry of Justice shall establish and enforce disposition programs for sentenced persons who have committed offenses of domestic violence or who have breached protection orders.
- **Article 42 :** The correction authority shall give notice to the victim and the police department and the domestic violence prevention center of the place where the victim's domicile or residence is located concerning the scheduled date for the release from prison of a sentenced person who has committed an offense of domestic violence or who has breached a protection order, except if the whereabouts of the victim is unknown.

# Prosecution-

## ▣ 性侵害犯罪防治法(Sexual Assault Crime Prevention Act)

- **Article 14:**The High Court, the Supreme Prosecutors Office, the Military Court, the Military Court Prosecutors Office, the Judiciary, the Military Police Authority and medical institutions should allocate specially trained officers to deal with sexual assault incidents.

The specially trained officers as referred in the preceding paragraph shall take training courses at least six hours each year.

- **Article 15:**The victim's legal representative, spouse, immediate family member or relative within the third degree, parents, family members, doctor, psychiatrist, consolation workers or social workers may accompany the victim during investigation or trial and offer their opinions.

In the case of the victim being a child or teenager, unless it is obviously unnecessary, the relevant authorities of the Municipality or County (City) should appoint a social worker to accompany the victim and provide opinions.

# Prosecution-

## □ 性侵害犯罪防治法(Sexual Assault Crime Prevention Act)

- **Article 15-1:**Whenever considered as necessary by a judicial policeman, judicial police officer, prosecuting officer, prosecutor or judge at the investigation or trial level, if the victims of sexual assault incidents are children or have mental disabilities, they may be interrogated (examined) with the assistance of relevant professionals at their side. This provision is not applicable when the judicial policeman, judicial police officer, prosecuting officer, prosecutor or judge has received relevant professional training.

The judicial policeman, judicial police officer, prosecuting officer, prosecutor or judge may use a one-way mirror, audio and visual transmission technology equipment or other appropriate isolation measures when the professionals specified in the preceding Paragraph are assisting with the interrogation (examination).

# Prosecution-

## □ 性侵害犯罪防治法(Sexual Assault Crime Prevention Act)

➤ **Article 8:** If medical workers, social workers, educational workers, caregivers, police officers, labor administration staff, judicial officers, immigration officers, officers of corrective institutions, and village (township) officers learn of suspected sexual assault incidents while performing their duties, they must report them to the competent authority of the municipality or county (city) within 24 hours.

The content of the report, the name and address of reporters and any information that is sufficient to identify the reporter is confidential unless otherwise specified by law.

The competent authority of the municipality and county (city) shall proceed with the classification procedure within 24 hours after it has acknowledged or received the report specified in Paragraph 1.

The protocol of report and classification specified in the preceding Article is formulated by the central competent authority.

# Prosecution- DNA and other information

- 性侵害犯罪防治法(Sexual Assault Crime Prevention Act)
- **Article 9:**The central authorities should set up a national archive of sexual offenders, and it should contain name, gender, date of birth, national identification number, domicile or place of residence, photograph, criminal information, fingerprints, DNA and other information.

# Policies- Expert advice

## □ 家庭暴力防治法(Domestic Violence Prevention Act)

➤ **Article 5:**...the central competent authority should invite (assign) scholars and experts and representatives of private organizations and relevant authorities to provide advice. The number of scholars ,experts and representatives of private organizations shall represent not less than 1/2. Each gender shall be represented by at least 1/3.

## □ 性侵害犯罪防治法 (Sexual Assault Crime Prevention Act)

➤ **Article 4:**The central competent authority, in handling the preceding paragraph matters, shall select and hire scholars, experts ,private institutions representatives, and representatives from relevant institutions to provide consultation. The number of any gender shall not be less than one-third of the total number of such representatives. The number of such scholars, experts, and the non-official representatives shall not be less than one half of the total number of such representatives.

# Policies-

## ▣ 性侵害犯罪防治法(Sexual Assault Crime Prevention Act)

- **Article 3:**The competent authorities referred to in the Act are the Ministry of Health and Welfare at the central level, municipality governments at the municipal level, and county (city) governments at the county (city) level.

Regarding the provisions of the Act, the competent authorities and relevant authorities shall respect multicultural differences, and shall be active in planning for the protection, prevention and promotion measures in accordance with the needs of sexual assault prevention to the extent of its competence, and shall coordinate if the prevention task is related with the duty of other relevant authorities. The scope of competence is as follows.

1.Social competent authority;2.Health competent authority; 3.Education competent authority; 4.Labor competent authority; 5.Police competent authority; 6.Legal competent authority;7.Immigration competent authority; 8.Cultural competent authority; 9.Communication competent authority;10.Household registration competent authority

# Policies- fund

## □ 家庭暴力防治法(Domestic Violence Prevention Act)

➤ **Article 6:** To reinforce the promotion of work related to the prevention of domestic violence and sexual assault, the central competent authority shall establish a fund. The rules for the expenditure, custody and utilization of the fund shall be established by the Executive Yuan.

The sources of the fund under the previous paragraph are as follows:

1. Government budget allocation.
2. Payment for deferred prosecution.
3. Payment for plea bargaining.
4. Profit from the fund.
5. Donations.
6. Fines imposed in accordance with this Act.
7. Other relevant sources of income.

# Challenge-

## New forms of violence

跟蹤騷擾法(“Stalking harass law” has passed by the legislative Yuan)(110.11.17立法院三讀通過，尚未公布)



## 法務部新聞稿

發稿日期：110年11月17日

發稿單位：法務部檢察司

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為保護個人隱私，防範深偽技術（Deepfake）淪為犯罪工具，本部研議刑法增訂「散布性私密影音罪」、「製作或散布他人不實性影音罪」、「製作或散布他人不實活動、言論、談話罪」，今日向行政院陳報修正草案

數位資訊科技及人工智慧之發達與運用，對於民眾使用網路具有相當便利性及普及性，然近來利用電腦合成或其他科技方法為犯罪行為之深偽技術（Deepfake），除侵害他人之隱私與名譽外，亦可能使社會大眾難以辨識電腦網路資訊的可靠性與真實性，而動搖人與人之間互信之基礎，進而對社會安定與國家安全產生深遠之危害，更將衝擊民主制度與人性尊嚴。

蔡部長相當重視上開議題，除對國人承諾將儘速研提修法加重刑責以規範深偽技術（Deepfake）之犯罪行為外，並呼籲民眾留意辨識深偽影片，且應尊重他人，切勿製作、散布不實影音，共同以行動下架此種破壞網路安全之行徑。

本部自今（110）年3月間起，即針對散布性私密影像之犯罪態樣及法制規範，廣泛徵詢各界修法意見及蒐集外國立法例，並多次召開刑法研修會議，邀集刑法學者及審、檢、辦各界代表充分討論，復依照蔡部長指示，併同深偽技術

# Challenge-

## New forms of violence

(Deepfake) 之犯罪型態及處罰規定納入研議，經通盤討論後，近日綜整完成研擬刑法部分條文修正草案，於今日陳報行政院審查，展現本部打擊侵害性私密犯罪之決心及信守對民眾性隱私保護之承諾有關本次刑法部分條文修正草案之內容，說明如下：

- 一、加重處罰竊錄性影音罪修正刑法第315條之1規定，亦即增列竊錄之內容為他人之性影音予以加重處罰之規定。若有竊錄性影音之行為，最重處4年6月有期徒刑，若有散布竊錄性影音之行為，最重處5年有期徒刑。
- 二、增訂散布性私密影音罪增訂刑法第315條之4規定亦即增列未經他人同意，而散布、播送、交付或以他法供人觀覽其性影音或電磁紀錄之處罰規定，最重處2年以下有期徒刑。
- 三、增訂製作或散布他人不實性影音罪增訂刑法第315條之5規定亦即增列意圖散布而以電腦合成或其他科技方法製作關於他人不實之性影音或其電磁紀錄，以及散布、播送、交付或以他法供人觀覽之處罰規定，並增列意圖營利之加重處罰規定。於製作或散布不實性影音之情形，最重處5年以下有期徒刑，若有意圖營利之情形，最重處7年以下有期徒刑。
- 四、修正刑法第28章章名為「妨害秘密及性隱私罪」因應上開增訂條文，將刑法第28章章名「妨害秘密罪」修正為「妨害秘密及性隱私罪」，以彰顯性隱私權之保護。