

淺論臺灣受刑人 醫療可近性

A Preliminary Study on the Medical
Accessibility of Inmates in Taiwan

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摘要

「聯合國受刑人處遇最低標準規則」就受刑人之醫療人權設下標準，而其中「醫療可近性」可說是醫療人權的基礎。本文以上開規則對臺灣現行「監獄行刑法」關於「醫療可近性」之部分進行檢視。

本文整理臺灣相關規定並參照鄰國日本刑務所醫療的理論與現狀後，可知臺灣受刑人醫療可近性部分仍有尚未完善的部分，若欲解決受刑人醫療可近性的問題，則需解消或改善「治療環境的封閉性」與「強調監所安全維護」這兩個根本性的問題。

The “United Nations Standard Minimum Rules for the Treatment of Prisoners” established by the United Nations

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explicitly address the healthcare rights of prisoners. The concept of “medical accessibility” can be considered the foundation of healthcare rights. This essay discuss the current provisions on “medical accessibility” in Taiwan’s existing ‘Prison Act’ in light of the aforementioned rules. By organizing relevant regulations in Taiwan and referencing the theoretical framework and current situation of prison healthcare in Japan, it is evident that there is room for improvement in the aspect of medical accessibility for Taiwanese prisoners. To address issues related to the medical accessibility of prisoners, it is necessary to address or improve the fundamental problems of the “enclosed the treatment environment” and the “emphasis on the security maintenance considerations of the prison.”

壹、本文目的與問題意識

受刑人醫療（又稱「監所醫療」），一直都是衡量受刑人人權重要指標之一。無論是憲法本文或是增修條文，均訂有國家有努力增進國民健康，充實相關醫療衛生之義務¹。此外，已內國法化之經濟社會文化權利國際公約第12條第1項中之「人人有權享受可能達到之最高標準之身體與精神健康」；同公約第2項也規定：「為求充分實現此種權利所採取之步驟，應包括為達成下列目的所必要之措施：……（四）創造環境，確保人人患病時均能享受醫藥服務與醫藥護理。」，屬於「人人」與「國民」的「受刑人」，解釋上理應當然應享有上開權利。

1 具體內容請參照中華民國憲法第157條、中華民國憲法增修條文第10條第5項。