

## 伍、發受書信相關事項 V. Correspondence

問 5-1、進入矯正機關後，何時可以發受書信？

Q5-1: When can inmates start receiving and sending letters after entering a correctional facility?

答：

收容人進入矯正機關後，除禁止通信之被告外，於完成新收程序，配入場舍後即可發受書信。

A:

Except for inmates who are denied correspondence, inmates held at correctional facilities may send and receive letters right after they have completed the admission process and assigned a ward.

問 5-2、請問收容人因故無法自行書寫，如何發信？

Q5-2: What can inmates do if for some reasons they cannot write letters?

答：

- 一、視覺、聽覺或語言障礙受刑人，得使用手語、點字或其他適當輔助方式。
- 二、收容人不識字或因故不能書寫信件者，得徵得其他收容人或適當之人同意後代為書寫，經本人確認並簽名或按捺指印後依規定發送。

A:

1. Prisons with visual, hearing or speech disability can use sign language, Braille or other appropriate aids to help them draft letters.
2. If an inmate is illiterate or cannot write letters for some reason, he or she can solicit the help of other inmates or somebody appropriate to draft a letter. The letter will be sent out according to rules after it is confirmed and signed or fingerprinted by the inmate.

問 5-3、請問各類收容人發受書信之對象規定為何？

Q5-3: Whom can inmates have correspondence with?

答：

- 一、第四級受刑人得准其與親屬發受書信。第三級以上之受刑人，於不妨害教化之範圍內，得准其與非親屬發受書信；至於不適用累進處遇之受刑人，其通信對象除法律另有規定或依受刑人意願拒絕外，原則不予限制或禁止。
- 二、被告及民事被管收人發受書信對象為任何人，但有特別理由時，法院或檢察官得限制被告發受書信之對象。
- 三、受戒治人得與最近親屬、家屬發受書信；於進入心理輔導期後，受戒治人得與非親屬、家屬發受書信，但以有益於其戒治處分之執行，且須報經機關首長許可者為限。

- 四、受觀察勒戒人發受書信對象原則以配偶、直系血親為限。但有特別理由經勒戒處所長官許可，得與其他人為之。惟如有妨礙觀察勒戒處分之執行或受觀察勒戒人之利益者，得禁止或限制之。
- 五、收容少年發受書信對象為親友。
- 六、感化教育少年及少年矯正學校學生發受書信對象為親友，但有妨礙感化（矯正）教育之執行或學生之利益者，得禁止之。
- 七、保安處分受處分人及強制工作受處分人寄發書信對象為親友。

A:

1. Level 4 prisoners can have correspondence (communication by letters) with relatives. Prisoners at other levels are allowed to have correspondence with non-relatives, provided the correspondence does not adversely affect the prisoner's edification. For prisoners to whom progressive treatment does not apply, the prison will not limit or deny inmates correspondence with anybody in principle, except where it is otherwise stipulated by law or where the prisoner voluntarily refuses correspondence.
2. Defendants and civil detainees can have correspondence with anybody. However with special reasons, the court or the prosecutor may restrict who can have correspondence with the defendant.
3. Drug abusers receiving rehabilitation (detoxification) treatment may have correspondence with nearest relatives and family members. They may also have correspondence with non-relatives and non-family members after they enter the period of psychological guidance, provided such correspondence benefits the inmate's rehabilitation and the head of correctional facilities has given permission.
4. Delinquents under rehab and observation may have correspondence with spouse and lineal relatives only, but exceptions may be allowed if there are special reasons and head of the rehab center has given permission. However an inmate's correspondence with any person may be denied or restricted if it interferes with inmate's rehabilitation or disbenefits the inmate.
5. Juvenile inmates may have correspondence with friends and relatives.
6. Juveniles subjected to reformatory education and students of juvenile correction schools can have correspondence with friends and relatives. However correspondence may be prohibited if it interferes with student's edification (correction) education or disbenefits the student.
7. People subjected to rehabilitative measure and people subjected to compulsory labor may have correspondence with friends and relatives.

問 5-4、同居人或同性伴侶可以家屬身分與收容人發受書信嗎？

**Q5-4: Can the live-in companion or same-sex partner of inmates have correspondence with inmates as a family member?**

答：

- 一、所稱家屬係依民法第 1123 條規定，同家之人，除家長外，均屬家屬。雖非親屬而以「永久共同生活」為目的同居一家者，視為家屬。
- 二、證明家屬關係，應提出足資證明之文件或由機關以調查資料認定。
- 三、民眾如以家屬身分與收容人發受書信，可檢具雙方家長切結證明、同戶籍之戶口名簿（戶籍謄本）、村鄰里長證明書或其他證明文件等，作為證明文件並提出申請，經機關認定關係後，即可以家屬身分與收容人發受書信。

A:

1. Pursuant to Article 1123 of the Civil Code, persons belong to the same house are, except the head of the house, the members of the house. Persons who are not relatives but who live in the same household with the object of maintaining the common living permanently are deemed to be the members of the house.
2. To show family member relationship with an inmate, the person must present viable supporting documents or be accepted as family member by the correctional facility following investigation.
3. When a person applies to obtain permission to correspond with an inmate as inmate's family member, the person should present an affidavit signed by the parents of both the person and the inmate, household registry (or household registration transcript) that show the person and the inmate live in the same household, certificate issued by the chief of village or other documents that suffice to show their relationship. The person can then have correspondence with the inmate as a family member after the correctional facility has determined their relationship.