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台灣文化權落實之研究:

以文化參與實證調查爲例*

The Practice of Cultural Rights in Taiwan:

A Survey of Cultural Participation

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摘要

隨著2009年國際人權日(12月10日)台灣政府宣告二大國際人權公約「公民權利和政治權利國際公約」與「經濟、社會與文化權協約」施行法正式生效,文化權的概念也將在法律、文化政策中受到更多的重視。由於文化的概念過於模糊、不易掌握,使得文化權相對於經濟權、政治權的概念亦較爲廣泛,包含文化參與、文化消費等。有鑑於文化參與權是所有人文化權利的基本權,呼應世界人權宣言的第27條,視爲文化權中最爲重要的權利。本研究聚焦於文化參與面向的評估。本研究以全國民眾爲對象進行文化參與之實證調查,並輔以重要文化行政官員與藝術工作人員的訪談分析,以了解台灣民眾文化參與的狀況、偏好與差異原因。研究發現受限於經濟資本、文化資本與城鄉差距的影響,弱勢團體的文化參與權難以具體落實,因此,政府在相關法律與文化政策上,一方面提供完整的文化參與權利。

關鍵字:文化權、文化公民權、文化參與、文化政策

Abstract

In recent decades academia has paid increasing attention to "cultural rights." In 2009, the Taiwan government began to practice the "International Covenant on Civil and Political Rights, ICCPR" and the "International Covenant on Economic, Social and Cultural Rights, ICESCR," and cultural right is becoming an increasingly important issue in cultural policy. Therefore, it is critical to understand the development of cultural rights, as well as how to practice cultural rights in Taiwan.

This paper discusses the development of cultural rights in the Constitution, laws, and policy of Taiwan. In addition, an examination of 1,084 telephone interview surveys will uncover the real problems and limitations of the practice of cultural rights in Taiwan. This research reveals that some minority groups in Taiwan cannot practice their cultural participation based on the influences of economic capital, cultural capital, and the differences between urban and rural areas. As a result, it is suggested that the Taiwan government should improve laws and cultural policy. On one hand, the government should provide more complete protection of cultural rights through the Constitution and relative laws; and on the other hand, it should reduce cultural inequity among them by way of cultural policy.

Keywords: cultural citizenship, cultural rights, cultural participation, cultural policy