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緣 起

人口販運不僅危害基本人權，亦是侵害自由的嚴重犯罪行為，具有跨國境及有組織性的性質，聯合國的人口販運問題報告顯示，全球人口販運案件有 40% 具有跨國境特色，雙邊及多邊（區域性或全球性）國際交流合作，係不可或缺之防制策略，內政部(移民署)為強化與各國合作關係，精進我國防制人口販運工作，每年邀請國內外政府官員及非政府組織等民間團體人員齊聚一堂，辦理防制人口販運國際工作坊，共同探討防制人口販運相關議題。

現代化奴役行為等於是人口販運的代名詞，為因應新興的人口販運議題及探討防制的策略作為，本次工作坊規劃主題包含「人口販運之新興樣態及趨勢」、「人口販運與詐騙：現況、挑戰及對策」、「脆弱群體之防制人口販運策略：家事移工及外籍船員之權益提升」及「外籍學生於人口販運中的風險與預防」等議題。

Background

Human trafficking violates fundamental human rights and is a severe criminal act against freedom, with organized and transnational characteristics. According to the Trafficking in Persons Report (TIP report) by the United Nations, 40% of global human trafficking cases are cross-border. Bilateral and multilateral (regional or global) international collaboration is an indispensable strategy for combating this issue. The National Immigration Agency, Ministry of the Interior, to enhance cooperation with various countries and improve our nation's anti-human trafficking initiatives, invites officials from both domestic and foreign governments, as well as members of non-governmental organizations and other civil societies, to convene annually for the International Workshop on Strategies for Combating Human Trafficking. In these workshops, participants jointly explore various topics related to combating human trafficking.

Modern slavery is essentially synonymous with human trafficking. To address the emerging trends in human trafficking and discuss preventative strategies, the agenda for this year's workshop includes topics such as " The Emerging Forms and Trends of Human Trafficking," " Human Trafficking and Fraud: Current Situation, Challenges and Countermeasures," " Anti-Trafficking Strategies for Vulnerable Populations: Improving the Rights and Interests of Migrant Domestic Workers and Foreign Crew Members," and " Risks and Prevention of Foreign Students in Human Trafficking."

議程表

2023 年 9 月 6 日

地點：財團法人張榮發基金會國際會議中心 11 樓 1101 會議室

時間	議程
08:30-09:00	報 到
09:00-09:30 (30 分鐘)	開幕式(致詞、儀式暨合照)
議題一：人口販運之新興樣態及趨勢	
主持人：監察院監察委員兼國家人權委員會委員紀惠容	
09:30-10:10 (40 分鐘)	專題演講：人口販運犯罪計畫及防制對策 主講人：菲律賓移民局局長 Mr. Norman Garcera Tansingco
10:10-10:40 (30 分鐘)	茶 敘
10:40-12:00 (80 分鐘)	與談人：(45 分鐘-每位各 15 分鐘) 1. 菲律賓移民局旅行控制及執法處主管 Ms. Ann Camille F. Mina 2. 越南科技聯合會「人口、家庭及兒童研究機構」資深顧問 Mr. Ngoc Binh Vu 3. 韓國刑事政策研究院資深研究員 Mr. Sung Hoon An 雙向交流 (35 分鐘)
12:00-14:00 (120 分鐘)	午 餐
議題二：人口販運與詐騙：現況、挑戰及對策	
主持人：行政院防制人口販運及消除種族歧視協調會報委員翁燕菁	
14:00-14:30 (30 分鐘)	歐洲人遭詐騙赴他國落入人口販運實例分享 主講人：比利時安特衛普檢察署檢察官 Mr. Kenny Van de Perre
14:30-15:00 (30 分鐘)	國人赴柬埔寨工作遭人口販運之查緝困境及精進作為 主講人：臺灣臺北地方檢察署檢察官張雯芳
15:00-15:30 (30 分鐘)	疫情後跨國人口販運新興態勢及對策(東協國家網路詐騙及賭場工作販運案例分享) 主講人：東協—澳洲防制人口販運計畫越南辦公室執行長 Ms. Hanh Dang
15:30-15:50 (20 分鐘)	茶 敘
15:50-17:00 (70 分鐘)	與談人：(30 分鐘-每位各 15 分鐘) 1. 比利時聯邦移民局人口販運組聯絡官 Ms. Stefanie Defoer 2. 美國在台協會國土安全調查署調查主管 Mr. Brian E. Sherota 雙向交流 (40 分鐘)

Agenda

Sep 6th, 2023 (Wednesday) Venue : Chang Yung-Fa Foundation International Convention Center 11F

Time	Agenda
08:30-09:00	Registration
09:00-09:30 (30mins)	Opening Ceremony & Group Photo
Session 1 : The Emerging Forms and Trends of Human Trafficking	
Moderator : Commissioner of the Control Yuan and Commissioner of the National Human Rights Commission, Ms. Hui-Jung Chi	
09:30-10:10 (40mins)	Keynote Speech: Human Trafficking Schemes and Its Countermeasures Speaker: Bureau of Immigration (BI), Republic of the Philippines, Commissioner, Mr. Norman Garcera Tansingco
10:10-10:40 (30mins)	Refreshment
10:40-12:00 (80mins)	Commentators : (45 Mins) 1. Travel Control and Enforcement Unit, Bureau of Immigration (BI), Republic of the Philippines, Overall Head Supervisor, Ms. Ann Camille F. Mina 2. Institute for Population, Family and Children Studies under the Viet Nam Union of Science and Technology Associations Hanoi, Vietnam, Senior Adviser, Mr. Ngoc Binh Vu 3. Korean Institute of Criminology and Justice, Korea, Senior Researcher, Mr. Sung Hoon An Open Discussion (35 Mins)
12:00-14:00 (120mins)	Lunch Break
Session 2 : Human Trafficking and Fraud: Current Situation, Challenges and Countermeasures	
Moderator : Committee Member of the Executive Yuan Coordination Committee on Prevention of Human Trafficking and Elimination of Racial Discrimination, Ms. Yen Ching Weng	
14:00-14:30 (30mins)	Case Studies of Europeans Being Defrauded to Travel Abroad and Falling Victim to Human Trafficking Speaker: Prosecutor's Office of Antwerp, Belgium, Prosecutor, Mr. Kenny Van de Perre
14:30-15:00 (30mins)	The Difficulty of Investigation and the Improvement Measures Regarding the Cases of Taiwanese Nationals Moving to Cambodia for Work but Falling Victim to Human Trafficking Speaker: Taiwan Taipei District Prosecutors Office, Prosecutor, Ms. Wen-Fang Chang
15:00-15:30 (30mins)	The Emerging State of Transnational Human Trafficking after the Epidemic and the Countermeasures (with case study analysis of trafficking from ASEAN countries to scam online operations and work in casinos) Speaker: ASEAN-Australia Counter Trafficking, Vietnam, Country Manager (Vietnam), Ms. Hanh Dang
15:30-15:50 (20mins)	Refreshment
15:50-17:00 (70mins)	Commentators : (30 Mins) 1. Department for International Protection, Immigration Office in Belgium, Attaché, Ms. Stefanie Defoer 2. Homeland Security Investigations, American Institute in Taiwan, Supervisory Special Agent, Mr. Brian E. Sherota Open Discussion (40 Mins)

議事規則

項目	進行方式
專題演講	每場演講時間依議程進行 結束前五分鐘第一次舉牌提醒 時間終了舉牌提醒
雙向交流	開放與會來賓提問與討論 與會來賓提問均須先舉手 經主席同意後，取得發言權

Rules of Procedure

ITEM	DESCRIPTION
Session	Duration of each lecture depends on the agenda. When there are 5 minutes left, we will hold a sign to notify you of the remaining time. When time's up, we will hold the sign to notify you.
Open Discussion	To give and inquiry, please raise your hand before remark.

第一場

人口販運之新興樣態及趨勢

Session 1

The Emerging Forms and Trends of Human Trafficking

主持人
履歷

國家人權委員會委員 紀惠容

學歷

美國瓦爾帕萊索大學碩士

現職

國家人權委員會委員

經歷

- ◆ 財團法人勵馨社會福利事業基金會執行長
- ◆ 行政院防制人口販運協調會報委員
- ◆ 衛福部家庭暴力及性侵害防治推動小組委員
- ◆ 行政院兒童及少年福利與權益推動小組委員
- ◆ 社團法人台灣防暴聯盟理事、台灣少年權益與福利促進聯盟理事
- ◆ 台灣公益團體自律聯盟理事
- ◆ 公共電視 NGO 觀點主持人
- ◆ 中時報系主編、記者、專欄記者

CV of
Moderator

Ms. Hui-Jung Chi
Commissioner of the National Human Rights Commission

Education

Master of Valparaiso University, America

Current
Position

National Human Rights Commission

Experience

- ♦ Chief Executive Officer of The Garden of Hope Foundation
- ♦ Committee Member of the Executive Yuan Coordination Committee on Prevention of Human Trafficking
- ♦ Member of the Prevention of Domestic Violence and Sexual Abuse Task Force, Ministry of Health and Welfare
- ♦ Member of the Promotion of Child and Youth Welfare and Rights Task Force, Executive Yuan
- ♦ Director of Taiwan Coalition Against Violence and Taiwan Alliance for Advancement of Youth Rights and Welfare
- ♦ Director of Taiwan NPO Self-Regulation Alliance
- ♦ Host of NGO perspective, Public Television Service, Taiwan
- ♦ Editor-in-chief, reporter, columnist of China Times

人口販運犯罪計畫及防制對策

**Human Trafficking Schemes and
Its Countermeasures**

主講人

菲律賓移民局局長

Speaker

Mr. Norman Garcera Tansingco

Bureau of Immigration (BI),

Republic of the Philippines, Commissioner

主講人
履歷

菲律賓移民局局長 Mr. Norman Garcera Tansingco



- 學歷** 1986-1990 獨魯萬神言大學 法律博士
在學期間持續名列院長嘉許名單
1981-1985 獨魯萬神言大學 工商管理學理學士 主修會計學
- 現職** 菲律賓移民局第 30 任局長
- 專長** 身為公務員，Mr. Norman 致力於正直、公平與果斷的公共服務，更因此獲得「行動派 Norman」的稱號。
擔任移民局局長期間，有效指揮全國逾 3,000 名同仁，根據以下五點原則，戮力於轉型與變革：(I)反貪腐；(ii)現代化；(iii)國家安全；(iv)個人賦權；以及(v)精簡部會組織。
口頭禪是：「AIM HIGH, BI (登高望遠)」，用以鼓勵移民局同仁持續致力於：(i)預期各自職務中所有挑戰；(ii)公務中追求創新；以及(iii)激勵自己與同仁。
熟知法律原則、規範與程序，並了解資源與財務管理。
精於制定政策與計畫，以及設計制度、程序與流程。
專長為訴訟、法律寫作與研究。
- 經歷**
- ◆ 菲律賓移民局局長 (2022 年 9 月 15 日 – 迄今)
 - ◆ 菲律賓國會眾議院少數黨辦公室 主任 II
(2022 年 8 月 - 2022 年 9 月)
 - ◆ 菲律賓移民局 幕僚長 I
營運技術助理/ 特別諮詢委員會成員/ 律師 III
(2007 年 7 月 - 2017 年 1 月)
 - ◆ 菲律賓國會眾議院議員 Marcelino C. Libanan 辦公室
幕僚長/政治事務長
(1988 年 7 月 - 2007 年 6 月)
 - ◆ 法律工作者
(1991 年 5 月 - 2007 年 6 月 / 2017 年 2 月 - 2022 年 8 月)
 - ◆ 執業律師(1991 年 5 月 - 2007 年 6 月 / 2017 年 2 月 – 2022)

Mr. Norman Garcera Tansingco
Bureau of Immigration (BI)
Republic of the Philippines, Commissioner



Education

- ♦ JURIS DOCTOR (1986-1990)
Divine Word University of Tacloban
-Consistent Dean's Lister
- ♦ BACHELOR OF SCIENCE IN COMMERCE (1981-1985)
Divine Word University of Tacloban
-Major in Accountancy

Current
Position

The 30th Commissioner of the Bureau of Immigration (BI), Republic of the Philippines

Skills

As a public servant, he is devoted to the brand of public service characterized by unwavering integrity, resolute fairness, and swift, yet decisive action, that earned him the moniker “NORMAN OF ACTION”.

As Immigration Commissioner, with effective command and control of over 3,000 personnel across the country, he is committed to implement transformational changes through his five-point agenda: (1) Anti-corruption; (i) Modernization; (ii) National Security; (iv) Personnel Empowerment; and (v) Bureaucratic Rightsizing.

Known for his tagline: “AIM HIGH, BI”, to inspire BI personnel to always: (i) Anticipate all challenges in their responsibilities; (i) Innovate in the performance of their tasks; and (iil) Motivate themselves and their co-workers.

Knowledgeable on legal principles, rules and procedures; and resource and financial management.

Competent in policies and programs formulation; and systems, procedures and processes designs.

Skilled in litigation, legal writing and research.

- Experience
- ♦ COMMISSIONER
Bureau of Immigration, Republic of the Philippines
September 15, 2022 - present
 - ♦ DIRECTOR I
Office of the Minority Leader
House of Representatives, Congress of the Philippines
August 2022 - September 2022
 - ♦ CHIEF OF STAFF /
TECHNICAL ASSISTANT FOR OPERATIONS /
MEMBER, BOARD OF SPECIAL INQUIRY /
ATTORNEY III
Bureau of Immigration, Republic of the Philippines
July 2007 - January 2017
 - ♦ CHIEF OF STAFF /
CHIEF POLITICAL AFFAIRS OFFICER
Office of Congressman Marcelino C. Libanan
House of Representatives, Congress of the Philippines
July 1988- June 2007
 - ♦ LAW PRACTITIONER
May 1991 - June 2007 / February 2017 - August 2022

與談人
履歷

菲律賓移民局旅行控制及執法處主管
Ms. Ann Camille F. Mina



學歷

人文學院心理學學士 2001 – 2005

德洛斯聖託技術學院 護理學學士 2006 - 2009

現職

菲律賓移民局旅行控制及執法處主管

簡歷

菲律賓移民局旅行控制及執法處 總監督 (2023/01 – 至今)

菲律賓移民局旅行控制及執法處 副營運主管 (2020/12 – 2022/12)

菲律賓移民局尼諾伊·阿基諾國際機場 第二航廈領導 (2020 年 03 月 - 2020 年 11 月)

菲律賓移民局旅行控制及執法處 主管 (2018/12 – 2020/02)

菲律賓移民局旅行控制及執法處 處員 (2012/10 – 2018/11)

菲律賓移民局 局員 (2012 年 03 月 - 2012 年 10 月)

菲律賓移民局 培訓與研究中心/反詐欺部門 行政人員 (2011/08 – 2012/03)

CV of
Commentator

Ms. Ann Camille F. Mina
Travel Control and Enforcement Unit
Bureau of Immigration(BI), Republic of the Philippines,
Overall Head Supervisor



Education Bachelor of Science in Psychology, Assumption College
2001 - 2005
Bachelor of Science in Nursing, DLS-STI College
2006 - 2009

Current position Travel Control and Enforcement Unit, Bureau of Immigration(BI),
Republic of the Philippines, Overall Head Supervisor

Experience Overall Head Supervisor, TCEU, Bureau of Immigration (2023/01 –
Present)
Deputy Head for Operations, TCEU, Bureau of Immigration (2020/12
- 2022/12)
NAIA II TCEU Terminal Head, Bureau of Immigration (2020/03 -
2020/11)
TCEU Supervisor, Bureau of Immigration (2018/12 – 2020/02)
TCEU Member, Bureau of Immigration (2012/10 – 2018/11) Primary
Immigration Officer, Bureau of Immigration (2012/03 – 2012/10)
Administrative Staff, Center for Training and Research/Anti-Fraud
Section, Bureau of Immigration (2011/08 – 2012/03)

與談人
履歷

韓國刑事政策研究院資深研究員
Mr. An Sung-Hoon



學歷 日本明治大學 刑事學博士
日本明治大學 刑事學碩士

現職 韓國刑事政策研究院 選任研究委員

經歷 首爾高等檢察廳 刑事審議委員會委員 (2022/01—至今)
大法院 量刑委員會 諮詢委員 (2021/08—至今)
美國賓州印地安那州立大學訪問教授 (2020/02—2020/12)
榮獲國務總理表彰 (2019)
法務部 犯罪被害人保護委員會委員 (2019/04—至今)
大法院量刑研究會 運營委員 (2018/03—至今)
國民權益委員會 委員 (2018/04—2020/02)

CV of
Commentator


Mr. An Sung-Hoon
Korean Institute of Criminology and Justice, Korea
Senior Researcher



Education Doctor of Criminal Law, Meiji University, Japan
Master of Criminal Law, Meiji University, Japan

Current position Korea Senior Researcher,
Korean Institute of Criminology and Justice

Experience Member of Criminal Deliberation Committee, Seoul High
Prosecutor's Office (2022/01 - Now)
Advisory Member of Supreme Court Sentencing Counsel (2021/08 -
Now)
Visiting Professor at Indiana State University (2020/02 - 2020/12)
Recipient of Prime Minister's Commendation (2019)
Member of Association for Victims Support, Ministry of Justice
(2019/04 - Now)
Committee member of Sentencing Research Society, Ministry of
Justice (2018/03 - Now)
Committee member of Anti-Corruption and Civil Rights Commission
(2018/04 – 2020/02)



韓國人口販運追蹤及防制

AN, SUNG-HOON

資深研究人員

刑法法學博士

KICJ 한국형사·법무정책연구원
Korean Institute of
Criminology and Justice



Korea's Monitoring and Combatting Human Trafficking

AN, SUNG-HOON

Senior Researcher

Ph.D. Criminal Law

KICJ 한국형사·법무정책연구원
Korean Institute of
Criminology and Justice

國際公約及條約

- ▶ 套用2000年11月15日聯合國大會決議
- ▶ 聯合國打擊跨國有組織犯罪公約（後稱 UNTOC）
- ▶ 「本議定書旨在預防、禁止並懲罰人口販運行為，尤其針對女性及孩童的人口販運，作為聯合國打擊跨國有組織犯罪公約之補充。」
- ▶ 於2000年12月13日簽署

International Conventions and Treaties

- ▶ Adoption of the United Nations General Assembly resolutions of 15 November 2000
- ▶ United Nations Convention against Transnational Organized Crime' (hereinafter, 'UNTOC')
- ▶ 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime'
- ▶ Signed on December 13, 2000

國際公約及條約

- ▶ 於2015年5月29日國民大會追認
- ▶ 自2015年12月5日開始施行，為UNTOC第186個簽署國
- ▶ 簽署較晚原因：
 1. 花費較長時間調整國內法律來施行UNTOC及其議定書
 2. 於2013年6月19日修改《刑法》進行部分修改，增加了懲罰人口販運的新法規

International Conventions and Treaties

- ▶ Ratified by the National Assembly on May 29, 2015
- ▶ Enforced on December 5, 2015 – the 186th signatory to UNTOC
- ▶ The reasons of delay in becoming a signatory:
 1. Slow process of preparing domestic legislation to implement the UNTOC and the Protocol
 2. Amendment of the Criminal Act, in part, on June 19, 2013 to insert new regulations to punish human trafficking crime

建立人口販運罪處罰規定

- ▶ 於2013年部分刑法修正，新增人口販運罪的處罰規定（第287條至296-2條）
- ▶ 刑法第289條罪名從「以將他人運送出大韓民國為目的之綁票、誘拐行為」改為「人口販運」
- ▶ 無特定原因買賣他人者也會受罰（修法新增之第一項）
- ▶ 「為綁票或誘拐等原因招募、運送或交付他人之行為」→處罰從幫助犯及教唆犯改為人口販運罪之個別處罰

Establishment of the Punishment Provisions against Human Trafficking Crime

- ▶ A partial amendment of the Criminal Act in 2013 to add new provisions prescribing the punishment of human trafficking crime (from Articles 287 to 296-2)
- ▶ Article 289 of the Criminal Act, the name of the crime: changed from 'Kidnapping, Abduction, and Trafficking for Purpose of Transporting Another Person out of the Republic of Korea' → to 'Trafficking in Persons'
- ▶ A person who buys or sells another without a specific purpose shall be also punished (Paragraph 1, newly established)
- ▶ 'An act of recruiting, transporting or delivering a person for the purpose of kidnapping, or abduction, etc.' → The punishment of aiding and abetting has been changed to the punishment of each separate component.

韓國刑法

第三十一章：人口販運罪

▶ 第287條（未成年人綁票或誘拐）

以強暴、脅迫或其他強制手段或透過欺騙、隱瞞或引誘的方式，將未成年人置於其本人或第三人控制者，處十年以下有期徒刑及勞役。

Korean Criminal Act

CHAPTER XXXI CRIMES OF TRAFFICKING IN PERSONS

▶ Article 287 (Kidnapping or Abduction of Minors)

A person who obtains and maintains a minor under the control of his or hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement shall be punished by imprisonment with labor for not more than ten years.

韓國刑法

第三十一章：人口販運罪

▶ 第288條 (以猥褻行為目的之綁票及誘拐)

(1)以強暴、脅迫或其他強制手段，或透過欺騙、隱瞞或引誘的方式，使他人置於其本人控制或第三人控制下，而進行猥褻行為、性交、婚姻或利益等目的者，處一年以上十年以下有期徒刑及勞役。

(2)以強暴、脅迫或其他強制手段，或透過欺騙、隱瞞或引誘的方式，使他人置於其本人控制或第三人控制下，而進行勞動剝削、性販運、性剝削或取得器官等目的者，處兩年以上十五年以下有期徒刑及勞役。

(3)以強暴、脅迫或其他強制手段，或透過欺騙、隱瞞或引誘的方式，使他人置於其本人控制或第三人控制下，而將他人運送出大韓民國者，或將被害人運送出大韓民國者，適用前項規定。

Korean Criminal Act

CHAPTER XXXI CRIMES OF TRAFFICKING IN PERSONS

▶ Article 288 (Kidnapping and Abduction for Purpose of Indecent Acts)

(1) A person who obtains and maintains another under the control of his or hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement for the purpose of engaging in an indecent act, sexual intercourse or marriage, or for gain shall be punished by imprisonment with labor for at least one year up to ten years.

(2) A person who obtains and maintains another under the control of his or hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement for the purpose of labor exploitation, sex trafficking, sexual exploitation, or the acquisition of organs, shall be punished by imprisonment with labor for at least two years up to 15 years.

(3) The preceding paragraph shall apply to a person who obtains and maintains another under the control of his or hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement for the purpose of transporting him or her out of the Republic of Korea, or a person who transports such a victim out of the Republic of Korea.

韓國刑法

第三十一章：人口販運罪

▶ 第289條 (人口販運)

- (1) 買賣他人者，處七年以下有期徒刑及勞役。
- (2) 從事猥褻行為、性交、婚姻或利益等目的而買賣他人者，處一年以上十年以下有期徒刑及勞役。
- (3) 勞動剝削、性販運、性剝削或取得器官等目的而買賣他人者，處兩年以上十五年以下有期徒刑及勞役。
- (4) 買賣他人之目的是將他人運送出大韓民國者，或將買下之人送出大韓民國者，適用前項規定。

Korean Criminal Act

CHAPTER XXXI CRIMES OF TRAFFICKING IN PERSONS

▶ Article 289 (Trafficking in Persons)

- (1) A person who buys or sells another shall be punished by imprisonment with labor for not more than seven years.
- (2) A person who buys or sells another for the purpose of engaging in an indecent act, sexual intercourse, marriage, or for gain, shall be punished by imprisonment with labor for at least one year up to ten years.
- (3) A person who buys or sells another for the purpose of labor exploitation, sex trafficking, sexual exploitation, or the acquisition of organs shall be punished by imprisonment with labor for at least two years up to 15 years.
- (4) The preceding paragraph shall apply to a person who buys or sells another for the purpose of transporting him or her or her out of the Republic of Korea, or a person who transports a purchased person out of the Republic of Korea.

韓國刑法

第三十一章：人口販運罪

▶ 第290條

(於綁票、誘拐、人口販運及運送他人時造成他人身體傷害)

(1) 犯第287條至289條之罪，而故意使被害人遭受傷害者，處三年以上二十五年以下有期徒刑及勞役。

(2) 犯第287條至289條之罪，而造成此類犯罪的被害人傷害者，處兩年以上二十年以下有期徒刑及勞役。

Korean Criminal Act

CHAPTER XXXI CRIMES OF TRAFFICKING IN PERSONS

▶ Article 290 (Inflicting or Causing Another's Bodily Injury while in Kidnapping, Abduction, Trafficking in Persons and Transportation)

(1) A person who commits any of the crimes of Articles 287 through 289, thereby inflicting the injury of a victim of such crime, shall be punished by imprisonment with labor for at least three years up to 25 years.

(2) A person who commits any of the crimes of Articles 287 through 289, thereby causing the injury of a victim of such crime, shall be punished by imprisonment with labor for at least two years up to 20 years.

韓國刑法

第三十一章：人口販運罪

- ▶ **第291條 (於綁票、誘拐、人口販運及運送他人時殺害他人或造成他人死亡)**
 - (1) 犯第287條至289條之罪，而殺害被害人者，處死刑、無期徒刑及勞役或七年以上有期徒刑及勞役。
 - (2) 犯第287條至289條之罪，而致被害人死亡者，處無期徒刑及勞役或五年以上有期徒刑及勞役。
- ▶ **第292條 (收受並藏匿綁票、誘拐、販運或運送者)**
 - (1) 犯第287條至289條罪而收受或藏匿被害人者，處七年以下有期徒刑及勞役。
 - (2) 意圖從事招募、轉送或運送他人而犯第287條至289條之罪者，適用前項規定。

Korean Criminal Act

CHAPTER XXXI CRIMES OF TRAFFICKING IN PERSONS

- ▶ **Article 291 (Killing Another or Causing Death of Another while in Kidnapping, Abduction, Trafficking in Persons and Transportation)**
 - (1) A person who commits any of the crimes of Articles 287 through 289, thereby killing a victim of such crime, shall be punished by death or imprisonment with labor for an indefinite term or for at least seven years.
 - (2) A person who commits any of the crimes of Articles 287 through 289, thereby causing the death of a victim of such crime, shall be punished by imprisonment with labor for an indefinite term or for at least five years.
- ▶ **Article 292 (Receiving and Harboring of Person Kidnapped, Abducted, Trafficked, or Transported)**
 - (1) A person who receives or harbors a victim of any of the crimes of Articles 287 through 289, shall be punished by imprisonment with labor for not more than seven years.
 - (2) The preceding paragraph shall apply to a person who recruits, transfers or delivers another with the intent to commit any of the crimes of Articles 287 through 289.

韓國刑法

第三十一章：人口販運罪

▶ 第294條 (未遂犯)

第287條至第289條，及第290條第一項、第291條第一項及第292條第一項未遂犯罰之。

▶ 第295條 (罰金併罰)

針對第288條至第291條，及第292條第一項之既遂及未遂行為，得同時處韓元五千萬元以下罰金。

▶ 第295-2條 (減輕刑責)

犯第287條至第290條、第292條及第294條之罪者，若釋放被害人至安全處，得減輕刑責。

Korean Criminal Act

CHAPTER XXXI CRIMES OF TRAFFICKING IN PERSONS

▶ Article 294 (Attempts)

Attempts to commit any of the crimes of Articles 287 through 289 and Articles 290 (1), 291 (1) and 292 (1) shall be punished.

▶ Article 295 (Concurrent Imposition of Fines)

In regard to the crimes of Articles 288 through 291 and Article 292 (1) and the attempts to commit these crimes, a fine not exceeding 50 million won may be concurrently imposed.

▶ Article 295-2 (Mitigation of Punishment)

If a person who has committed any of the crimes of Articles 287 through 290 and Articles 292 and 294 releases the victim to a safe place, the punishment may be mitigated.

韓國刑法

第三十一章：人口販運罪

▶ 第296條（預備或預謀）

第287條至289條，第290條第一項、第291條第一項及第292條第一項之預備或預謀犯者，處三年以下有期徒刑及勞役。

▶ 第296-2條（普遍適用）

於大韓民國領域外犯第287至292條及第294條罪之外國人適用之。

Korean Criminal Act

CHAPTER XXXI CRIMES OF TRAFFICKING IN PERSONS

▶ Article 296 (Preparations or Conspiracies)

A person who makes preparations or conspires with the intent to commit any of the crimes of Articles 287 through 289 and Articles 290 (1), 291 (1) and 292 (1), shall be punished by imprisonment with labor for not more than three years.

▶ Article 296-2 (Universality)

Articles 287 through 292 and Article 294 shall apply to aliens who commit any of the crimes in these Articles outside the territory of the Republic of Korea.

《刑法》人口販運刑罰問題

- ▶ 人口販運之刑事處罰：僅適用於狹義之「買賣」行為
- ▶ 相關規定分散於個別法律→無法有效追蹤及保護人口販運被害人
- ▶ 刑法人口販運罪實際適用情形
 - 2014年3例 · 2015年6例 · 2016年8例 · 2017年3例 · 2018年2例 · 2019年3例
 - 幾乎沒有使用或適用案例
- ▶ 於2021年4月20日頒布《人口販運防制及被害人保護法》

Problems of the human trafficking punishment under the Criminal Act

- ▶ Criminal punishment of human trafficking: A narrow application limited to the act of 'buying and selling'
- ▶ Related provisions are scattered around in other individual laws → An inefficient system to catch and protect the victims of human trafficking
- ▶ The application of the human trafficking crime under the Criminal Act
 - 3 cases in 2014, 6 cases in 2015, 8 cases in 2016, 3 cases in 2017, 2 cases in 2018, and 3 cases in 2019
 - Rarely used or applied.
- ▶ Enactment of the Act On Prevention Of Human Trafficking And Protection Of Victims, on April 20, 2021

人口販運防制及被害人保護法重點

- ▶ 第一章：通則
- ▶ 第二章：防制人口販運基礎建立
- ▶ 第三章：人口販運罪偵查及審理過程相關案例
- ▶ 第四章：人口販運被害人之通報、保護及支持
- ▶ 第五章：非本國籍被害人相關案例
- ▶ 第六章：附則
- ▶ 第七章：罰則

Key Points of the Act On Prevention Of Human Trafficking And Protection Of Victims

- ▶ **CHAPTER I GENERAL PROVISIONS**
- ▶ **CHAPTER II ESTABLISHMENT OF FOUNDATION FOR PREVENTION OF HUMAN TRAFFICKING**
- ▶ **CHAPTER III SPECIAL CASES CONCERNING INVESTIGATIVE AND TRIAL PROCEEDINGS FOR CRIMES OF HUMAN TRAFFICKING**
- ▶ **CHAPTER IV REPORTING ON, AND PROTECTION AND SUPPORT FOR, VICTIMS OF HUMAN TRAFFICKING**
- ▶ **CHAPTER V SPECIAL CASES CONCERNING FOREIGN VICTIMS**
- ▶ **CHAPTER VI SUPPLEMENTARY PROVISIONS**
- ▶ **CHAPTER VII PENALTY PROVISIONS**

人口販運防制及被害人保護法要點

▶ 第一章：「人口販運等犯罪」定義（第2條第一項）

類別	目的	手段	行為
原則	性交易或性剝削	(a)攻擊、威脅、脅迫、逮捕、拘禁、抓捕、誘騙或買賣他人 (b)使用欺騙手段或暴力，或利用他人脆弱處境及切身需要 (c)因業務、雇傭或其他形式關係，而保護和監督他人提供或承諾提供金錢、高價物品或財產利益	招募、運送、轉送、藏匿、交付或收受他人之行為
	勞動剝削		
	器官摘得		
例外	同上	若招募、運送、轉送、藏匿、交付或收受行為之被害人為兒童、未成年人或身心障礙者，無須上述具體手段。	

Key Points of the Act On Prevention Of Human Trafficking And Protection Of Victims

▶ CHAPTER I Definition of "human trafficking, etc."(Article 2. 1.)

Category	Purpose	Means	Act
Principle	Commercial sex act or sexual exploitation	(a) Assaulting, threatening, coercing, arresting, confining, capturing, enticing, or trading a person; (b) Using deceptive means or force against a person, or taking advantage of the vulnerability and desperation of a person; (c) Offering, or promising to offer, money and valuables or property gains to a person who protects and supervises persons due to business or employment relations or other forms of relations;	An act of recruiting, transporting, transferring, harboring, handing over, or receiving persons
	Labor exploitation		
	organ removal		
Exception	(Same as the above)	In the cases where children, youth or persons with disabilities are recruited, transported, transferred, harbored, handed over, or received, any concrete means as described above shall not be required	

人口販運防制及被害人保護法重點

第二章：防制人口販運基礎建立

- 擬定完整人口販運防制計畫 (第8條)
- 人口販運防制政策協調委員會 (第9條)
- 建立人口販運被害人權益保護機關 (第15條)

Key Points of the Act On Prevention Of Human Trafficking And Protection Of Victims

CHAPTER II ESTABLISHMENT OF FOUNDATION FOR PREVENTION OF HUMAN TRAFFICKING

- Formulation of Comprehensive Plans for Prevention of Human Trafficking (Article 8)
- Council for Policy Coordination on Prevention of Human Trafficking (Article 9)
- Establishment of Agencies for Protection of Rights and Interests of Victims of Human Trafficking (Article 15)

人口販運防制及被害人保護法重點

▶ 第三章：人口販運罪偵查及審理過程相關案例

- 指定律師之特殊情況 (第16條)
- 可信賴之人在場 (第17條)
- 審理不公開 (第20條)
- 偵查及審理過程注意事項

(1) 偵查機關、法庭及司法程序中任一參與者須注意不得損害犯罪被害人之人格或名譽，並於偵查、聽證、審理過程中注意不侵犯被害人隱私，慎重考慮被害人之年齡、精神狀態，及被害人是否有任何永久性身心障礙等因素。

Key Points of the Act On Prevention Of Human Trafficking And Protection Of Victims

▶ CHAPTER III SPECIAL CASES CONCERNING INVESTIGATIVE AND TRIAL PROCEEDINGS FOR CRIMES OF HUMAN TRAFFICKING

- Special Cases concerning Appointment of Attorneys-at-Law (Article 16)
- Presence of Persons with Reliable Relationships (Article 17)
- Non-Public Hearings (Article 20)
- Consideration in Investigative and Trial Proceedings (Article 19)

(1) An investigative agency, a court, and a person involved in litigation shall take care neither to damage the character or honor of a victim of a crime nor to infringe upon the privacy of such victim in the course of an investigation, a hearing, and a trial, by giving careful consideration to such factors as his or her age and mental state, or whether the victim has any permanent impairment.

人口販運防制及被害人保護法要點

- ▶ 第四章：人口販運被害人之通報、保護及支持
 - 通報責任（第21條）/採取緊急措施責任（第22條）
 - 被害人就業支援（第26條）及提供被害人法律諮詢服務（第27條）等等

Key Points of the Act On Prevention Of Human Trafficking And Protection Of Victims

- ▶ **CHAPTER IV REPORTING ON, AND PROTECTION AND SUPPORT FOR, VICTIMS OF HUMAN TRAFFICKING**
 - Duty to File Reports(Article 21)/Duty to Take Emergency Measures(Article 22)
 - Support for Employment of Victims (Article 26) & Legal Counseling for Victims (Article 27), etc.

人口販運防制及被害人保護法重點

► 第五章：非本國籍被害人相關案例

- 第42條 (非本國籍被害人保護及協助)

依第3條規定，國家及地方政府不得以國籍或居留資格為由，拒絕依本法應當獲得協助之非本國籍被害人，並應依本法第四章規定提供保護及協助。

- 第43條 (非本國籍被害人案例)

針對非本國籍被害人之驅逐出國命令、暫時從拘留中釋放，及延長居留期限，適用《移民法》第25-2條及第46-2條之規定。

- 第44條 (非本國籍被害人權利通知)

(1) 調查非本國籍被害人時，調查機關須告知被害人調查及審理過程之扶助資源、移民法特例、協助機關、可獲得協助之詳細資訊，以及其他本法保障之權利。

(2) 調查機關及法庭應提供非本國籍被害人必要之口筆譯服務

Key Points of the Act On Prevention Of Human Trafficking And Protection Of Victims

► CHAPTER V SPECIAL CASES CONCERNING FOREIGN VICTIMS

- Article 42 (Protection of and Support for Foreign Victims)

Pursuant to Article 3, the State and a local government shall endeavor not to exclude foreign victims eligible for support provided under this Act on grounds of their nationality or status of stay in providing protection and support for victims prescribed in Chapter IV.

- Article 43 (Special Cases concerning Foreign Victims)

Articles 25-2 and 46-2 of the Immigration Act shall apply to suspending the execution of a written order for deportation issued to foreign victims, temporary release from detention, and an extension of the period of stay.

- Article 44 (Notice of Rights to Foreigners)

(1) Where an investigative agency investigates foreign victims, it shall notify him or her of aid in investigative and trial proceedings, special cases concerning the Immigration Act, the use of support facilities, the details of support, and other rights under this Act.

(2) An investigation agency and a court shall provide interpretation and translation services necessary for foreign victims.

首次全面性人口販運等犯罪防制計畫 (2023~2027)

- ▶ 依照《人口販運防制及被害人保護法》第8條規定，每五年將擬訂並施行全面性防制計畫。
- ▶ 四項主要任務之擬定，透過諮詢學術界、研究機構及當地積極人士協商，並舉行聽證會（2022年12月14日），此外向相關部門及機構蒐集回饋及意見，且透過分析國外案例來反映國際趨勢。

The 1st Comprehensive Plan for the Prevention of Human Trafficking, Etc. (2023~2027)

- ▶ Pursuant to Article 8 of the Act On Prevention Of Human Trafficking And Protection Of Victims, the comprehensive plan will be established and enforced every five years.
- ▶ Four main tasks have been established through the consultation and public hearings with the academia, research institutions, and local activists (December 14, 2022), as well as by collecting the feedback and opinions of relevant departments and agencies, and by reflecting the international trends through the analysis of overseas cases.

首次全面性人口販運等犯罪防制計畫 (2023~2027)

► 凝聚社會共識來防制人口販運等犯罪

- 提升大眾對人口販運的認識 (Kakao及LINE等) ，並分享成功案例 (傳單及社群網站等) ，藉以教育民眾，讓民眾認識剝削行為之目的、手段及要素之間的關係，而非對人口販運的認知停留在「買賣他人」之犯罪，或者自片斷的或結果導向的「綁票」及/或「身體攻擊」等犯罪觀點。
- 系統性教育相關單位人員，且支持並強化商界在預防及反制人口販運上做出的努力

The 1st Comprehensive Plan for the Prevention of Human Trafficking, Etc. (2023~2027)

- Formation of a social consensus to prevent human trafficking, etc.
 - Promoting the public awareness of human trafficking (kakao and LINE, etc.) and sharing success stories (booklet and SNS, etc.) to educate people to understand the connection between the purpose, the means, and the elements of the act of human exploitation, not just seeing human trafficking as a crime limited to the act of 'buying and selling a person' or growing out of the fragmentary and result-oriented view focused on 'kidnapping', and/or 'physical assault', etc.
 - A systematic education for responsible officials, and support and strengthening of the companies' effort of preventing and blocking the attempt of human trafficking, etc.

首次全面性人口販運等犯罪防制計畫 (2023~2027)

► 針對被害人提供個別化協助，並強化被害人早期辨識機制

- 建立並運行被害人協助體系，包含熱線及協助中心，藉以保護被害人，進一步運用人口販運被害人早期辨識及保護相關指標（後稱「被害人辨識指標」），並加強針對不同類別被害人提供個別化需求協助。

► 提高人口販運等犯罪之應對能力，並強化被害人權利保護

- 完善相關法律及規定，建立調查機關之間的合作體系來快速應對犯罪，並在調查及審理過程中強化被害人的權利保護。

The 1st Comprehensive Plan for the Prevention of Human Trafficking, Etc. (2023~2027)

► A customized support for victims, and the improvement of an early identification of victims

- Opening and operating the support system with hotlines and help-centers to protect victims, expanding the utilization of the indicators for an early identification and protection of human trafficking victims, etc. (hereinafter, the 'victim identification indicators'), and strengthening the customized support for different victim types

► Growing the ability to respond to the crimes of human trafficking, etc., and reinforcing the protection of the victims' rights

- Refining relevant laws and regulations, establishing a cooperative system between investigation agencies to handle the crime cases quickly, and strengthening the victims' right in both the investigation and the trial procedures

首次全面性人口販運等犯罪防制計畫 (2023~2027)

■ 建立合作基礎並強化合作，促進防制人口販運之努力

- 為政策施行基礎的建立做好準備工作，例如擴大中央及地方的支持基礎（基礎建設），以及強化國際合作等等。
- 於中央層級建立隸屬於韓國女性人權機構的被害人權利保護機構，並於市政府及省政府層級，依被害人數、政策的需求及條件，建立地方被害人權利保護機構。

The 1st Comprehensive Plan for the Prevention of Human Trafficking, Etc. (2023~2027)

■ Formation of the base and reinforcement of the cooperation to promote the human trafficking prevention efforts

- Preparing the support base to implement the policy, such as expanding the base (infrastructure) of support at both the central and the local levels, and strengthening international cooperation, etc.
- At the central level, setting up the Central Victims Right Protection Agency under the Women's Human Rights Institute of Korea, and at the municipal and provincial levels, setting up the Local Victims Right Protection Agency, in consideration of the number of the occurrence of victims, the demands and conditions of the policy

公告人口販運等犯罪被害人之辨識及保護措施，以及諮詢和通報專線

- 根據《人口販運防制及被害人保護法》第13條規定，擬定人口販運被害人等之辨識及保護指標之公告（草案）
 - 女性家族部審查被害人辨識指標，對檢察部門、司法警察、移民官及其他外國事務相關部門人員提出建議，並於每年1月31日前蒐集施行紀錄，將結果提交給人口販運等犯罪防制政策協調委員會。

Public notification of the identification and protection of human trafficking, etc. victims, and operation of consultation and report hotline

- Developing a public notification (draft) of human trafficking etc. victim identification and protection indicators, pursuant to Article 13 of the Act On Prevention Of Human Trafficking And Protection Of Victims
 - The Ministry of Gender Equality and Family to examine the victim identification indicators and to recommend the prosecution, the judicial police, immigration officers, and other public officials engaging in foreign national affairs, and then to collect the implementation records by January 31 of each year and to report the outcome thereof to the Council for Policy Coordination on Prevention of Human Trafficking, etc.

公告人口販運等犯罪被害人之辨識及保護措施，以及諮詢和通報專線

- ▶ 除此之外，更建立起人口販運等犯罪諮詢專線（☎1600-8248），提供人口販運等犯罪之被害人諮詢服務及相關資訊，若有緊急情況將來電人轉介給相關調查機關，並聯繫隸屬於有關部門及/或機關之其他服務組織，以針對各類型被害人提供個別化的服務。
 - 諮詢專線由中央被害人權利保護機構（隸屬於女性人權機構）管理，若被害人為需要翻譯服務之外國人，將由隸屬韓國移民署之移民服務中心合作提供協助（☎1345）。

Public notification of the identification and protection of human trafficking, etc. victims, and operation of consultation and report hotline

- ▶ In addition, launching a “consultation hotline for human trafficking, etc. victims (☎1600-8248)” to provide consultation and information to the victims of human trafficking, etc. to link the callers to a proper investigation agency in emergency, and to communicate with other service organization(s) under relevant departments and/or agencies for a customized support to individual types of victims
 - The consultation hotline is operated by the Central Victims Right Protection Agency (the Women’s Human Rights Institute). In the cases where the victim is foreigner who needs translation service, the support is provided in cooperation with the Immigration Contact Center under the Korea Immigration Service (☎1345).

第二場

人口販運與詐騙：現況、挑戰及對策

Session 2

Human Trafficking and Fraud: Current Situation, Challenges and Countermeasures

主持人
履歷

行政院防制人口販運及消除種族歧視協調會報委員
翁燕菁



學歷
現職
專長

法國巴黎第二大學法學博士

國立政治大學政治學系兼創新國際學院副教授

專長為國際人權法，近年研究專注於漁業與人權以及美洲人權保障體系，現任行政院防制人口販運及消除種族歧視協調會報委員、行政院人權保障推動小組委員。

CV of
Moderator

Ms. Yen Ching Weng
Committee Member of the Executive Yuan Coordination
Committee on Prevention of Human Trafficking and
Elimination of Racial Discrimination



Education
Current
Position

Doctor in Law, Université Panthéon-Assas (Paris II)
Associate Professor at Department of Political Science &
International College of Innovation, National Chengchi (Sciences-po)
University

Experience

Dr. Weng is specialized in international human rights law and works recently on issues concerning fisheries and human rights as well as Inter-American system of human rights protection. She is currently a member of the Executive Yuan Coordinating Board on Prevention of Human Trafficking & Elimination of Racial Discrimination as well as the Executive Yuan Board for Promotion of Human Rights Protection.

歐洲人遭詐騙赴他國落入人口販運實例分享

**Case Studies of Europeans Being Defrauded
to Travel Abroad and Falling Victim to
Human Trafficking**

主講人

比利時安特衛普檢察署檢察官

Speaker

Mr. Kenny Van de Perre

Prosecutor's Office of Antwerp, Belgium, Prosecutor

主講人
履歷

比利時安特衛普檢察署檢察官 Mr. Kenny Van de Perre



簡歷

我是一個積極活躍的檢察官，我重視工作品質，並以堅定和尊重的態度從事這份工作。我的職業生涯從執法工作開始。自我擔任執法人員以來，便以成為檢察官為目標，因此於 2007 年開始就讀法學院（夜校），並於 2012 年取得法律學位。正因如此，我在調查和起訴（關於人口販運的）刑事案件方面經驗豐富。

學歷

2007 年 9 月-2012 年 6 月
安特衛普安特衛普大學法學碩士學位（以優異成績畢業）
1995 年 9 月-2002 年 6 月
梅爾克塞姆 Sint-Jans Bergmanscollege 高中部畢業
1989 年 9 月至 1995 年 6 月
梅爾克塞姆 Sint-Jans Bergmanscollege 學院國中部畢業

經歷

2019 年 4 月迄今
安特衛普地檢署檢察官
專門處理人口販運和人口偷渡案件
2012 年 2 月-2019 年 4 月
安特衛普聯邦司法員警總督察
組織犯罪調查單位首席調查員
2008 年 5 月-2012 年 2 月
安特衛普賣淫調查工作小組員警督察（安特衛普警局）
負責所有與賣淫和人口販運相關案件
2003 年 5 月-2008 年 5 月
安特衛普警局巡邏員警督察



Biography

I am a highly motivated and dynamic magistrate who carries out his job on a qualitative, determined and respectful way. I started my career with law enforcement. During my active duty as law enforcement I started law school in 2007 (evening classes) and achieved my law degree in 2012 with the intention to become prosecutor. Because of this I have a lot of experience in conducting and prosecuting criminal cases (regarding human trafficking). National Crime Agency

Education

University of Antwerp, Antwerp
September 2007 – June 2012
Degree: Master in Law (graduated with distinction)
Sint-Jans Bergmanscollege, Merksem
September 1995 – June 2002
Degree: higher general secondary education
Sint-Jans Bergmanscollege, Merksem
September 1989 – June 1995
Degree: lower general secondary education

Experience

Prosecutor for the Prosecutor's office of Antwerp
Specialised in cases of Human trafficking and human smuggling
April 2019 – present
Chief-Inspector of Police for the Federal Judicial Police of Antwerp
Lead investigator in organised crime investigations
February 2012 – April 2019
Inspector of police for the Prostitution Team of Antwerp (Police of Antwerp)
Responsible for all prostitution and human trafficking related situations
Mai 2008 – February 2012
Inspector of police for the Police of Antwerp
Patrol officer
Mai 2003 – Mai 2008

國民受詐騙出國淪為人口販運受害者案例研究

(2023年9月6日 – 場次2)

Kenny Van de Perre
T: 0032 (0) 257 80 37
@: kenny.vandeperre@just.fgov.be

人口販運案件檢察官

Case Studies of Nationals Being Defrauded to Travel Abroad and Falling Victim to Human Trafficking

(Sept 6th, 2023 – session 2)

Kenny Van de Perre
T: 0032 (0) 257 80 37
@: kenny.vandeperre@just.fgov.be

Prosecutor specialized in cases of human trafficking

目錄

- 自我介紹
- 比利時司法體系
- 法規架構
- 人口販運受害者保護
- 案例研究
- 挑戰
- 問題



CONTENT

- (Self)introduction
- Judicial landscape Belgium
- Legal framework
- Protection victims human trafficking
- Case study
- Challenges
- Questions



自我介紹(1)

- (比利時) 安特衛普地方檢察官
- 組織犯罪部門



(SELF)INTRODUCTION (1)

- Public prosecutor district Antwerp (Belgium)
- Department organised crime



自我介紹(2)



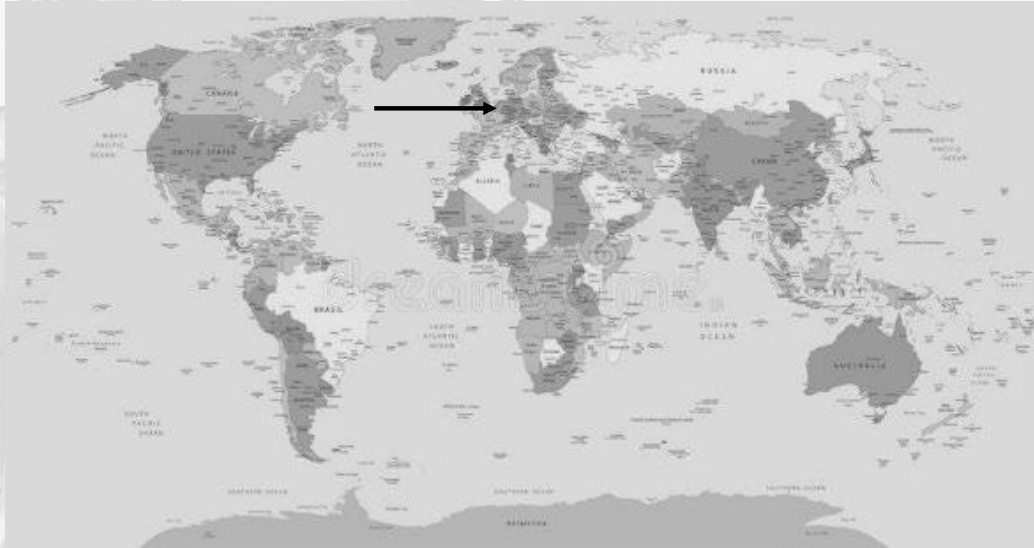
- **專長 :**
 - 人口販運(HT)案件
 - 人口走私案件
 - 賣淫案件
- **曾任治安法官(magistrate)近5年**
- **先前經歷 → 曾任安特衛普警察17年**
 - 一般巡警4年
 - 安特衛普賣淫犯罪偵辦團隊6年
 - 安特衛普聯邦司法警察7年

(SELF)INTRODUCTION (2)

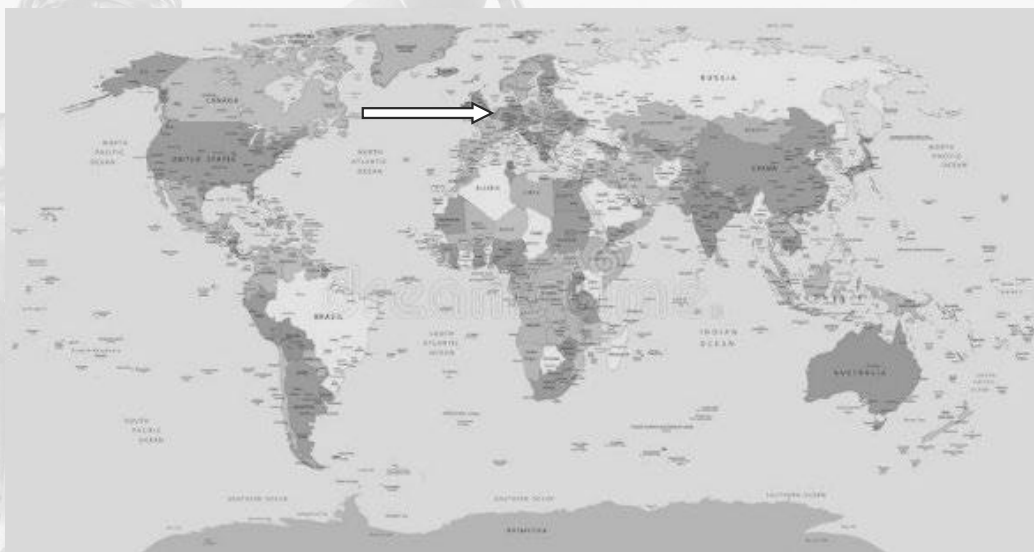


- **Specialized in:**
 - cases of human trafficking (HT)
 - cases of human smuggling
 - cases of prostitution
- **Magistrate for almost 5 years**
- **Before → 17 years police officer in Antwerp**
 - 4 years regular patroll officer
 - 6 years in Prostitution Team of Antwerp
 - 7 years in Federal Judicial Police of Antwerp

比利時司法體系(1)



JUDICIAL LANDSCAPE (1)



比利時司法體系(2)

- 分為12個司法區



JUDICIAL LANDSCAPE (2)

- Divided in 12 judicial districts







人口販運(1)

基本犯罪：

- 刑法第五版第433條：

為滿足下列目的，招募、運輸、轉運、容留或控制他人：

- 賣淫或其他形式的性剝削
- 乞討
- 經濟剝削
- 摘取器官或身體組織
- 從事犯罪

↳ 1 – 5 年刑期 + 罰款 500 – 50,000 歐元 (根據受害者數量加乘)

HUMAN TRAFFICKING (1)

Basic crime:

- art. 433quinquies Criminal Code:

The recruitment, transportation, transmission, housing or taking control of a person with the following goals:

- *exploit his/her prostitution or other forms of sexual exploitation*
- *exploitation of begging*
- *economical exploitation*
- *exploitation by removing organs or physical tissue*
- *committing crimes*

↳ imprisonment of 1 – 5 years + fine 500 – 50.000 euro (multiplied by number of victims)

人口販運(2)



加重情節(1)：

- 刑法第六版第433條：

下列身分者從事人口販運：

- 對受害者具權力優勢 / 濫用權力者
- 在職公務人員

↳ 5 – 10 年刑期 + 罰款 750 – 75,000 歐元 (根據受害者數量加乘)

HUMAN TRAFFICKING (2)



Aggravating circumstances (1):

- art. 433sexies Criminal Code:

Human trafficking committed by:

- *person who has authority over victim / abuse of authority*
- *public officer in duty*

↳ imprisonment of 5 – 10 years + fine 750 – 75.000 euro (multiplied by number of victims)

人口販運(3)

加重情節(2) :

- 刑法第七版第433條 :

符合下列要件從事人口販運 :

- 販運未成年人
- 利用受害者的危險處境
- 利用暴力、強迫、威脅、欺騙、綁架、濫用權力
- 向 / 從對受害者具有權力優勢者提供 / 接受金錢
- 危及受害者生命 / 嚴重疏忽
- 導致嚴重傷害
- 頻繁從事人口販運
- 幫派從事人口販運

↳ 10 – 15 年刑期 + 罰款 1,000 – 100,000 歐元 (根據受害者數量加乘)

HUMAN TRAFFICKING (3)

Aggravating circumstances (2):

- art. 433septies Criminal Code:

Human trafficking:

- on a minor
- by taking advantage of the precarious situation of the victim
- by using violence, force, threat, deceit, kidnapping, abuse of power
- by offering/accepting money to/from the person who has authority over victim
- endangerment of life / severe negligence
- serious injury
- frequent basis
- by a gang

↳ imprisonment of 10 – 15 years + fine 1.000 – 100.000 euro (multiplied by number of victims)

人口販運(4)

加重情節(3) :

- 刑法第八版第433條 :

符合下列要件之人口販運 :

- (非故意) 致死
- 犯罪組織從事人口販運

↳ 15 – 20 年刑期 + 罰款 1,000 – 150,000 歐元 (根據受害者數量加乘)

HUMAN TRAFFICKING (4)

Aggravating circumstances (3):

- art. 433octies Criminal Code

Human trafficking:

- *causing death (without the intention to kill)*
- *by a criminal organisation*

↳ imprisonment of 15 – 20 years + fine 1.000 – 150.000 euro (multiplied by number of victims)



人口走私



HUMAN SMUGGLING



人口走私(1)



基本犯罪：

- 外國人法第二版第77條：

以任何形式（直接或透過中介）促成非歐盟會員國國民非法入境／轉運／居留比利時，以換取直接／間接利益

↳ 1 – 5 年刑期 + 罰款 500 – 50,000 歐元（根據受害者數量加乘）

HUMAN SMUGGLING (1)



Basic crime:

- art. 77bis Foreignerlaw:

Contribute on any way – directly or with an intermediary – that a person who is not a member of the EU illegally enters / transit / stays in Belgium in exchange for a direct / indirect benefit

↳ imprisonment of 1 – 5 years + fine 500 – 50.000 euro (multiplied by number of victims)

人口走私(2)

加重情節(1) :

- 外國人法第三版第77條 :

下列身分者從事人口走私 :

- 對受害者具權力優勢 / 濫用權力者
- 在職公務人員

↳ 5 – 10 年刑期 + 罰款 750 – 75,000 歐元 (根據受害者數量加乘)

HUMAN SMUGGLING (2)

Aggravating circumstances (1):

- art. 77ter Foreignerlaw:

Human smuggling committed by:

- *person who has authority over victim / abuse of authority*
- *public officer in duty*

↳ imprisonment of 5 – 10 years + fine 750 – 75.000 euro (multiplied by number of victims)

人口走私(3)

加重情節(2)：

- 外國人法第四版第77條

符合下列要件從事人口走私：

- 走私未成年人
- 利用受害者的危險處境
- 利用暴力、強迫、威脅、欺騙、綁架、濫用權力
- 向／從對受害者具有權力優勢者提供／接受金錢
- 危及受害者生命／嚴重疏忽
- 導致嚴重傷害
- 頻繁從事人口走私
- 幫派從事人口走私

↳ 10 – 15 年刑期 + 罰款 1.000 – 100,000 歐元 (根據受害者數量加乘)

HUMAN SMUGGLING (3)

Aggravating circumstances (2):

- art. 77quater Foreignerlaw

Human smuggling:

- on a minor
- by taking advantage of the precarious situation of the victim
- by using violence, force, threat, deceit, kidnapping, abuse of power
- by offering/accepting money to/from the person who has authority over victim
- endangerment of life / severe negligence
- serious injury
- frequent basis
- by a gang

↳ imprisonment of 10 – 15 years + fine 1.000 – 100.000 euro (multiplied by number of victims)

人口走私(4)

加重情節(3) :

- 外國人法第五版第77條 :

符合下列要件從事人口走私 :

- (非故意) 致死
- 犯罪組織從事人口走私

↳ 15 – 20 年刑期 + 罰款 1.000 – 150,000 歐元 (根據受害者數量加乘)

HUMAN SMUGGLING (4)

Aggravating circumstances (3):

- art. 77quinquies Foreignerlaw:

Human smuggling:

- *causing death (without the intention to kill)*
- *by a criminal organisation*

↳ imprisonment of 15 – 20 years + fine 1.000 – 150.000 euro (multiplied by number of victims)



人口販運受害者保護



PROTECTION VICTIM HUMAN TRAFFIC

人口販運受害者保護(1)



《人口販運受害者法規》

- 比利時政府規定之正式保護
- 由專門起訴人口販運案件的檢察官准許予以保護
- 一般條件義務：
 - (調查期間) 與司法部門 / 警方合作
 - 不再與嫌疑犯 / 犯罪環境的往來
 - 由專門的 (非政府) 援助組織強制監督
 - 可能作為嫌疑犯起訴

PROTECTION VICTIM OF HT (1)



“Statute of a victim of human trafficking”

- Official protection regulated by the Belgian government
- Granted by prosecutor specialized in human trafficking
- **Mandatory general conditions:**
 - collaborate with justice / police (during investigation)
 - break up with the suspect(s) / criminal environment
 - mandatory supervision by a specialised aid organisation (non-governmental)
 - possibility of prosecution suspect(s)

人口販運受害者保護(2)



- **法定保護：**
 - (若受害者有意願) 安置於難民庇護所
 - 由非政府援助組織提供心理 / 行政 / 交通 / 教育相關輔導
 - 比利時暫時居留權 (若經案件涉及嫌疑犯起訴 / 定罪, 則為永久居留權)
 - 可能獲得 (合法) 工作許可
- **與移民局合作**

PROTECTION VICTIM OF HT (2)



- **Regulated protection:**
 - shelter in refugee house (if wanted)
 - mental / administrative / logistic / educational coaching by the non-governmental aid organisations
 - temporary right of residence in Belgium (permanent in case of prosecution / conviction suspect(s))
 - possibility to (legal) work
- **Mutual cooperation with Immigration Office**

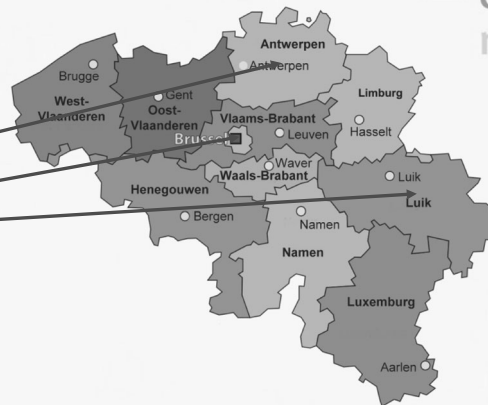
人口販運受害者保護(3)



- 非政府援助組織：

- 僅有3個正式組織：

- PAYOKE庇護中心（安特衛普）
- PAG-ASA庇護中心（布魯塞爾）
- SÜRYA庇護中心（列日）



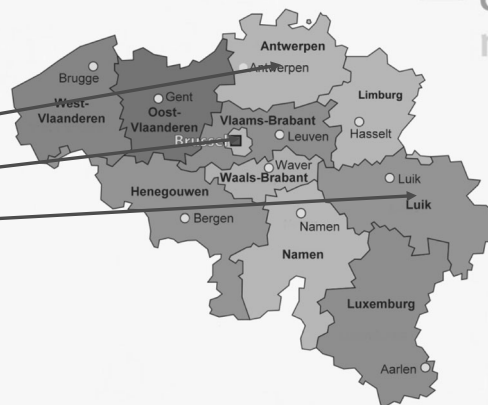
PROTECTION VICTIM OF HT (3)

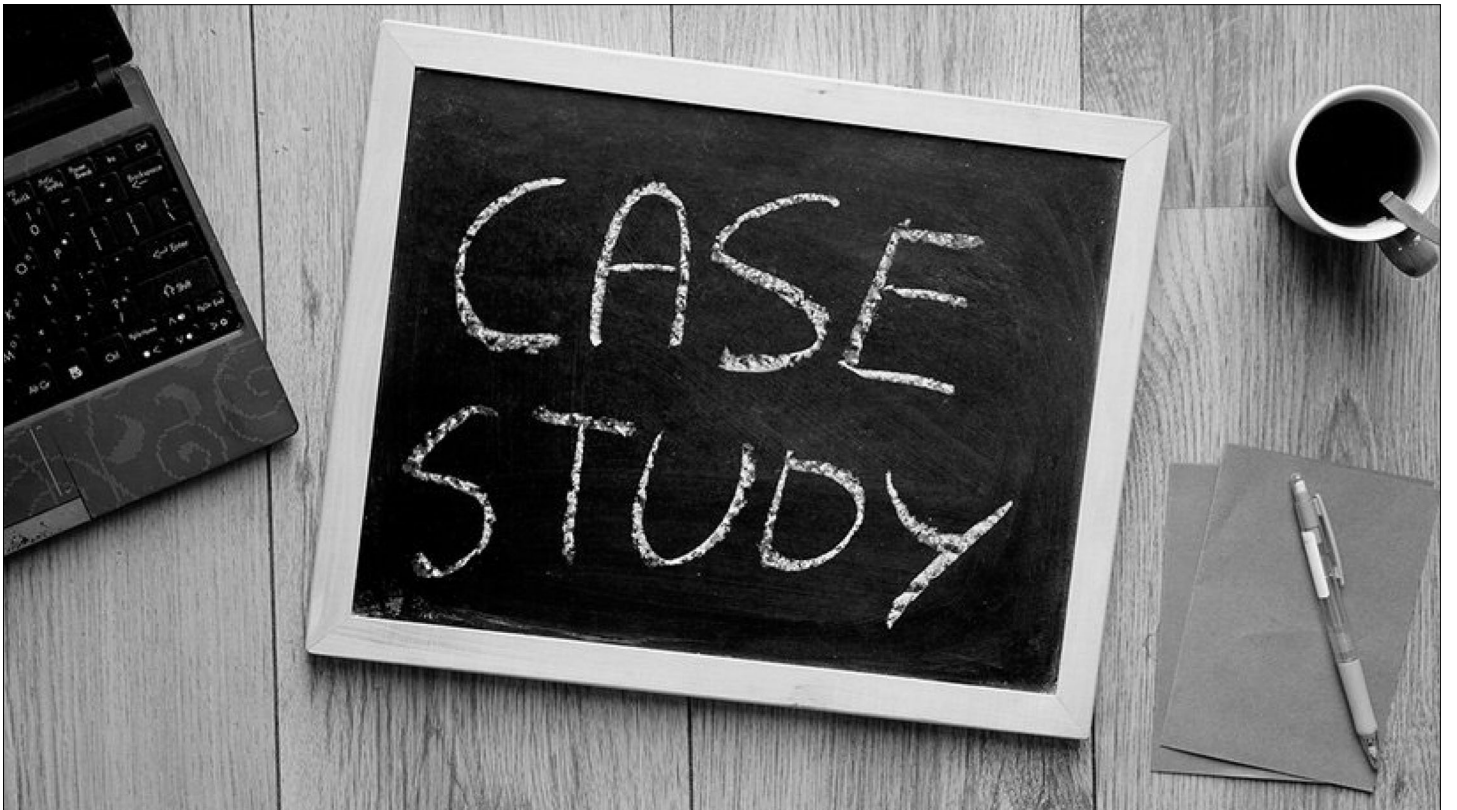
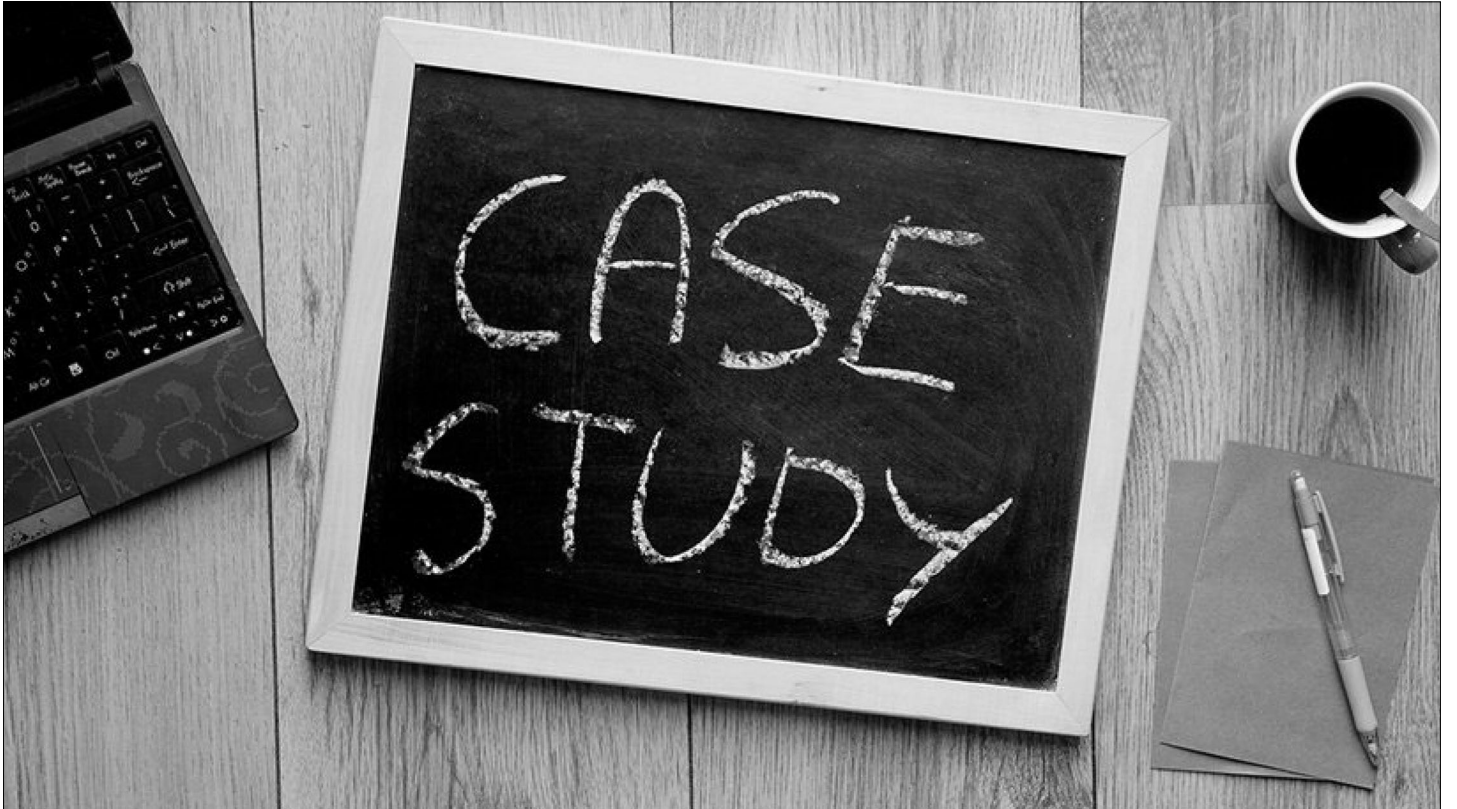


- Non-governmental aid organisations:

- only 3 official organisations:

- PAYOKE (Antwerp)
- PAG-ASA (Brussels)
- SÜRYA (Liège)





案例



- 沒有比利時國民於國外成為人口販運受害者的案例

- 「快樂(HAPPY)」案 (已裁決)

↳ 以性剝削為目的之人口販運

- 「北極星(BOREALIS)」案 (調查中)

↳ 以經濟剝削為目的地之人口販運

CASES



- No cases of Belgian victims of human trafficking abroad

- Casefile “HAPPY” (already judgement)

↳ Human trafficking with the goal of sexual exploitation

- Casefile “BOREALIS” (ongoing investigation)

↳ Human trafficking with the goal of economical exploitation

詐欺手法

- 「快樂」案與「北極星」案共同特點

↳ 涉及人口走私 = 案件基礎

- 受害者為非歐盟國國民
- 申請虛假的簽證 / 工作許可
- 欺騙比利時移民機關

↳ - 目的為剝削受害者 (性剝削 / 經濟剝削)

FRAUD MECHANISM

- Common in casefile “HAPPY” and “BOREALIS”

↳ Involvement of human smuggling = basis

- victims are non-EU nationals
- apply for wrong visa / workpermit
- deception Belgian Immigration Services

↳ - all in order to exploit the victims (sexual / economical)

「快樂」案(1)



Mensensmokkelaar bood alle formules aan: “Asiel, schijnhuwelijk, vals arbeidscontract of all-in”

ANTWERPEN/BRASSCHAAT Drie Surinaamse broers hebben via hun reisbureau Exann Travel Agency in Brasschaat 56 landgenoten naar België gesmokkeld en daar minstens 100.000 euro aan verdiend. Dat is de overtuiging van de Antwerpse procureur, die tien jaar cel eist voor Arthur N., de leider van de criminele organisatie. Hij zou ook zijn poetshulp hebben verkracht. “Schandalig hoe ik er ben ingeluisd”, zei de verontwaardigde Arthur N.



CASEFILE HAPPY (1)



Mensensmokkelaar bood alle formules aan: “Asiel, schijnhuwelijk, vals arbeidscontract of all-in”

ANTWERPEN/BRASSCHAAT Drie Surinaamse broers hebben via hun reisbureau Exann Travel Agency in Brasschaat 56 landgenoten naar België gesmokkeld en daar minstens 100.000 euro aan verdiend. Dat is de overtuiging van de Antwerpse procureur, die tien jaar cel eist voor Arthur N., de leider van de criminele organisatie. Hij zou ook zijn poetshulp hebben verkracht. “Schandalig hoe ik er ben ingeluisd”, zei de verontwaardigde Arthur N.



「快樂」案(2)



- 受害者 → 蘇利南（前荷屬圭亞那）國民
- 犯罪組織目標 → 為受害者取得比利時居留許可
 - ↳ 荷蘭的程序複雜
- 作案手法 → 詐欺手法：
 - 犯罪組織（在比利時與蘇利南）成立旅行社
 - 提出虛假的庇護申請
 - 提出虛假的依親申請
 - 提出虛假的工作申請

CASEFILE HAPPY (2)



- **Victims** → nationals of Surinam (former colony of the Netherlands)
- **Goal of the criminal organisation** → obtaining Belgian residence permit for the victims
 - ↳ very severe procedure in the Netherlands
- **Modus operandi** → fraud mechanism:
 - founding travel agency by criminal organisation (Belgium and Surinam)
 - fraudulent procedure of asylum
 - fraudulent procedure of family reunion
 - fraudulent procedure of labour

「快樂」案(3)



- **以性剝削為目的之人口販運：**
 - 1名受害者
 - 在主要嫌疑犯家中非法勞動，擔任家事幫傭
 - 被迫與雇主性交 → 以取消居留申請程序為威脅
- **裁決結果（一審與上訴）：**
 - 8名被告定罪
 - 解散該旅行社
 - 褫奪公權
 - 刑期為2–8年，並罰款44,000歐元
 - 沒收115,000歐元

CASEFILE HAPPY (3)



- **Human trafficking for sexual exploitation:**
 - 1 victim
 - Illegally working as a maid in the house of the main suspect
 - had to have sex → threat of cancelling procedure residence permit
- **Judgement (first instance and appeal):**
 - conviction of the eight defendants
 - dissolution of travel agency
 - deprivation of civil rights
 - sentences imprisonment between 2 – 8 years and fine of 448.000 euro
 - confiscation of 115.000 euro

「北極星」案(1)

Al 174 mogelijke slachtoffers van mensenhandel geïdentificeerd op Antwerpse bouwwerf

In het onderzoek naar vermeende mensenhandel op de bouwwerf van chemiebedrijf Borealis in het Antwerpse havengebied zijn intussen 174 mogelijke slachtoffers geïdentificeerd. Dat meldt het Antwerpse arbeidsauditoraat. Het gaat om 17 Bengalen, 52 Filipijnen en intussen ook 105 Turken.



‘Qatar aan de Schelde’: docu over Borealis-zaak in première

“Mensenhandel is schering en inslag in ons land”: journalist die grootste ‘slavenwerf’ ooit in ons land blootlegde, schrijft boek

CASEFILE BOREALIS (1)

Al 174 mogelijke slachtoffers van mensenhandel geïdentificeerd op Antwerpse bouwwerf

In het onderzoek naar vermeende mensenhandel op de bouwwerf van chemiebedrijf Borealis in het Antwerpse havengebied zijn intussen 174 mogelijke slachtoffers geïdentificeerd. Dat meldt het Antwerpse arbeidsauditoraat. Het gaat om 17 Bengalen, 52 Filipijnen en intussen ook 105 Turken.



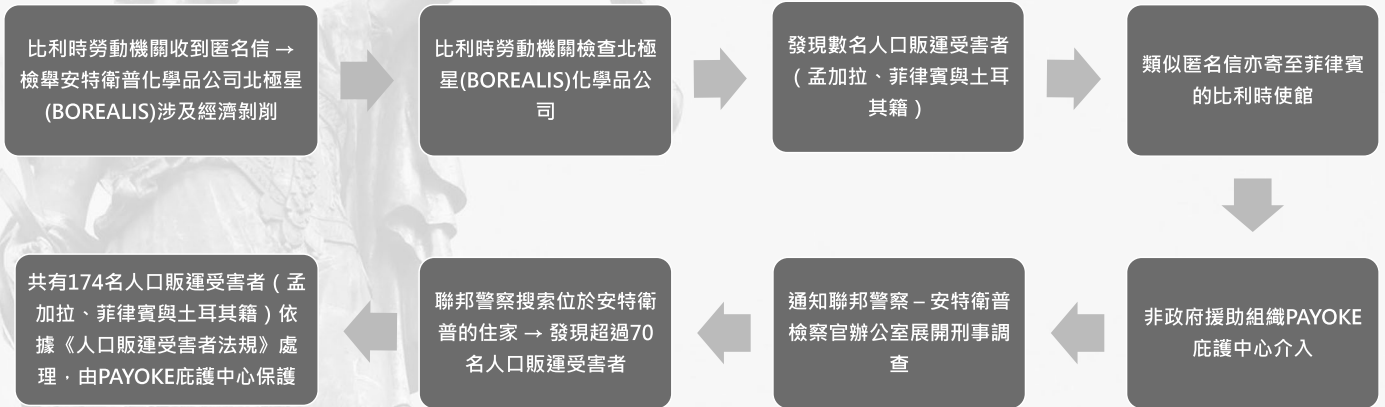
‘Qatar aan de Schelde’: docu over Borealis-zaak in première

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「北極星」案(2)



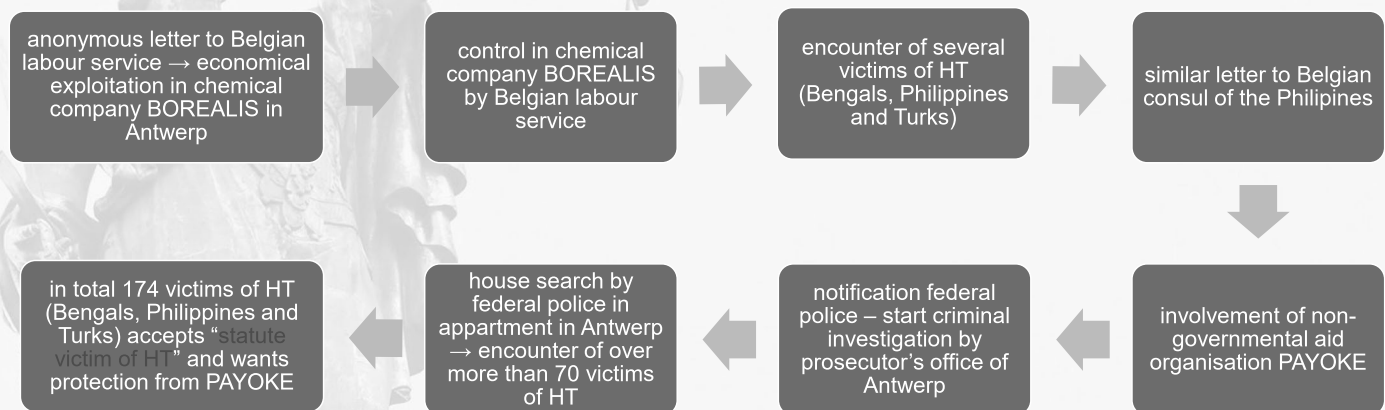
• 開始調查



CASEFILE BOREALIS (2)



• Start investigation



「北極星」案(2)



• 作案手法：

- 以焊工 / 水電工 (高度專業勞工) 職缺招募受害者
- 可疑招募 – 所有通訊都透過whatsapp進行 (無親自接觸)
- 受害者由承包商轉運
- 受害者在抵達最終目的地比利時之前，必須在數個歐洲國家工作
- 受害者居住環境惡劣
- 護照在母國即被沒收
- 每位受害者前往歐洲 / 比利時須支付9000歐元費用
- 承諾受害者可獲得2500歐元工資 → 實際工資低於1250歐元
- 受害者每天須工作12小時以上，有時暴露於危險環境中
- 承包商向受害者施壓，強迫受害者保持沉默
- 受害者並未獲得比利時合法簽證 / 工作許可

CASEFILE BOREALIS (2)



• Modus operandi:

- victims were recruited to work as a welder / pipe fitter (very skilled)
- shady recruiter – all communication went through whatsapp (no physical contact)
- victims were transferred to subcontractor
- victims had to work in several European countries with final destination Belgium
- victims were housed in very poor conditions
- passports were taken in home country
- each victim had to pay 9000 euro to come to Europe / Belgium
- victims were promised a wage of 2500 euro → were paid less than 1250 euro
- victims had to work over more than 12 hours / day sometimes in dangerous conditions
- victims were pressurized by the subcontractor to stay silent
- victims didn't have the proper visa / work permit to work in Belgium

「北極星」案(3)

- 受害者：

- 非政府援助組織PAYOKE / PAG-ASA / SÜRYIA等庇護中心與比利時移民局扮演關鍵角色



- 部分受害者可返回母國
- 部分受害者於比利時找到合法新工作
- 部分受害者仍由PAYOKE庇護中心管理輔導

- 刑事調查進行中 ↔ 與相關監理機關密切合作



CASEFILE BOREALIS (3)

- **Victims:**

- crucial role of non governmental aid organisation PAYOKE / PAG-ASA / SÜRYIA and Belgian Immigration Office



- part of victims could return to home country
- part of victims found a new 'official' job in Belgium
- part of victims are stil under the supervision of PAYOKE

- **Ongoing criminal investigation ↔ intensive cooperation with inspection services**



「北極星」案(2)



- 本案顯示出處理人口販運受害者時面臨的現實挑戰

Omstreden Borealis-werf weer opgestart, Crevits belooft zes extra medewerkers voor begeleiding slachtoffers

Na affaire-Borealis: meldingen over mensenhandel blijven stijgen

Stad Antwerpen en vzw Payoke vragen minister Crevits om geld voor opvang slachtoffers van mensenhandel

Illegale tewerkstelling op werf Borealis: Kamer dringt aan op extra personeel voor inspectiediensten

CASEFILE BOREALIS (2)



- This case exposed real challenges in the handling of victims of human trafficking

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挑戰

- 犯罪持續國際化 / 數位化
- 全球交通旅行便利
- 重要職缺 / 專業勞工短缺程度上升
- 人口販運受害者庇護所數量 / 政府經費
- 政府機關同仁須更警覺 / 更快偵測詐欺行為
- 各國 / 政府機關之間的資訊交流
- ...



CHALLENGES

- Further internationalization / digitalisation criminality
- Easy way of traveling around the globe
- Increase critical jobs / scarcity skilled workers
- Number of shelters for victims of HT / funding by government
- Better / faster detection of fraud by employees commune
- Exchange information between countries / governmental services
- ...



問題



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QUESTIONS



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