

## 第四場

外籍學生於人口販運中的風險與預防

## Session 4

**Risks and Prevention of Foreign Students in  
Human Trafficking**

主持人  
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**外籍學生落入人口販運之實例分享**  
**Case Studies of Foreign Students Falling**  
**Victim to Human Trafficking**

**主講人**

**臺灣彰化地方檢察署檢察官**

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**Mr. Chi-Hsiao Tsai**

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## 外籍學生落入人口販運 之實例分享

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## Case Studies of Foreign Students Falling Victim to Human Trafficking

Speaker:  
Prosecutor, Mr. Chi-Hsiao Tsai, Taiwan  
Changhua District Prosecutors Office

## 壹、案件源起

網路媒體「報導者」111年1月10日推出《**綁債·黑工·留學陷阱——失控的高教技職國際招生**》調查報導後，彰化地檢署認為報導內容可能性極高，且其內提及多名人士涉嫌詐欺、人口販運等罪嫌，立即分案由本檢察官指揮偵辦。

## I. Background

Internet news outlet *The Reporter* published an investigative piece ***Debt Bondage, Illegal Worker, Traps of Overseas Studies - International Recruitment for Higher Vocational Education that Lost Control*** on Jan. 10, 2022. The Changhua District Prosecutors Office determined that the coverage is highly possible and that many targets of the report may have committed fraud and human trafficking, therefore assigned a prosecutor to lead the investigation.

## 貳、案件內容

### 一、案情概要

- (一) 柴○武於民國108年間，在中州科技大學（下簡稱中州大學）擔任學務長，明知中州大學並無開設全英語課程能力，亦無提供獎學金之資力及真意，與該校「推廣教育中心」主任藍○鈴（**此職稱名義上雖類似中州大學行政主管，然其職務內容實際上比較類似「人力仲介」**）、烏干達台商林○良等人，一同在108年7月間，在烏干達舉辦中州大學之招生說明會，以全英語課程、提供全額或半額獎學金、高科技公司實習、實習所得就可以輕鬆支付生活費及學校費用等誘因進行招生（**但說明會及簽約過程禁止學生錄音錄影，亦未給予學生副本或影本**）。

## II. The Case

### 1. Case Summary

- (1) In 2019, W. Chai served as the Dean of Student Affairs at Chung Chou University of Science and Technology (hereafter CCUT), while knowing that CCUT had no capabilities of offering full-English courses or the capacity or intention of offering scholarships, collaborated with CTUT director of Center of Education Promotion, L. Lan (**whose position seemed like an administrative head at CCUT but in reality resembled a recruitment agent**), Taiwanese businessman in Uganda L. Lin, and others to hold CCUT student recruitment fairs in Uganda in July 2019. The fairs boasted full-English courses, full or half scholarships, and internship at high-tech companies. The fairs also claimed that the internship income would be sufficient for living expenses and tuition fee in Taiwan (**but CCUT prohibited audio and video recording during such fairs and agreement signing, and the students didn't receive copies of the agreement**).

- (二) 柴○武、林○良及藍○鈴原本的計劃，打算讓烏干達留學生順利入境我國後，成為藍○鈴管領之勞動人力，可對烏干達留學生勞動所得抽成獲利。所有烏干達留學生入境所需之所有相關費用，均屬藍○鈴個人支出之項目。藍○鈴因此透過地下匯兌方式匯款給林○良。林○良收到新臺幣（下同）200多萬元後，於同年10月7日帶同被害人A等在內之23人前去史瓦帝尼大使館進行面試。
- (三) 藍○鈴總計匯款400多萬元給林○良（即原本預訂要讓118個留學生入境之費用），最後僅成功引進16名留學生，林○良理應將其超收將近300萬元之款項還給藍○鈴，然林○良在事後以各種理由拒絕返還，致藍○鈴損失慘重。

- (2) W. Chai, L. Lin, and L. Lan originally planned to bring Ugandan students to Taiwan and place them under the management of L. Lan, taking a profit out of the income of the Ugandan students' labor. All expenses and fees for the Ugandan students entering Taiwan were paid by L. Lan as Lan's personal expense. Therefore, L. Lan wired the funds to L. Lin via underground money transfers. Upon receiving approx. 2 million New Taiwanese Dollars (hereafter NT\$) of funds, L. Lin brought 23 people, including victim A, to the Eswatini embassy for interview on October 7, 2019.
- (3) L. Lan transferred more than NT\$4 million to L. Lin, which was meant for 118 foreign students to enter Taiwan, and successfully introduced 16 foreign students to Taiwan. While L. Lin was supposed to return the excessive funds (nearly NT\$3 million) to L. Lan, Lin later refused to return the funds with multiple excuses, causing L. Lan to suffer a significant financial loss.


(四) 本案被害人A等16人事實上係積欠藍○鈴債務；因為23人去史瓦帝尼面試僅有16人通過，其他7個人未通過面試的費用可能事後也難以追討，藍○鈴、林○良遂將上開7個未通過面試學生往來史瓦帝尼之費用，分擔至被害人A等16人身上，以出借旅費為由要求被害人A等16人簽下折合約100,700元借據，並推由林○良向學生騙稱：你們都是欠我的錢，若不願意簽借據就不能來臺就學；但簽下借據來臺灣就學後，到臺灣實習很快就能還清債務。


(4) 16 victims of this case including victim A are indebted to L. Lan. Because 23 people went to Eswatini for interview and only 16 passed, while fearing that it's not possible to request the 7 people that failed the interview to pay the costs of traveling to and from Eswatini, L. Lan and L. Lin attributed to the expenses of the 7 people to the 16 victims including victims A. They used the traveling expenses loaned to victim A et al. as an excuse to force the 16 victims to sign a loan certificate of NT\$100,700 and had L. Lin lying to students, claiming that the students couldn't come to Taiwan if they refuse to sign the certificate, and if they do, income of the internship in Taiwan would easily allow them to pay back the loan.



(五) 被害人A等16人於民國108年11月間抵達台灣後，柴○武不但沒有提供適當課程，亦未提供獎學金或減免學雜費，只是與藍○鈴開始設法要儘快讓被害人A等16人外出工作繳學費；後來藍○鈴因沒有管道可以有效率的仲介被害人A等16人外出勞動，至民國109年年初起，僅能透過擔任人力仲介的陳○良將被害人A等16人仲介前去望○科技份有限公司等企業從事無關學業內容、性質上屬高度密集勞力之工作，高額仲介費由陳○良扣取，藍○鈴僅能從陳○良扣取的仲介費中分得每個月數百元不等之「行政費用」。

(5)The 16 victims including victim A arrived in Taiwan in November 2019. W. Chai did not provide appropriate courses, scholarship, or any reduction to tuition fees. Rather, Chai and L. Lan began pushing for the victims to work and pay for their tuition. Later, since L. Lan had no channels to effectively broker work for the 16 victims, starting from early 2020, Lan had L. Chen, who worked as a recruitment agent, to refer the 16 victims to W Technology Limited. The work had no relevance to their studies, and was highly labor-intensive. L. Chen charged a huge amount of broker fee, leaving L. Lan only taking several hundred NT dollars of profit each month from the broker fee charged by L. Chen under the claim of “administrative fee.”

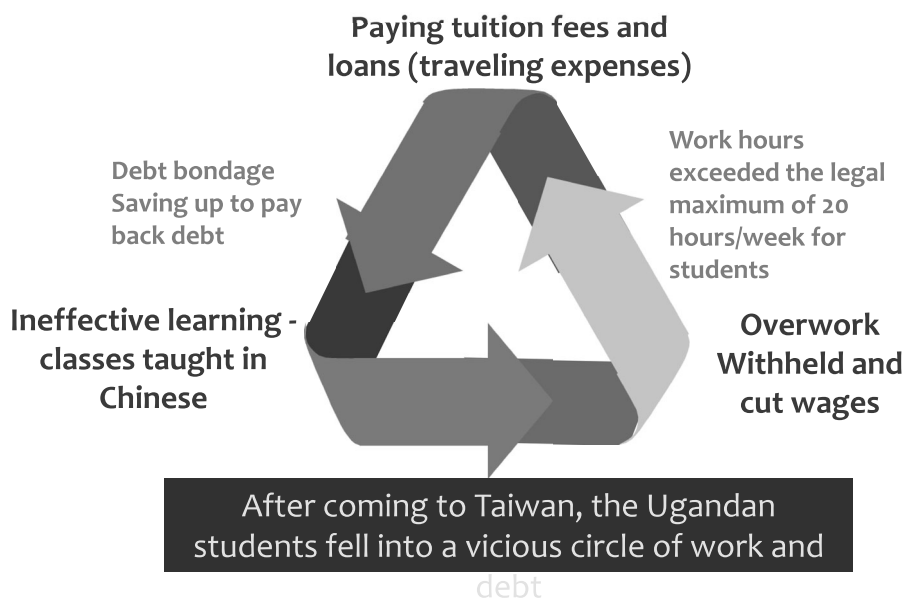
- 
- (六) 為配合烏干達留學生前去苗栗縣工作，中州大學會設法將烏干達留學生之課表集中在2至3天內（例如將課表排在星期2至星期4，烏干達留學生於星期4下課後就直接北上苗栗，然後連續上5天大夜班後，再於星期2上午返校「上課」）。
- (七) 校方人員若遇到烏干達留學生表示太累不願再工作時，動輒以要讓其退學、無法繼續在國內居留等語出言要脅，在上開運作方式下獲得總計約190多萬元之不正利益。

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- (6) Accommodating to the work schedule of the Ugandan students in Miaoli County, CCUT would arrange the classes to take place within 2 to 3 days (such as Tuesday to Thursday, while the Ugandan students go straight to work on Thursday after class for five consecutive midnight shifts and returning to school on Tuesday).
- (7) When the Ugandan students reflected to the school staff that the work is too tiring and they wished to stop, the staff would threaten to expel them or that they wouldn't not be able to stay in Taiwan. The M.O. stated above generated NT\$1.9 million of illicit proceeds.

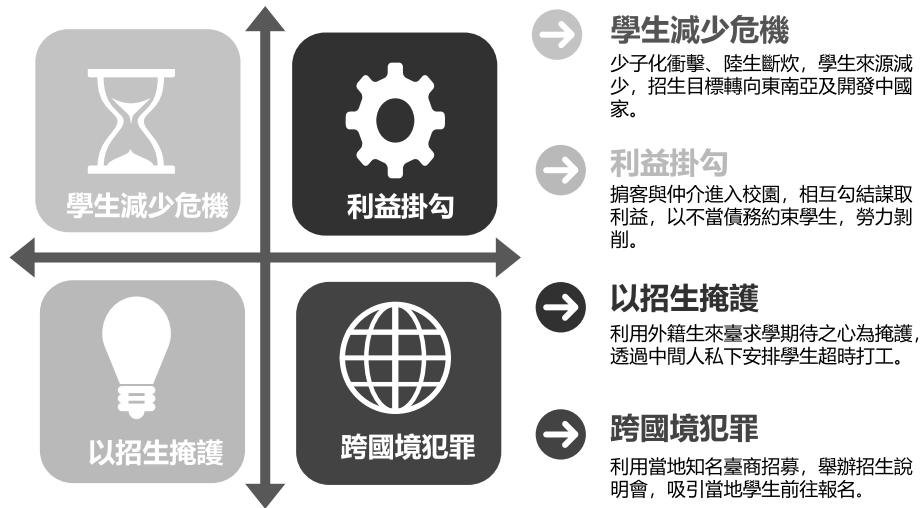
## 二、烏干達留學生來臺後的困境



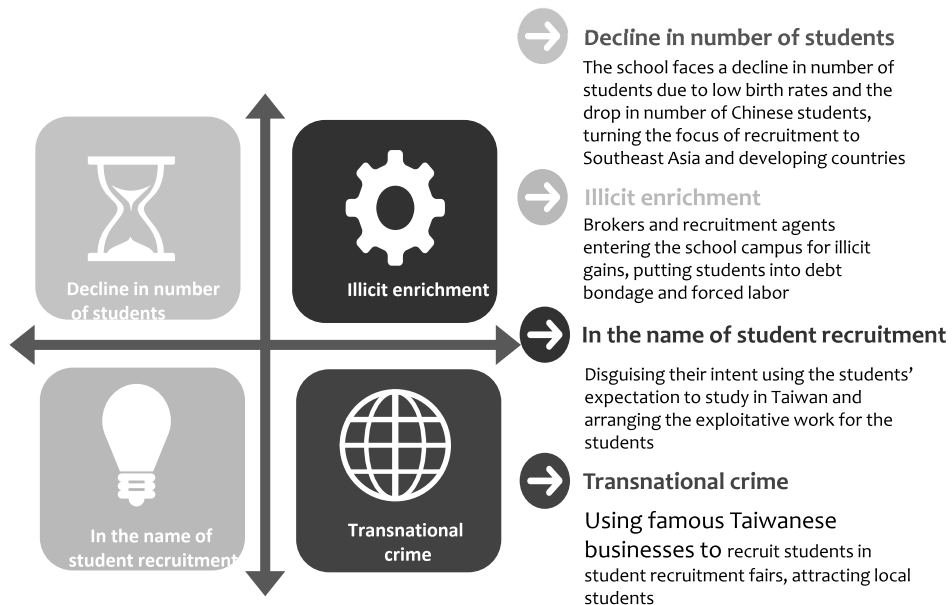
## 2. Challenges that the Ugandan students encountered after coming to Taiwan



### 三、案件特色



### 3. Key Points of the Case



## 參、偵辦之過程

### 一、偵辦初期：

- (一) 111年1月21日發動第一次搜索，搜索地點除了中州大學、金盟企業社外，另包括對象時任中州大學副校長柴○武、推廣中心主任藍○鈴等人之住處。
- (二) 執法人員於持搜索票進入藍○鈴的住處後，在其住處床墊下發現所有烏干達學生的借據、欠款資料；並扣得大量的存摺、匯款單據，上開物證均係檢察官能勾勒出本案內容之重要證據。
- (三) 以科技還原、分析其等通話內容，開始逐步特定犯罪事實，此時檢察官也已經知悉當時在非洲擔任台商副總會長之林○良對於整個烏干達留學生遭到剝削之過程均知情。

## III. Investigation Process

### 1. Early Stages:

- (1) The first search was conducted on Jan. 21, 2022, locations include CCUT, Chinmeng Enterprise Co., and residences of CCUT vice principal W. Chai, director of Center of Education Promotion, L. Lan.
- (2) After entering L. Lan's residence with a search warrant, law enforcement officers discovered the loan certificates of all Ugandan students and other documents under the mattress. The officers also seized a vast amount of passbooks and wire transfer receipts. Such evidence was vital for the prosecutor to outline the substance of this case.
- (3) Upon retrieving and analyzing the content of communication via ICT, the prosecutor began specifying corpus delicti. At this moment, the prosecutor also understood that L. Lin, serving as vice chair of the Taiwanese chamber of commerce in Africa, was aware of the entire exploitation process of these Ugandan students.

## 二、案情膠著期：

- (一) 初時檢察官掌握的證據也已經足以認定，多名烏干達籍留學生的月份工時高達150或180個小時，以上明顯違反就業服務法第50條之規定。
- (二) 由於企業並非將烏干達籍留學生之薪水直接交給學生，係由陳○良轉發給烏干達籍留學生，在此種合作模式之下，陳○良必定有烏干達籍留學生出勤及薪資於望○科技股份有限公司等處所從事勞動時之完整出缺勤及薪資紀錄。檢警曾以上開理由要求陳○良出完整之薪資紀錄，但陳○良至之不理。
- (三) 苗栗縣政府勞青處完全無視檢察官提供之烏干達留學生出缺勤紀錄、以及已公諸媒體之資料，作出『烏干達籍外僑至本縣工作時，延長工時時段於學校放寒暑假時，且上述公司均聘僱合法，尚無違反勞動基準法及就業服務法等相關情事』之認定。

## 2. Slow-moving Investigation:

- (1) Initially, the prosecutor already acquired sufficient evidence to determine that the monthly work hours of multiple Ugandan foreign students reached 150 to 180 hours, which clearly violated Article 50 of the Employment Service Act.
- (2) The employing companies didn't pay the Ugandan students directly, instead, the payment went to L. Chen before Chen transferred the money to the students. Under this model, L. Chen was bound to have full records of attendance and wage payment of the Ugandan students at W Technology Limited and other companies. The prosecutor and the police requested L. Chen to submit the said document on grounds stated above, but L. Chen did not comply.
- (3) The Labor and Youth Development Department of Miaoli County Government completely ignored the attendance records submitted by the prosecutor and other information disclosed through media coverage, and determined that "the Ugandans working in the County where work hours were extended *during winter and summer vacations* and the companies stated above were compliant with employment laws with no violation of the *Labor Standards Act or the Employment Service Act.*"

### 三、突破困境期：

- (一) 第3波搜索：檢察官決定再次對陳○良以及金盟企業社進行搜索；連同望○科技股份有限公司等企業一併進行搜索，經向法院聲請搜索票獲准後，直接從望○科技股份有限公司等企業扣押烏干達籍留學生之薪資紀錄及其等與陳○良之間的金錢往來紀錄，才知陳○良對烏干達留學生剝削的程度遠遠超過檢、調承辦人員原本的想像（陳○良先前供稱其僅向每個學生按月收取2千元的行政費用）。而此次搜索的另外一個目標，就是苗栗縣政府烏干達學工案承辦人是否涉及貪瀆之相關事證，後來順利在陳○良手機內找到相關之重要事證。
- (二) 第4波搜索：本次主要針對苗栗縣政府勞青處前副處長涂○輝等多名承辦人員為之，檢察官經過搜索及其他偵查作為後，向法院聲請羈押涂○輝獲准。

### 3. Breakthrough:

- (1) Third wave of searches: The prosecutor decided to search the vicinities of L. Chen, Chinmeng Enterprise Co., and W Technology Limited. As warrants granted by the court, the prosecutor retrieved wage payment records and transfer records with L. Chen directly from W Technology Limited and realized that L. Chen exploited the Ugandan students to an extent far beyond the investigators' expectations. (L. Chen previously claimed to charge each student of NT\$2,000 in administrative fees.) Another goal for this search was to establish whether the contact for Ugandan students in Miaoli County Government were involved in corruption. The investigators found critical evidence in L. Chen's phone.
- (2) Forth wave of searches: this search focused on former deputy department head of the Labor and Youth Development Department of Miaoli County, H. Tu and several other people who served as contacts. After searches and other investigative work, the prosecutor filed to the court and arrested H. Tu.

## 肆、相關問題研討

- 一、本案為何選擇以留學生名義輸入勞動人力？
  - (一) 臺灣對於外籍藍領移工規定，包含「取得聘僱資格」、「取得求才證明」、「向勞動部申請許可」等層層關卡。
  - (二) 招收留學生方式輸入勞動人力，管制程序較少，只要有國內大學願意發入學許可，外交部願意發給簽證即可入境；入境後，領有工作證，沒有非法工作的問題，可避免就業服務法第64條第2項之刑事責任，外國留學生又能自由選擇雇主或更換雇主。
  - (三) 使用留學生名義輸入勞動人力，似乎是臺灣或許多國家均存在的現象。

## IV. Relevant Questions

1. Why did suspects of this case opted for introducing manpower under the name of foreign students?
  - (1) Taiwan has extensive regulations on blue-collar foreign workers, such as employment qualification, employment demand certificate, application to Ministry of Labor for employment permit, etc.
  - (2) Recruiting foreign students as labor has less regulations. Students can enter the border as long as universities within Taiwan are willing to issue admission and the Ministry of Foreign Affairs issues a visa. Upon arrival, as long as students have a work permit, there is no concern for illegal work, avoiding the criminal liability of Item 2, Article 64 of the Employment Service Act . Furthermore, foreign students are not restricted from choosing or changing employers.
  - (3) **Recruiting foreign students as labor may be an existing phenomenon in Taiwan and many other countries.**



## 近年來外籍留學生淪為學工相關案例



1	2	3	4
建國科技大學	明道大學	康寧大學	高苑科技大學
教育部接獲學生陳情	史國媒體報導-引起教育部關注	學生上街頭抗爭-向教育部表達訴求	教育部接獲學生陳情
印尼籍非產學專班學生	史瓦帝尼籍新南向產學合作專班學生	斯里蘭卡籍非產學專班每週工作40小時淪為屠宰場奴工。	菲律賓新南向產學合作專班學生
護照與居留證遭扣留、被迫工作超時達48至54小時，薪資疑被仲介高額不當扣款。	每週工作40小時淪為冷凍雞肉廠奴工。		每周工作40小時，從事與學業無關勞動，工作深夜情況普遍、勞動工廠疑似偽造薪資單。

## Recent cases of foreign students fallen victims of forced labor



1	2	3	4
Chienkuo Technology	Mingdao University	University of Kang	Kao Yuan University
Ministry of Education received student complaints	Eswatini media coverage drew the attention of Ministry of Education	Students protesting on the streets requesting actions from the Ministry of Education	Ministry of Education received student complaints
Indonesian students (not from an industry-academia program)	Eswatini New Southbound Industry-Academia Collaboration Program for International Students	Sri Lankan students (not from an industry-academia program)	Philippines New Southbound Industry-Academia Collaboration Program for International Students
Passports and residency permits were held, forced to work for 48 to 54 hours a week, and a huge portion of wages was taken by the broker	Weekly work of 40 hours, being enslaved by frozen chicken processing plants	Weekly work of 40 hours, being enslaved by slaughterhouses	Weekly work of 40 hours, the work itself was not relevant to the studies and often were night shifts; the factories often forge payrolls

二、本案共犯被告間的犯意聯絡及行為分擔模式：

- (一) 藍○鈴之不法所有意圖，主要存在於留學生入境後將之派往勞動處所進行勞動的人力仲介利益（就是俗稱的「當牛頭」）；柴○武之不法所有意圖，主要在於留學生就讀中州大學所生之各項收益（主要在於學雜費收入、增加學校人數，維持學校營運）；林○良之不法所有意圖，係存於在整件事情過程中設法上下其手，以各種名目向留學生、或是對藍○鈴、柴○武收取利益。（本案為例，部分薪資資料仍有欠缺之情況下，陳○良僅僅透過仲介14名烏干達留學生分別工作數月至1年多不等，就獲利高達新臺幣2,029,384元）
- (二) 3人各自之不法所有意圖內涵雖有差異，然透過分工與角色分配之協力合作下，共同達成犯罪之目的，屬刑法的法理所稱「共同之犯罪支配」。

2. The shared criminal intent participation in criminal conduct of the accomplices and defendants of this case:

- (1) L. Lan's illicit intent is to profit from brokering the labor of the foreign students after entering the border; W. Chai's intent is the benefits generated from foreign students being admitted to CCUT (tuition fee, maintaining the scale of the students, and keeping the school operational); L. Lin's intent is to take as much profit as he could from the foreign students, L. Lan, and W. Chai throughout the entire process. **(In this case, while certain payment documents are still lacking, L. Chen gained as much as NT\$2,029,384 merely brokering 14 Ugandan students to work for several months to over a year)**
- (2) Although the 3 defendants each have varying intentions, through the collaboration and division of labor and roles, they achieve the purposes of the crime, which satisfy the jurisprudential sense of common criminal venture.

### 三、檢察官認定本案行為人涉及人口販運之理由

#### (一) 人口販運防制法第32條第1項所稱「詐術」：

- 1、中州大學於108年間之營運財務狀況均不佳，根本沒有能力提供留學生減免全額或半額學雜費之獎學金；時任中州大學國際中心主任之柴○武主觀上也沒有提供獎學金之真意。
- 2、中州大學並未向教育部申請「國際產學合作專班」，客觀上根本無法提供與高科技廠商合作的實習課程（Internship）；更沒有對外籍留學生開設全英語課程之師資能力。
- 3、對本案烏干達籍留學生而言，應屬一場騙局。

3. The prosecutor's grounds of determining that the perpetrators of this case are involved in human trafficking
  - (1) **"Fraud" stated in Item 1, Article 32 of the Human Trafficking Prevention Act:**
    - i. The operations and financial status of CCUT in 2019 were poor, the school was not capable of offering full or half scholarships for foreign students; W. Chai, who was the director of CCUT International Center at the time, had no intention of offering scholarships.
    - ii. CCUT did not apply for the Industry-Academia Collaboration Program for International Students to the Ministry of Education, and objectively was not capable of offering Internship of high-tech companies or the faculty proficient to teach full-English courses.
    - iii. Therefore, for the Ugandan students in this case, the venture is fraudulent.

# 招生海報

## UGHUA FOUNDATION UGANDA LIMITED IN PARTNERSHIP WITH CHUNG CHOU UNIVERSITY OF SCIENCE AND TECHNOLOGY, TAIWAN WORK-STUDY SCHOLARSHIPS FOR ACADEMIC YEAR 2019/2020

Applications are invited from suitably qualified Ugandan scholars to pursue studies at Bachelors level with a focus on the courses below for four years starting **2019/2020** Academic Year.

### DEGREE

#### COLLEGE OF ENGINEERING

1. Mechanical Engineering
2. Electrical Engineering
3. Media & Game Science

#### DEPARTMENT OF HEALTH

1. Health
2. Landscape Architecture
3. Early Child Hood And Family Education
4. Culinary Arts
5. Exercise & Health Promotion

#### COLLEGE OF TOURISM & BUSINESS MANAGEMENT

1. Marketing & Logistics Management
2. Information Management
3. Tourism Leisure Management
4. Motion Pictures & Videos Communications
5. Creative Fashion Design & Management

#### MASTERS DEGREE

1. Masters in Health Food
2. Masters in Engineering Technology

#### Terms of Scholarship

1. The successful candidates will be required to complete the course within four years (Bachelors Level).
2. A Student **MUST** possess a valid **PASS PORT** and **YELLOW FEVER VACCINATION CARD**.
3. A Student **MUST** present their copies of academic documents for both Uganda Certificate of Education (UCE) and Uganda Advanced Certificate of Education (UACE) certified by Uganda National Examination Board (UNEB).
5. A Student **MUST** obtain a letter of good conduct from the Interpol.

**Note:** Studies are to be conducted in both English & Chinese languages.

#### INTERNSHIP.

- Students while in Taiwan will have an opportunity to work in their different field of study, whereby they will be earning a special package to enable them meet the costs of living and university fees.

#### ELIGIBILITY

- A Candidate must possess a good **GRADE IN SENIOR SIX** at least two principle passes with (A, B & C) in Arts and at least (A, B, C, D) in sciences.
- Applicants for the undergraduate programs have to be between **18-23 years** old and not more than **30 years** for those applying for postgraduate or master's programs.

#### Procedure of Application:

- Application letter with a recent passport photograph, indicating age, sex, course, home district, telephone contact, email address together with photocopies of academic certificates and transcripts, Recommendation letters from former school, family and residence/security **Giso** or RDC and should be addressed to:

**WEB SITE:** [www.ccut.edu.tw](http://www.ccut.edu.tw)

**CHUNG CHOU UNIVERSITY OF SCIENCE AND TECHNOLOGY, TAIWAN**

**And hand delivered or Email to:**

**Shangri-la Muyenga Hotel**  
**PLOT 1234 BERNABUS ROAD MUYENGA**  
**FORMER REST CORNER**  
**+256776888663 (Stephen Naita),**  
**Email: [ughua16@ccut.edu.tw](mailto:ughua16@ccut.edu.tw)**

**UGHUA FOUNDATION UGANDA LIMITED**  
**PLOT 8/10 TERNAN AVENUE KAMPALA**  
**INSIDE KAMPALA CLUB PREMISES**  
**TEL: +256757888667 (Mark)**

# Recruitment poster

## UGHUA FOUNDATION UGANDA LIMITED IN PARTNERSHIP WITH CHUNG CHOU UNIVERSITY OF SCIENCE AND TECHNOLOGY, TAIWAN WORK-STUDY SCHOLARSHIPS FOR ACADEMIC YEAR 2019/2020

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(二) 人口販運防制法第32條之「從事勞動與報酬顯不相當之工作」：

- 1、被告陳○良與望○公司等企業簽立「人才招募契約」，企業依陳○良「派工」人數及約定時薪，將薪資總數全部匯給陳○良。
- 2、陳○良自公司收到上開款項後，會先抽取其自稱之成本費用（**其實就是高達「派工」薪資總額約4分之1的仲介費**），然後自行另外製作薪資表，將經過其扣除後的薪水以現金方式交付給「派工」。
- 3、烏干達留學生都是在完全沒有加班費、必須經常性在三更半夜超時工作，**有人單月工作時數高達300小時**，更不要說有些勞動場所提供的勞動環境相當惡劣。

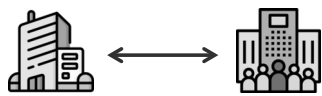
(→雇主完全不給加班費，算不算「顯不相當」？)

(2) “Labor to which pay is not commensurate with the work duty” stated in Article 32 of the Human Trafficking Prevention Act:

- i. Defendant L. Chen signed a recruitment agreement with companies including W Technology Limited, whereas the companies transfer the total wage payment to L. Chen according to the number of workers “dispatched” and the agreed hourly wage.
- ii. Upon receiving the payment stated above, L. Chen would withhold the proclaimed “costs” (**meaning the broker fee as high as a quarter of the dispatch wages**), compile his own payroll, and make payment to the “dispatched workers” in cash.
- iii. The Ugandan students work excessive hours entirely with no overtime wages and often work in night shifts, **some even worked as much as 300 hours a month**. Moreover, some of the workplace have poor work conditions.

(→Does it constitute “not commensurate with the work duty” if the employer doesn’t pay overtime wages at all?)

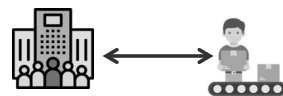
## 神不知鬼不覺的剝削方式



企業

金盟企業社

簽訂「人力派遣服務契約書」等契約，雙方在契約訂約定企業給勞工之時薪，以此方式建立「人力派遣服務契約書」之外觀



金盟企業社

學生

沒有簽立書面契約，但在學生不清楚我國法律規定之情況下，為學生投保勞工保險

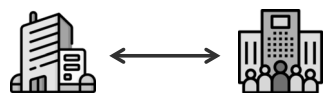
◆假設雙方約定內容：  
企業給勞工薪水230元->  
發薪水時就是以此標準，計算其  
應該支付多少金額給金盟企業社

◆金盟企業社向學生表示：  
企業給的薪水是時薪180元，薪資按此  
標準計算，每月薪水由我們代發，學生  
也只能用這個標準驗算薪水是否正確

**學生每小時時薪50元直接進了金盟企業社口袋**

學生均認為企業提供之工作時薪為180元，根本不知道金盟企業社直接從他們薪水中直接扣錢的事情

## Exploitation without the victims knowing



Employer companies

Chinmeng Enterprise Co.

Signing Recruitment Agreement for Dispatched Workers, specifying the hourly wage to make up for the appearance of a dispatching service



Chinmeng Enterprise Co.

Students

Applying for labor insurance for the students without any written agreement while the students were not familiar with Taiwan regulations

◆ Suppose that the two parties agreed to the following terms:  
Employer companies offer an hourly wage of NT\$230 for the dispatcher workers ->  
This serves as the standard for wage payment, which was transferred to Chinmeng Enterprise Co.

◆ Chinmeng Enterprise Co. told the students that: The hourly wage is NT\$180, and the payment was made by Chinmeng Enterprise, leaving the students no other means to verify whether the wages they receive

**NT\$50 of every hour a student makes goes straight to the pocket of Chinmeng Enterprise Co.**

While the students assumed that the hourly wage from the employer companies was NT\$180, they didn't know that Chinmeng Enterprise Co. was taking a profit directly out of their wages

**(三) 人口販運防制法第32條第2項之「不當債務」：**

- 1、不當債務約束係指以「內容或清償方式不確定」或「顯不合理之債務」約束他人。
- 2、烏干達籍留學生事實上並未積欠林○良任何債務，被告林○良、藍○鈴等人卻仍在浮報費用後提出之借據，要求本案烏干達留學生填寫，自屬內容或清償方式不確定之債務。
- 3、中州大學在根本沒有辦法提供適當課程這點而言，『繳學費』對烏干達留學生而言，就已經是顯不合理之債務。

**(3) “Debt bondage” stated in Item 2, Article 32 of the Human Trafficking Prevention Act:**

- i. Debt bondage refers to binding a person over “unspecified content or payment method” or “clearly unreasonable debt”
- ii. The Ugandan students in reality did not owe L. Lin any debt while L. Lin and L. Lan et al requesting the students to sign the loan certificates after they inflated the “fees” incurred. This constitutes “unspecified content or payment method”
- iii. CCUT is not capable of providing appropriate courses in the first place, which constitutes “clearly unreasonable debt” for the Ugandan students

被害人等簽下的借據

THE REPUBLIC OF UGANDA  
IN THE MATTER OF THE CONTRACT ACT.  
**COMMITMENT AGREEMENT**

THIS COMMITMENT AGREEMENT entered into this 03 day of.....  
..... 2019.

BETWEEN


Mrs. HSIEH CHUN CHI. [herein after referred to as the 1<sup>st</sup> party].

AND

Mr./ Ms. [REDACTED] [hereinafter referred to as the 2<sup>nd</sup> party]  
witnesseth:-

**THE PARTIES AGREE AS FOLLOWS:-**

1. The 1<sup>st</sup> party undertakes to pay an air ticket and travel expense for the 2<sup>nd</sup> Party from Kampala to Entebbe Airport to Swaziland aka ESwatini to appear at the Taiwan Embassy in Swaziland/Eswatini where he/she will apply for **Student Resident Visa** to Taiwan.
2. That the 2<sup>nd</sup> agrees to refund to second Party a consideration of **USD 1,554 (One Thousand Five Hundred Fifty-Four)**, being the sum of money spent on purchasing the air ticket and travel expenditures for the 2<sup>nd</sup> Party by the 1<sup>st</sup> Party
3. That the 2<sup>nd</sup> agrees to refund to second Party a consideration of **USD 1,906 (One Thousand Nine Hundred Six)**, being the sum of money spent on purchasing the air ticket to Taiwan and administrative expenditure for the 2<sup>nd</sup> Party by the 1<sup>st</sup> Party.
4. The amount stated in Clause 2&3 **USD 3,460 (Three Thousand Four Hundred Sixty)**, will be paid by the 2<sup>nd</sup> Party upon reaching Taiwan.
5. The said refund will be made from the 2<sup>nd</sup> Party's upon getting source of income in Taiwan.
6. The 2<sup>nd</sup> Party undertakes to live to the doctrine of Utmost good faith and refund the said amounts to the 1<sup>st</sup> party using the 1<sup>st</sup> Party's BANK DETAILS which will be availed to the 2<sup>nd</sup> Party.



Loan certificate signed by the victims

THE REPUBLIC OF UGANDA  
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IN WITNESS WHEREOF, the Parties have caused their signatures to be affixed hereunto this agreement, the date and year first above mentioned.

Signatures

1<sup>st</sup> PARTY

Name : Mrs. HSIEH CHUN CHI

Signature : \_\_\_\_\_

Date : \_\_\_\_\_

2<sup>nd</sup> PARTY

Name : \_\_\_\_\_

Signature : \_\_\_\_\_

Date : 03/11/2019

IN PRESENCE OF:

Name : \_\_\_\_\_

Signature : 林 玟 君

DATE : 3/11/2019

IN WITNESS WHEREOF, the Parties have caused their signatures to be affixed hereunto this agreement, the date and year first above mentioned.

Signatures

1<sup>st</sup> PARTY

Name : Mrs. HSIEH CHUN CHI

Signature : \_\_\_\_\_

Date : \_\_\_\_\_

2<sup>nd</sup> PARTY

Name : \_\_\_\_\_

Signature : \_\_\_\_\_

Date : 03/11/2019

IN PRESENCE OF:

Name : \_\_\_\_\_

Signature : 林 玟 君

DATE : 3/11/2019

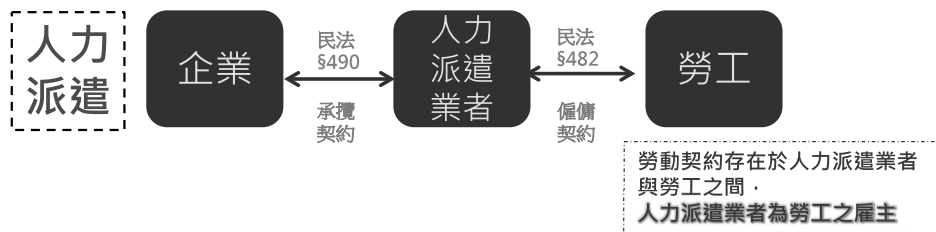
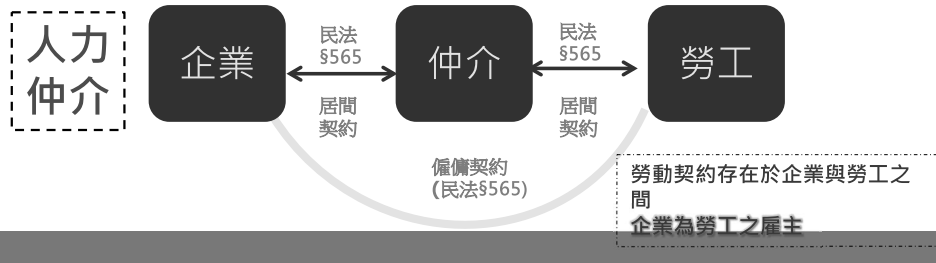
#### 四、想盡辦法鑽法律漏洞的人力仲介

這個案子最具爭議法律問題在於：陳○良究係本案烏干達留學生之「人力仲介」還是「雇主」？陳○良本人多次強調自己是本案烏干達留學生之雇主，是以人力派遣派工方式將本案烏干達留學生派往望○公司等企業上班，不是人力仲介。陳○良如此主張的理由在於，因為烏干達留學生的勞保投保單位是「金盟企業社」，所以其是本案烏干達留學生的雇主，但法律解釋適用結果是否如此？

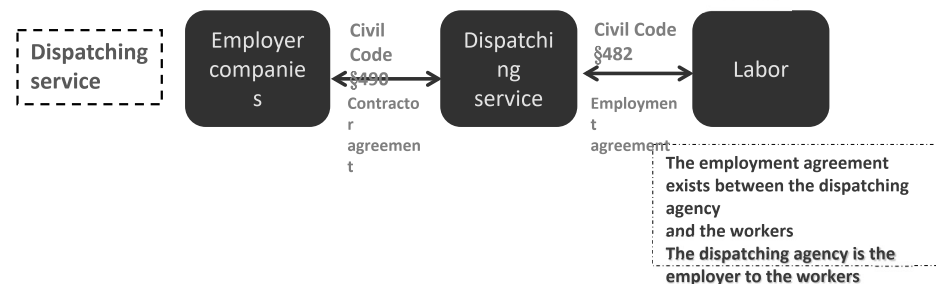
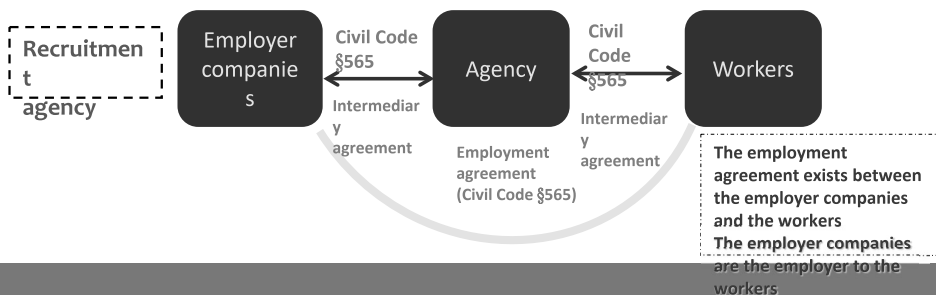
#### 4. Recruitment agency looking for legal loopholes

The most controversial legal issue in this case is: Is L. Chen the *recruitment agent* or *employer* to the Ugandan students? L. Chen claimed for multiple times that he is the *employer* of these Ugandan students, dispatching the students to W Technology Limited and other companies for work, not a recruitment agent. L. Chen made such claim because the insurer of the labor insurance of the Ugandan students was Chinmeng Enterprise Co., making it the employer of the Ugandan students. Does such interpretation of the law apply to this case?

## 人力仲介與人力派遣之區制



## Difference between a recruitment agency and a dispatching service



(一) 勞動基準法第2條規定「派遣勞工：指受派遣事業單位僱用」，可知所謂的「人力派遣」，以本案而言指的是陳○良經營「金盟企業社」，與烏干達留學生間有「僱傭契約」存在；若雙方之間無法認定存在僱傭契約，則雙方就不具有派遣勞動關係。依據上開判斷標準，檢視如下：

1、雙方有無契約紙本？沒有。陳○良遭檢調搜索3次，均未扣得類此僱傭契約紙本。

2、僱傭契約是否有效，要審酌契約當事人間之意思表示是否合致，本案烏干達留學生根本都不懂中文，烏干達留學生均認為其等係受雇於望○公司等企業，被告藍○鈴是人力仲介，對陳○良的印象最多就是「曾住過在這個人在苗栗的宿舍」、「這個人會來發薪水」，沒有任何人認為陳○良是雇主。

(1) Article 2 of the Labor Standards Act states that “Dispatched worker means a worker who is employed by a dispatching entity.” In this case, the dispatching entity would be Chinmeng Enterprise Co. operated by L. Chen. If Chinmeng has employment agreements with the Ugandan students, the employment exists; whereas no employment agreement exists between Chinmeng and the students, their relationship doesn't constitute of dispatching service. Based on the above, let's examine:

i. Do both parties have a written copy of the employment agreement? No. L. Chen was searched by the investigators for three times, no such copies of employment agreement were found.

ii. **The effectiveness of an employment agreement depends on whether the two parties of the agreement manifest consistent intent. In this case, the Ugandan students couldn't even read Chinese.** The Ugandan students consider themselves employed by W Technology Limited and other companies while defendant L. Lan is a recruitment agent. Their impression of L. Chen was that they lived in this person's dorm, this person hands out wages, etc. None of the students regarded L. Chen as the employer.

- (二) 本案調查結果，在工作上對烏干達留學生有任免（包括面試）權利者，均為其等提供勞務之望○公司等企業，而非「金盟企業社」。陳○良經營人力仲介業將近20年，另有一家「○○國際科技有限公司」專職在經營外國藍領人力仲介，**陳○良非常清楚知悉留學生不能透過藍領人力仲介方式派工，使用「金盟企業社」名義鑽法律漏洞。**
- (三) 綜合以上，陳○良係屬仲介烏干達留學生前去望○公司等企業上班之行為，違反就業服務法第34條第2項「未經許可，不得從事就業服務業務」規定，依同法第65條第1項之規定，依法應裁處新臺幣30萬元以上150萬元以下罰鍰。
- (四) 本案起訴後，彰化縣政府接受檢察官上開法律見解，改以上開法律規定對陳○良、藍○鈴等人作成行政裁罰。

- (2) According to investigations of this case, the parties holding the power to appoint or remove any Ugandan student at work were W Technology Limited and other employer companies, not Chinmeng Enterprise Co. L. Chen has working as a recruitment agent for nearly 20 years and he owns another agency (○○ International Technology Limited) specializing in the recruitment of blue-collar foreign workers. **L. Chen is fully aware that foreign students cannot be dispatched in the same way as other blue-collar foreign workers, thus aiming to use the legal loophole in the name of Chinmeng Enterprise Co.**
- (3) Based on the above, L. Chen **is the agent who brokers the Ugandan students** to work at W Technology Limited and other companies, which violated Item 2, Article 34 of the Employment Service Act that "no private employment services institution may engage in employment services businesses without having obtained operation permit." Based on Item 1, Article 65 of the same law, such conduct "shall be fined therefore an amount of at least NT\$ 300,000 and at most NT\$ 1,500,000."
- (4) **After the prosecution of this case, the Changhua County Government accepted the legal opinions of the prosecutor stated above, and resorted to administrative sanction to L. Chen, L. Lan et al.**

## 五、失能的苗栗縣政府勞工及青年發展處

其實僅依「報導者」報導內提供之照片，應可以知道其轄內企業有違反就業服務法第50條等相關規定之高度可能性（本圖片截取自上開報導內容）

序號	姓名	身分證字號	性別	年齡	婚姻狀況	學歷	薪資	勞務費	勞務費(NTD)	合計	備註		
1	陳偉勳	20194110	男	150.0	180	27,000	27,000						
2	張存傑	20198110	男	158.0	180	28,440	28,440	90	552	1,620	2,172	24,870	
3	杜建雄	20209024	男	190.0	180	34,200	35,200						
4	楊國強	20209024	男	169.0	180	35,420	700	31,220					
5	楊國強	20209044	男	158.0	180	28,440	28,440	90	552	1,620	2,430	28,710	
6	黃國強	20209022	男	140.0	180	25,200	25,200	90	552	1,750	2,340	26,990	
7	黃子偉	20209022	男	143.0	180	29,340	500	29,840	45	552	2,322	2,874	25,453
8	黃子偉	20209022	男	152.0	180	37,820	900	38,720	45	552	2,322	2,919	35,761
9	高小偉	20209019	男	189.0	180	34,020	1,000	35,020	45	552	2,202	2,499	32,522
10	郭子偉	20209019	男	100.0	180	18,000	18,000						
11	郭子偉	20209019	男	190.0	180	34,200	1,500	35,700					
12	郭子偉	20209019	男	100.0	180	18,000	18,000						
13	楊子偉	20207784	男	190.0	180	34,200	500	34,700					
14	蔡志強	20207784	男	110.0	180	18,000	18,000	45	255	1,188	1,488	18,822	
15	蔡志強	20207784	男	78.0	180	18,000	14,940	45	1,264	842	2,121	21,889	

「工廠的人知道我們欠學校錢，對我們很兇。」G說，她們在工廠不時會受到大賁斥責或有點粗魯的對待，她想要好一點的打工，但因需要

非洲外籍生在望華科技工作的薪資單。學生的工作時數全部超過法定一週40小時的限制。（圖片提供/受訪者）

## v. The dysfunctional Labor and Youth Development Department of Miaoli County

In fact, only judging from photos in The Reporter's article, the Department should be able to tell that companies under its jurisdiction are likely to violate Article 50 of the Employment Service Act and other relevant regulations (photo taken from The Reporter's article)

序號	姓名	身分證字號	性別	年齡	婚姻狀況	學歷	薪資	勞務費	勞務費(NTD)	合計	備註		
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## 伍、後續

- 一、本案烏干達籍留學生之現況
- 二、由本案衍生之其他案件



## V. Aftermath

1. Current status of the Ugandan students of this case
2. Other cases derived from this case

## 陸、結論

### 一、致謝臺灣彰化地方法院願意支持檢察官：

本案歷經4次大規模搜索，地點包括政府機關、民間企業及大學院校等性質上很容易發生爭議的處所。

### 二、德國刑事法學家李士特 ( F.V.Liszt 1851-1919 ) 觀點「最好的社會政策就是最好的刑事政策」：

設法建立合理而非極度嚴苛的外籍移工管理方式，適度加強對外籍留學生於我國境內工作之管理與輔導，讓居心不良的人力仲介、學校、企業無法再藉由類似本案之行為獲得利益，才能真正解決問題。

### 三、中央勞政機關缺乏充分監督機制：

勞動條件之檢查、裁罰全屬地方政府職權，本家中已經能看到這種立法方式的缺點，似有檢討必要。

### 四、分享：檢察官偵辦此案最感動的一刻

## VI. Conclusion

### 1. Great thanks to Taiwan Changhua District Court for supporting the prosecutor:

In this case, there were 4 waves of massive searches at locations such as governmental agencies, private corporations, and universities, which may be controversial.

### 2. German criminal law researcher F.V.Liszt (1851-1919) - the best social policy is the best criminal policy:

Only by formulating reasonable management instead of harsh or cruel ones and providing sufficient management and assistance for foreign students working in Taiwan, preventing from ill-intentioned recruitment agency, schools, and corporations from benefiting from conduct similar to this case, can we completely solve the problem.

### 3. Central government in charge of labor policies lack oversight:

Labor inspections and punishment both fall under the authorities of the local governments. We can already see the shortcomings of such legislative design in this case, which may require further examination.

### 4. Personal note: the moment that touched the prosecutor the most during the investigation of this case



**外籍學生權益保障與人口販運防制策略**  
**Protection of Foreign Students' Rights and**  
**Interests and Related Strategies for Human**  
**Trafficking Prevention**

**主講人**

**日本京都大學副教授**

**安里和晃**

**Speaker**

**Mr. Wako Asato**

**Associate Professor, Kyoto University, Japan**

主講人  
履歷

## 日本京都大學副教授 安里和晃



學歷  
現職  
經歷

日本龍谷大學經濟學博士

京都大學文學研究科 跨文化研究部門副教授

安里和晃先生是日本京都大學文學研究科跨文化研究部門的副教授。他在東亞和東南亞以及一些歐洲國家的福祉制度和公民制度相互交織的高齡化和護理移民進行廣泛的研究。社會融合也是其感興趣的另一個主題。他曾擔任京都市多元文化政策委員會的顧問。他還有效地實施了食物救濟計劃，同時與外國居民社區進行互動並提供大量諮詢。他在2014年獲得了菲律賓總統獎。

CV of  
Speaker

**Mr. Wako Asato**  
**Kyoto University, Japan, Associate Professor**



Education  
Current  
Position  
Experience

PhD. in Economics, Ryukoku University, Japan  
Associate Professor, Division of Transcultural Studies,  
Graduate School of Letters, Kyoto University

Mr. Wako Asato is an associate professor at the Division of Transcultural Studies of the Graduate School of Letters, Kyoto University, Japan. He conducts extensive research on ageing and care migration in East and Southeast Asia and some European countries intertwining welfare regimes and citizenship regimes. Social integration is also another topic of interest in receiving societies. He has served as an advisor for Committee on the Multicultural Policy in Kyoto City. He also effectively implements a food relief program, while concurrently engaging with the foreign residents' community and offering a substantial number of consultations. He was an awardee of the Presidential Award of the Philippines in 2014.

# 債務結構：以學生與實習生為例

ASATO Wako

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京都大學大學院文學研究科

# The mechanism of indebtedness: from the example of students and trainees

ASATO Wako

asatowako@gmail.com

Graduate School of Letters, Kyoto University

## 簡報大綱

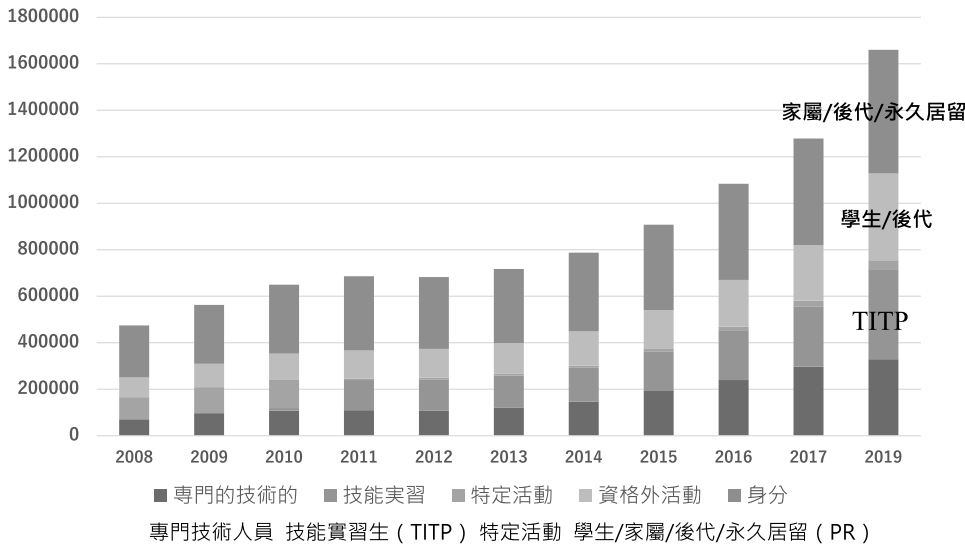
- TIP報告中有關日本的人口販運問題
- 學生相關政策
- 債務結構
- TITP政策
- 債務與失聯率
- 其他人口販運樣態
- 結論

## Contents of presentation

- Trafficking in Japan from TIP
- Student policy
- Mechanism of indebtedness
- Policy on TITP
- Mechanism of indebtedness
- Indebtedness and runaway ratio
- Other forms of trafficking
- Conclusion

# 取得居留資格之外籍勞動人數

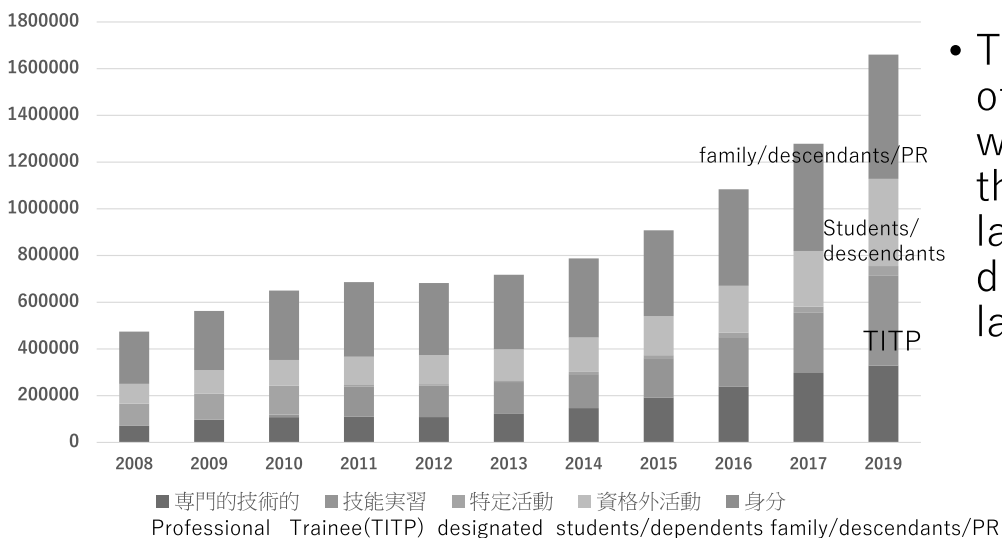
在留資格別外国人労働者



- 技能實習制度 (TITP) 實習生的快速增加，顯示該制度補足了國際勞動市場中勞動供給和需求之間的差距。

# No. of foreign worker by status of residence

在留資格別外国人労働者



- The rapid increase of TITP shows TITP working as bridging the gap between labor supply and demand in the intl labor market

## 日本人口販運趨勢

- 演藝人員
- 外國技能實習生
- 學生

## Trafficking trend of Japan

- Entertainer
- TITP
- students

very hard 10hrs standing walking lifting everyday

21:03

i need to save atleast 1M yen but i could not have that till may 1st week

既読  
21:03

12月15日 10万円  
1月15日 10万円ですね。  
これ以上遅くなることは認め  
ません。

返答して下さい。

40万円の返金をお願いします。

## 學生為日本人口販運的高風險族群

日本にいる間に自然な状況による文末の署名者が死亡した場合、  
5 全ての金銭あるいは他の任意義務行為から、ジュジュ社、その行  
業者、又は、社員を、開放し、権利放棄し、又、永久に放棄します。

40万返してください。  
束です。

かしこまりました先生。

5 hrs · 2

次は入国管理局に行って報告してきま  
す！

VISAとりけしだな

very hard 10hrs standing walking lifting everyday

21:03

i need to save atleast 1M yen but i could not have that till may 1st week

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返答して下さい。

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## High risk of students' migration to Japan

日本にいる間に自然な状況による文末の署名者が死亡した場合、  
5 全ての金銭あるいは他の任意義務行為から、ジュジュ社、その行  
業者、又は、社員を、開放し、権利放棄し、又、永久に放棄します。

40万返してください。  
束です。

かしこまりました先生。

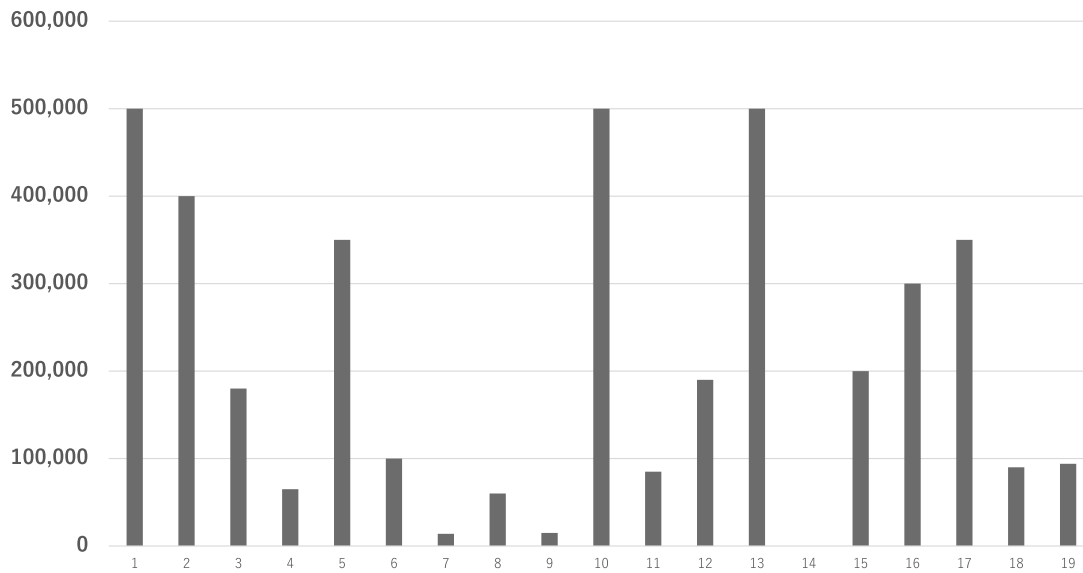
5 hrs · 2

次は入国管理局に行って報告してきま  
す！

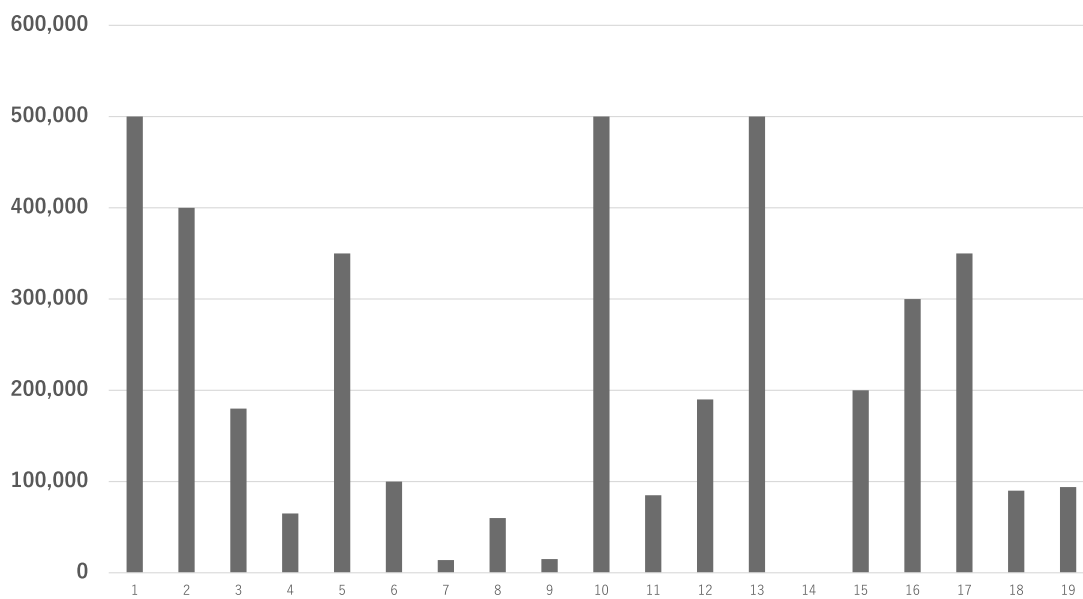
VISAとりけしだな



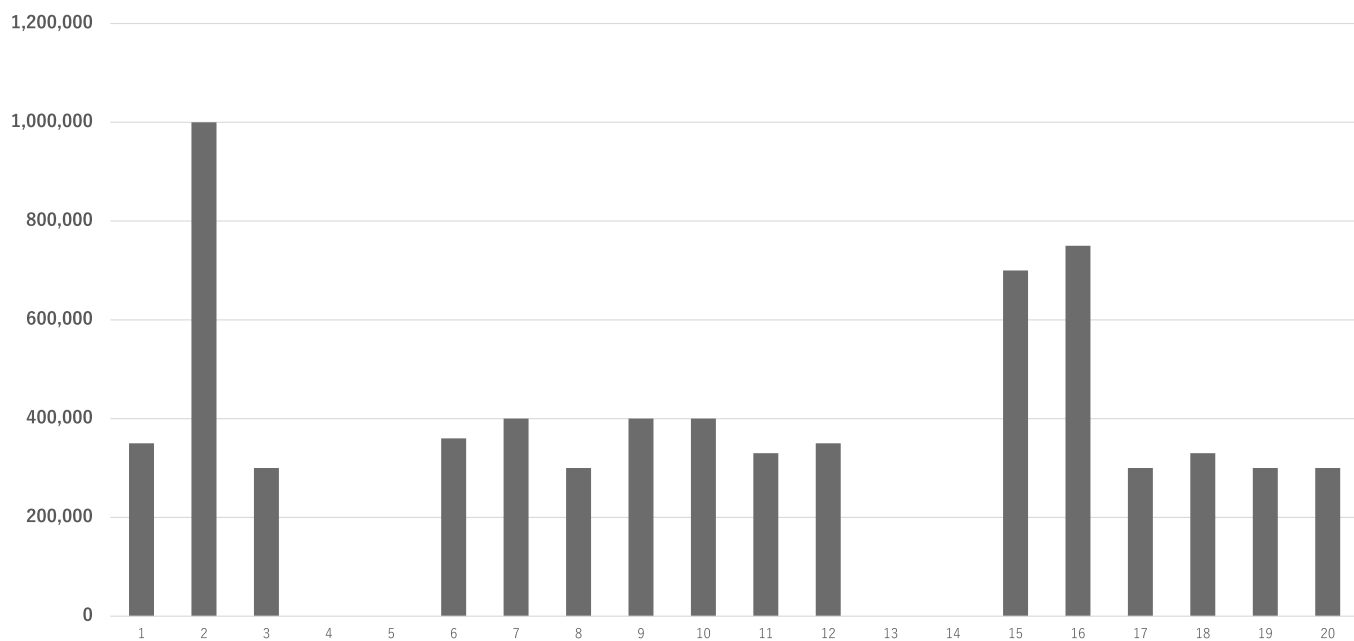
## 在菲律賓支付的金額 (日圓)



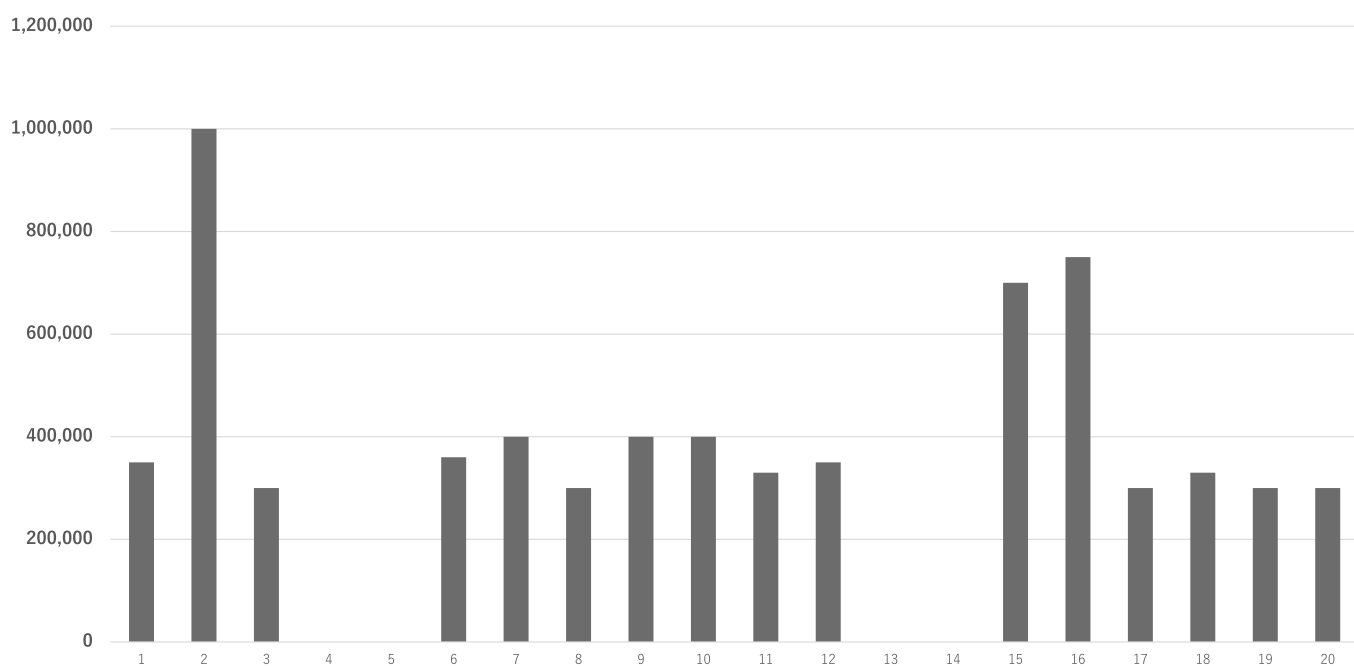
## payment in the Philippines (in Yen)



## 在日本的獎學金/借貸

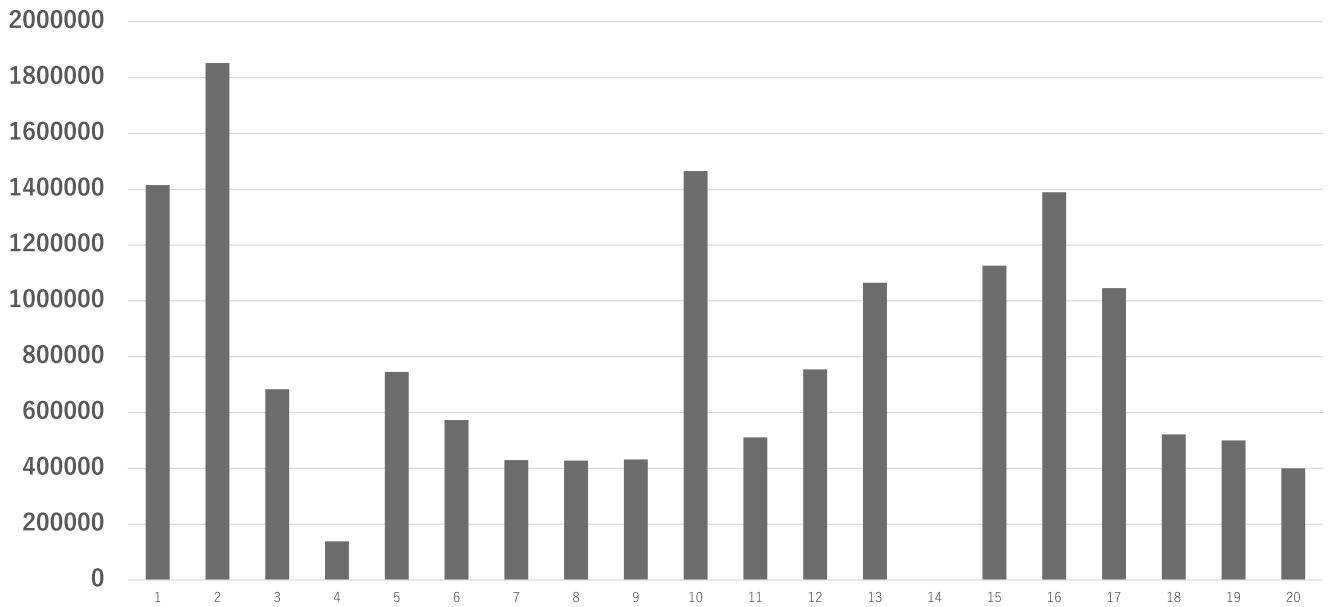


## scholarship/loan in Japan



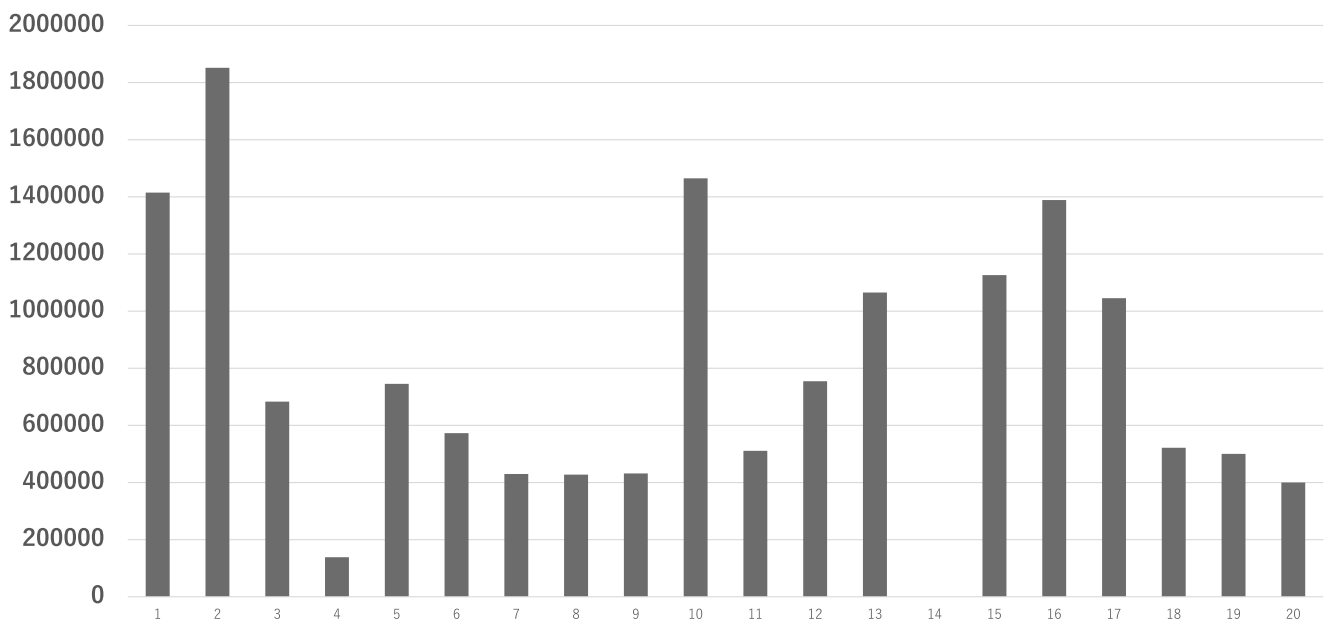
# 在菲律賓及日本的支出總額

第14位受訪者未作答



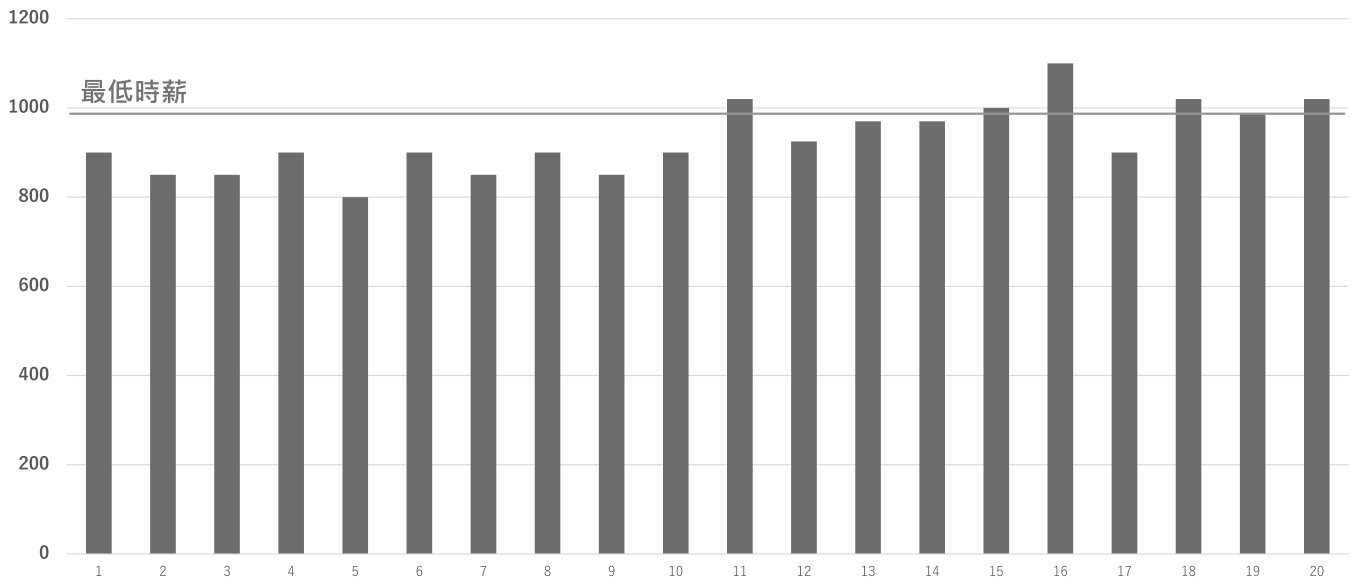
# total pay in the Phil and Japan

No. 14 No answer

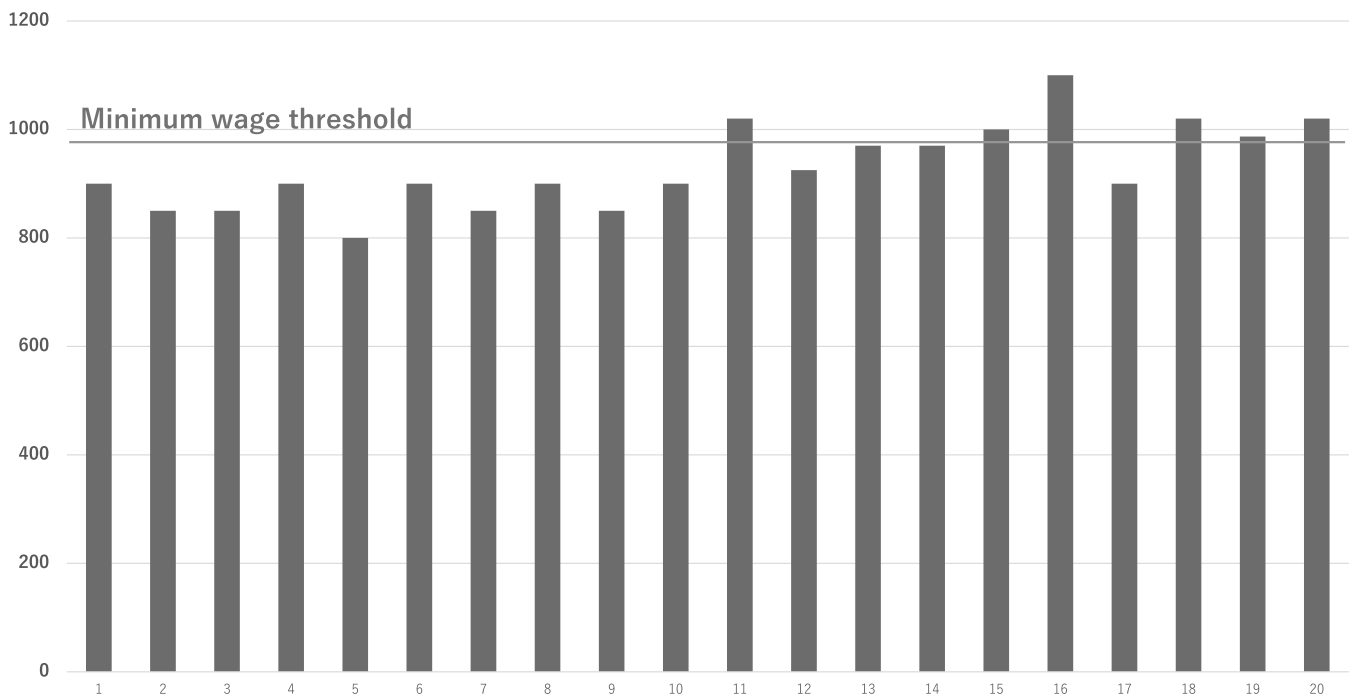


## 時薪

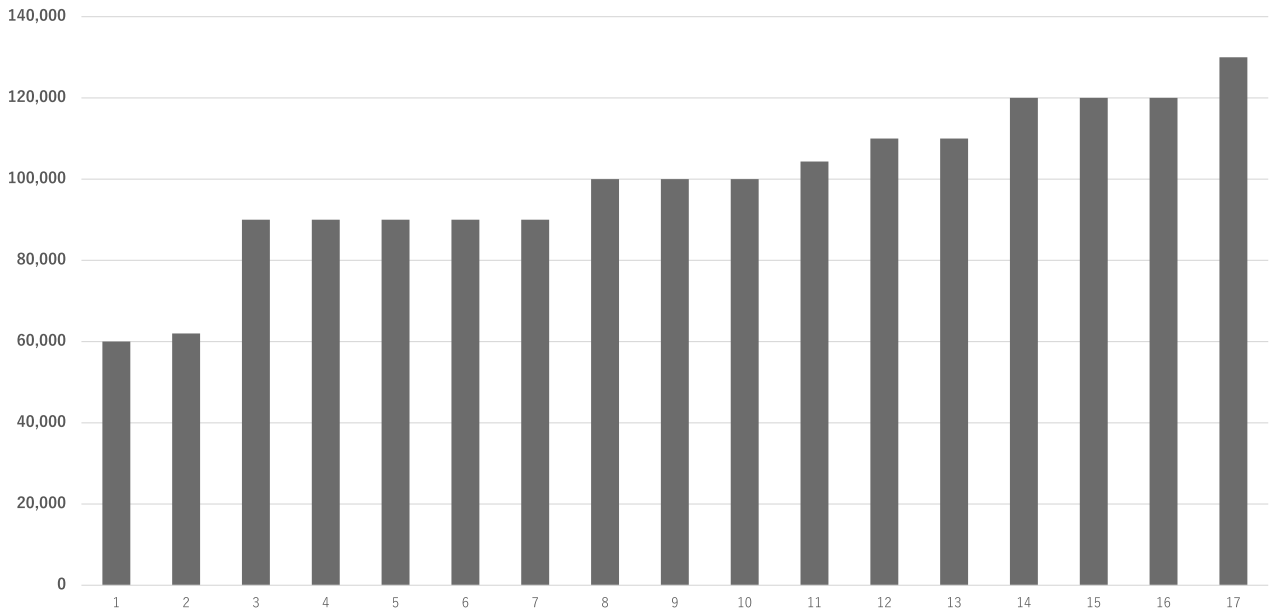
(自2018年10月1日起，法定最低工資為983日圓/小時)



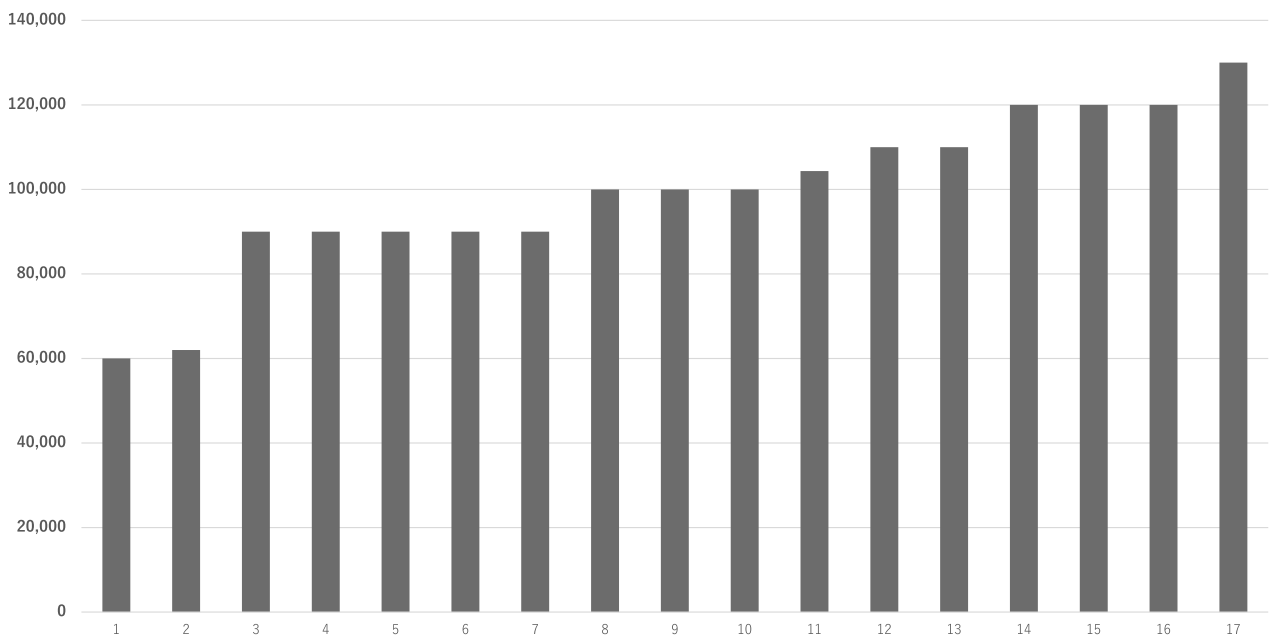
hourly wage (983yen/hour is minimum wage after Oct. 1, 2018)



## 薪資淨所得 (實得薪資)

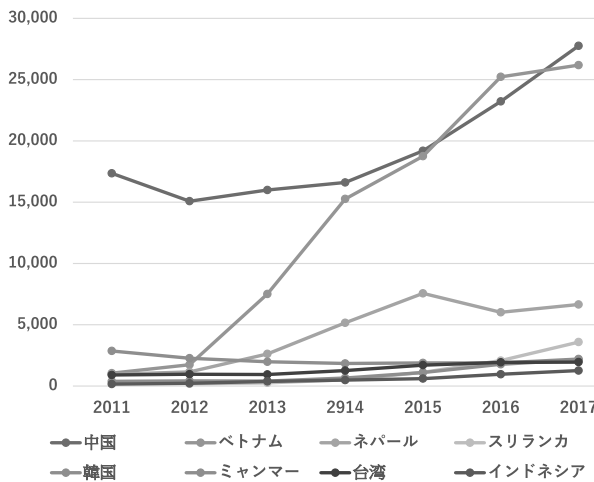


## net salary (take-home pay)



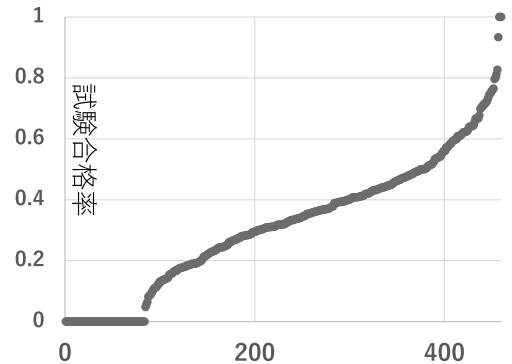
# 日本語学校各国籍学生人数成長率 留学生の増加率

国別日本語学校留学生数の推移



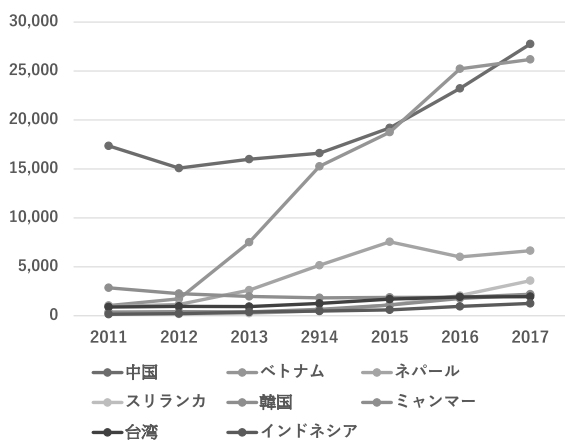
国名	2017/2011 の増加率
中国	1.6
中国	1.6
ベトナム	25.0
越南	25.0
ネパール	6.9
尼泊爾	6.9
スリランカ	20.5
斯里蘭卡	20.5
韓国	0.8
韓國	0.8
ミャンマー	5.6
緬甸	5.6
台湾	2.2
台灣	2.2
インドネシア	8.0
印尼	8.0

日本語学校における学校別日  
本語能力試験の合格率  
(n=460, avg.=31.6)



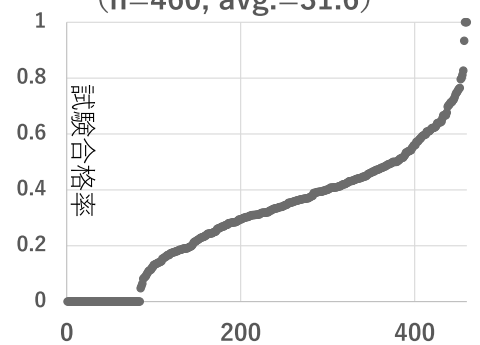
# Foreign students in Japanese language school by nationality 留学生の増加率

国別日本語学校留学生数の推移



国名	2017/2011 の増加率
中国China	1.6
ベトナム	25.0
VN	25.0
ネパール	6.9
Nepal	6.9
スリランカ	20.5
SriLanka	20.5
韓国Korea	0.8
韓国	0.8
ミャンマー	5.6
Myanmar	5.6
台湾	2.2
Taiwan	2.2
インドネシ ア	8.0
インドネシ ア	8.0

日本語学校における学校別  
日本語能力試験の合格率  
(n=460, avg.=31.6)



## 校園霸凌或虐待

- 7人答有，13人答無
- 叫喊
- 他們生氣時會大吼大叫。他們只想從學生身上獲取金錢，並不在乎學生工作時是否有遭受虐待或謾罵
- 強迫我回到母國
- 有些學生被迫交出獎學金
- 老師總是在大吼大叫
- 有些老師會對學生說很苛刻的話，還有丟瓶子或任何他們可以丟的東西。大部分學生都被仲介機構欺騙了。

## Bully or abuse at school

- Yes 7 and No 13
- Yelling
- shouting if they are angry. All they want from student is money, but they don't care if students are abused from work.
- Forced me to go to my home country.
- Some of students are forced to pay Shogakukin (scholarship).
- teacher always yelling
- some teachers say harsh words to students, throw bottles or anything they can throw. Most of the students are being scammed by the agencies.

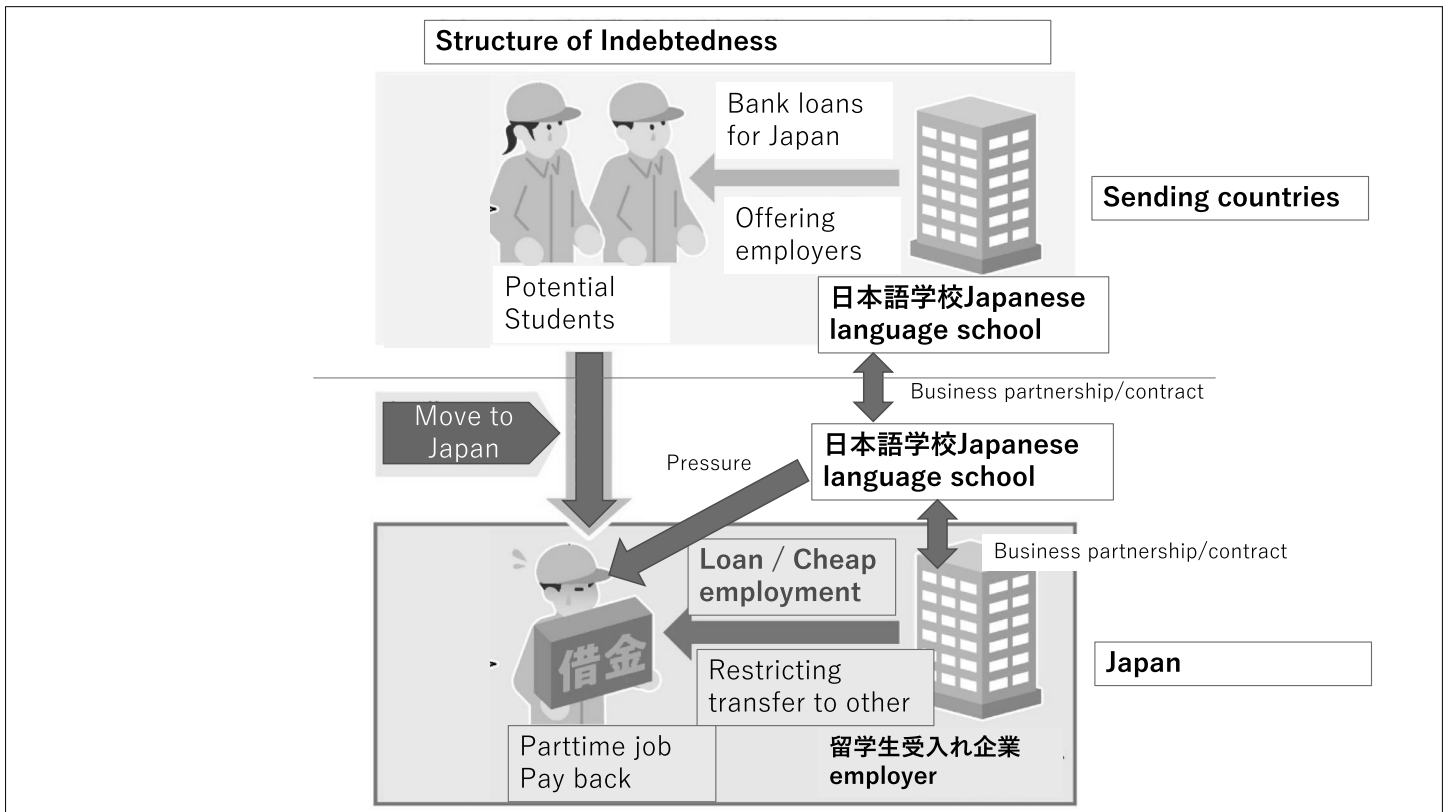
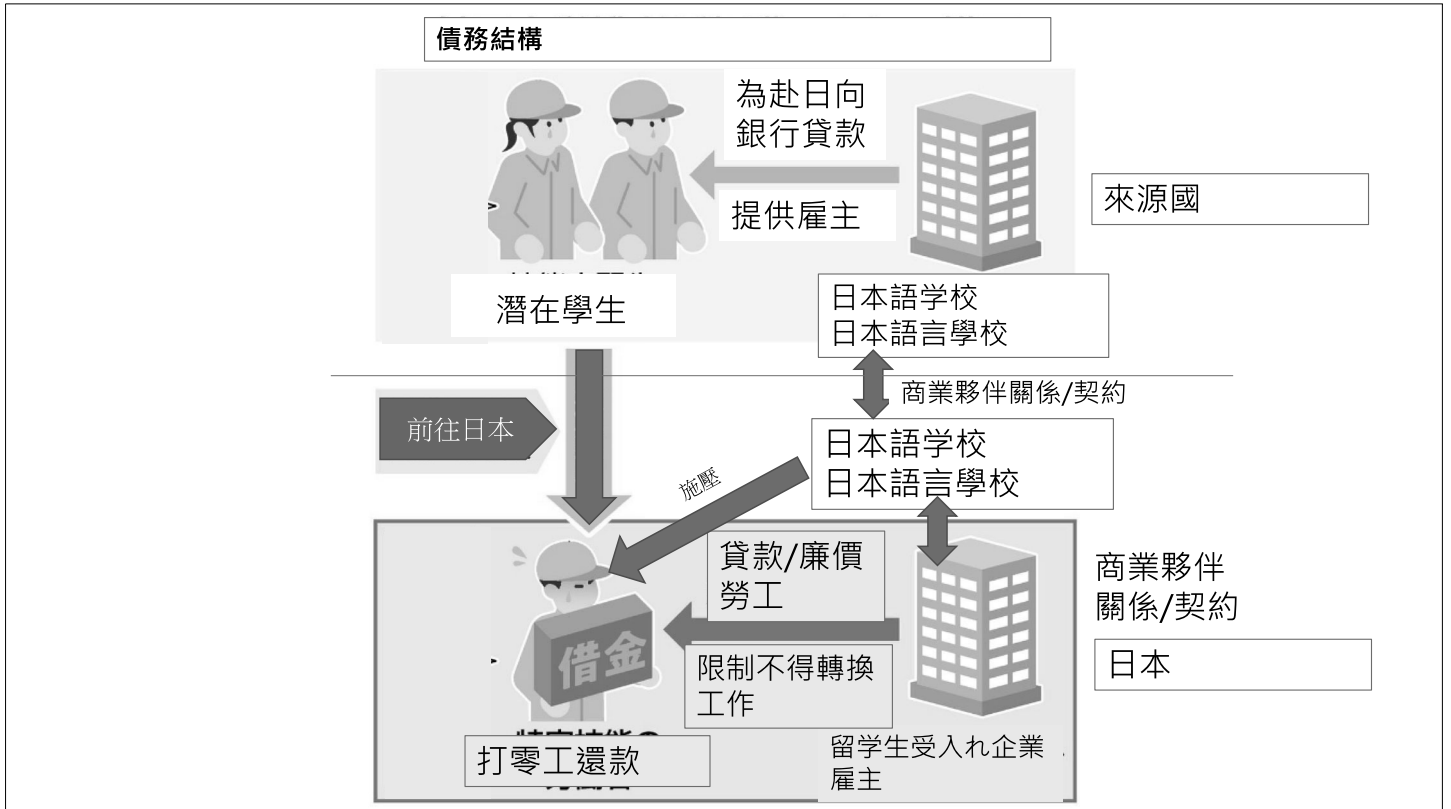
## 職場霸凌或虐待

- 9人答有
- 我們一天工作10小時，卻沒有加班費。
- 長時間工作，契約裡面並未提及我們是學生；強迫我們簽署文件，沒辦法拒絕；沒拿到薪水；至少工作16小時，卻連咖啡都沒有。
- 因為我還沒有還雇主40萬元，學校拒絕核發我就讀高等職業學校所需要的文件。
- 他們總是責怪我們明明已經在學日語，為什麼口說還不流利。
- 有些日本人聽到我們在說母語時會歧視我們；有些同事會使喚我們做雜事。

## Bully or abuse in the workplaces

- Yes, 9,
- we worked 10hrs a day with no overtime pay.
- Working long hour without mentioning as a student in the contract. forcing to sign papers. Can't say NO. Unpaid Wages. Even no coffee at least 16 hour yakin work.
- my school does not release my documents for going to upper vocational school because I still haven't return 40万 to my employer.
- They always say to us that your studying Japanese language and why is that you can still able to speak fluently.
- some of Japanese discriminate us when they heard we speak our mother language. some workmates commanded us to do this and that.





## 結論

- 金融基礎設施與學生債務問題
- 司法管轄的欠缺 ( 缺乏監督機制 )
- 日本語言學校對於來源國提供的職缺
- 貸款規定/日本指定雇主給付低薪
- 收入不足 ( 積欠學費 )
- 學生行蹤不明與犯罪

## conclusion

- Financial infrastructure and indebtedness of students
- absence of jurisdictional authority (absence of supervision)
- Job offer by Japanese language school of sending countries
- Loan provision/underpayment of preassigned employer in Japan
- Shortage of income (default of tuition)
- Runaway and criminalization of students



# 第二部分 TITP及人口販運



## PART II TITP and human trafficking

## 外國技能實習生(TITP)失聯概況 ( 千日圓或100美元 )

技能實習生失蹤者の概要					
TITP 失聯情形概況	中國	越南	印尼	菲律賓	整體
樣本總數	1499	1063	118	32	2892
男性比例	0.627	0.692	0.915	0.941	0.673
有效樣本	1469	1042	113	30	2802
因低薪逃逸	1053	657	53	14	1859
比例	0.717	0.631	0.469	0.467	0.663
逃逸前平均工作時間	15.8	17.3	19.5	16.6	16.7
平均招聘成本 ( 萬日圓 )	84.2	102.8	40.8	22.2	88.2
預期薪資 ( 萬日圓 )	15.7	12.6	12.5	12.8	14.4
實際薪資	10.3	9.7	9.5	10.5	10
薪資差異 ( 萬日圓 )	5.4	2.9	3	2.3	4.4
招聘費用/預期薪資	5.36	8.16	3.26	1.73	6.13
招聘費用/實際薪資	8.17	10.60	4.29	2.11	8.82
その他の国々は国籍別になっていないためここでは計上していない。					
出所：実習実施者等から失踪した技能実習生に係る聴取票					
安里 ( 2020 )					
資料來源：法務部					

33

## General condition of TITP “runaways” (JPY K-yen or 100USD)

技能實習生失蹤者の概要					
General condition of TITP “runaways”	China	Vietnam	Indn	Phil	Overall
Total samples	1499	1063	118	32	2892
Ratio of male	0.627	0.692	0.915	0.941	0.673
Valid sample	1469	1042	113	30	2802
Low wage as reason of runaway	1053	657	53	14	1859
ratio	0.717	0.631	0.469	0.467	0.663
Average working period till absconsion	15.8	17.3	19.5	16.6	16.7
Ave. recruitment cost(10k JPY)	84.2	102.8	40.8	22.2	88.2
Expected wage(10k JPY)	15.7	12.6	12.5	12.8	14.4
Actual wage(10k JPY)	10.3	9.7	9.5	10.5	10
Difference between wages (10k JPY)	5.4	2.9	3	2.3	4.4
Recruitment fee/expected wage	5.36	8.16	3.26	1.73	6.13
Recruitment fee/actual wage	8.17	10.60	4.29	2.11	8.82
その他の国々は国籍別になっていないためここでは計上していない。					
出所：実習実施者等から失踪した技能実習生に係る聴取票					
安里 ( 2020 ) originally from					
MOJ					

34

# 失聯比率 失踪率の推移

表3 失踪率の推移

	2013	2014	2015	2016	2017	2018	2019	2020	2021
Vietnam	0.038	0.030	0.030	0.023	0.030	0.035	0.028	0.018	0.030
China	0.022	0.031	0.035	0.025	0.021	0.020	0.016	0.015	0.024
Cambodia	—	—	0.019	0.058	0.106	0.123	0.049	0.050	0.089
Myanmar	0.058	0.170	0.170	0.055	0.073	0.041	0.026	0.018	0.039
Indonesia	0.011	0.023	0.016	0.011	0.011	0.013	0.009	0.007	0.008
Thai	0.016	0.010	0.006	0.005	0.011	0.009	0.005	0.006	0.010
Phil	0.005	0.004	0.005	0.004	0.003	0.002	0.002	0.002	0.002
Others	0.118	0.172	0.121	0.108	0.082	0.027	0.021	0.018	0.016
Total	0.023	0.029	0.030	0.022	0.026	0.028	0.021	0.016	0.026

出所：法務省「在留外国人統計」、法務省, 2022b, 「技能実習生の失踪者数の推移（平成25年～令和4年上半期）」技能実習生の失踪者数の推移」

- 新移民人數的波動
- 新移民通常會提出降低勞動條件或成本，以換取進入勞動力市場
- 可透過柬埔寨和緬甸的數據來作比較

35

# Absconsion ratio 失踪率の推移

表3 失踪率の推移

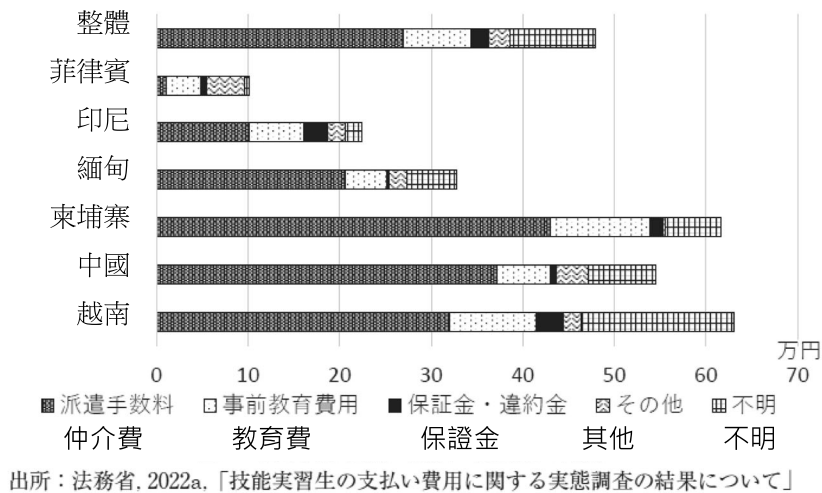
	2013	2014	2015	2016	2017	2018	2019	2020	2021
Vietnam	0.038	0.030	0.030	0.023	0.030	0.035	0.028	0.018	0.030
China	0.022	0.031	0.035	0.025	0.021	0.020	0.016	0.015	0.024
Cambodia	—	—	0.019	0.058	0.106	0.123	0.049	0.050	0.089
Myanmar	0.058	0.170	0.170	0.055	0.073	0.041	0.026	0.018	0.039
Indonesia	0.011	0.023	0.016	0.011	0.011	0.013	0.009	0.007	0.008
Thai	0.016	0.010	0.006	0.005	0.011	0.009	0.005	0.006	0.010
Phil	0.005	0.004	0.005	0.004	0.003	0.002	0.002	0.002	0.002
Others	0.118	0.172	0.121	0.108	0.082	0.027	0.021	0.018	0.016
Total	0.023	0.029	0.030	0.022	0.026	0.028	0.021	0.016	0.026

出所：法務省「在留外国人統計」、法務省, 2022b, 「技能実習生の失踪者数の推移（平成25年～令和4年上半期）」技能実習生の失踪者数の推移」

- Fluctuating number of new immigrants
- New immigrants typically offer to lower labor conditions or costs in exchange for entry into the labor market.
- Cambodia and Myanmar have comparable data.

36

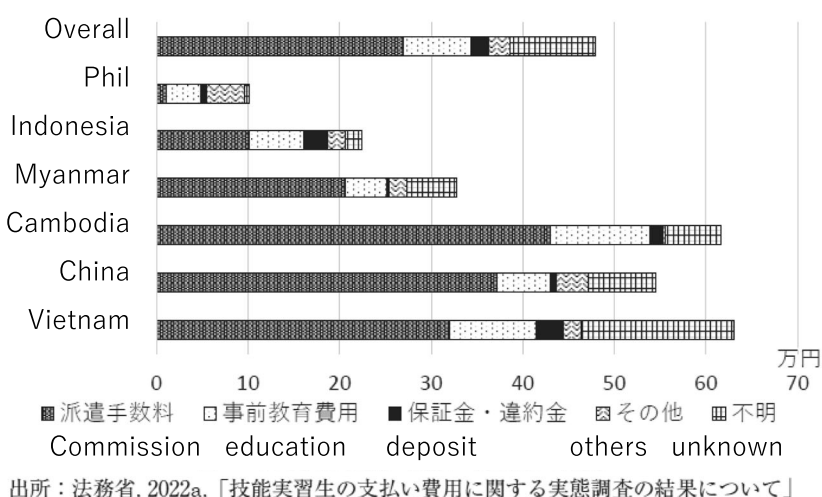
## 支付給仲介機構的費用明細



1. 支付給仲介公司的費用
2. 各國間的差異相當明顯
3. 為何在相同體系之下，會出現這樣的差異？
4. 若僅考慮派遣費及教育費，越南是否符合法定標準？
5. 「高額仲介費」是否意指向仲介公司以外之人所支付的費用？

37

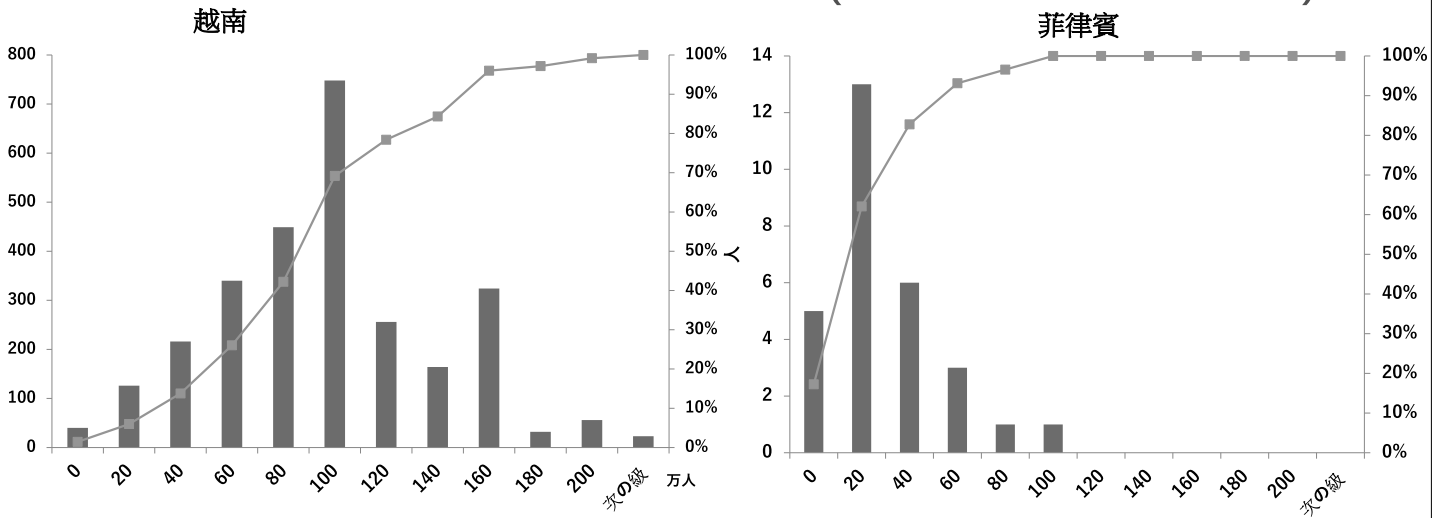
## The breakdown of the expenses paid to the sending agency



1. Fees for the sending agency
2. The differences between countries are clear.
3. Why do differences arise within the same system?
4. If we only consider the total of dispatch fees and educational expenses, does Vietnam also meet the legal requirements?
5. Does "high-cost mediation" refer to payments made to entities other than the sending agency?

38

## TITP失聯者之招聘費用分布圖 ( 萬日圓或百美元 )



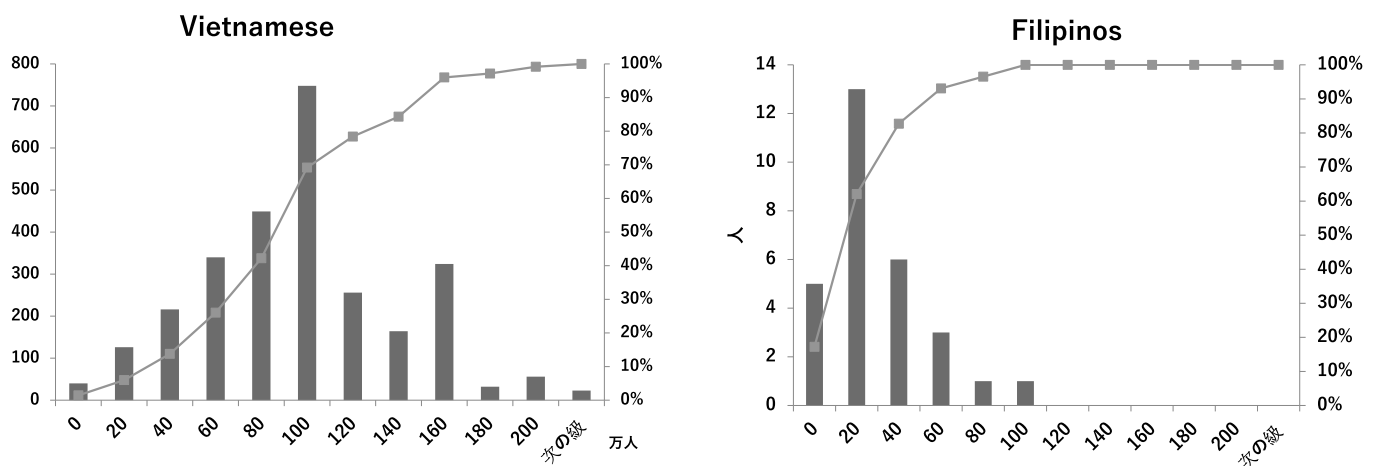
出所：安里 ( 2020 ) 、 「 實習實施者等から失踪した技能実習生に係る聴取票 」 をもとに作成

10k JPY

即便兩者皆為技能實習生(TITP)數據，兩國的仲介費有巨大的落差。在合法的框架下，越南的招聘費用為3,600美元，菲律賓則為零。越南逃逸者的實際招聘費用為1.03百萬日圓，菲律賓則只有0.22百萬日圓，不到五分之一。

39

## Distribution of recruitment fee for absconded TITP (JPY man or hundred USD)



出所：安里 ( 2020 ) 、 「 實習實施者等から失踪した技能実習生に係る聴取票 」 をもとに作成

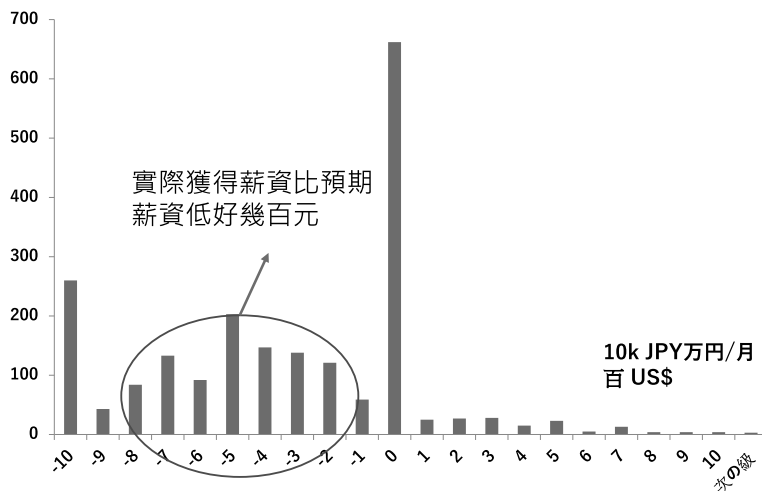
10k JPY

Despite the fact that they are both TITPs, there is a large disparity in brokerage fees between countries. In the legal framework, the recruitment fee in Vietnam is US\$3,600 and in the Philippines it is zero. The actual recruitment fee for "run-away" persons in Vietnam is \$1.03 million, while the fee for in the Philippines' is merely 0.22 million yen, less than a fifth of that amount.

40

## 預期薪資與實際薪資的落差 期待賃金と実際の賃金の差

預期薪資及實際薪資落差



- 在許多案例中，預期薪資比實際薪資要高，且實習生獲得的資訊可能不完整

多くの場合、期待賃金が高く、ちゃんとした情報が与えられていない可能性がある。

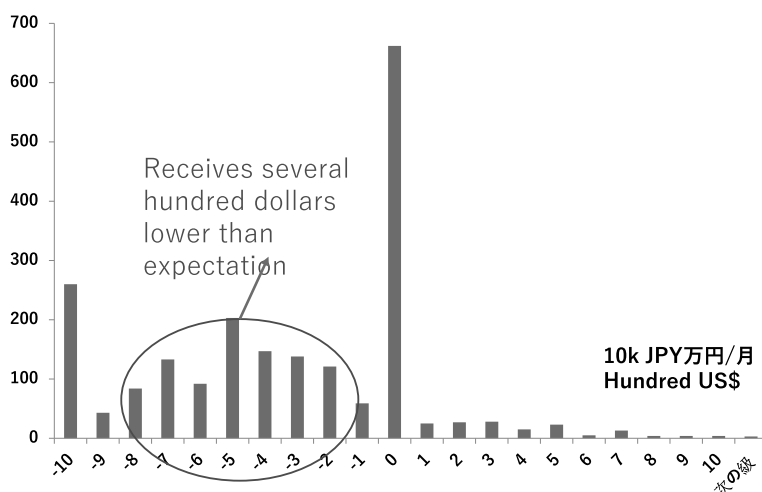
- 高額招聘費用、高預期薪資以及低實際薪資，可能助長逃逸失聯現象

高額斡旋料、高い期待賃金、低賃金が失踪を促進している可能性がある

41

## Gap between expected wage and actual wage 期待賃金と実際の賃金の差

Gap between expected wage and actual wage



- In many cases, the expected wage is higher than actual wage and trainees may not be given the proper information

多くの場合、期待賃金が高く、ちゃんとした情報が与えられていない可能性がある。

- High recruitment fees, high expected wages and low wages may be facilitating disappearances

高額斡旋料、高い期待賃金、低賃金が失踪を促進している可能性がある

42



## 支付仲介機構/代辦者 之初期費用與失聯現象之間的關係

表6 送り出し機関・ブローカーに係る初期費用と失踪者の初期費用

支払費用総額	送出機関に対する支払い (万円)	ブローカーに支払う者の初期費用(万円)	「失踪者」の初期費用(万円)	失踪率
ベトナム	65.6	110.3	102.8	0.028
中国	57.8	84.3	84.2	0.016
インドネシア	23.1	28.1	40.8	0.009
フィリピン	9.4	12.4	22.2	0.002
全体	52.1	85.6	88.2	0.021

出所：表2.3.4より作成

1. 經濟負擔和失聯現象之間存在明確關聯性。
2. 在高負擔國家，初期支付給派送機構之外對象的費用，如仲介，幾乎等同於逃逸者交付的初期費用。
3. 在低負擔國家，逃逸者支付的初期費用，高於支付給仲介、經紀等派送機構之外對象的費用。

## The Relationship Between Initial Costs Paid to Agencies/Brokers and Runaway

表6 送り出し機関・ブローカーに係る初期費用と失踪者の初期費用

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全体	52.1	85.6	88.2	0.021

出所：表2.3.4より作成

1. There is a clear correlation between burden and disappearance.
2. In high-burden countries, the initial costs paid to entities other than the sending agency, such as brokers, are almost equivalent to the initial costs associated with disappearances.
3. In low-burden countries, the initial costs associated with disappearances are higher than the initial costs paid to entities other than the sending agency, such as brokers.

# 結論

1. 債務為失聯主因
2. 國際學生不如移工流動性高，受到的保護有限
3. 日本與派遣國之間的瞭解備忘錄(MOU)未能改變成本結構
4. 技能實習生(TITP)與學生之間的可互換性
5. 因利潤較低，如日本與歐盟經濟夥伴關係協定(EPA)等失聯率較低的協定較不受歡迎
6. 國際勞動市場失能將造成重大挑戰
7. 對於移民的國際協調與管理是必要的

# Conclusion

1. Indebtedness is the primary cause of runaway.
2. International students have limited protection since their mobility is not as labor migrants
3. MOU between Japan and sending countries failed in changing cost structure.
4. Interchangeability between TITP and students.
5. Low runaway ratio such as EPA is not popular due to low profitability.
6. International labor market failure as big challenge.
7. International coordination and management of migration necessary.



與談人  
履歷

## 獨立記者 出井康博



學歷  
簡歷

1990 年畢業於東京早稻田大學，獲得經濟學學士學位。

1990 - 1993 《日經週刊》（現稱為《日經亞洲》）記者

1993 - 1994 華盛頓特區的政治經濟研究聯閣中心（一個專門研究非裔美國人問題的智庫）訪問研究員

1994 年至今 自由記者

經歷

出井康博在日本報導外籍工人和移民議題已有 15 多年，並經常為多家日本出版物寫作，包括《每日現代》、《展望》和《楔子》等。他童年時的夢想是成為一名戰地記者，這一夢想在 2004 年成真，當時他報導了伊拉克戰爭。他最新的出版物是《移民危機：偽造外國學生和奴隸勞工的第一線》，而他之前的書《絕望工廠：日本》則在 2018 年以“絕望工廠 日本：外國留學生與實習生的「現代奴工」實錄”的名義在台灣出版。



- Education      Graduated Waseda University, Tokyo, in 1990 with Bachelor's Degree of Economics.
- Biography      1990-1993 Staff Writer for *The Nikkei Weekly* (Currently *The Nikkei Asia*)  
1993-1994 Visiting Researcher of The Joint Center for Political and Economic Studies, a Washington D.C.-based think tank which specializes in African American issues  
1994-Present Freelance Journalist
- Experience      Mr. Wako Asato has been covering the topics of foreign workers and immigration in Japan for more than 15 years, and writing frequently for a variety of Japanese publications, including *The Daily Gendai*, *Foresight*, and *Wedge*. His childhood dream was to become a war correspondent, which was fulfilled in 2004 by covering the Iraq War. His latest publication is *The Migrant Crisis: The Frontline of Fake Foreign Students and Slave Labor*. His previous book, *The Nippon Desperation Factory*, was published in Taiwan as “絕望工廠 日本：外國留學生與實習生的「現代奴工」實錄” in 2018.

# 日本假留學外籍生現況

出井康博  
記者

# The Reality of Fake Foreign Students in Japan

Yas Idei  
Journalist

## 日本外籍學生達300,000名

各國學生人數成長--

	2012	2019
所有國家	180,919	345,791
越南	8,811	79,292
尼泊爾	4,793	29,413
中國	113,980	144,294
台灣	4,829	10,420

## Japan's 300,000 Int'l Student Plan

Increased students from--

	2012	2019
All countries	180,919	345,791
Vietnam	8,811	79,292
Nepal	4,793	29,413
China	113,980	144,294
Taiwan	4,829	10,420

## 假留學真打工

- 利用假文件取得日本學生簽證，假留學真打工。
- 入境日本即負債約150萬日幣（將近10,000美元）。
- 每週工作超過28小時（留學生工作時數上限）。
- 就讀日本語言學校2年，再進入大學就讀。

## Fake Students

- Get Japan's student visa by using falsified documents to work, not to study.
- Enter Japan with a debt of around ¥1.5 million ( some USD10,000 ).
- Work more than 28 hours a week, a legal limit for international students.
- Study at Japanese language schools for 2 years before entering colleges.





# 學校宿舍



# School Dormitories



## 誰得利？

- 日本語言學校。
- 「F級」大學與技職學校。
- 面臨勞工短缺的公司 – 便當工廠、旅館（清潔工）、貨運公司快遞中心，以及 ---

## Who Are Happy?

- Japanese language schools.
- “F-rank” colleges and vocational schools.
- Companies facing labor shortages – “Bento” (box meal ) factories, hotels (cleaning), delivery centers of shipping companies and ---

## 報紙配送



若沒有外籍生非法勞力，送報業無法存活。

這就是日本新聞媒體將假留學外籍生視為禁忌、不予報導的原因。

## Newspaper Delivery System



Can't be maintained without Illegal work of int'l students.

That is why the topic of fake students is a taboo among the Japanese media!



英國國家犯罪防制局派駐香港  
(兼轄臺灣、日本及澳門)國際聯絡官  
Mr. Andrew Sprake



簡歷

Mr. Andy 是一名經驗豐富的執法人員，在他 28 年的服務生涯中發展了廣泛的知識。1993 年出任英國關務調查員，並於 2006 年任職重大與組織犯罪部門。2013 年成立 NCA 轉任至 NCA。

Mr. Andy 的職業生涯從 20 世紀 90 年代調查販毒集團，包括人口走私、綁架、火器走私、欺詐、腐敗和洗錢。其從執法部門開始，不僅在情報部門工作，亦包括行動部門。

Mr. Andy 於 2006 年在重大和組織部門工作並任職於東非，並訓練肯亞當局使用技術情報、還曾在英屬維爾京羣島工作，調查全球毒品和武器貿易的犯罪集團，以及在土耳其時專注於移民犯罪和人口販運。

2012-2017 年間，Andy 被派往巴基斯坦與土耳其擔任 NCA 聯絡官，與巴基斯坦執法部門密切合作，主要關注毒品交易，亦處理多重綁架、生命威脅、謀殺調查和洗錢。

2017 年底從巴基斯坦返回英國在 2017-2020 年間管理了 NCA 的洗錢和欺詐情報部門。

Mr. Andy 於 2020 年 3 月抵達香港，任期為 4 年，以香港為基地兼轄港、澳、日、臺，致力處理各類嚴重和組織犯罪案。

**Mr. Andrew Sprake**  
**National Crime Agency, U.K., International Liaison**  
**Officer**



Biograph

Andy is an experienced law enforcement officer with a breadth of knowledge developed during his 28 years of service. Beginning as an investigator for Her Majesty's Customs & Excise in 1993, Andy moved into the Serious Organised Crime Agency back in 2006. SOCA then evolved into the National Crime Agency back in 2013.

Andy's career has led him from working on drug trafficking syndicates in the 1990s to tackling a range of criminality including human smuggling, kidnapping, firearms trafficking, fraud, corruption and money laundering. Since starting in Law Enforcement Andy has worked in both the operational arena as well as the covert intelligence field.

Andy first served overseas in East Africa in 2006 with the Serious and Organised Crime Agency where he established and trained the Kenyan authorities in the use of technical intelligence. Andy has also worked in the British Virgin Islands, targeting crime groups involved in the global drugs and firearms trade, as well as in Turkey where he focussed on migration crime and human trafficking.

Between 2012 and 2017 Andy was deployed to Karachi and Islamabad where, as a liaison officer, he worked closely with Pakistan Law Enforcement. Although focussed primarily on the drugs trade this deployment also saw Andy dealing with multiple kidnaps, threats to life, murder enquiries, and money laundering.

Having returned to the UK from Pakistan back at the end of 2017 Andy managed the NCA's Money Laundering and Fraud Intelligence Units between 2017 and 2020.

Andy arrived in Hong Kong for a 4-year posting in March 2020. Although based in Hong Kong, he acts as the National Crime Agency's representative to Hong Kong, Japan, Macau and Taiwan focussing on all types of Serious and Organised Crime.





- 學歷
- ◆ 日本大阪大學人類科學碩士（2019年4月 - 2021年3月）  
研究生輔修項目：公共領域科學與技術教育與研究計劃（STiPS）
  - ◆ 國立清華大學工程與系統科學學士（2013年9月 - 2018年2月）

簡歷

張郁婕是一名自由記者，為全球的華語人士翻譯並報導來自日本的新聞。作為曾在日本留學的前外籍學生，張郁婕關心外國居民所面臨的情況和困境。因此，她專注於研究並撰寫與各種主題相關的文章，包括「在日韓國人」（字面上意指在日本的外國公民，但通常指的是在日本殖民時期來自朝鮮半島的個人或其後裔，在二戰後失去日本國籍），「日裔人士」，技術實習生培訓計劃，以及特定技能工作者計劃。



**Ms. Yu-Chieh Chang**  
**Freelance Journalist and Founder of Ishikawa Kaori's**  
**Japan News**



Education

- ◆ **Osaka University**  
April 2019 - March 2021  
Degree: Master of Human Science  
Graduate Minor Program: Program for Education and Research on Science and Technology in Public Sphere (STiPS)
- ◆ **National Tsing Hua University**  
September 2013 - February 2018  
Degree: Bachelor of Engineering and System Science

Biography

Chang is a freelance journalist who reports and translates news from Japan for Chinese speakers worldwide. As a former foreign student who studied in Japan, Chang is concerned about the situations and circumstances faced by foreign residents. Therefore, Chang dedicates her time to studying and writing articles related to various topics, including "Zainichi" (which literally means foreign citizens in Japan but often refers to individuals or their descendants who can trace their roots back to the Korean Peninsula during Japan's colonization and lost their Japanese nationality after World War II), "Nikkeijin" (people of Japanese descent), the Technical Intern Training Program, and the Specified Skilled Worker program.



## 交通方式

財團法人張榮發基金會國際會議中心

地址：台北市中正區中山南路 11 號

張榮發基金會國際會議中心位於中山南路，正對凱達格蘭大道，緊鄰台大醫院及自由廣場(中正紀念堂)，距離台大醫院捷運站步行約 5 分鐘，至台北車站車程為 5 分鐘。

**開車** (備有地下停車場，可供中小型汽車停放)

- 中山高速公路→建國北路→下高架橋→仁愛路→景福門前
- 中正橋→重慶南路→總統府→凱達格蘭大道→信義路
- 忠孝橋→忠孝西路右轉→中山南路→信義路
- 台北橋→民權西路→中山北路二段→中山南路→信義路

**捷運**

- 搭乘捷運淡水信義線  
至「台大醫院」站 2 號出口下車  
(步行時間約 5 分鐘左右)
- 搭乘捷運淡水信義線或松山新店線  
至「中正紀念堂」站 5 號或 6 號出口下車  
(步行時間約 10 分鐘左右)

**公車**

- 搭乘 37、249、261、270、621、630、651、仁愛幹線公車  
於「仁愛中山路口」下車
- 搭乘 0 東、20、22、38、88、204、588、607、1503 公車  
於「中正紀念堂」下車
- 搭乘 15、208 公車  
於「景福門」下車

## Location and Directions

CHANG YUNG-FA FOUNDATION International Convention Center

Address: No.11, Zhongshan S. Rd., Taipei City 10048, Taiwan (R.O.C.)

CHANG YUNG-FA FOUNDATION International Convention Center is located on Zhongshan South Road. The building faces the Ketagalan Boulevard and is close to the National Taiwan University Hospital and Liberty Square (Chiang Kai-shek Memorial Hall). It is a 5min walk from MRT National Taiwan University Hospital Station and a 5min drive from Taipei Main Station.

**By Car** (our underground parking lot offers parking for small and medium automobiles)

- Zhongshan Freeway → Jianguo N. Rd. → exit viaduct → Renai Rd. → front of Jingfu Gate
- Zhongzheng Bridge → Chongqing S. Rd. → Presidential Office Building → Ketagalan Boulevard → Xinyi Rd.
- Zhongxiao Bridge → turn right at Zhongxiao W. Rd. → Zhongshan S. Rd. → Xinyi Rd.
- Taipei Bridge → Minguan W. Rd. → Sec. 2, Zhongshan N. Rd. → Zhongshan S. Rd. → Xinyi Rd.

**By MRT**

- Take line 2 to National Taiwan University Hospital Station and walk one block south to Sec 1, Renai Road (also called 3rd Blvd). This walk takes approximately five minutes.
- Take line 2, or 3 to the CKS Memorial Hall Station, then across the CKS Memorial Hall to Sec 1, Xinyi Road (also called 2nd Blvd). This walk takes approximately ten minutes.

**By Bus**

- To Renai-Zhongshan Intersection: Bus Nos. 37, 249, 261, 270, 621, 630, 651, Renai Line
- To the CKS Memorial Hall: Bus Nos. 0-East, 20, 22, 38, 88, 204, 588, 607, 1503
- To Jing Fu Men: Bus Nos. 15, 208

