

2017 年防制人口販運國際工作坊

2017 International Workshop on Strategies for Combating Human Trafficking





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會議緣起

人口販運為跨國境、嚴重危害基本人權之犯罪，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。行政院於 95 年 11 月已頒布「行政院防制人口販運行動計畫」通令中央各部會及各地方政府依據該計畫辦理相關防制業務，96 年 1 月進一步於中央成立「行政院防制人口販運協調會報」作為聯繫平臺，整合各部會資源，全力執行防制人口販運工作，執行至今，已逾 10 年。

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，每年邀請國外政府官員及非政府組織、國內各部會及民間團體等人員齊聚一堂，辦理防制人口販運國際工作坊（下簡稱工作坊），共同探討防制人口販運相關議題。今年為使與會者熱絡共同參與，落實工作坊概念，舉辦 2 日全天研討活動，並分為「專題演講」及「分組議題探討」二大項進行。

本次邀請美國、加拿大、泰國、澳大利亞及歐洲等國家政府及國際非政府組織專家學者共同與會，「專題演講」呼應「行政院防制人口販運協調會報」成立 10 週年，對於防制工作做一回顧與展望，並由連續多年獲評第一級國家來臺交流分享工作經驗；「分組議題探討」則對於 2016 與 2017 年人口販運問題報告所提對臺灣建議之重要事項及近來浮現人口販運新興議題，做分組同步討論，探討諸如「避免漁工剝削之查緝成效及預防作為」、「海外勞力剝削預防策略及國際合作」、「加重人口販運查緝偵審力量」、「家事勞動者保障制度策略」等議題，並於閉幕前做總結報告，俾利提出防制新策略。



Introduction of the Workshop

Human trafficking is a cross-border major crime that seriously violates human rights. Developing International bilateral and multilateral (district or global) cooperation on prevention of human trafficking has become an indispensable task. The Executive Yuan, the executive branch of the central government of Taiwan, promulgated the Human Trafficking Prevention Action Plan in November, 2006. Later it started to hold Anti-Human trafficking coordination conferences as a unified communication platform for participants to integrate all government ministry resources in full implementation of anti-human trafficking work every year for more than 10 years.

In order to strengthen cooperation relationships with different countries and enhance the work of preventing human trafficking in Taiwan, National Immigration Agency (NIA) invites foreign government employees, Non-Governmental Organizations (NGO), and national government ministries to the "International Workshop on Strategies for Combating Human Trafficking" (Hereinafter referred to as "The Workshop") in discussion of various topics related to preventing human trafficking. For the purpose of involving participants in discussions actively, the NIA plans two engaging ways to discuss topics, "Lectures on Specific Topics" and "Group Discussion of Specific Issues" during a 2-day workshop this year.

The various experts and scholars working for national governments and NGOs are invited to attend and share their working experiences at this conference from various countries such as America, Canada, Thailand, Australia, and Europe this year. "Lectures on Specific Topics" will take place on the first day of The Workshop which will talk about the achievements, retrospect, and prospect of the "Taiwan combating Human Trafficking Coordination Conference" started by The Executive Yuan for the past 10 years. "Group Discussion of Specific Issues" will proceed on the second day. These sessions will go over important suggestions for Taiwan which was given on "Trafficking in Persons Report (TIP)" in 2016 and 2017. In addition to the recent new emerging issues regarding to human trafficking, we will have profound discussions on a few aspects based on particular subjects such as "Crackdown Achievements and Prevention Measures of the Fishery Workers Exploitation", "Prevention Strategies of Oversea Labor Exploitation and International Cooperation", "Enhancing the Power of the Crackdown, Investigation, and trial of Human Trafficking Cases", "The Strategies of Working Right Institutions of Domestic Workers", and will have four overall session conclusions in the interest of generating new preventative strategies before the closing ceremony.

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 5 分鐘第一次舉牌提醒 時間終了舉牌提醒
與會來賓提問與討論	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.
Roundtable Forum	To give and inquiry, please raise your hand before remark.



會議議程

時間：106 年 07 月 25 日(星期二)

地點：公務人力發展中心福華國際文教會館 1 樓前瞻廳

時間	議程
08:30-09:00	報到
09:00-09:40	開幕致詞、頒獎暨合照
第一場防制人口販運成果回顧及展望	
主持人：	國立政治大學勞工研究所 成之約教授
09:40-10:20	美國近 10 年對各國防制人口販運評比之重要發現及影響探討 主講人： 美國杜克大學史丹福公共政策學院 Judith Kelley 資深副院長
10:20-10:40	茶敘
10:40-11:25	臺灣防制人口販運工作 10 年成效、回顧及展望(一) 主講人：(每位 15 分鐘) 臺灣防制人口販運 10 年成果-政策整體作為暨成效： 內政部移民署移民事務組 李臨鳳組長 現行教育體制下國人宣導成效： 教育部學生事務及特殊教育司 鄭乃文司長 防制外籍勞工人口販運： 勞動部勞動力發展署跨國勞動力管理組 蘇裕國專門委員
11:25-12:25	臺灣防制人口販運工作 10 年成效、回顧及展望(二) 主講人：(每位 15 分鐘) 人口販運起訴成效： 法務部檢察司 許鈺茹檢察官 被害人陪同偵訊成效： 財團法人臺北市婦女救援社會福利事業基金會 白智芳副執行長 雙向交流(30 分鐘) 出席機關：勞動部勞動力發展署、教育部、內政部移民署
12:25-14:10	午餐
第二場國際間人口販運問題報告評比第一級國家分享	
主持人：	行政院防制人口販運協調會報 劉士豪委員
14:10-15:30	亞美尼亞、加拿大防制人口販運評比第一級國家經驗分享 主講人：(每位 40 分鐘) 亞美尼亞聯合衛理救濟委員會 Viktoria Avakova 協調專員 加拿大皇家騎警署 Julie Meeks 資深教官
15:30-15:50	茶敘
15:50-17:00	與談人：(每位 10 分鐘) 美國杜克大學國際人權中心 Jayne Huckerby 主任 財團法人天主教善牧基金會人口販運被害人安置庇護所 林奴娟主任 臺灣展翅協會 陳逸玲秘書長 雙向交流(40 分鐘) 出席機關：外交部、法務部、內政部移民署

會議議程

時間：106年07月26日(星期三) 地點：公務人力發展中心福華國際文教會館

1樓前瞻廳

14樓貴賓廳

時間	議程	時間	議程
第三場加重人口販運查緝偵審力量		第四場避免漁工剝削之查緝成效及預防作為	
主持人：	行政院防制人口販運協調會報 高亘瑩委員	主持人：	行政院防制人口販運協調會報 劉黃麗娟委員
09:00-09:50	澳洲偵辦人口販運案件技巧及司法審判特色 主講人：澳洲聯邦警政署防制人口販運 Simone Butcher 組長	09:00-09:50	泰國 2015、2016 年查緝漁工剝削成效及管理 新措施 主講人：泰國警政署中央調查局 Choosak Apaipakdi 副組長
09:50-10:40	臺灣人口販運司法實務運作及加重求刑判 刑之探討 主講人：瑞麒法律事務所 吳秀娥律師	09:50-10:40	臺灣對境外僱用漁工查緝剝削成效及勞動管 理新作法 主講人：國立政治大學法學院 林良榮助理教授
10:40-11:00	茶敘	10:40-11:00	茶敘
11:00-12:00	與談人：(每位 10 分鐘) 臺灣臺北地方法院檢察署 邱曉華檢察官 財團法人法律扶助基金會臺北分會 宋一心專職律師 雙向交流及分組總結報告(40 分鐘) 出席機關：司法院刑事廳、法務部、 內政部警政署	11:00-12:10	與談人：(每位 10 分鐘) 印尼移工安置保護局 Freddy Panggabean 主任 漁業工作之健康、安全與勞動議題 Peter Hurst 獨立專家 財團法人綠色和平基金會東亞分部 蔡佩芸主任 雙向交流及分組總結報告(40 分鐘) 出席機關：勞動部、行政院農業委員會 漁業署
12:00-13:30	午餐	12:10-13:30	午餐
第五場家事勞動者保障制度策略		第六場海外遭勞力剝削預防策略及國際合作	
主持人：	行政院防制人口販運協調會報 鄭津津委員	主持人：	行政院防制人口販運協調會報 紀惠容委員
13:30-14:20	國際對於家事勞動者之工作時間、休息時 間規範及案例分享 主講人：全球化與組織化之非正式就業婦 女協會 Karin Pape 副處長	13:30-14:20	澳洲對於來澳度假打工遭剝削預防作為與國 際救援合作 主講人：澳洲救世軍基金會 Jenny Stanger 執行長
14:20-15:10	臺灣家事勞動者勞動權益保障政策之探討 主講人：國立臺北大學法律系 郭玲惠教授	14:20-15:00	臺灣避免青年國人海外度假打工落入剝削陷 阱與及時救援 主講人：外交部公眾外交協調會 張進旺專門委員
15:10-15:30	茶敘	15:00-15:20	茶敘
15:30-16:30	與談人： 漁業工作之健康、安全與勞動議題 Peter Hurst 獨立專家(10 分鐘) 財團法人勵馨社會福利事業基金會外 勞庇護所 李凱莉主任(10 分鐘) 雙向交流及分組總結報告(40 分鐘) 出席機關：勞動部勞動力發展署、法 務部、衛生福利部、內政部警政署	15:20-16:20	與談人： 新加坡南洋科技大學 Helena Huang 資深分析師(10 分鐘) 財團法人臺北市婦女救援社會福利事業 基金會 白智芳副執行長(10 分鐘) 雙向交流及分組總結報告(40 分鐘) 出席機關：外交部、教育部、勞動部勞 動力發展署、內政部移民署
16:30-16:40	休息	16:20-16:40	休息(與會人員前往前瞻廳)
16:40-17:00	閉幕暨藍心活動		



Agenda

Date : Tuesday July 25, 2017

Venue: Howard Civil Service International House 1F Visionary Hall

Time	Agenda
08:30-09:00	Registration
09:00-09:40	Opening & Group photo
Session 1 : Retrospect and Prospect of Combating Human Trafficking	
Moderator :	Cheng, Chih-Yu, Professor, Institute for Labour Research, National Chengchi University
09:40-10:20	The Important Discoveries and Effects of American Ranking of TIP Reports for the past 10 years Speaker : Judith Kelley, Senior Associate Dean Professor of Public Policy and Political Science, Duke Sanford School of Public Policy
10:20-10:40	Refreshment
10:40-11:25	The Achievements, Retrospect and Prospect of Taiwan's Combating Human Trafficking for the past 10 years (1) Speaker : 10 Years of Human Trafficking Prevention in Taiwan-Overall Policy Implementation and Results Lee, Ling-Fong, Director, Immigration Affairs Division, National Immigration Agency, Ministry of the Interior(15mins) Propaganda Achievements Under the Education System Cheng, Nai-Wen, Director of Department of Student Affairs and Special Education(15mins) Anti-Human Trafficking in Migrant Workers Su, Yu-Gao, Assistant Director-General of Cross Border Workforce Management Division Workforce Development Agency ,Ministry of Labor(15mins)
11:25-12:25	The Achievements, Retrospect and Prospect of Taiwan's Combating Human Trafficking for the past 10 years (2) Speaker : Prosecution Achievements Hsu, Yu-Ju, Prosecutor of Department of Prosecutorial Affairs(15mins) Achievements of Accompanying Interrogation Jasmine Bai, Deputy Chief Executive of Taipei Women's Rescue Foundation(15mins) Bilateral Exchange(30mins) Participant Agency : Workforce Development Agency ,Ministry of Labor, Ministry of Education ,National Immigration Agency, Ministry of the Interior
12:25-14:10	Lunch Break
Session 2 : Experiences Sharing from Tier 1 countries around the world	
Moderator :	Liu, Shih-Hao, Committee member of Cabinet Anti-TIP Task Force
14:10-15:30	Experiences Sharing from Armenia and Canada Speaker: Viktoria Avakova, Anti-trafficking and Health Programs Coordinator(40mins) Julie Meeks, Senior Instructor of Royal Canadian Mounted Police(40mins)
15:30-15:50	Refreshment
15:50-17:00	Commentators : Jayne Huckerby, Director of Duke International Human Rights Clinic(10mins) Lin, Wen Chuan, Shelter Director of Good Shepherd Social Welfare Services(10 mins) Chen, Yi-Ling, Secretary-General of ECPAT Taiwan(10mins) Bilateral Exchange(40mins) Participant Agency : Ministry of Foreign Affairs, Ministry of Justice, National Immigration Agency, Ministry of the Interior

Agenda

Date : Wednesday July 26, 2017

Venue: Howard Civil Service International House

1F Visionary Hall

14F VIP Room

Time	Agenda	Time	Agenda
Session 3 : Enhancing the Power of the Crackdown, Investigation, and Trial of Human Trafficking Cases		Session 4 : Crackdown Achievements and Prevention Measures of the Fishery Workers Exploitation	
Moderator:	Kao, Hsuan-Ying, Committee member of Cabinet Anti-TIP Task Force	Moderator:	Liuhuang, Li-Chuan, Committee member of Cabinet Anti-TIP Task Force
09:00-09:50	The Skills of Investigating Human Trafficking Cases and the Specialties of Judicial Trial in Australia Speaker : Simone Butcher, Team Leader of Human Trafficking, Australian Federal Police(50mins)	09:00-09:50	Crackdown Achievements and new management measures of the Fishery Workers Exploitation in Thailand from 2015-2016 Speaker : Choosak Apaipakdi Deputy Superintendent of Anti-Trafficking in Persons Division(50mins)
09:50-10:40	The Judicial Practices of Human Trafficking Cases and the Discussion of Heavier Sentences Advocacy Speaker : Jessie Wu, Lawyer of Rechd Attorney at Laws (50mins)	09:50-10:40	Crackdown Achievements and New Management Measures of the Exploitation of the Oversea Hired Fishery Workers in Taiwan Speaker : Lin, Liang Jong, Assistant Professor of College of Law, National Chengchi University(40mins)
10:40-11:00	Refreshment	10:40-11:00	Refreshment
11:00-12:00	Commentators : Ciou, Siao-Hua Prosecutor of Taipei District Prosecutors Office(10mins) Sung, Yi-Hsin, Staff Attorney of Law of Legal Aid Foundation(10mins) Bilateral Exchange and Session Conclusion(40mins) Participant Agency : Judicial Yuan, Ministry of Justice, National Police Agency, Ministry of the Interior	11:00-12:10	Commentators : Freddy Panggabean, Director of International Cooperation, National Board for the Placement and Protection of Indonesian Overseas Workers(10 mins) Peter Hurst, Independent specialist on health, safety and labour issues in fishing(10mins) Tsai, Pei-Yun, Ocean Campaigner of Green Peace Foundation International Labour Organization(10mins) Bilateral Exchange and Session Conclusion(40mins) Participant Agency : Workforce Development Agency, Ministry of Labor, Fisheries Agency of the Council of Agriculture
12:00-13:30	Lunch Break	12:10-13:30	Lunch Break
Session 5 : The Strategies of Working Right Institutions of Domestic Workers		Session 6 : Prevention Strategies of Oversea Labor Exploitation and International Cooperation	
Moderator:	Cheng, Chin-Chin, Committee member of Cabinet Anti-TIP Task Force	Moderator:	Gi,Hui-Joung, Committee member of Cabinet Anti-TIP Task Force
13:30-14:20	The International Regulations of Working Time and Rest Time of Domestic Workers and Case Studies Speaker : Karin Pape, Deputy Director, Organization and Representation Programmer, Women in Informal Employment Globalizing and Organizing, WIEGO(50mins)	13:30-14:20	The Prevention Measures of Holiday Workers Exploitation and International Rescue Cooperation in Australia Speaker : Jenny Stanger, National Manager of the Salvation Army(50mins)
14:20-15:10	The Protection of The Working Rights Institution of Domestic Workers in Taiwan Speaker : Kuo, Ling Hui, Professor of Department of law, National Taipei University (50 mins)	14:20-15:00	The Exploitation Prevention and Rescue Movements of the Local Youths Serving as Holiday Workers Overseas Speaker : Chang,Chin-Wang, Assistant Director General of the Bureau of Consular Affairs(BOCA) of the Ministry of Foreign Affairs(40mins)
15:10-15:30	Refreshment	15:00-15:20	Refreshment
15:30-16:30	Commentators : Peter Hurst, Independent specialist on health, safety and labour issues in fishing(10mins) Lee, Kaili, Shelter Director of The Garden of Hope Foundation(10mins) Bilateral Exchange and Session Conclusion(40mins) Participant Agency : Workforce Development Agency, Ministry of Labor, Ministry of Justice, Ministry of Health and Welfare, National Police Agency, Ministry of the Interior(30mins)	15:20-16:20	Commentators : Helena Huang, Senior Analyst at the Centre for Non-Traditional Security Studies, S. Rajaratnam School of International Studies, Nanyang Technological University (10mins) Jasmine Bai, Deputy Executive of Taipei Women's Rescue Foundation(10mins) Bilateral Exchange and Session Conclusion(40mins) Participant Agency : Ministry of Foreign Affairs, Ministry of Education, Workforce Development Agency, Ministry of Labor, National Immigration Agency, Ministry of the Interior(30mins)
16:30-16:40	Break	16:20-16:40	Break (All participants leave for 1F Visionary Hall)
16:40-17:00	Closure & Blue Heart Campaign		



2017 年防制人口販運國際工作坊

第一場
防制人口販運成果回顧及展望

Session 1
Retrospect and Prospect of Combating Human Trafficking



主持人簡介

成之約

國立政治大學勞工研究所教授



經歷

空中大學社會科學系客座副教授.

東海大學政治系兼任副教授

政治大學勞工研究所副教授.

美國康乃爾大學勞動暨工資關係學院訪問研究員

政治大學勞工研究所教授兼所長.

行政院防制人口販運協調會報委員

勞動部外籍勞工政策協商諮詢小組委員

勞動部就業安定基金管理委員會委員

專長

政治經濟、勞資關係、勞動政策與立法分析、人力資源、勞動政治、國際經濟

Brief Introduction of Moderator

Cheng, Chih-Yu

Professor, Institute for Labor Research, National Chengchi University.



PROFESSIONAL EXPERIENCES

Visiting Associate Professor, Social Sciences, National Open Univ.

Part-time Associate Professor, Political Science, Tunghai Univ.

Associate Professor, Institute for Labor Research, National Chengchi Univ.

Visiting Research Fellow, College of Labor and Industrial Relations, Cornell Univ.

Professor & Chairperson, Institute for Labor Research, National Chengchi Univ.

Committee member of Anti-TIPTask Force, Executive Yuan

Committee member of Consultation Task Force on Foreign Worker Policy,
Ministry of Labor

Committee member of Employment Security Fund Supervisory Committee,
Ministry of Labor

SKILL

Political Economy, Employment Relations, Labor Policy and Legislative Analysis,
Human Resource, International Economics



2017 年防制人口販運國際工作坊

美國近 10 年對各國防制人口販運評比
重要發現及影響探討

*The Important Discoveries and Effects of American Ranking
of TIP Reports for the past 10 years*

主 講 人： **Judith Kelley**

杜克大學史丹福公共政策學院資深副院長

S p e a k e r: **Judith Kelley**

Senior Associate Dean Professor of Public Policy and
Political Science, Duke Sanford School of Public Policy



主講人簡介

Judith Kelley



杜克大學史丹福公共政策學院資深副院長

經歷

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杜克大學公共政策與 Kevin D. Gorter 政治學副教授。

Ethics Kenan 研究所高級研究員

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丹麥奧胡斯大學客座教授

杜克大學公共政策與政治學助理教授

哈佛大學講師

專長

公共政策、政治學

Brief Introduction of Speaker

Judith Kelley

Senior Associate Dean Professor of Public Policy and Political Science, Duke Sanford School of Public Policy



PROFESSIONAL EXPERIENCES

Senior Associate Dean, Sanford School of Public Policy, Duke University, January

Kevin D. Gorter Professor of Public Policy and Political Science, Duke University .

Kevin D. Gorter Associate Professor of Public Policy and Political Science, Duke University

Senior Fellow, Kenan Institute for Ethics

Associate Professor of Public Policy and Political Science, Duke University

Visiting scholar, Aarhus University, Denmark

Assistant Professor of Public Policy and Political Science, Duke University

Lecturer, Harvard University

SKILL

Public Policy, Politics



計分卡外交： 用評分影響國家的名聲與行為



Funded by the Smith Richardson Foundation and the National Science Foundation. All views are my own

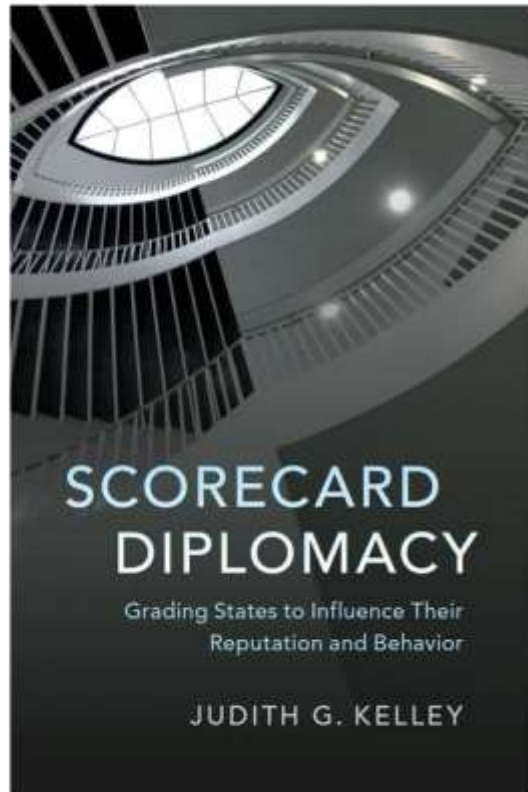
Judith Kelley Duke University

Scorecard Diplomacy: Grading states to influence their reputation and behavior

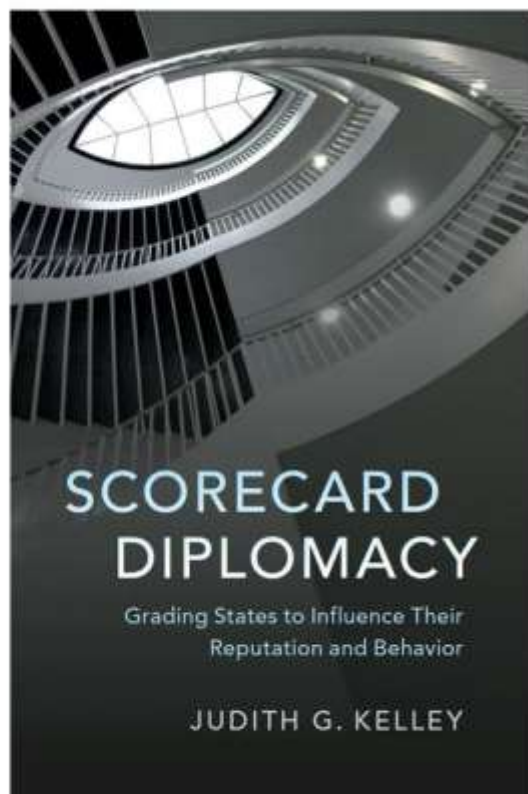


Funded by the Smith Richardson Foundation and the National Science Foundation. All views are my own

Judith Kelley Duke University



www.scorecarddiplomacy.org



www.scorecarddiplomacy.org



震驚！

- 2001年六月：以色列官員對美國國務院的聲明感到震驚。以色列召開緊急會議將此聲明列為最高優先政策。會內反應是“歇斯底里”及“激動”。
- 2005年牙買加：金士頓市長向媒體表示這項議題“把整個國家弄的天翻地覆”。
- 2008年阿曼王國：外交部部長警告大使說阿曼王國可能會“被迫重新評估與美國的所有關係”，宣稱此事等於是在“朋友背後捅一把刀”，並形容此事為個人侮辱。

Shocking!

- June 2001: Israeli officials are in shock over statements by the US DOS. An emergency conference sets the matter as a top policy priority. Reactions resemble “hysteria” and “fireworks.”
- Jamaica 2005: Kingston Mayor tells the press that the issue has “jerked this country” at the highest levels
- Oman 2008: Head MFA warns the ambassador that Oman might be “forced to reassess all aspects of its relationship with the U.S.,” calling the incident “a ‘knife in the back’ of a friend” and describes as a personal insult

人口販運報告 (TIP Report)



The Trafficking in Persons (TIP) report





甘比亞

監測及打擊人口販運辦公室
[2014人口販運報告](#)

.... 甘比亞政府未能遵循消滅人口販運的最低基準, 也沒有盡最大的努力來落實這些基準 . . .

3Ps: 預防(prevention), 保護(protection), 起訴(prosecution)



The Gambia

OFFICE TO MONITOR AND COMBAT
TRAFFICKING IN PERSONS
[2014 Trafficking in Persons Report](#)

.... The Government of The Gambia **does not fully comply** with the minimum standards for the elimination of trafficking and **is not making significant efforts to do so**.....

3 Ps: prevention, protection, prosecution



甘比亞

監測及打擊人口販運辦公室
[2014人口販運報告](#)

...甘比亞政府未能遵循消滅人口販運最低基準，也沒有盡最大的努力來落實這些基準。

第3級



The Gambia

OFFICE TO MONITOR AND COMBAT
TRAFFICKING IN PERSONS
[2014 Trafficking in Persons Report](#)

.... The Government of The Gambia *does not fully comply* with the minimum standards for the elimination of trafficking and *is not making significant efforts to do so*...

Tier 3



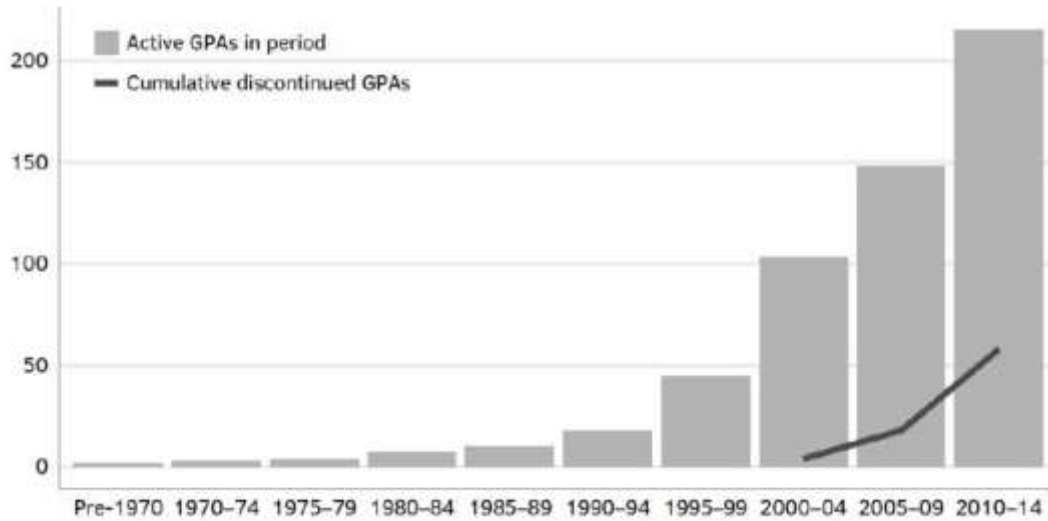
計分卡外交



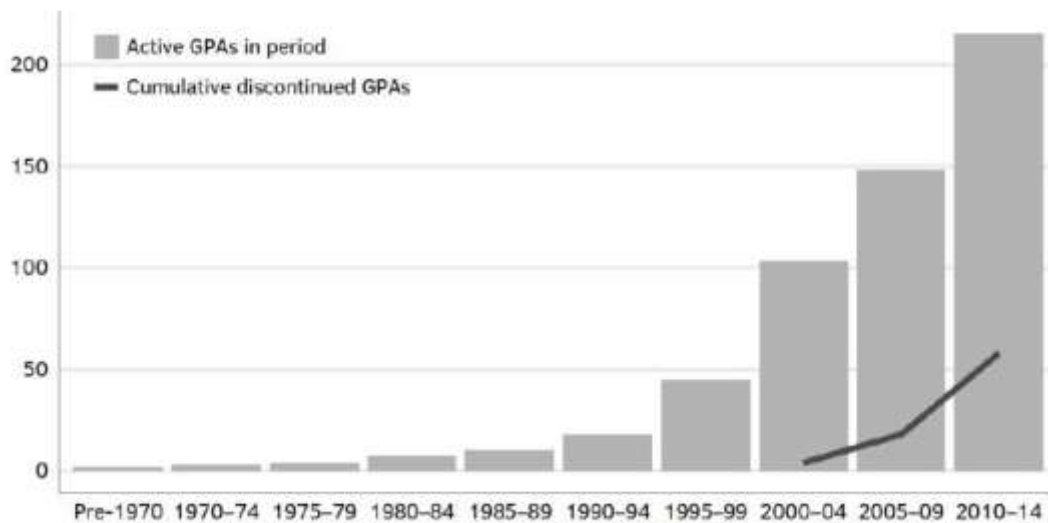
Scorecard Diplomacy



使用相似評分及分級系統逐年增長中



Rise of similar ratings and rankings





問題



- 當國家被監測及評分時，會做出回應嗎？
- 如果會，為什麼要做出回應？何時回應？會如何回應？
- 對這個策略的支持與反對立場為何？

Questions



- Do countries respond to being monitored and rated?
- If so, WHY, WHEN, and HOW do they respond?
- What are the pros and cons of this strategy?

論點

名聲的力量可以用來影響國家

- 計分卡外交將監測及評分系統與傳統外交相結
- 與羞辱不同
- 對名聲的重視具有催化作用，並可有助於其他的承諾
- 計分卡外交是否有效取決於效用建立於三項因素：曝光、感受性、優先性
- 不只為了錢，更為了形象及合法性

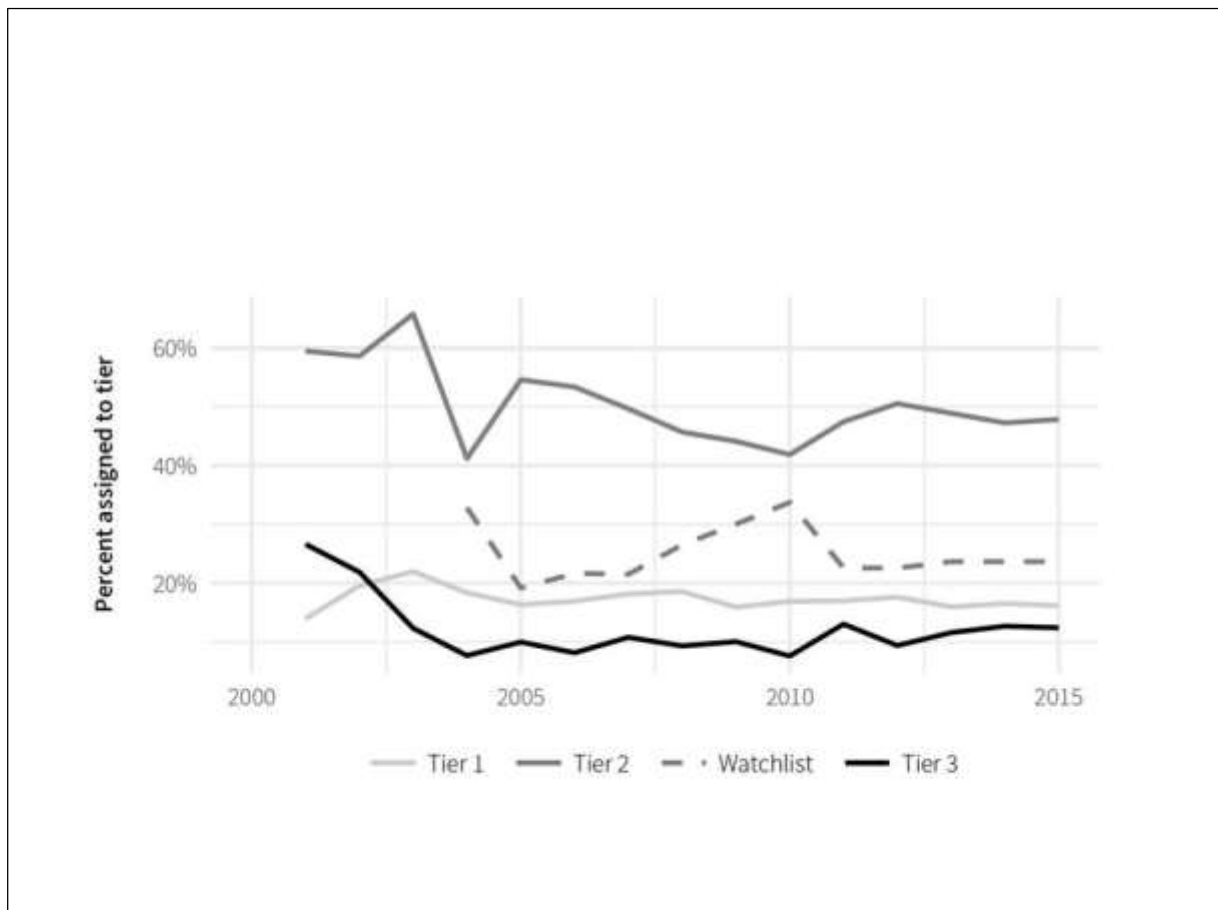
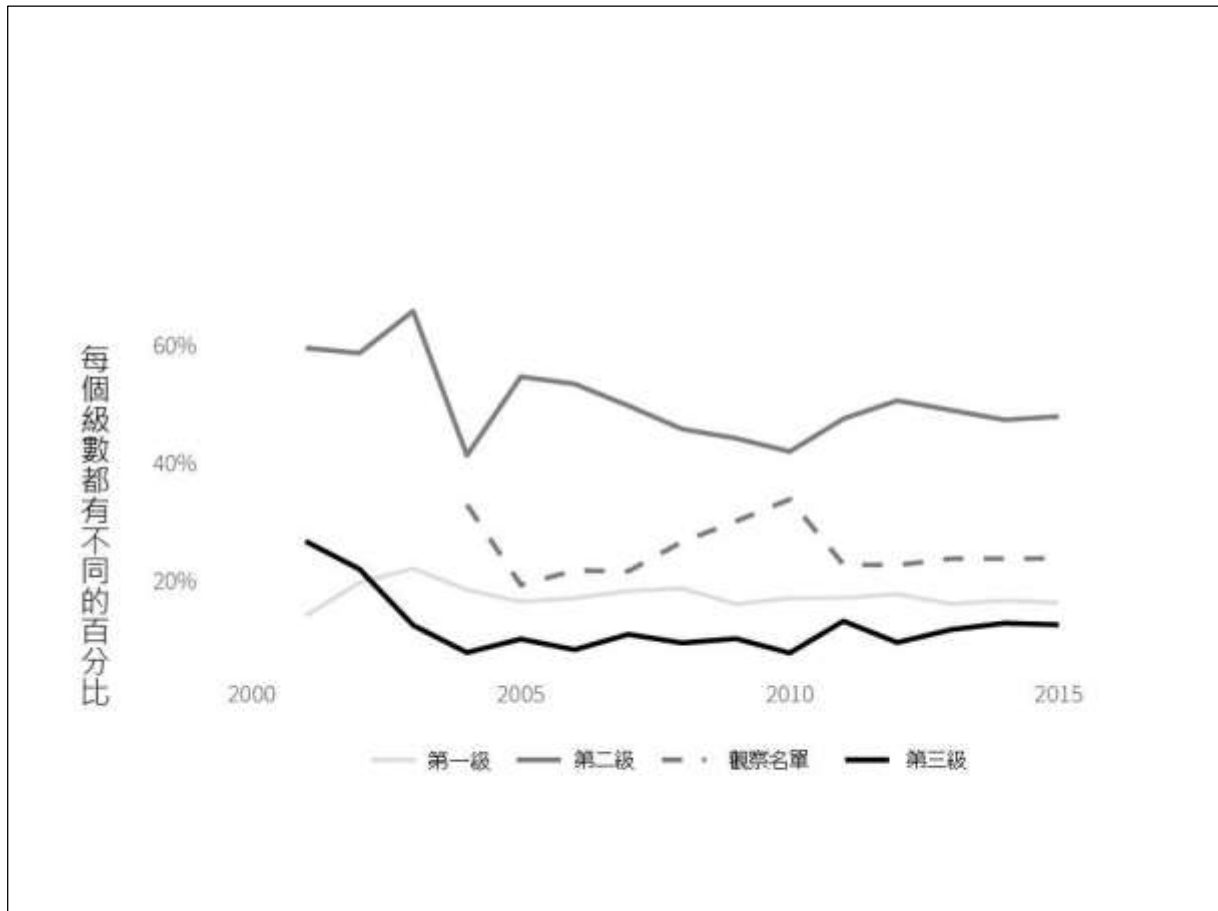
Argument

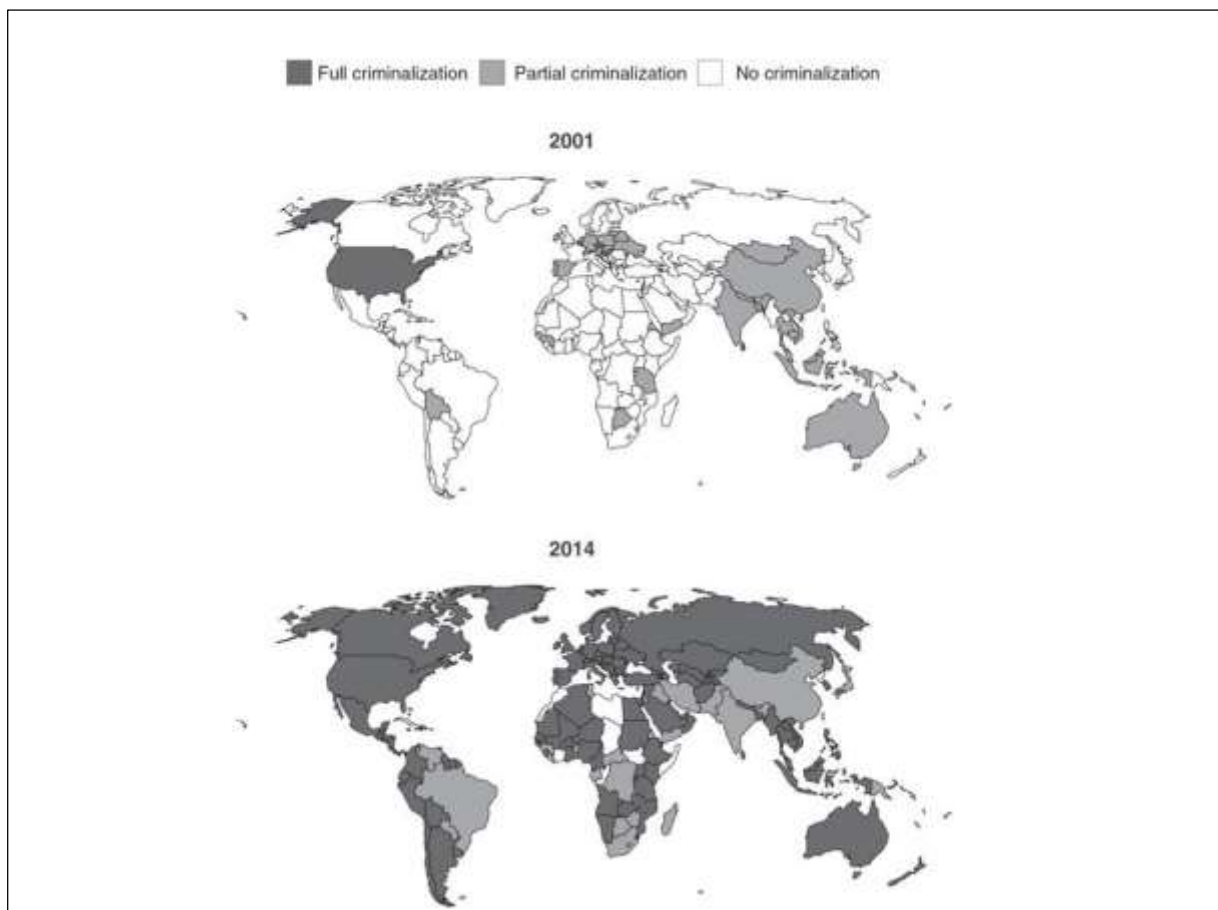
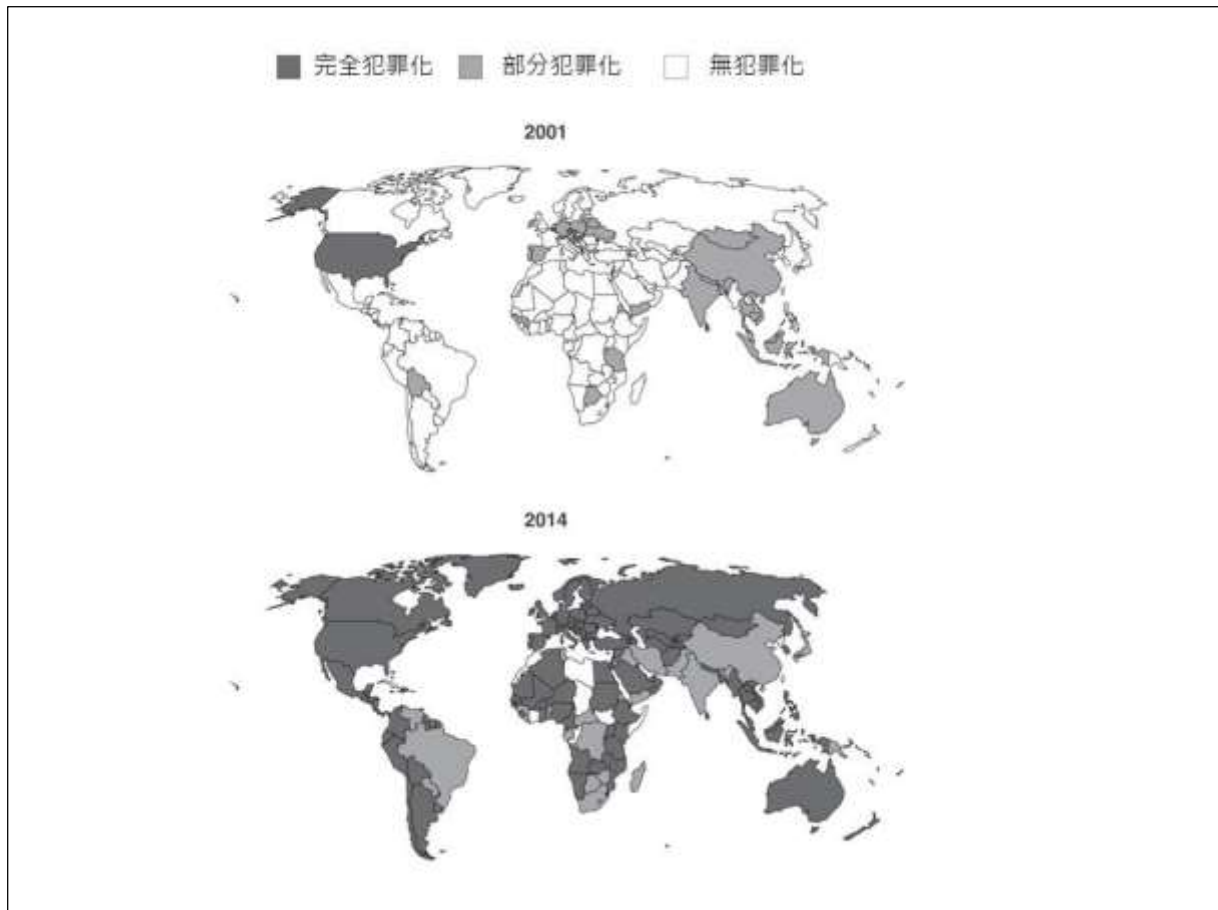
The power to shape reputations can be used to influence states

- Scorecard diplomacy *embeds* of monitoring and grading in traditional diplomacy
- Different from shaming
- Concern about reputation is *catalytic*, it facilitates other engagement
- Whether scorecard diplomacy works depends on three factors: exposure; sensitivity, and, priority
- Its not just about money, but image & legitimacy



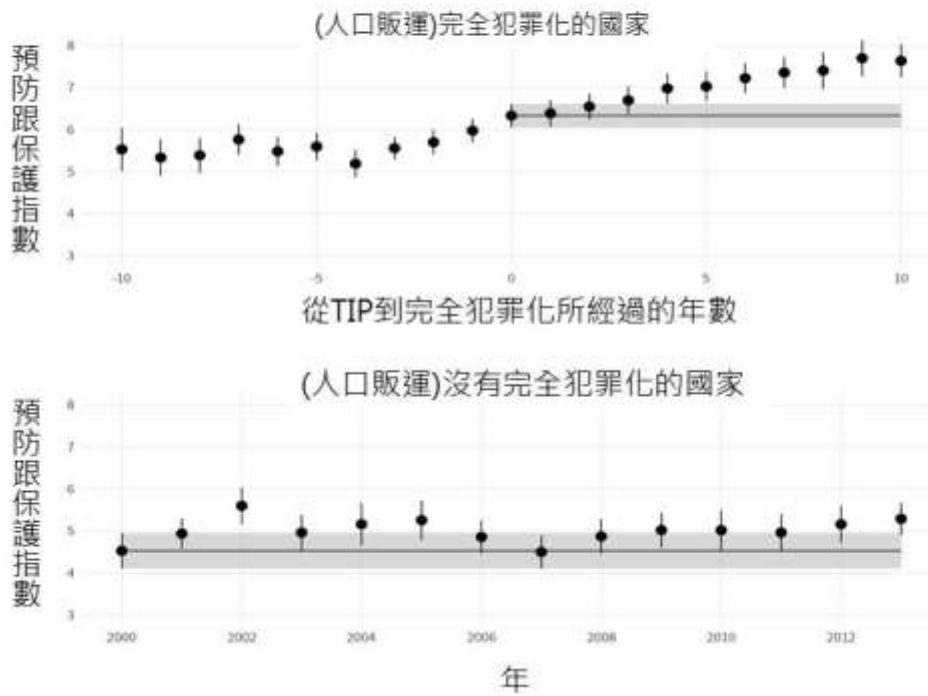
2017 年防制人口販運國際工作坊



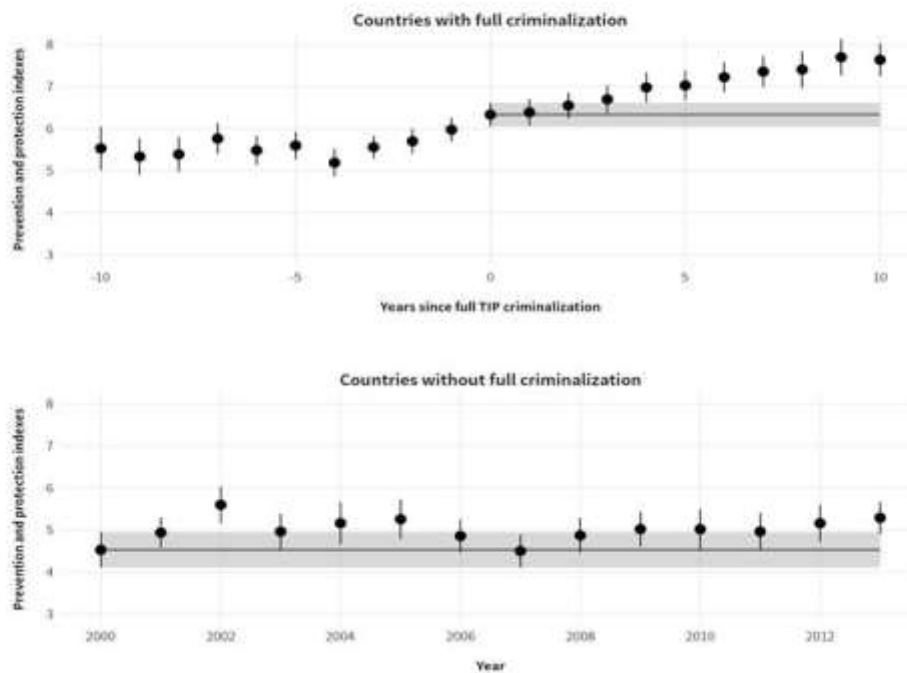




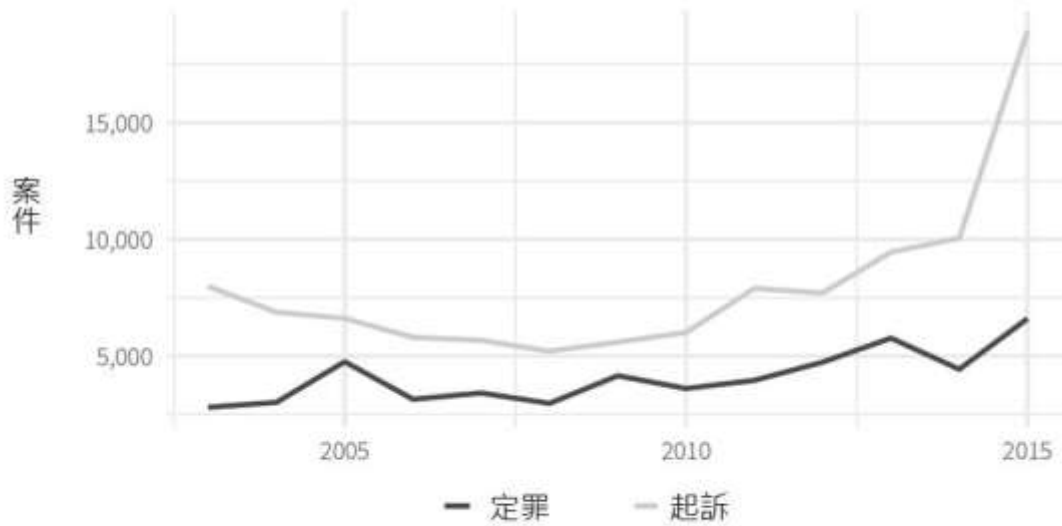
不只是廉價的信號



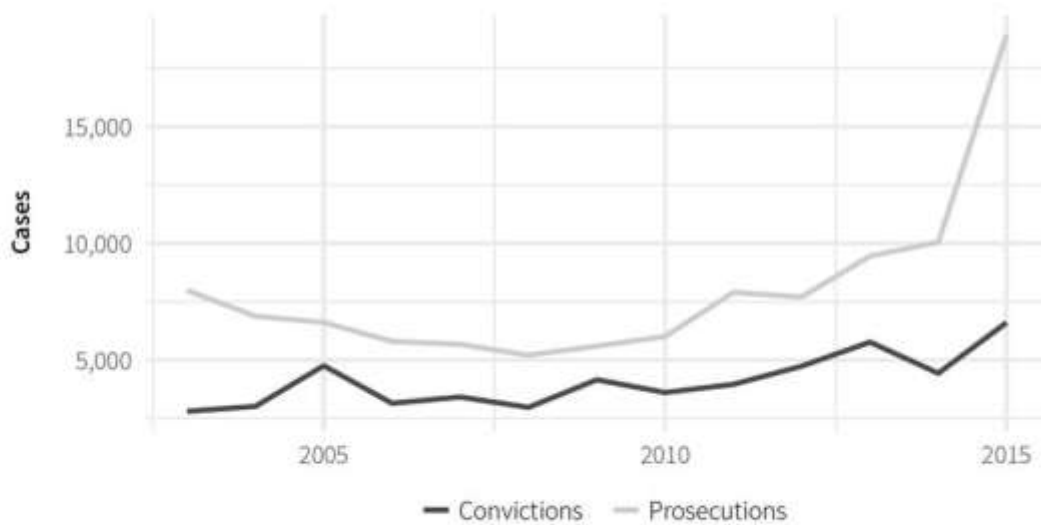
Not Just Cheap Signals



定罪與起訴

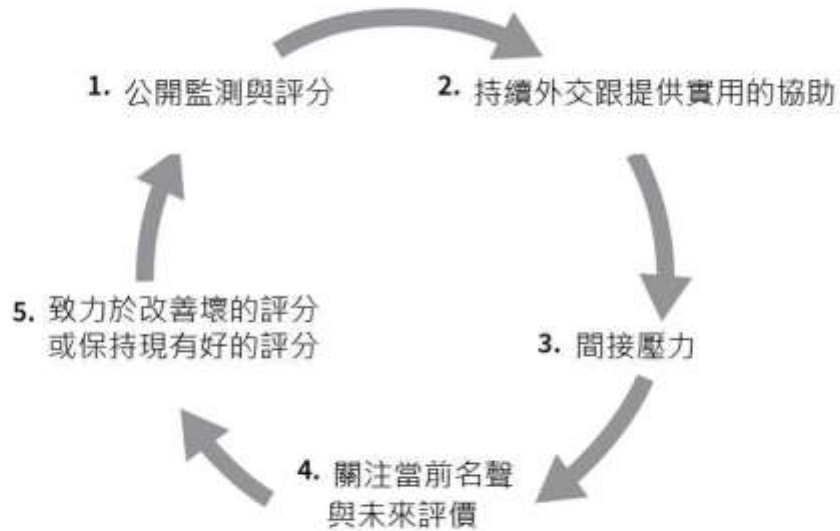


Convictions and prosecutions





計分卡外交的循環



The cycle of scorecard diplomacy



我提出論點的資料來源


- 90位的訪談
- 對超過500個非政府組織進行問卷調查，這些非政府組織分布在世界133國家
- 超過8500篇外交文件
- 上千份的媒體報告
- 第一手文件
- 基本數據的統計分析
- 15件以上的案例分析

Sources for my arguments


- 90 interviews
- Survey of over 500 non-governmental organizations working in 133 countries
- over 8500 diplomatic documents
- thousands of media accounts
- primary documents
- statistical analysis of original data
- 15+ case studies




2017 年防制人口販運國際工作坊




Defense Minister
Amir Peretz




Colonel Avshalom
Peled




Foreign Minister Tzipi Livni




Ministry of Justice (MOJ)
Director General Aharon
Abramovitch




Israeli Ambassador
to the United
States, Danny
Ayalon




Prime Minister
Olmert's chief of
staff, Yoram
Turbowicz




Israeli Minister of
Justice Haim Ramon




Israeli Minister of
Justice Daniel
Friedmann




Speaker of the Knesset Dalia
Itzik




Likud leader Benjamin
Netanyahu




MFA Deputy
Director General
for Economic
Affairs Yossi Gal




Defense Minister
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Speaker of the Knesset Dalia
Itzik

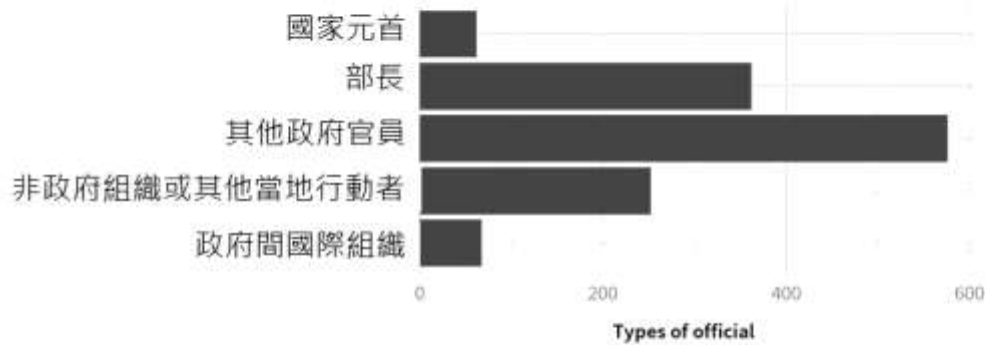


Likud leader Benjamin
Netanyahu



MFA Deputy
Director General
for Economic
Affairs Yossi Gal

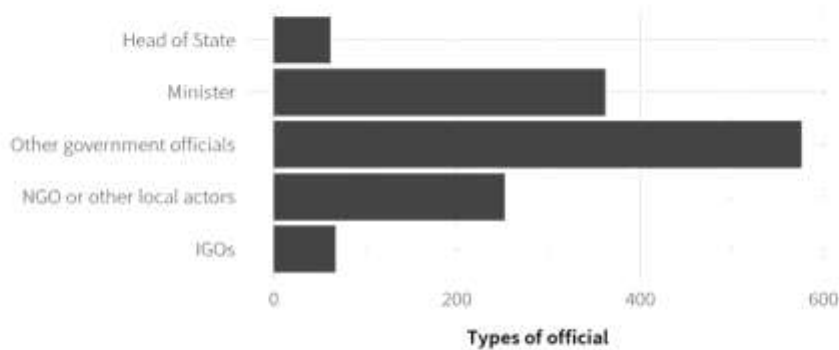
步驟二:外交



每年各國舉辦TIP檢討會數量估計:

數量約在8~16間, 43% 參與的美國人員是資深的美國官員。

Step 2: Diplomacy



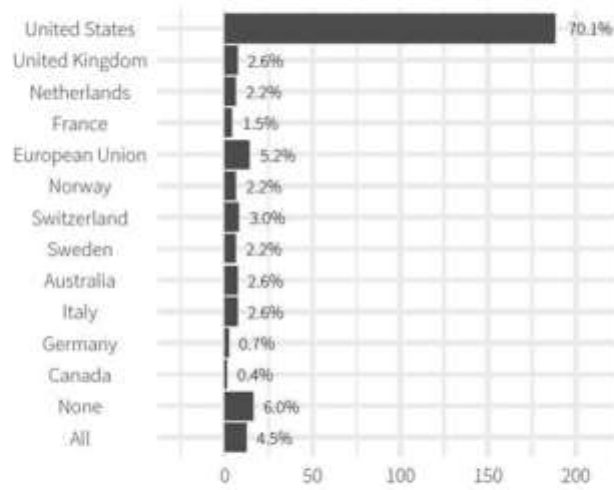
Estimates of TIP discussions per country per year:

between 8-16

& nearly 43 percent of US personnel involved were senior US officials

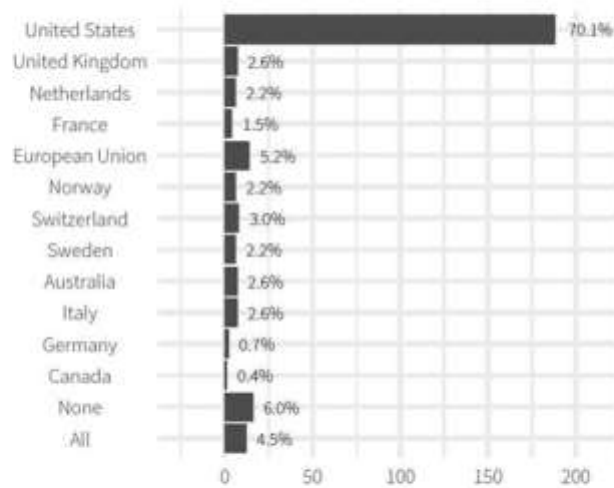


外交



各國被提及為反人口販運工作中最活躍夥伴的次數

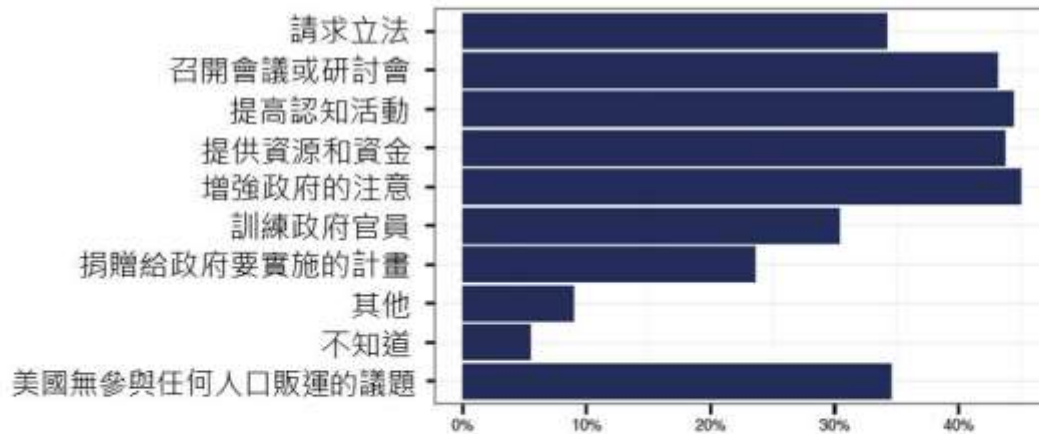
Diplomacy



Number of times country was mentioned as the most active partner in anti-TIP work

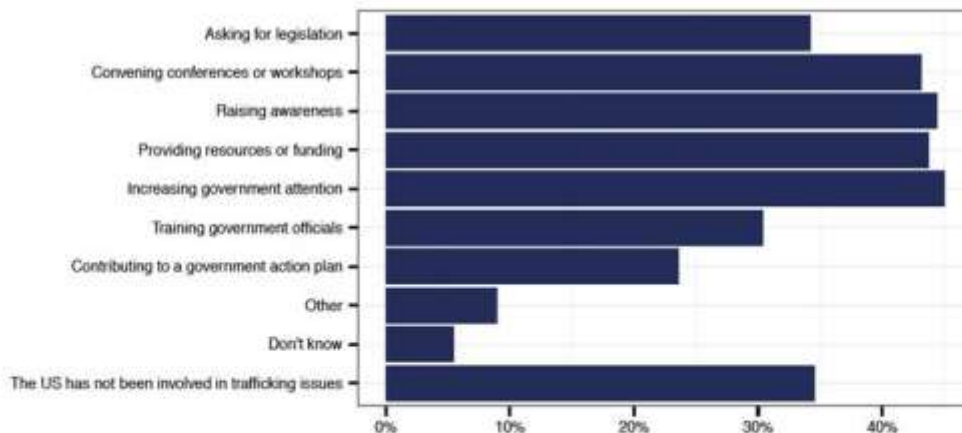
外交

Q 3.9 : 在過去到現在美國或美國大使館有沒有參與過以下列出來的活動？



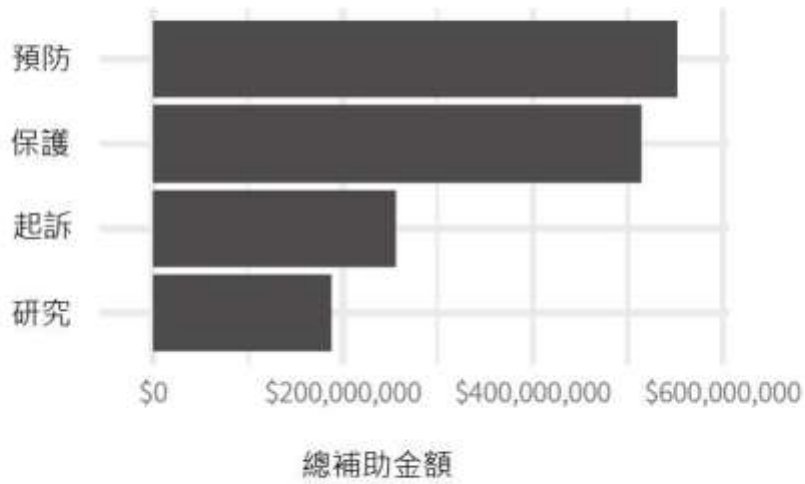
Diplomacy

Q3.9: Has the United States or its embassy been involved in any of the following activities in X?

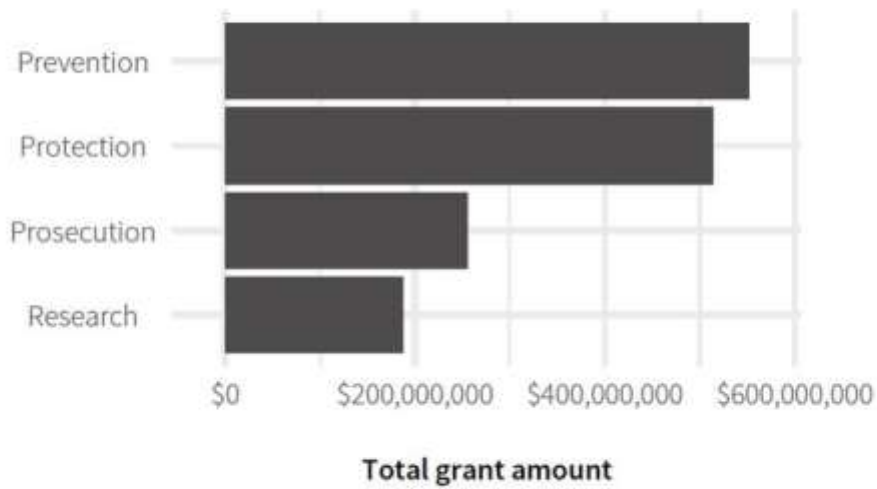




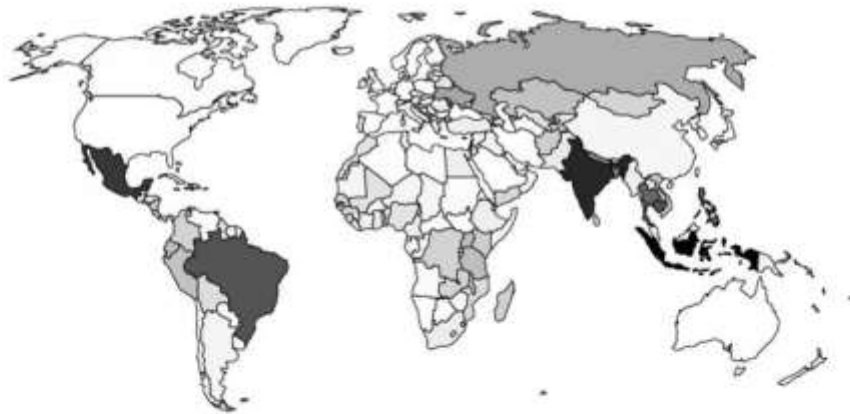
資金



Funding

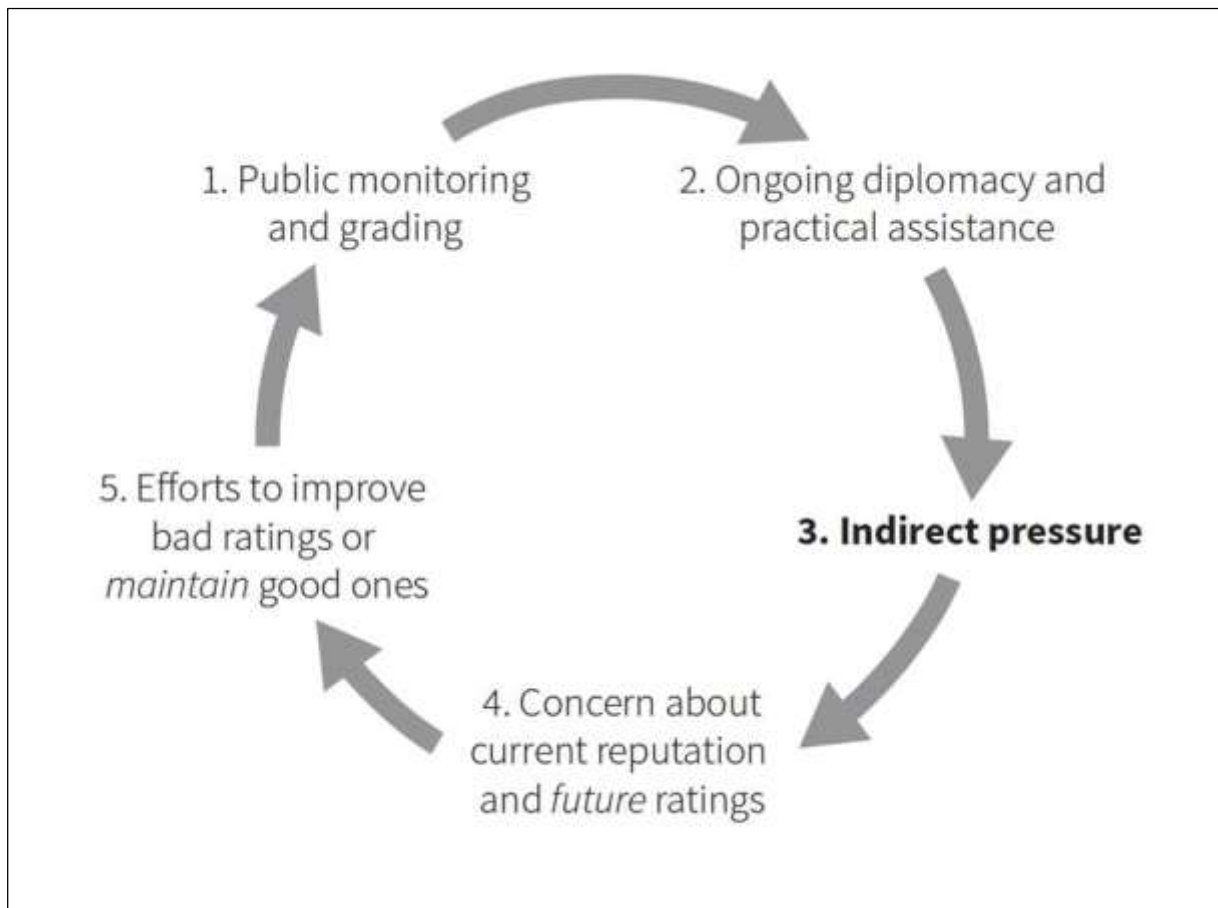
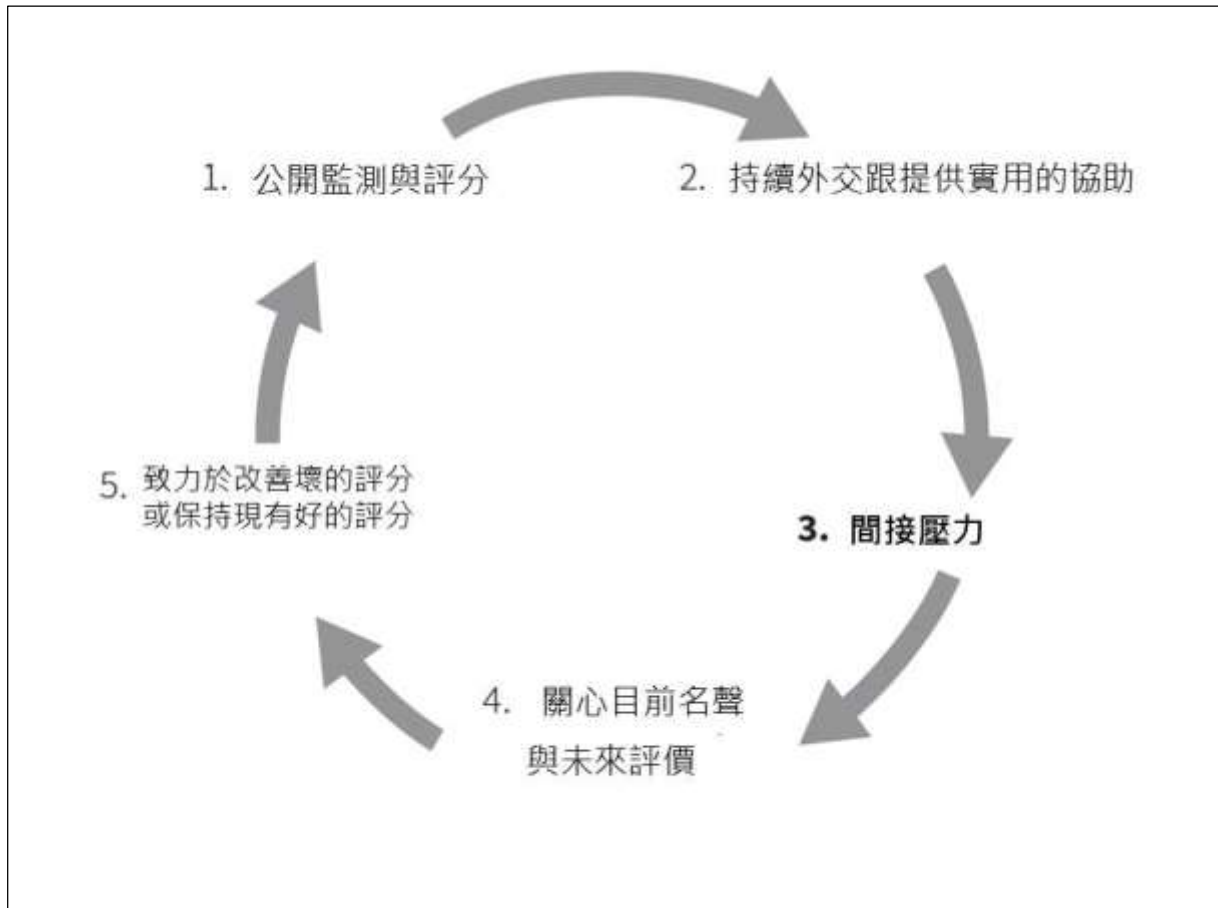


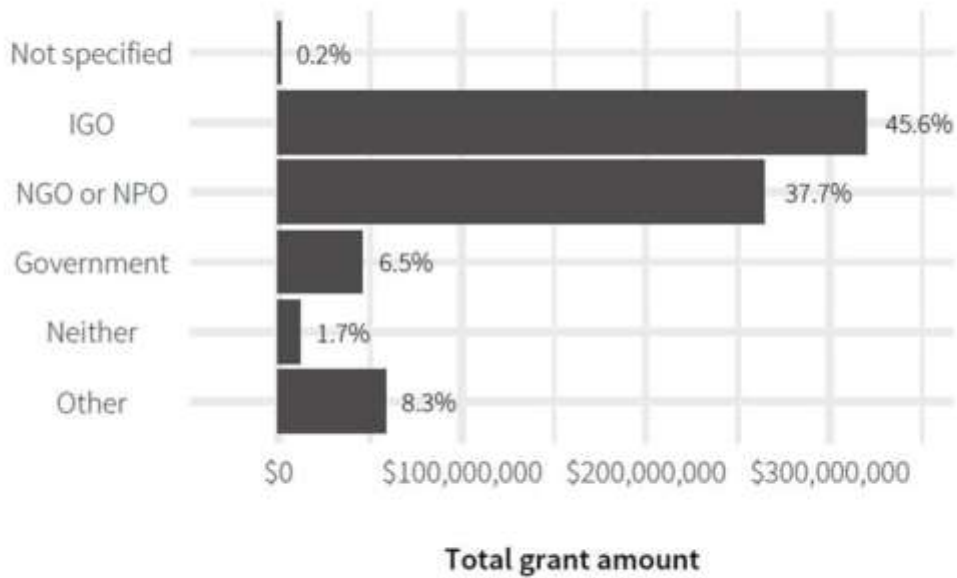
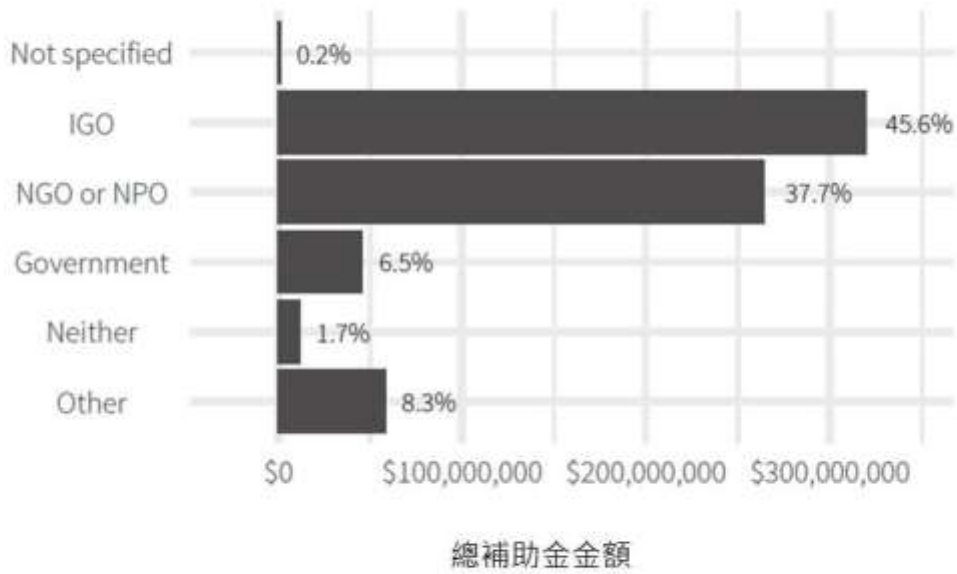
資金



Funding

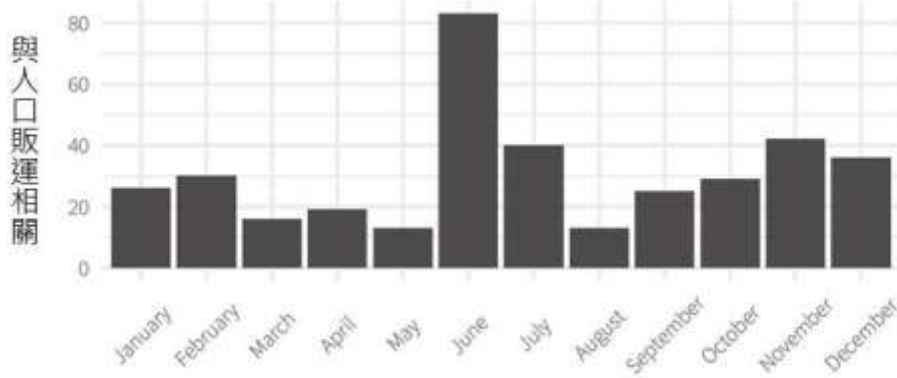




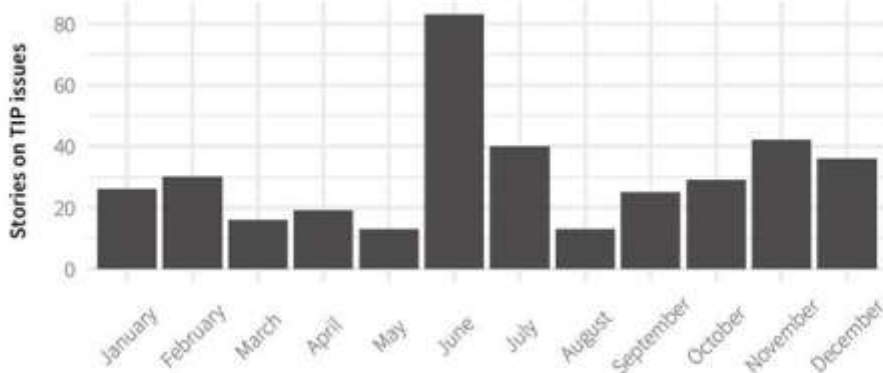




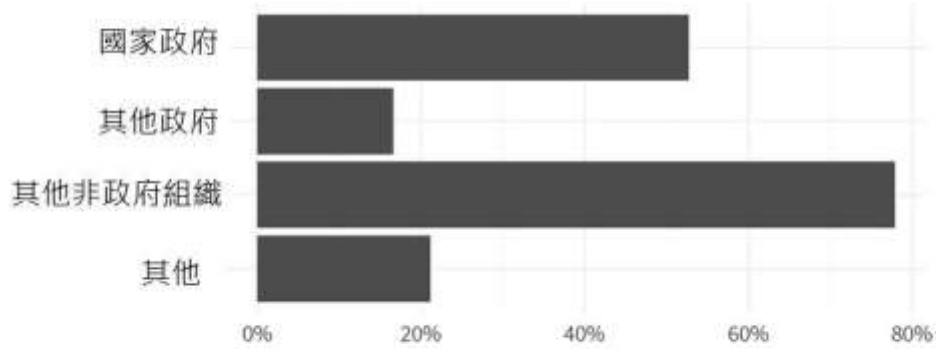
阿曼王國的新聞報導



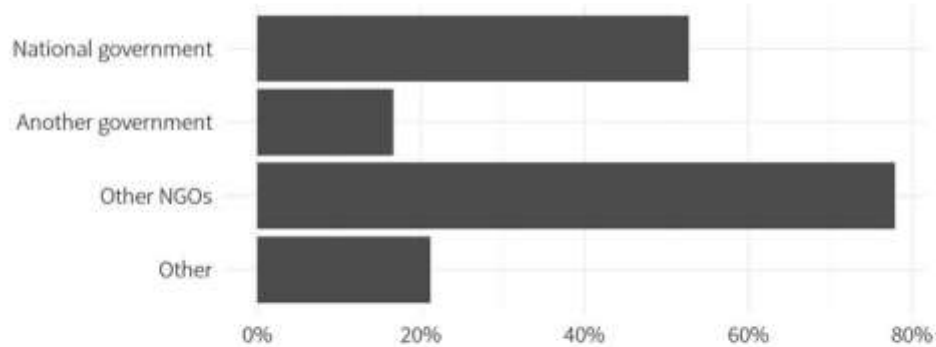
News coverage Oman



與相關機構討論人口販運報告

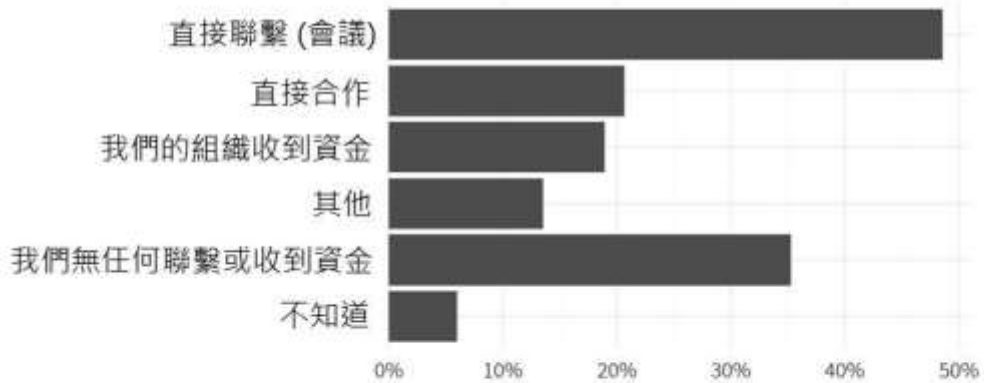


Discussion of the TIP report with...

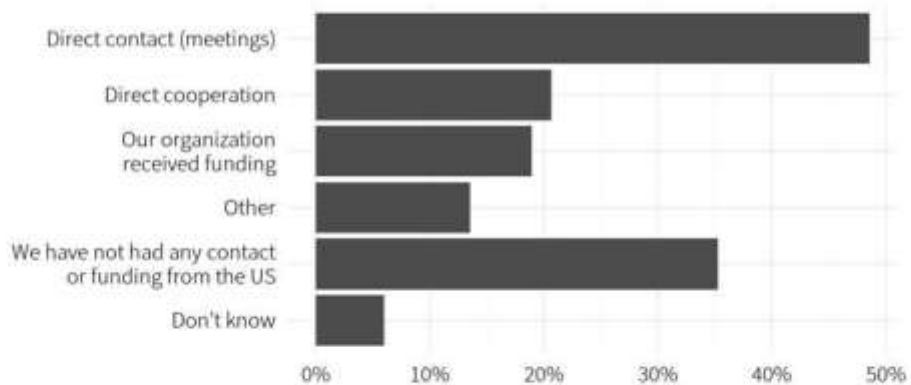


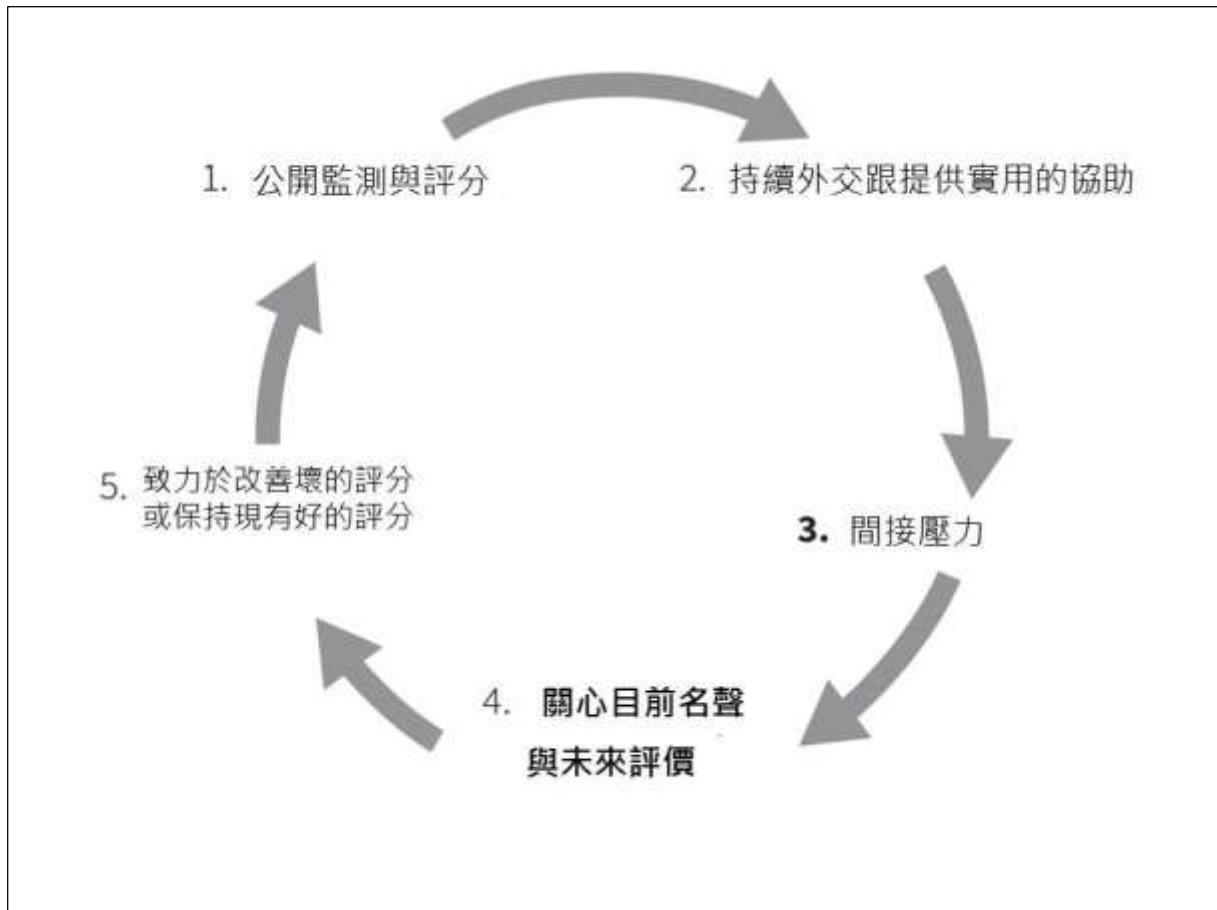


與美國政府接觸方式



Engagement with the US







步驟4：關心目前名聲與未來評價

- 形象顧慮
- 比較性/相對排名

“有份美國報告一齊表揚以色列、阿富汗、約旦及波札那成功對抗人口販運。這對以色列來說是有令人不安的政治意涵...[]...這份報告直接影響以色列在國際間的排名。”

Deputy Foreign Minister Danny Ayalon to the Knesset subcommittee analyzing the USTIP report, July 2009



Step 4: Concerns About Present and Future Ratings

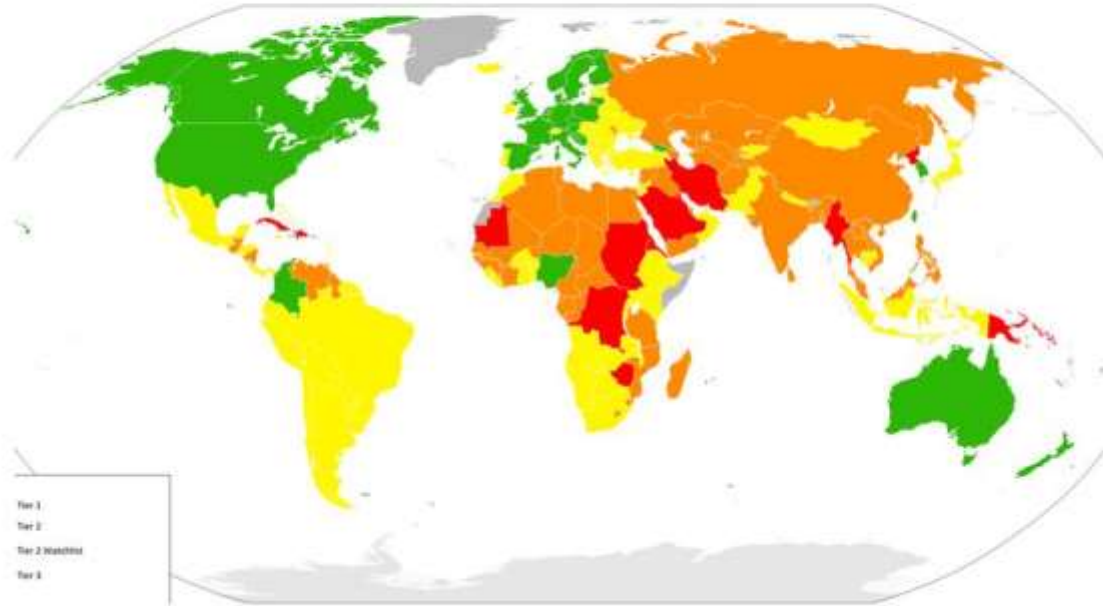
- Image concerns
 - Comparability/relative standing

“A US government report lumping Israel together with states like Afghanistan, Jordan and Botswana in its success in combating human trafficking has troubling political implications for Israel ...[]... 'It has a direct impact on *Israel's standing* in the international community.’”

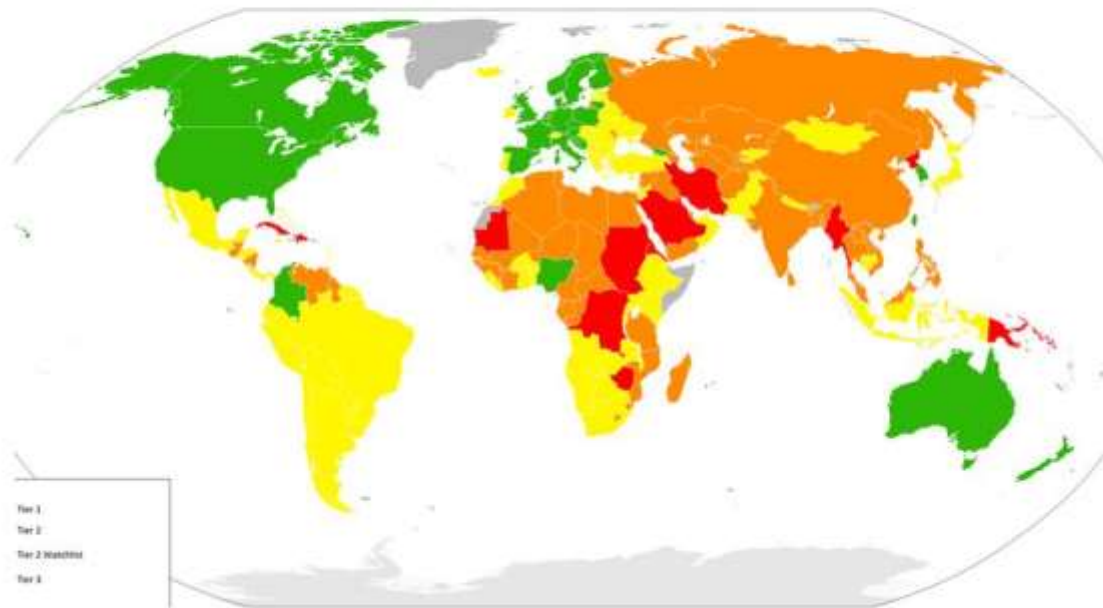
Deputy Foreign Minister Danny Ayalon to the Knesset subcommittee analyzing the USTIP report, July 2009



比較性



Comparability





2017 年防制人口販運國際工作坊

代表國	被參考國家
Algeria	Morocco and Tunisia, Saudi Arabia
Argentina	Suriname, and Venezuela, Dominican Republic, Mexico, Western Hemisphere (WHA), Bolivia, Paraguay, Brazil, and Central American countries, Italy
Armenia	Azerbaijan, Turkey, and Georgia
Bahrain	GCC neighbors
Belarus	Eastern European countries
Belize	Venezuela and Cuba
Croatia	Bosnia and Serbia and Montenegro
Egypt	Thailand
France	United Kingdom, Germany, the Netherlands, Nigeria
Israel	Holland and Germany
Japan	Other Tier 1 countries, other G8 countries
Kuwait	Qatar, United Arab Emirates, neighboring countries, the rest of the Gulf, Gulf Cooperation Council
Lesotho	Other African states
Malawi	Botswana
Malaysia	ASEAN member-states, neighboring countries
Oman	United Arab Emirates
Turkey	"Neighboring countries"
Uzbekistan	CIS countries, Georgia
Venezuela	Colombia, Mexico and Guatemala, Cuba

Country referencing	Countries referenced
Algeria	Morocco and Tunisia, Saudi Arabia
Argentina	Suriname, and Venezuela, Dominican Republic, Mexico, Western Hemisphere (WHA), Bolivia, Paraguay, Brazil, and Central American countries, Italy
Armenia	Azerbaijan, Turkey, and Georgia
Bahrain	GCC neighbors
Belarus	Eastern European countries
Belize	Venezuela and Cuba
Croatia	Bosnia and Serbia and Montenegro
Egypt	Thailand
France	United Kingdom, Germany, the Netherlands, Nigeria
Israel	Holland and Germany
Japan	Other Tier 1 countries, other G8 countries
Kuwait	Qatar, United Arab Emirates, neighboring countries, the rest of the Gulf, Gulf Cooperation Council
Lesotho	Other African states
Malawi	Botswana
Malaysia	ASEAN member-states, neighboring countries
Oman	United Arab Emirates
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Uzbekistan	CIS countries, Georgia
Venezuela	Colombia, Mexico and Guatemala, Cuba

步驟4：關心目前名聲與未來評價

- 形象顧慮
- 比較性/相對排名
- 保持現有地位

“我們必須保持在第一級”

— Ghana’s Minister of Women and Children Affairs, when told in February 2005 that failure to pass an anti-TIP law could affect Ghana’s Tier 1 status

Step 4: Concerns About Present and Future Ratings

- Image concerns
- Comparability/relative standing
- Status maintenance

“[W]e must keep Tier 1.”

— Ghana’s Minister of Women and Children Affairs, when told in February 2005 that failure to pass an anti-TIP law could affect Ghana’s Tier 1 status



步驟4：關心目前名聲與未來評價

- 形象顧慮
 - 比較性/相對排名
 - 保持現有地位
 - 個人前途



“在內政部長Rehman Malik監督下，因內政部的顯著努力使得美國提升了巴基斯坦的排名。這個發展也使巴基斯坦的聲望在國際間有所改善。”

- 2008 press release from the Ministry

Step 4: Concerns About Present and Future Ratings

- Image concerns
 - Comparability/relative standing
 - Status maintenance
 - Personal careers



With significant efforts of Ministry of Interior . . . under the supervision of Rehman Malik, Minister for Interior, the US has upgraded Pakistan's ranking. This development has improved the stature of Pakistan before the world"

- 2008 press release from the Ministry

步驟4：關心目前名聲與未來評價

- 形象顧慮
 - 比較性/相對排名
 - 保持現有地位
 - 個人前途
- 實質顧慮



Step 4: Concerns About Present and Future Ratings

- Image concerns
 - Comparability/relative standing
 - Status maintenance
 - Personal careers
- Material concerns





步驟4：關心目前名聲與未來評價

- 顧形象慮
 - 比較性/相對排名
 - 保持現有地位
 - 個人前途
- 實質顧慮
- 學習跟社會化



人口販運? vs.
走私?

有經過同意?

Step 4: Concerns About Present and Future Ratings

- Image concerns
 - Comparability/relative standing
 - Status maintenance
 - Personal careers
- Material concerns
- Learning and socialization



Trafficking vs.
smuggling?

Consent?

步驟4：關心目前名聲與未來評價

- 形象顧慮
 - 比較性/相對排名
 - 保持現有地位
 - 個人事業
- 實質顧慮
- 學習跟社會化
- 專業化與能力建構

Step 4: Concerns About Present and Future Ratings

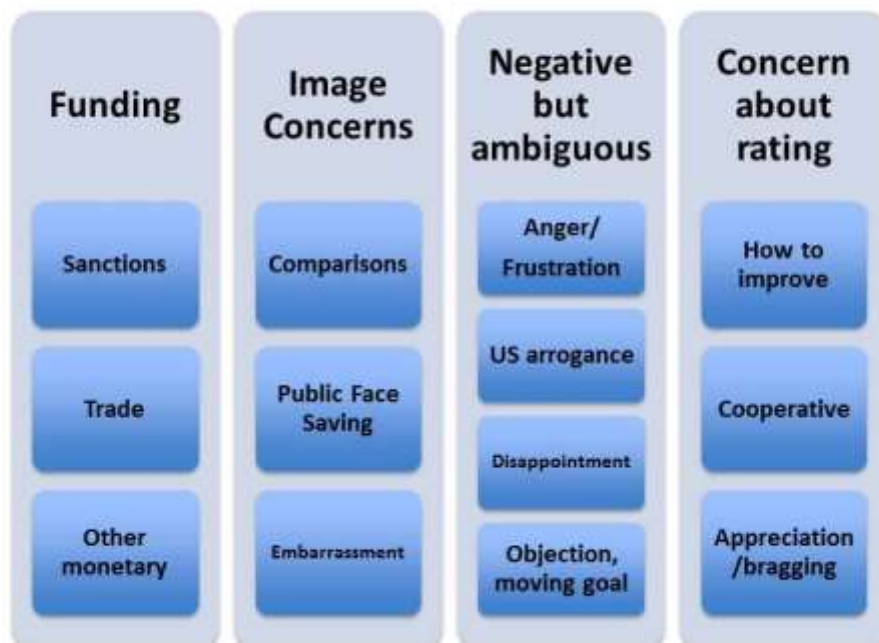
- Image concerns
 - Comparability/relative standing
 - Status maintenance
 - Personal careers
- Material concerns
- Learning and socialization
- Professionalism and capacity building



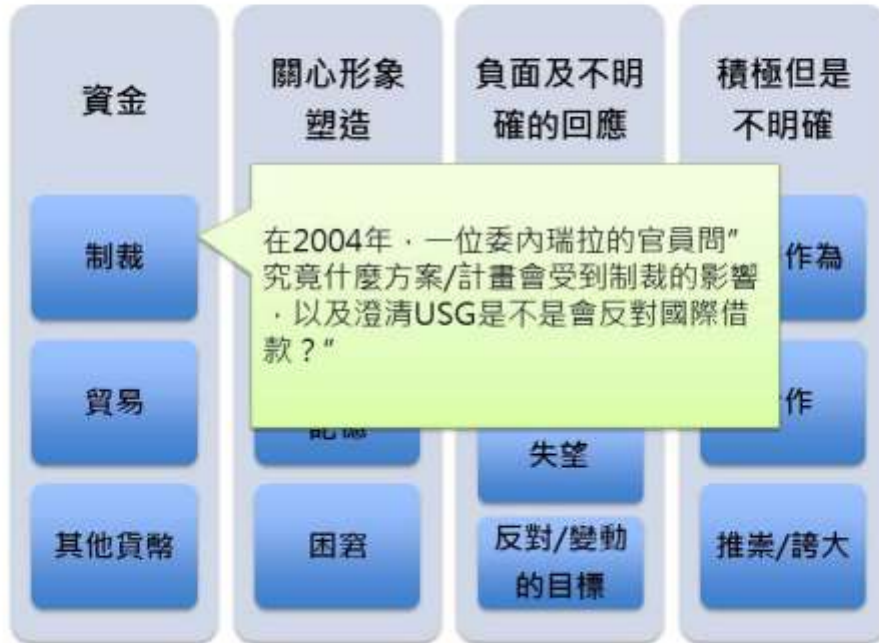
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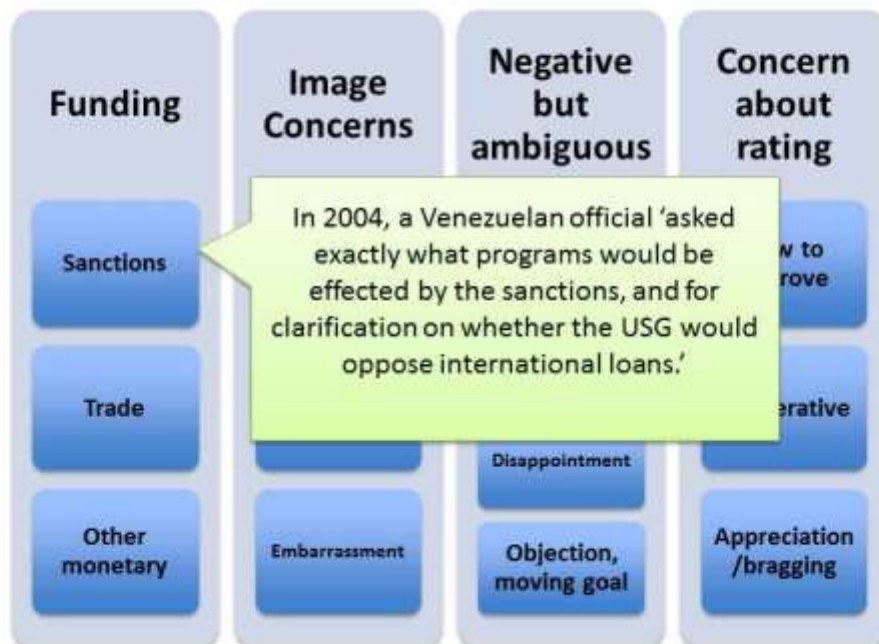
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訪談回應



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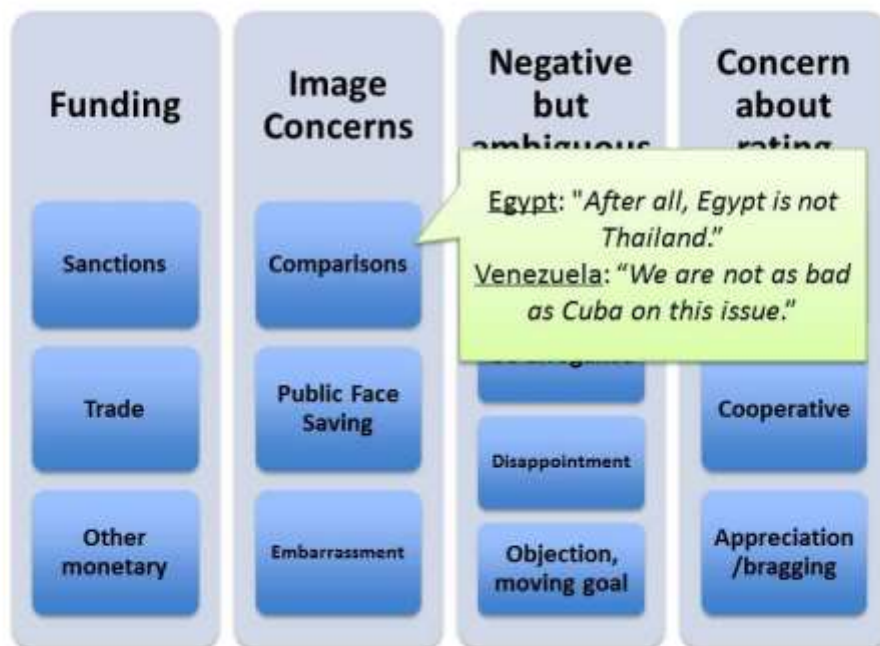




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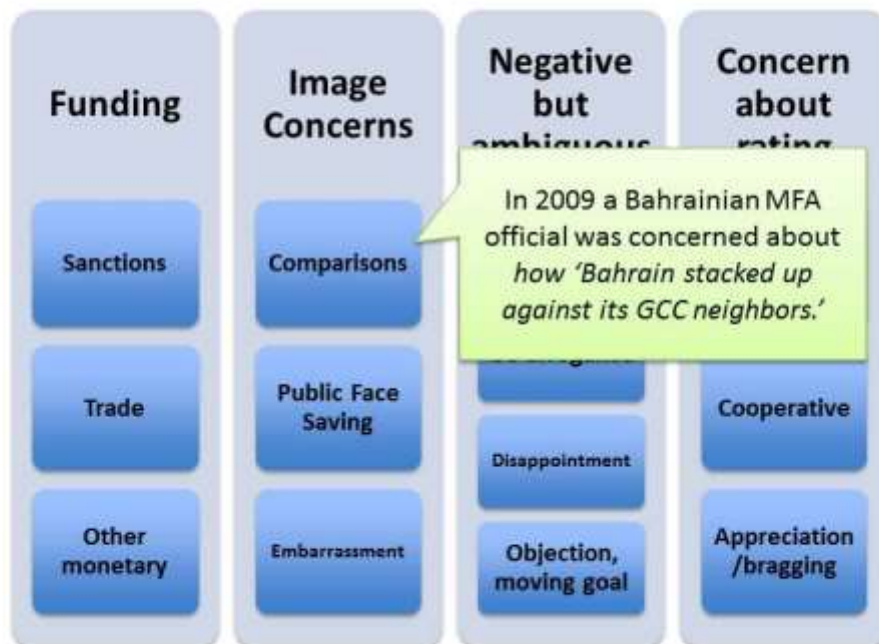
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訪談回應



Content of reactions





訪談回應



Content of reactions



訪談回應



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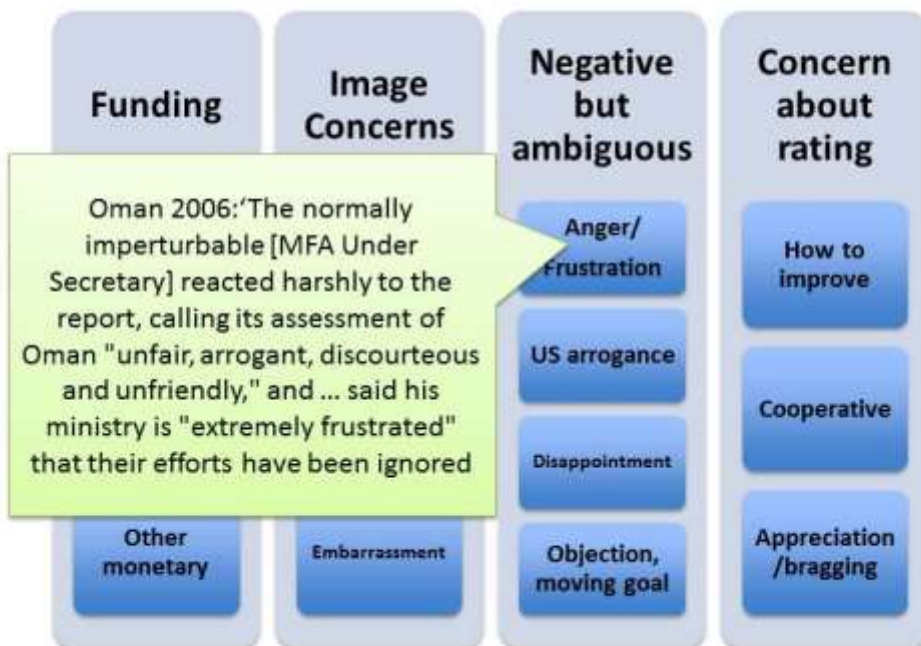




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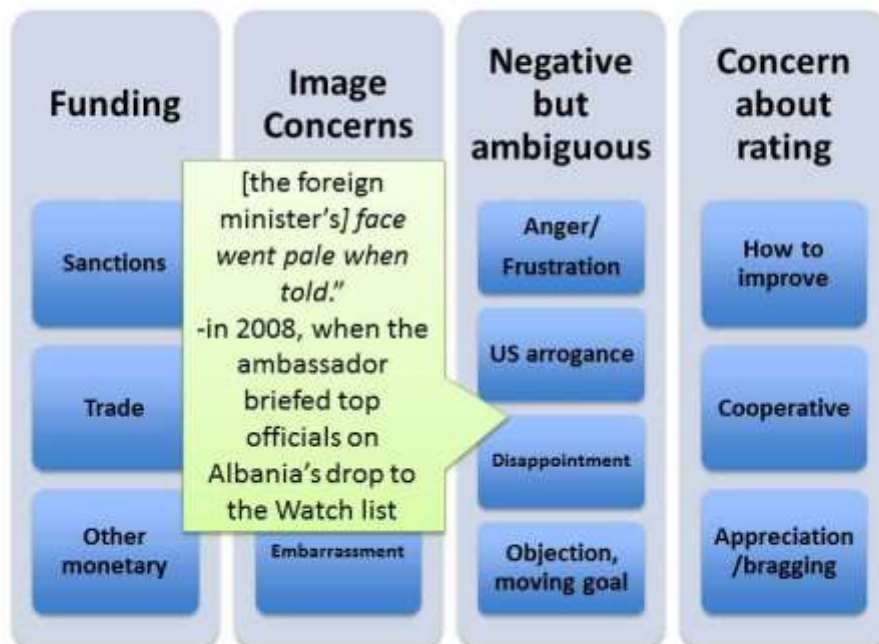
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訪談回應



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計分卡外交的循環

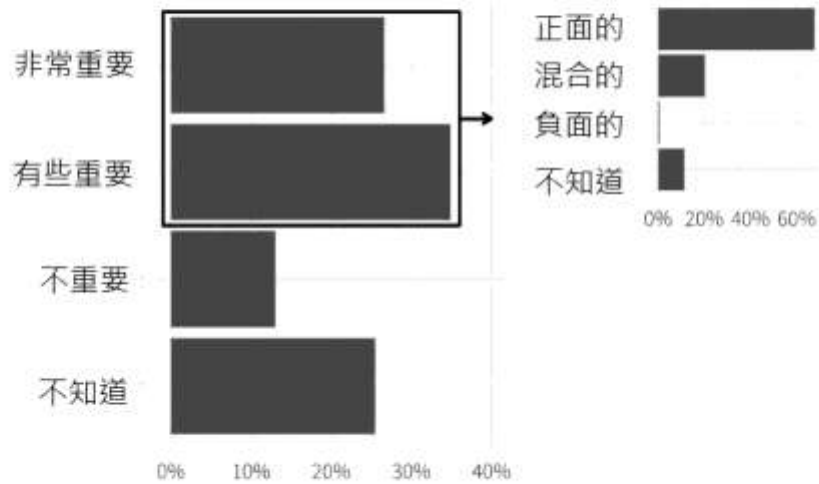


The cycle of scorecard diplomacy

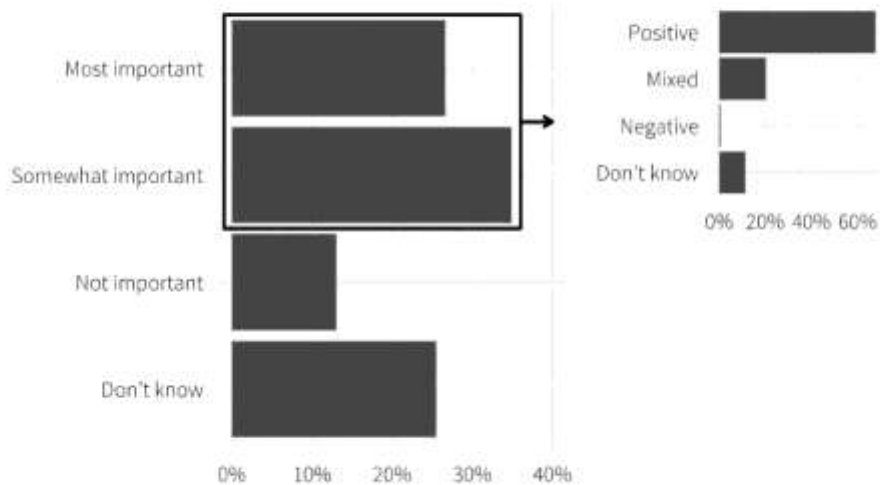




對美國TIP活動的態度



Attitude towards the US TIP activity



犯罪化的統計分析

- 被納入報告裡是最大因素是建立在此國家是否有足夠的資料和問題程度的大小，但這兩者都不能用來預測犯罪化。
- 較差的等級(三級或觀察名單)通常建立於跟犯罪率不相關的因素。
- 犯罪化通常是被以下因素帶動的：
 - 被納入報告裡
 - 更嚴厲的級數排名
 - 降低等級
 - 但不在於有多少援助會受到要脅

Statistical analysis of Criminalization

- Inclusion in the report is driven mostly by information availability and size of problem, neither of which predict criminalization
- Poor tiers are driven mostly by factors that are not also associated with greater likelihood of criminalizing
- Criminalization is spurred by
 - Inclusion in the report
 - Harsher tier rankings
 - Downgrades
 - --- (and not by amount of aid threatened)

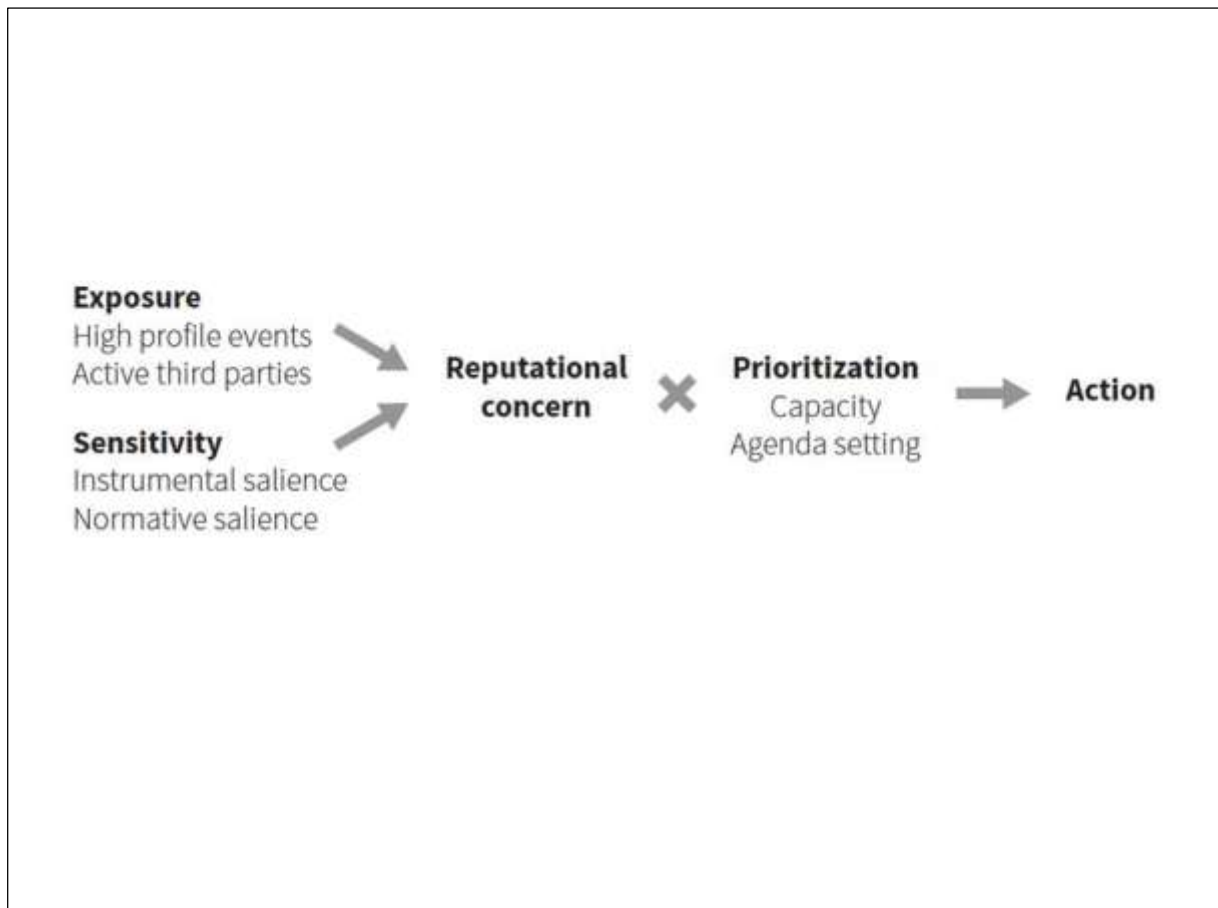
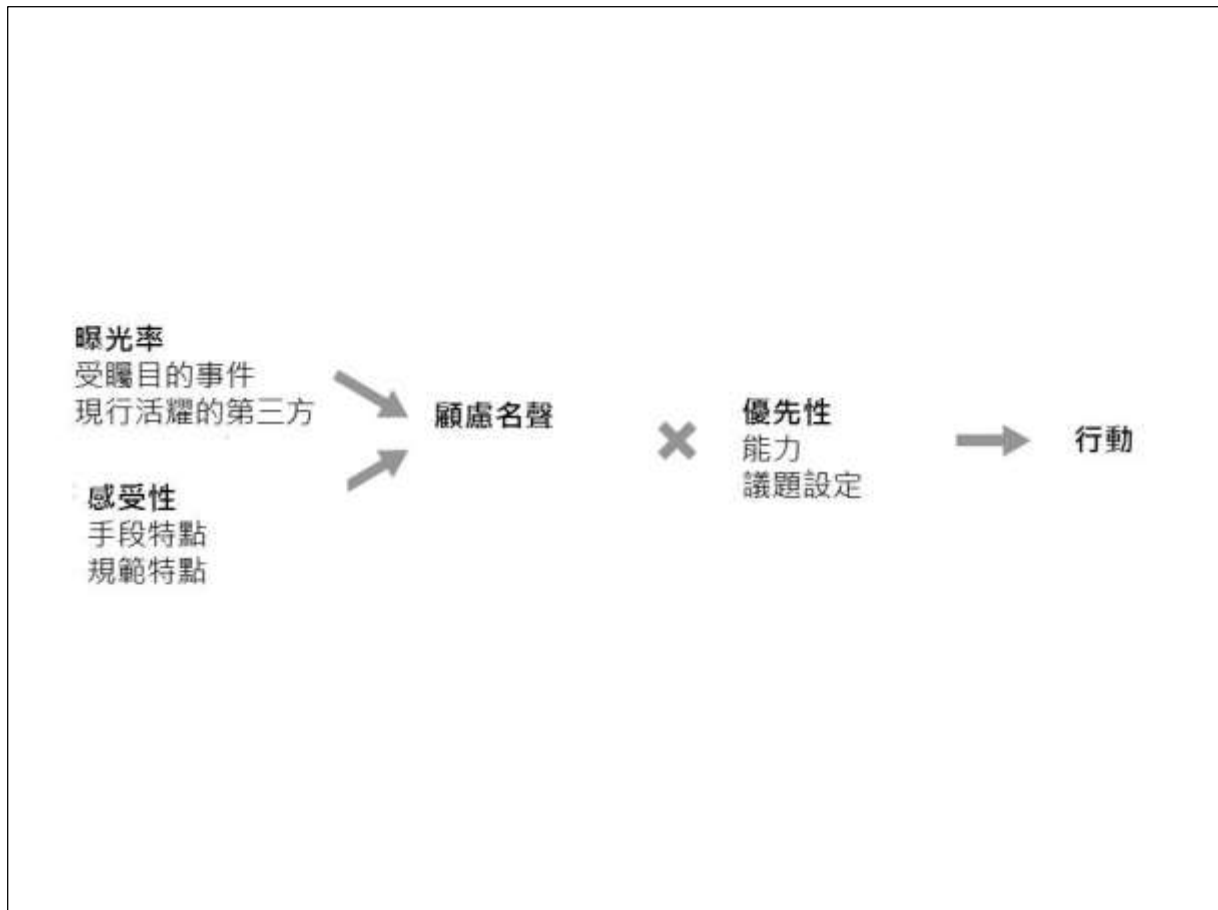


政策含意

- 給政策制定者
 - 美國跟其他國家或許會希望多用這類型的系統來推動其他國家的改革。
 - 重點在於準確性跟一致性。
 - 政策跟承諾雙管齊下是很重要的。
- 給全球治理
 - 強制性的做法成本變高，也更行不通了。
 - 資訊變得更普遍，更無孔不入。
 - 用來作為真實發展指標(GPI)的資訊可能會逐漸變成一個很重要的政策工具。
 - 使用這類的工具有風險及代價。

Policy implications

- For policy makers
 - The US and others may want to use this type of ranking system more to promote reforms in other countries
 - Key to use is accuracy and consistency
 - Importance of pairing policy with engagement
- For global governance
 - Coercion is becoming more costly and less feasible
 - Information is becoming more pervasive
 - Information used as GPIs may become an increasingly important policy tool
 - Using such tools carries risks and costs



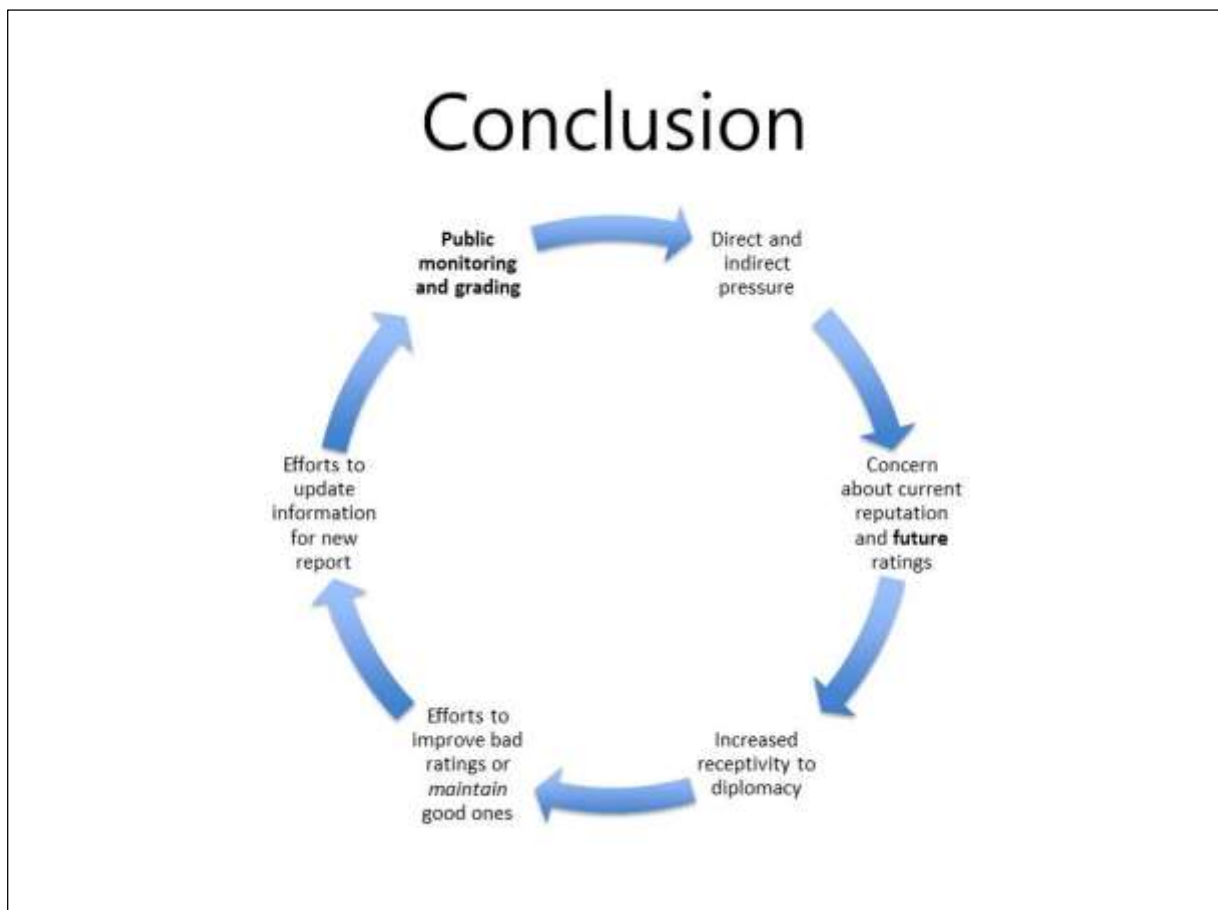
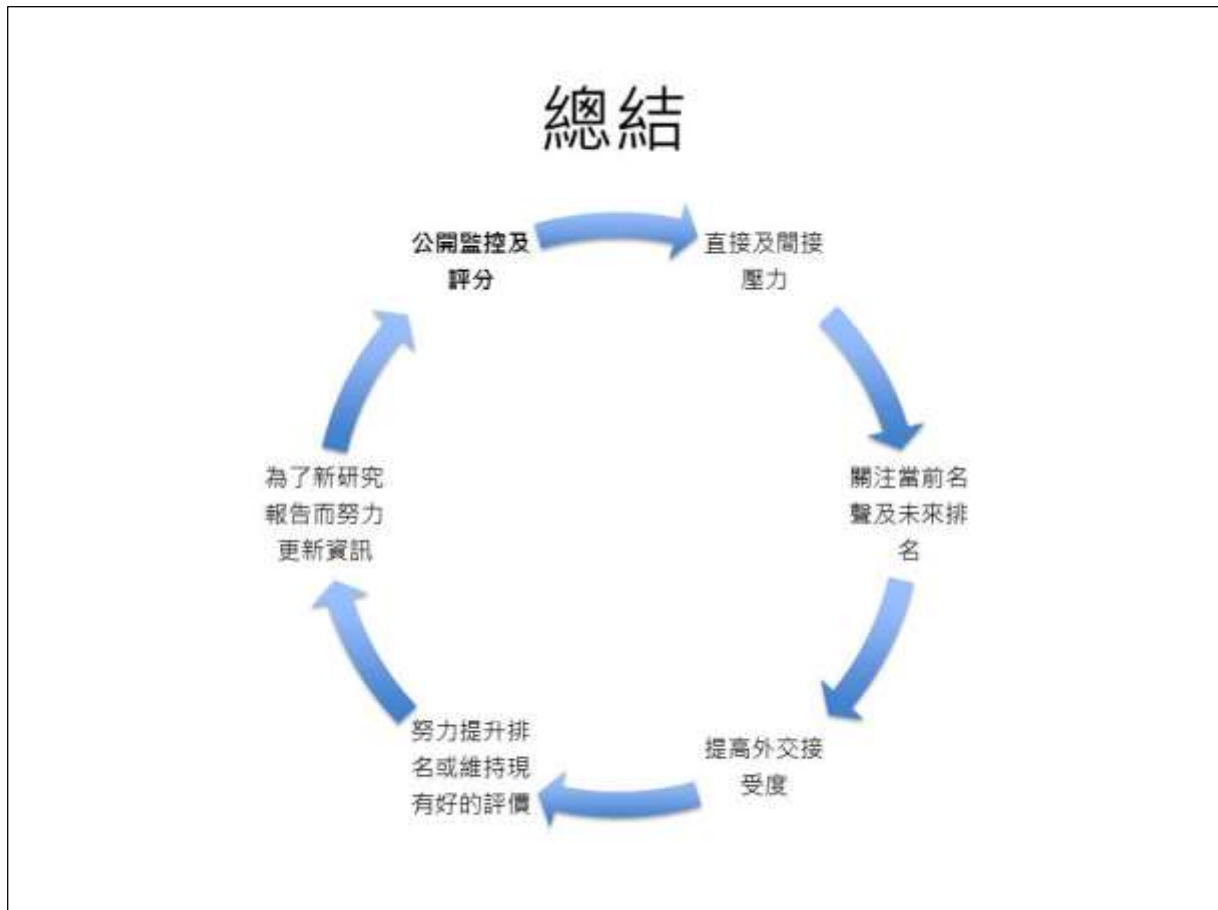


計分卡外交的缺點

- 回應內容
- 用來作為假名聲
- 評分天花板效應

Downsides of Scorecard Policies

- Substance of responses
- Use as reputational decoys
- Grade ceiling effects





問題？



<http://www.philstar.com/opinion/2012/06/23/820453/editorial-tier-2>

Questions?



<http://www.philstar.com/opinion/2012/06/23/820453/editorial-tier-2>

臺灣防制人口販運工作 10 年
成效、回顧及展望（一）

*The Achievements, Retrospect and Prospect of Taiwan's
Combating Human Trafficking for the past 10 years (1)*



2017 年防制人口販運國際工作坊

臺灣防制人口販運 10 年成果-
政策整體作為暨成效

*10 Years of Human Trafficking Prevention in Taiwan-
Overall Policy Implementation and Results*

主 講 人： 李臨鳳
內政部移民署移民事務組組長

Speaker: **Lee, Ling-Fong**
Director, Immigration Affairs Division, National
Immigration Agency, Ministry of the Interior



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內政部移民署移民事務組副組長

內政部移民署入出國事務組組長

主管業務

防制人口販運

移民規劃

移民輔導

移民機構管理

外國人及大陸地區人民居留定居業務

Brief Introduction of Speaker

Lee, Ling-Fong

Director, Immigration Affairs Division, National Immigration Agency, Ministry of the Interior



PROFESSIONAL EXPERIENCES

Section Chief, Society Division , Ministry of the Interior

Deputy Director, Immigration Affairs Division, National Immigration Agency, Ministry of the Interior

Director, Entry and Exit Affairs Division, National Immigration Agency, Ministry of the Interior

PRIMARY FOCUS

Human trafficking prevention

Immigration Plan

Immigration Counseling

Immigration agency management

Foreign nationals and people of the Mainland China area residence and settlement business



臺灣防制人口販運10年成果- 政策整體作為暨成效

報告人：內政部移民署
組長李臨鳳



10 Years of Human Trafficking Prevention in Taiwan- Overall Policy Implementation and Results

Lee Ling-Fong
Director, Immigration Affairs Division, National
Immigration Agency,
Ministry of the Interior

簡報綱要

- 一 前言
- 二 制度面
- 三 法令面
- 四 執行面
- 五 未來工作方向

1

Briefing Outline

- 1 . Foreword
- 2 .Policy Formation and Follow-Ups
- 3 .Laws and Regulations
- 4.Implementation
- 5.Directions for Future Pursuits

1



一、前言

- 聯合國2000年通過「預防、壓制及懲治販運人口(特別是婦女及兒童)議定書」(Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children · 通常簡稱為人口販運議定書或巴勒摩議定書) · 以有效防制國際間人口販運。
- 2003年議定書正式生效。

2013年底聯合國宣布
每年7月30日為
反人口販運國際日



聯合國藍心活動

2

1. Foreword

- In 2000, the United Nations (UN) passed the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children,” also known as the Trafficking Protocol or one of the Palermo Protocols, to effectively prevent such trafficking internationally.
- The protocol formally went into effect in 2003.

30 July 2014
the United Nations
marked the first
World Day
Against Trafficking
in Persons.



Blue Heart Campaign
against Human
Trafficking

2

二、制度面

- 臺灣於2006年11月訂頒「防制人口販運行動計畫」，通令中央及地方積極研議具體有效的防制措施。
- 「防制人口販運行動計畫」包含六大目標，4大策略、10項重點及25項具體措施，每2年滾動檢討。



3

2. Policy Formation

- In November of 2006, Taiwan issued the Human Trafficking Prevention Action Plan, and directed both central and local governments to develop specific and effective preventive measures to combat human trafficking.
- The Human Trafficking Prevention Action Plan encompasses 6 key objectives, 4 main policies, 10 focal points and 25 specific measures. Rolling reviews to be held every two years.



3

二、制度面

- 2007年1月成立行政院防制人口販運協調會報，由行政院政務委員擔任召集人，10位中央部會副首長擔任委員，並聘有6位熟悉人口販運領域的學者專家擔任外聘委員。目前共有17位成員。
- 定期開會，目前係6個月召開1次，自2007年迄今共召開32次。

行政院防制人口販運協調會報

召集人
行政院政務委員

司法院	內政部	外交部	教育部	法務部	
交通部	勞動部	衛福部	海巡署	陸委會	
專家學者	專家學者	專家學者	專家學者	專家學者	專家學者



行政院防制人口販運協調會報

5

2. Policy Formation

- The cabinet level Coordination Committee for Combating Human Trafficking was established in January, 2007 with a minister without portfolio serving as the convener. Other Committee members include 10 vice ministers from the central government and, from outside the administration, 6 experts (academics and NGO representatives) of the field.
- Committee members convene regularly every 6 months. A total of 32 meetings have been held since 2007.

行政院防制人口販運協調會報

召集人
行政院政務委員

司法院	內政部	外交部	教育部	法務部	
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專家學者	專家學者	專家學者	專家學者	專家學者	專家學者



行政院防制人口販運協調會報

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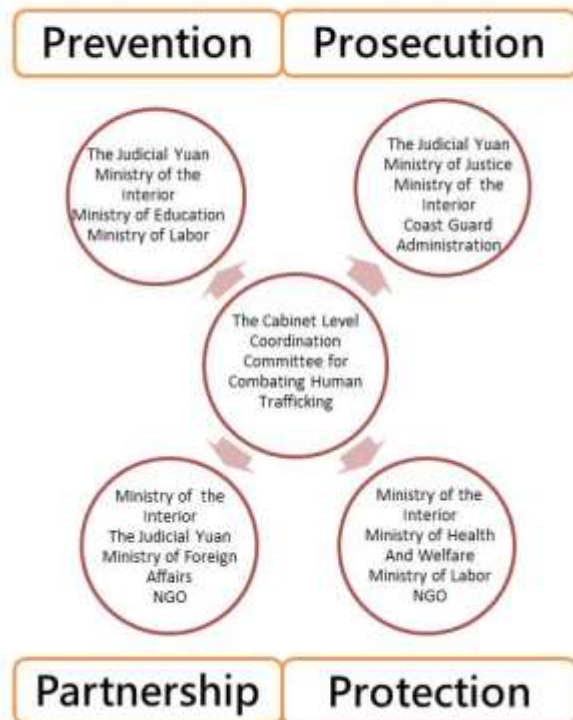
二、制度面

- 自2008年起，臺灣每年彙整並公布防制人口販運成效報告。



2. Policy Formation

- Since the first in 2008, NIA has annually published the Taiwan Trafficking in Person Reports. It compiles materials from all agencies and provides yearly performance review and assessment on implementation of Laws and Policies on Human trafficking prevention.





二、制度面

- 自2010年起，臺灣已連續8年獲得防制人口販運國際評比(Trafficking in Persons Reports，簡稱 TIP)第1級國家，足為鄰近國家典範。



6

2. Policy Formation

- Since 2010, Taiwan has been placed in “Tier 1” in the TIP report for 8 consecutive years, serving as a role model for its Asian neighbors countries.



6

三、法令面

- 以被害人保護為核心，制定「人口販運防制法」專法，由總統公布並於2009年6月1日施行。
- 「人口販運防制法」分5章，45條條文，主要內容包含人口販運預防、被害人鑑別及保護、給予被害人短期臨時停留許可、工作許可、對加害人加重刑罰。



7

3.Laws and Regulations

- With victim protection as its core directive, The Human Trafficking Prevention Act was enacted and subsequently issued by the President on June 1, 2009.
- The The Human Trafficking Prevention Act consists of 5 chapters and 45 Articles. The main contents of the Act includes: human trafficking prevention, victim identification and protection, issuance of temporary stay permit and/or work permit to a victim, penalty to offenders.

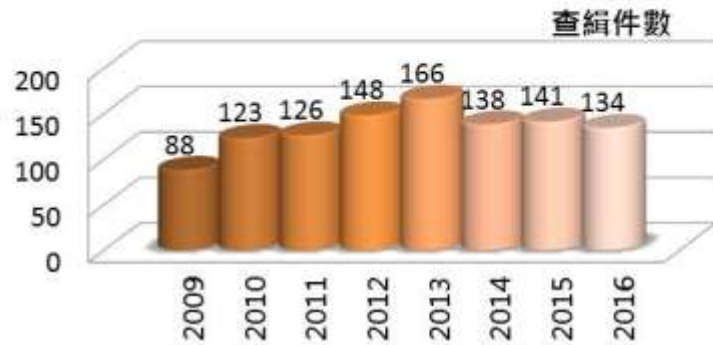


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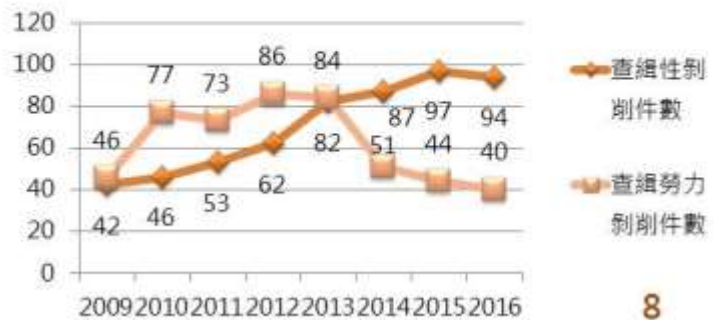


四、執行面-查緝

- 臺灣負責查緝人口販運案件機關包含內政部移民署、內政部警政署、行政院海岸巡防署、法務部調查局。



2009年起至2016年間人口販運案件查緝統計情形

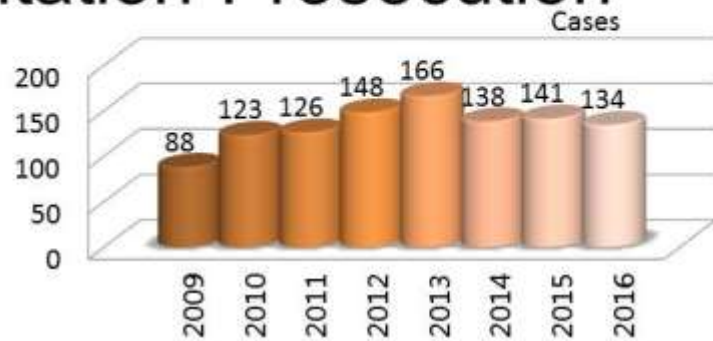


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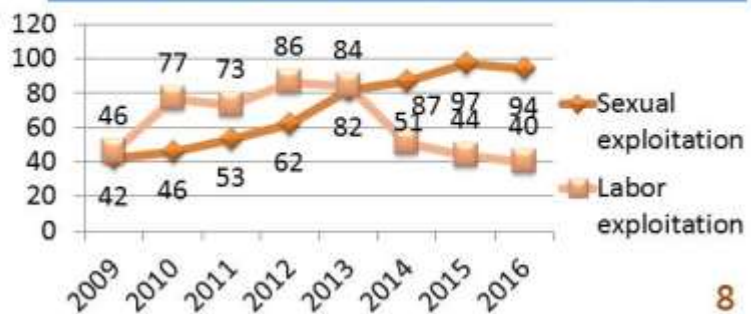
4. Implementation-Prosecution

- Agencies responsible for the investigation of human trafficking include:

- National Immigration Agency (NIA)
- National Police Agency
- The Coast Guard Administration
- The Investigation Bureau



Statistics on the investigation of trafficking cases between 2009~2016 (number of cases)

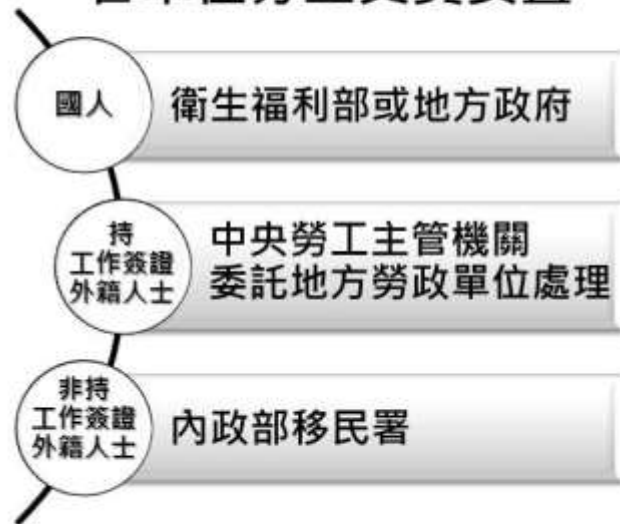


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四、執行面-保護安置

- 提供被害人安置及多元的保護協助措施
- 依被害人身分由各業管單位分工負責安置

- 1 人身安全保護
- 2 必要之醫療協助
- 3 通譯服務
- 4 法律協助
- 5 心理輔導及諮詢服務
- 6 於案件偵查或審理中陪同接受詢(訊)問
- 7 必要之經濟協助
- 8 其他有必要之協助



9

4. Implementation - Protection

- Sheltering for Victims and Other Protection Measures
- Division of Work between Authorities and Protection Procedure by victim's status.

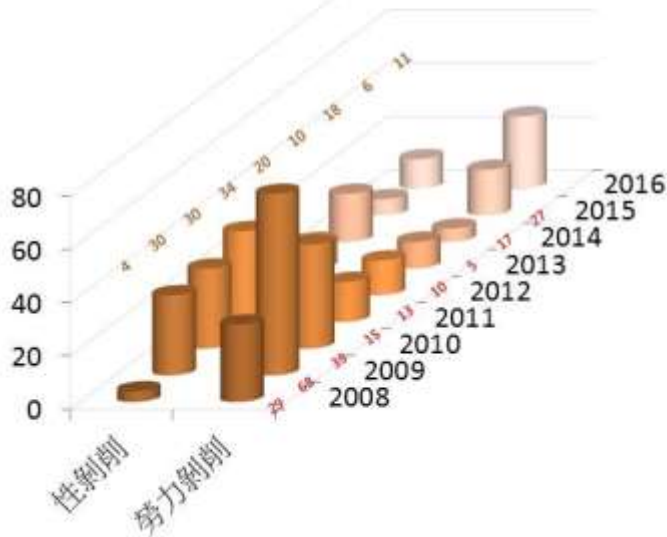
- 1 Personal Safety Protection
- 2 Medical Assistance
- 3 Translation Services
- 4 Legal Advice
- 5 Counseling
- 6 Accompanied Interrogation and/or Court Presence
- 7 Necessary Financial Assistance
- 8 Other Required Assistance



9

四、執行面-保護安置

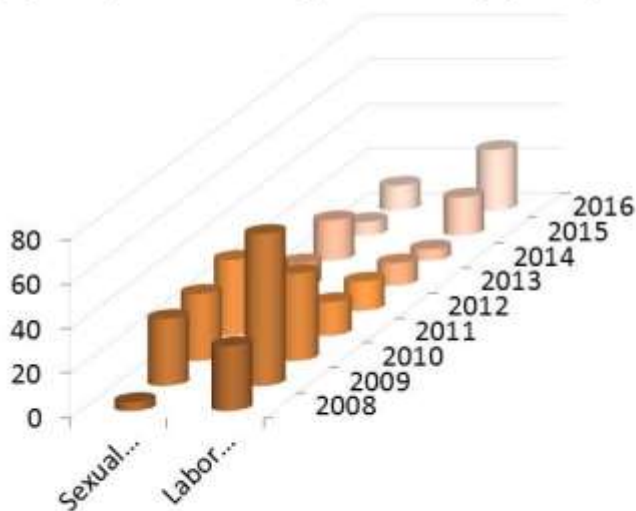
- 移民署安置
保護被害人人數圖



10

4.Implementation - Protection

- Number of victims NIA has assisted
(by Exploitation Type and by year)



10

四、執行面-預防宣導

- 辦理防制人口販運教育訓練，提昇公部門及私部門之第一線人員專業知能，方式包括通識基礎教育訓練及諮詢網絡研習營，亦曾邀請美國國土安全部官員等知名講者前來授課。



11

4.Implementation - Prevention

- Provide education in trafficking prevention to improve the professional knowledge of both the public and private sector personnel working directly with trafficking cases. Methods include providing general education/training and holding annual Anti-Human Trafficking Seminars. Officials from the U.S. Department of Homeland Security and acclaimed speakers were also invited to give lectures.



11

四、執行面-預防宣導

- 推動各式多元創意、多國語言的宣導活動。



12

4. Implementation - Prevention -Advocacy

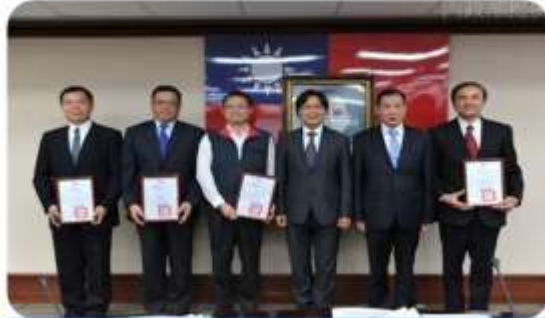
- Carry out, diversified, innovative, and multi-lingual awareness campaign.



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四、執行面-夥伴合作

- 2014年起內政部結合學者專家及勞動部，組成專案小組實地訪視評核直轄市、縣(市)政府前一年辦理防制人口販運成果。



內政部部长章俊榮、移民署前署長何榮村與考核成績優良縣市政府代表合影

等第	特優	優等	甲等	乙等	丙等
105 (15)	4	6	4	1	0
104 (13)	1	4	7	0	1
103 (22)	2	7	8	3	2

- 評核工作已實施3年，地方政府防制措施及成效，有相當幅度提升。對於特優者，並公開表揚鼓勵。

13

4. Implementation - Partnership

- Starting in 2014, the Ministry of the Interior joined the Ministry of Labor and other experts to form a review team in field trips to review/evaluate the results of prior year's anti-trafficking results by the municipalities and the counties.



group photo

等第	A++	A+	A	B	C
2016 (15)	4	6	4	1	0
2015 (13)	1	4	7	0	1
2014 (22)	2	7	8	3	2

- Evaluation has been in place for three years. There is a significant enhancement in terms of preventive measures and its effectiveness. Recognition is given to those who excelled in their work.

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四、執行面-夥伴合作

- 自2011年8月17日與蒙古簽署第一個有關移民事務與防制人口販運合作瞭解備忘錄，積極洽簽瞭解備忘錄(MOU)或協定，至少16國。



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4. Implementation - Partnership

- On August 17th, 2011, the first Memorandum of Understanding concerning cooperation on immigration affairs and trafficking prevention was signed with Mongolia. Subsequently, the MOU partnership has been aggressively expanded and 16 countries have since completed signing with Taiwan.



14

四、執行面-夥伴合作

- 移民署自2007年首度辦理「防制人口販運國際工作坊」，齊聚不同國家政府機關人員、駐臺使節及非政府組織學者專家，探討全球關注的防制人口販運議題，今年已是第11次辦理。



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4. Implementation - Partnership

- Beginning in 2007, the National Immigration Agency (NIA) has hosted the annual event of International Workshop on Strategies for Combating Human Trafficking. Foreign government officials, diplomats, NGO workers as well as members of academics gather to discuss the issues of trafficking prevention that has raised global concern. This year, the workshop is holding the 11th annual meeting since its first.



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五、未來工作方向

- **查緝**—善用科技工具，掌握犯罪新趨勢，並與被害人來源國加強情資交換，澈底根絕人口販運集團。
- **保護**—優化被害人權益保障，積極研修人口販運防制法，如增加被害人可選擇在社區居住，更利其重返社會。



16

5.Directions for Future Pursuits

- **Prosecution** --- Utilization of latest technology; stay on top of new crime trends; strengthen information exchange with authorities in victims' country of origin; completely uproot human trafficking rings.
- **Protection** --- Optimize protection of victims' rights ; aggressively amend *The Trafficking Prevention Act* to give the victim the option to live within the communities, which in turn helps them better adapt upon return to the society.



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五、未來工作方向

- **預防**—擴大民眾認識人口販運，並勇於提出檢舉，或加強勞動檢查頻率，期能事前遏止勞力剝削。
- **夥伴**—結合新南向政策，如辦理亞洲人口販運防制區域論壇等，強化區域合作關係。



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5.Directions for Future Pursuits

- **Prevention** --- Raise public awareness of Human Trafficking and public incentives for reporting criminal activities. Additionally, increase the frequency of labor inspection to prevent labor exploitation.
- **Partnership** --- Synchronize with the New Southbound Policy. Hold regional forums, For example, on Asian trafficking Prevention to strengthen regional collaboration.



17



2017 年防制人口販運國際工作坊

現行教育體制下國人宣導成效

Propaganda Achievements Under the Education System

主講人：鄭乃文
教育部學生事務及特殊教育司司長

Speaker: **Cheng, Nai-Wen**
Director of Department of Student Affairs and Special
Education



主講人簡介

鄭乃文

教育部學生事務及特殊教育司司長



經歷

國立臺灣藝術教育館館長

國立國父紀念館館長

教育部督學

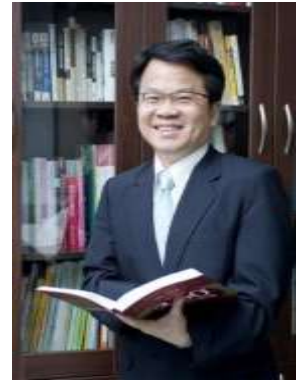
教育部國會組執行秘書

司法院專門委員

Brief Introduction of Speaker

Cheng, Nai-Wen

Director of Department of Student Affairs and
Special Education



PROFESSIONAL EXPERIENCES

Director General of National Taiwan Arts Education Center

Director General of National Dr. Sun Yat-sen Memorial Hall

School Inspector of Ministry of Education

Executive Secretary of Congressional Liaison Unit, Ministry of Education

Assistant Director-General of Administration



2017 年防制人口販運國際工作坊

簡報請見大會手冊 B / Please refer to the PROGRAM B for this document



防制外籍勞工人口販運

Anti-Human Trafficking in Migrant Workers

主 講 人： 蘇裕國
勞動部勞動力發展署跨國勞動力管理組專門委員

Speaker: **Su Yu-Kao**
Assistant Director-General of Cross Border Workforce



主講人簡介

蘇裕國

勞動部勞動力發展署跨國勞動力管理組專門委員



經歷

勞動部勞動力發展署專門委員

勞動部勞動力發展署科長

主管業務

外國人才招聘與雇用

外籍勞工政策

Brief Introduction of Speaker

Su, Yu-Gao

Assistant Director-General of Cross Border Workforce Management Division Workforce Development Agency, Ministry of Labor



PROFESSIONAL EXPERIENCES

Assistant Director-General of Workforce Development Agency ,Ministry of Labor

Section Chief of Workforce Development Agency , Ministry of Labor

PRIMARY FOCUS

Assistant Director-General of Workforce Development Agency, Ministry of Labor

Division Chief of Workforce Development Agency, Ministry of Labor



2017 年防制人口販運國際工作坊

簡報請見大會手冊 B / Please refer to the PROGRAM B for this document



**臺灣防制人口販運工作 10 年
成效、回顧及展望（二）**

*The Achievements, Retrospect and Prospect of Taiwan's
Combating Human Trafficking for the past 10 years (2)*



2017 年防制人口販運國際工作坊

人口販運起訴成效
Prosecution Achievements

主 講 人： 許 鈺 茹
法 務 部 檢 察 司 檢 察 官

Speaker: **Hsu, Yu-Ju**
Prosecutor of Department of Prosecutorial Affairs
Ministry of Justice



主講人簡介

許鈺茹

法務部檢察司檢察官

經歷

臺灣臺南地方法院檢察署檢察官

臺灣新竹地方法院檢察署檢察官

臺灣臺北地方法院檢察署檢察官

臺灣桃園地方法院檢察署公訴組主任檢察官

臺灣臺北地方法院檢察署婦幼組主任檢察官

法務部檢察司檢察官

Brief Introduction of Speaker

Hsu, Yu-Ju

Prosecutor of Department of Prosecutorial Affairs

PROFESSIONAL EXPERIENCES

Prosecutor of Tainan District Prosecutors Office

Prosecutor of Hsinchu District Prosecutors Office

Prosecutor of Taipei District Prosecutors Office

Head Prosecutor of Public Prosecution Taoyun District Prosecutors Office

Head Prosecutor of material and child, Taipei District Prosecutors Office

Prosecutor of Department of Prosecutorial Affairs



臺灣防制人口販運 起訴成效

法務部檢察司許鈺茹檢察官

Prosecution Achievements of Taiwan's Combating Human Trafficking

Hsu, Yu-Ju
Prosecutor, Department of Justice

一、前言：我國人口販運防制工作獲國際肯定 人口販運防制 我連續8年評比全球第一級



AIT副處長傅德恩（左）送交「美國2017年人口販運問題報告-台灣部分」予內政部移民署署長何榮村。圖／移民署提供

美國國務院公布2017年全球防制人口販運評比結果，我國在全球180多國評比中仍然名列第一級國家，內政部表示，這已經是連續第8年獲得肯定。

1. Preface : **Taiwan's achievement in combating human trafficking** Taiwan maintained its Tier 1 ranking for eight consecutive years.



AIT副處長傅德恩（左）送交「美國2017年人口販運問題報告-台灣部分」予內政部移民署署長何榮村。圖／移民署提供

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李麗華揭露台灣漁船剝削外籍漁工獲美頒獎 總統、外交部肯定

唐詩 / 台北報導 2017-06-28 12:55



宜蘭縣漁工與華工會秘書長李麗華也因協助打擊人口販運的努力和表現，榮獲美國國務院頒發「打擊人口販運英雄獎」。AIT官網貼出李麗華獲獎照片。圖/翻攝AIT官方臉書

外交部今表示，美國國務院於臺北時間27日晚間發布「2017年人口販運報告」(2017 Trafficking-in-Persons Report)，該報告評比188個政府，我國除連續8年名列該報告防制人口販運成效最佳的第一級(Tier 1)名單外，宜蘭縣漁工職業工會秘書長李麗華也因協助打擊人口販運的努力和表現，榮獲美國國務院頒發「打擊人口販運英雄獎」。

美國在台協會(AIT)稍早也宣布，宜蘭縣漁工職業工會的秘書長兼創辦人李麗華剛獲得國務院頒贈2017年《打擊人口販運、終止現代奴役英雄獎》。這個由國務卿雷克斯·

提勒森(Rex Tillerson)與總統顧問伊凡卡·川普(Ivanka Trump)親自頒贈的獎項主要是為表彰世界各地為打擊人口販運並且對抗不公不義等行動奮鬥不懈的傑出人士。

2017 Trafficking in Persons Report Hero

AIT - Taipei Main Office



AIT is honored to announce that Secretary of State Rex Tillerson has awarded Allison Lee, the Secretary General and founder of the Yilan Migrant Fishermen Union, the State Department's 2017 "TIP Report Hero Acting to End Modern Slavery Award." The Award honors outstanding individuals around the world who fight for

我國人口販運防制工作精進之方向

- 加強起訴及定罪力度對加害人給予充分嚴厲之處罰
- 增進訓練效益強化檢察官及法官對人口販運之認知
- 修法釐清家庭看護工和家事勞動者基本權益之落差
- 明確界定及監督臺籍漁船之角色和責任

Efforts of Taiwan in Anti-trafficking

- Increasing effort to prosecute and convict traffickers and sentencing convicted traffickers to sufficiently stringent punishments.
- Prosecutors and judges' understanding of trafficking crimes and enact legislation.
- Clarifying differences between Domestic Workers And Domestic care-takers
- Defining clearly and monitoring the roles and responsibilities of Taiwan' s fishing vessels.



二、我國人口販運犯罪類型

人口販運案件適用法條一覽表

106.01.01

項次	法 律	條 次
1	人口販運防制法	第 31 條至第 34 條、第 36 條、第 39 條
2	兒童及少年性剝削防制條例	第 32 條至第 34 條、第 37 條、第 42 條
3	勞動基準法	第 75 條
4	刑法	第 231 條第 1 項後段、第 231 條之 1、第 241 條(第 2、3、4 項)、第 242 條、第 243 條、第 296 條、第 296 條之 1、第 298 條(第 2、3 項)、第 299 條、第 300 條

註：依據人口販運防制法第 2 條規定，人口販運指從事人口販運，而犯本法、刑法、勞動基準法、兒童及少年性剝削防制條例或其他相關之罪。

2、Criminal Types of Human Trafficking in Taiwan

Acts Applied to Human Trafficking Cases

2017.Jan.01

項次	Law	條 次
1	Human Trafficking Prevention Act	第 31 條至第 34 條、第 36 條、第 39 條
2	Child and Youth Sexual Exploitation Prevention Act	第 32 條至第 34 條、第 37 條、第 42 條
3	Labor Standards Act	第 75 條
4	Criminal Code	第 231 條第 1 項後段、第 231 條之 1、第 241 條(第 2、3、4 項)、第 242 條、第 243 條、第 296 條、第 296 條之 1、第 298 條(第 2、3 項)、第 299 條、第 300 條

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常見之人口販運犯罪型態

- 利用與國人假結婚之方式入境
- 持用不實之入國許可證入境
- 持用偽造之外國護照入境
- 以虛偽內容申請入境再實行與申請目的不相符之活動
- 變造我國兒童證件偷渡大陸兒童至歐美等國

Criminal Types of Human Trafficking in Taiwan

- People who entered Taiwan through False marriages
- People who used fake Entry/Exit Permit
- People who used fake passport
- Engaging in activities not matching with the purpose of Entry application.
- Altering Taiwanese children's passports to help children in China to enter illegally Europe and the U.S.

惡老闆逼洗屍 6看護控訴

當場嚇暈 夜夜惡夢

2011年10月04日   



逼看護洗屍示意圖
1. 善護中心一名女看護泣訴，她被僱主帶到殯儀館清洗遺體時，當場嚇暈。

【綜合報導】榮獲高雄市政府評鑑優等的孝欣葬儀社，老闆林鴻坤、吳靜惠夫婦兼營三家安善院，竟強逼六名照顧老人的越南籍女看護工，還要到殯儀館洗遺體，甚至挖墳撿骨，有看護工洗屍當場嚇暈、夜夜惡夢，卻只領到五十元時薪，還被威脅「不照做就遣返」。最高法院昨依《人口販運防制法》恐嚇使人從事勞動，與報酬顯不相當之工作罪，判這對惡老闆各十月徒刑，緩刑三年定讞。

判決指出，林鴻坤（四十五歲）、吳靜惠（四十三歲）夫婦在高雄市經營孝升、孝星、永泰三家善護中心，兼營孝欣葬儀社，兩人從二〇〇八年起僱用六名越南籍看護工，負責旗下善護中心每晚八時到隔天早上八時夜班看護工作。林鴻坤夫婦為節省葬儀社開支，自二〇〇九年四月起，白天不定期載六名看護工到殯儀館、醫院等地，由林鴻坤示範幫往生者清洗、穿衣等入殮事務，再要看護工接手完成，六人當場驚嚇拒絕，竟被威脅「不照做就遣返」。

News

The host of 6 migrant domestic workers has violated human trafficking law

2011年10月04日   



逼看護洗屍示意圖
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81外籍漁工遭拘禁 下船只能擠20坪小房

2016年05月24日 19:22 劉宥廷

A A A



81名外籍漁工下工後被關在高市小港、前鎮等區2處透天厝內集體管理，但20坪空間擠進數十人，門窗還封住上鎖，僅留通風口，已逾越漁船生管理監督國內停留外籍漁工的合理範圍，被高雄檢查費。（劉宥廷翻攝）

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News

81 Southeast Asian, African workers freed from squalor



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毒品控制再加性剝削 警破人口販運應召站

2016-06-17 12:10

〔記者劉慶侯／台北報導〕移民署新北市專勤隊、蘆洲分局，今日宣佈破獲藏身在雙北市，結合槍、毒、應召站的最大人口販運性剝削集團，逮捕綽號「文哥」邱文聰等15名嫌犯，及11名被控制和剝削的印尼、中國籍賣春女郎。



綽號文哥的邱文聰（左）在停車場遭逮捕，車輛藏有毒品及槍械。（記者劉慶侯攝）

警方表示，「文哥」集團利用成員吸收兩名印尼籍賣淫女子，一為娜娜（化名），協助集團在網路上對不特定印尼籍女子散佈可在工廠上班訊息，待印尼移工有興趣後，假意帶到工廠再稱目前無工作機會，隨後利用移工在台脆弱無助且亟需賺錢情境，將對方強迫推入火坑。

另一為妙妙（化名），原為應召站紅牌，後遭「文哥」吸收為女友，協助該集團監控其他被害外籍女子，並充當犯罪集團印尼語翻譯工作。

警方調查，遭拐騙來的印尼籍移工多被逼迫賣淫，若有反抗或有脫離監控企圖，動輒恐嚇、威脅被害人

News

Biggest Prostitution Ring Were Busted, 11 Migrant Girls Has Been Rescued

2016-06-17 12:10

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越配「隔空生子」偵結 22假父母公訴 11越童將遣返

2017-06-21 16:14

【記者黃淑莉／雲林報導】多位越南父母為讓孩子來台灣，透過非法仲介偽造出生證明，使嫁來台灣的越南姑姑、阿姨「隔天生子」變成小孩的生母，雲林地檢署今天偵查終結，將22名「假父母」提起公訴，至於涉嫌人口販運部分，來台孩子與在台越籍配偶都有親戚關係，在台期間也沒被虐待、剝削，因此並無人口販運。



雲林地檢署、移民署上月偵破越配「隔空生子」案，訊後移送地檢署偵辦。（記者黃淑莉翻攝）

及廖男等8名國人提起公訴。

雲林地檢署、移民署上月偵破偽造出生證明申辦台灣護照來台，查獲17對台灣「假父母」，在102至105年間，以美金3000至7000元不等代價，透過越南仲介集團，偽造醫院出生證明，將孩子的生母變成嫁來台的越配，其中11名越童已在台取得我國護照且已入戶籍，全案依違反人口販運防制法、護照條例等罪嫌送辦。

雲林地檢署偵查終結今天依刑法偽造文書使公務員登載不實及違反護照條例等罪嫌，將阮姓等14名越配

News

A ring smuggling Vietnamese children has been Dismantled

2017-06-21 16:14

【記者黃淑莉／雲林報導】多位越南父母為讓孩子來台灣，透過非法仲介偽造出生證明，使嫁來台灣的越南姑姑、阿姨「隔天生子」變成小孩的生母，雲林地檢署今天偵查終結，將22名「假父母」提起公訴，至於涉嫌人口販運部分，來台孩子與在台越籍配偶都有親戚關係，在台期間也沒被虐待、剝削，因此並無人口販運。



雲林地檢署、移民署上月偵破越配「隔空生子」案，訊後移送地檢署偵辦。（記者黃淑莉翻攝）

及廖男等8名國人提起公訴。

雲林地檢署、移民署上月偵破偽造出生證明申辦台灣護照來台，查獲17對台灣「假父母」，在102至105年間，以美金3000至7000元不等代價，透過越南仲介集團，偽造醫院出生證明，將孩子的生母變成嫁來台的越配，其中11名越童已在台取得我國護照且已入戶籍，全案依違反人口販運防制法、護照條例等罪嫌送辦。

雲林地檢署偵查終結今天依刑法偽造文書使公務員登載不實及違反護照條例等罪嫌，將阮姓等14名越配



三、檢察機關偵辦人口販運案件之相關法規

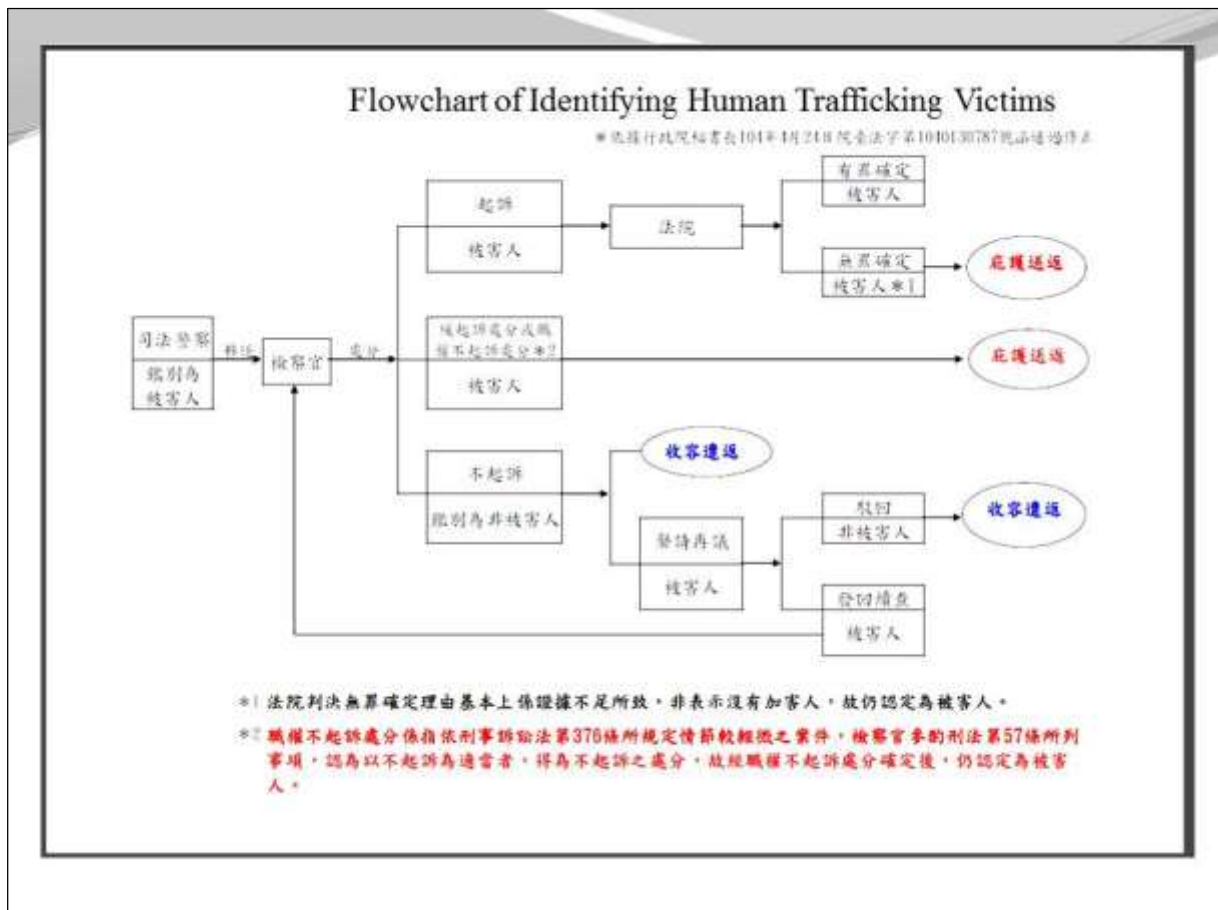
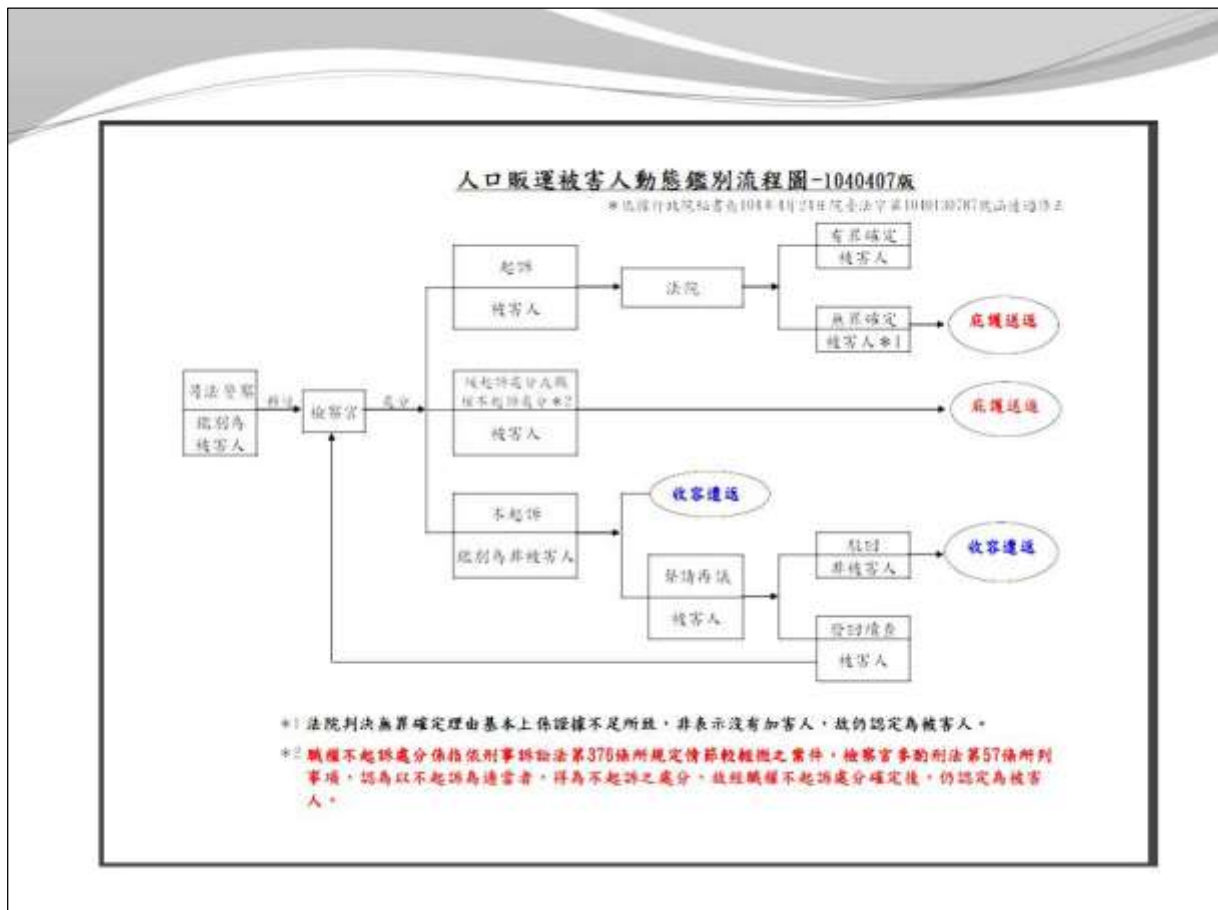
- **人口販運防制法：**
法務主管機關職掌人口販運被害人鑑別法制事項、人口販運罪之偵查與起訴之規劃、推動及督導。
- **臺灣高等法院檢察署防制人口販運督導小組設置要點：**
為有效查緝人口販運案件，設置臺灣高等法院檢察署防制人口販運督導小組。
- **檢察機關辦理人口販運案件應行注意事項：**
各地檢署指派經專業訓練之檢察官專責辦理人口販運案件。
- **人口販運被害人鑑別原則：**
明確鑑別人口販運被害人，以有效追查人口販運案件，並提供被害人合適保護措施。

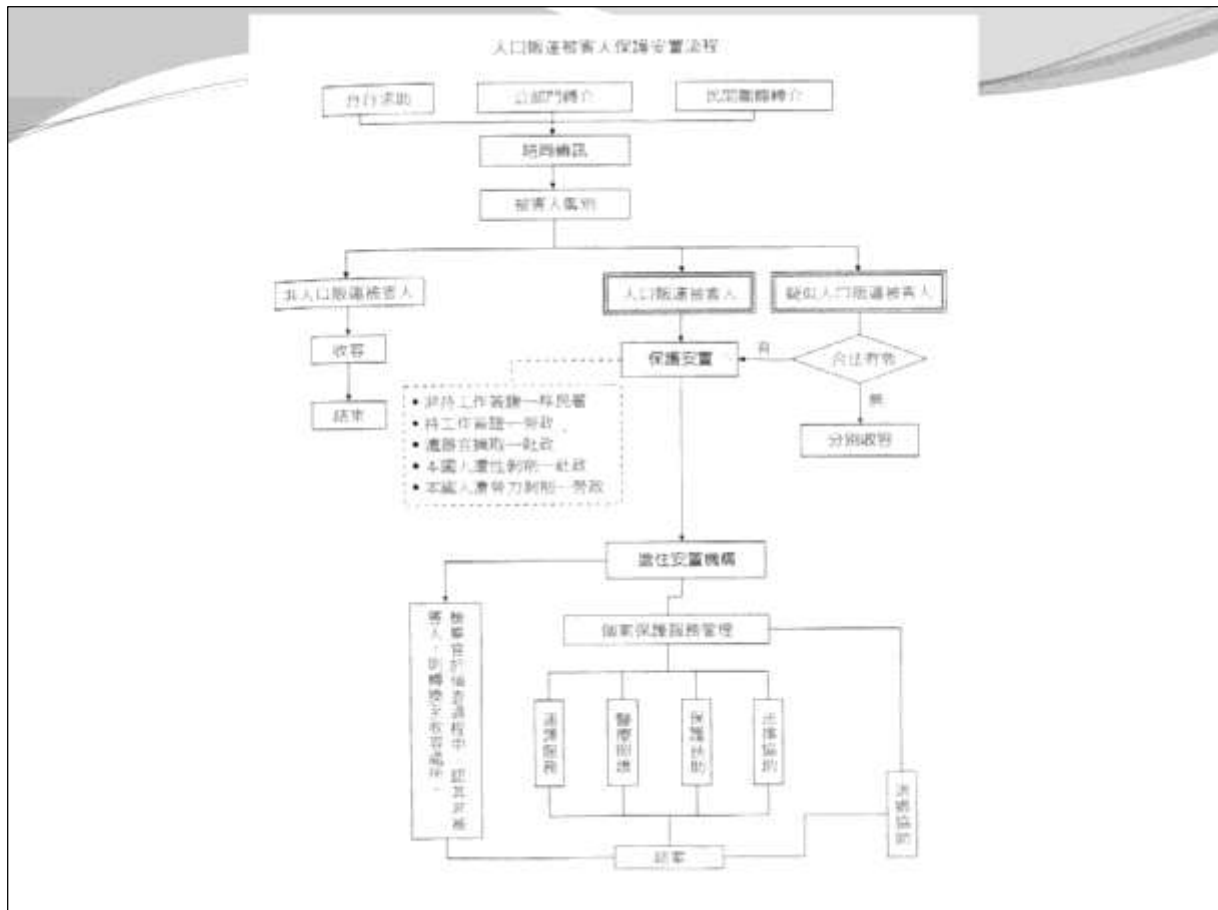
3、Acts and Regulations of Human Trafficking Prevention

- **Human Trafficking Prevention Act :**
Judicial competent authority: the planning, promotion and supervision of the legal procedures for the identification of human trafficking victims and the investigation and prosecution of human trafficking
- **The Purpose on anti-human trafficking supervision group under Prosecutors Office for Taiwan High Court :**
To set up anti-human trafficking supervision group
- **Notices concerning the investigation of human trafficking cases :**
Personnel conducting human-trafficking-related arrest, investigation, trial, identification of victims, rescue, protection and sheltering, shall have undergone relevant professional training.
- **Identification Principles Of Human Trafficking Victims :**
The investigation of human trafficking cases, referral of criminal cases, identification and protection of the personal safety of human trafficking victims.

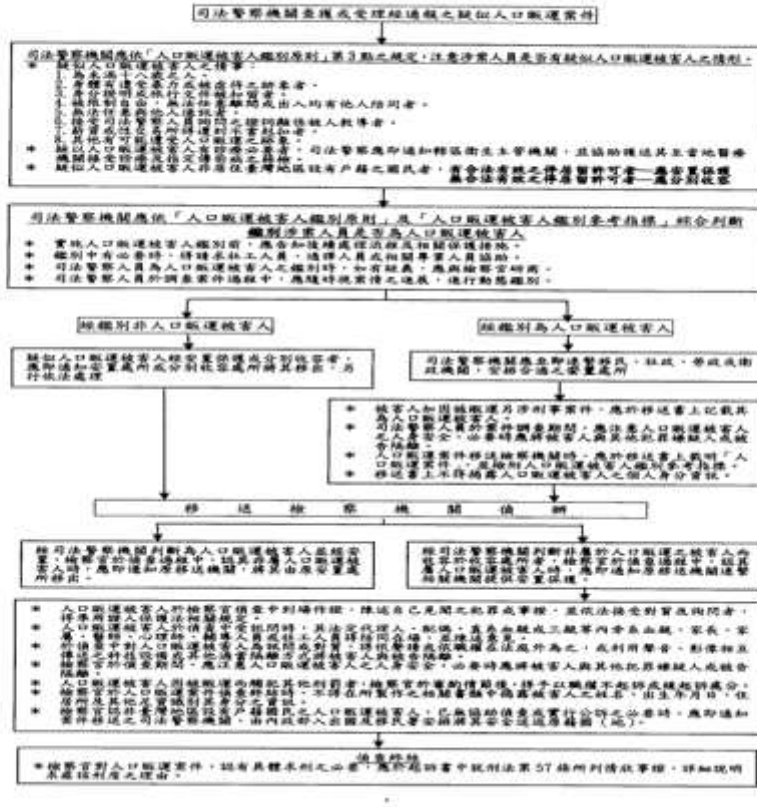
人口販運被害人鑑別參考指標				代碼：
被害人姓名		國籍		性別
出生年月日		年齡		使用語言
國際號碼	<input type="checkbox"/> 身分證統一編號： <input type="checkbox"/> 護照號碼： <input type="checkbox"/> 居留證號碼：			
國內住居所				
是否安置	<input type="checkbox"/> 是，安置處所： <input type="checkbox"/> 否，說明何處：			
剝削目的 (是否遭剝削?) <input type="checkbox"/>是 <input type="checkbox"/>否				
<input type="checkbox"/> 性剝削	<input type="checkbox"/> 是否從事性交易?			
<input type="checkbox"/> 勞力剝削	<input type="checkbox"/> 其從事之勞動是否與其實際獲得之報酬顯不相當? (參考要項： 1. 其工作情形為何? (工作內容?每日工作?加班情形?可否拒絕加班?工作環境如何?有無提供安全場地或設備?是否須負擔約定工作項目以外之工作?) 2. 其實際取得報酬之情形為何? (實際獲得之報酬是否與約定報酬相符?有無遭到扣款?是否無法掌控自身之工作所得?能否取得加班費?) 3. 其工作與實際獲得之報酬是否顯不相當? (同樣工作條件下可獲得之合理報酬為何?起扣報酬之情形是否合理?其實際獲得之報酬與其提供之勞務相較，與該行業一般人之境況是否顯不相當?是否為被害人主觀所難以接受?))			
<input type="checkbox"/> 器官摘取	<input type="checkbox"/> 是否遭摘除器官?如是，連續摘除何器官?			
不法手段 (是否遭不法手段對待?) <input type="checkbox"/>是 <input type="checkbox"/>否				
<input type="checkbox"/> 強暴 <input type="checkbox"/> 脅迫 <input type="checkbox"/> 恐嚇 <input type="checkbox"/> 拘禁 <input type="checkbox"/> 監禁 <input type="checkbox"/> 綁架	參考要項： 1. 有無遭受性侵害? 2. 有無遭到毆打或虐待?或有或傷害有無受到合理之醫療照護? 3. 其自身或家人有無受到恐嚇威脅? 4. 是否被限制於工作處所?工作處所有無上鎖?有無他人監控?有無監視設備? 5. 是否不得任意離開工作處所?離開時有無他人任意監控?			
權職術 詐術 故意隱瞞重要資訊 不當債務約束 扣留重要文件 利用他人不能、不知或難以求助之處境 其他違反本人意願之方法				
6. 若拒絕工作或離開，是否擔心自己或親友之安全? 7. 旅行及身分證明等重要文件可否自行保管? 8. 是否無法任意離開或向他人求助?進行通訊時是否遭到監控? 9. 工作內容是否與約定不符?是否遭強迫從事可以外之工作?有無遭到扣款?有關工作內容之重要資訊是否遭隱瞞? 10. 有無被強迫提供贖金或抵押物品?是否成癮? 11. 是否因醫藥工作由他人保管或資產遭不法扣押、破壞或意圖從事性交易，提供勞務或採取其器官? 12. 其所負擔之債務內容及償還方式是否不確定?是否以利息、罰金、違約金等不同名目不斷增加而無法償還?其所負擔之債務是否顯不合理?其是否因不當債務之來而讓從事性交易，提供勞務或遭採取器官? 13. 是否因處於不穩定關係，遭語言辱罵語言或囚禁於入境、非法居留而不能、不知或難以求助之處境，致於無選擇讓從事性交易，提供勞務或遭採取器官?				
人流處置行為 (是否遭販運?) <input type="checkbox"/>是 <input type="checkbox"/>否				
<input type="checkbox"/> 招募 <input type="checkbox"/> 買賣 <input type="checkbox"/> 質押 <input type="checkbox"/> 運送 <input type="checkbox"/> 交付 <input type="checkbox"/> 收受 <input type="checkbox"/> 藏匿 <input type="checkbox"/> 隱匿 <input type="checkbox"/> 婚介 <input type="checkbox"/> 容留	參考要項： 1. 原定前往目的地之目的為何?與到達後實際從事者是否相符? 2. 是否經他人安排前往目的地?該他人為何?如何接洽?有無支付費用?費用多少?如何支付? 3. 前往目的地之方式為何? 4. 有無合法之身分證明或旅行文件? 5. 是否因被到目的地而負擔債務?約定以何方式償付? 6. 是否被送前目的地? 7. 前往目的地之過程中有無他人陪同?是否遭受強暴、脅迫、恐嚇、監禁?行動自由是否遭受限制? 8. 抵達目的地後是否被限制到另一批人手上?有無被買賣、質押? 9. 抵達目的地後是否經他人安排從事工作或性交易?有無支付費用? 10. 抵達目的地後是否經他人安排住處?是否自行選擇居住處所?			
被害人被害時之年齡： <input type="checkbox"/> 十八歲以上 <input type="checkbox"/> 未滿十八歲				
依前揭指標綜合鑑別結果：(被害人被害時之年齡為十八歲以上者，須同時具備剝削目的，不達上述任一項處置行為二年者，未滿十八歲者，具備剝削目的及人流處置行為二年者即可) <input type="checkbox"/> 是 <input type="checkbox"/> 否為人口販運被害人				

Indicators of Identifying Human Trafficking Victims				代碼：
被害人姓名		國籍		性別
出生年月日		年齡		使用語言
國際號碼	<input type="checkbox"/> 身分證統一編號： <input type="checkbox"/> 護照號碼： <input type="checkbox"/> 居留證號碼：			
國內住居所				
是否安置	<input type="checkbox"/> 是，安置處所： <input type="checkbox"/> 否，說明何處：			
剝削目的 (是否遭剝削?) <input type="checkbox"/>是 <input type="checkbox"/>否				
<input type="checkbox"/> 性剝削	<input type="checkbox"/> 是否從事性交易?			
<input type="checkbox"/> 勞力剝削	<input type="checkbox"/> 其從事之勞動是否與其實際獲得之報酬顯不相當? (參考要項： 1. 其工作情形為何? (工作內容?每日工作?加班情形?可否拒絕加班?工作環境如何?有無提供安全場地或設備?是否須負擔約定工作項目以外之工作?) 2. 其實際取得報酬之情形為何? (實際獲得之報酬是否與約定報酬相符?有無遭到扣款?是否無法掌控自身之工作所得?能否取得加班費?) 3. 其工作與實際獲得之報酬是否顯不相當? (同樣工作條件下可獲得之合理報酬為何?起扣報酬之情形是否合理?其實際獲得之報酬與其提供之勞務相較，與該行業一般人之境況是否顯不相當?是否為被害人主觀所難以接受?))			
<input type="checkbox"/> 器官摘取	<input type="checkbox"/> 是否遭摘除器官?如是，連續摘除何器官?			
不法手段 (是否遭不法手段對待?) <input type="checkbox"/>是 <input type="checkbox"/>否				
<input type="checkbox"/> 強暴 <input type="checkbox"/> 脅迫 <input type="checkbox"/> 恐嚇 <input type="checkbox"/> 拘禁 <input type="checkbox"/> 監禁 <input type="checkbox"/> 綁架	參考要項： 1. 有無遭受性侵害? 2. 有無遭到毆打或虐待?或有或傷害有無受到合理之醫療照護? 3. 其自身或家人有無受到恐嚇威脅? 4. 是否被限制於工作處所?工作處所有無上鎖?有無他人監控?有無監視設備? 5. 是否不得任意離開工作處所?離開時有無他人任意監控?			
權職術 詐術 故意隱瞞重要資訊 不當債務約束 扣留重要文件 利用他人不能、不知或難以求助之處境 其他違反本人意願之方法				
6. 若拒絕工作或離開，是否擔心自己或親友之安全? 7. 旅行及身分證明等重要文件可否自行保管? 8. 是否無法任意離開或向他人求助?進行通訊時是否遭到監控? 9. 工作內容是否與約定不符?是否遭強迫從事可以外之工作?有無遭到扣款?有關工作內容之重要資訊是否遭隱瞞? 10. 有無被強迫提供贖金或抵押物品?是否成癮? 11. 是否因醫藥工作由他人保管或資產遭不法扣押、破壞或意圖從事性交易，提供勞務或採取其器官? 12. 其所負擔之債務內容及償還方式是否不確定?是否以利息、罰金、違約金等不同名目不斷增加而無法償還?其所負擔之債務是否顯不合理?其是否因不當債務之來而讓從事性交易，提供勞務或遭採取器官? 13. 是否因處於不穩定關係，遭語言辱罵語言或囚禁於入境、非法居留而不能、不知或難以求助之處境，致於無選擇讓從事性交易，提供勞務或遭採取器官?				
人流處置行為 (是否遭販運?) <input type="checkbox"/>是 <input type="checkbox"/>否				
<input type="checkbox"/> 招募 <input type="checkbox"/> 買賣 <input type="checkbox"/> 質押 <input type="checkbox"/> 運送 <input type="checkbox"/> 交付 <input type="checkbox"/> 收受 <input type="checkbox"/> 藏匿 <input type="checkbox"/> 隱匿 <input type="checkbox"/> 婚介 <input type="checkbox"/> 容留	參考要項： 1. 原定前往目的地之目的為何?與到達後實際從事者是否相符? 2. 是否經他人安排前往目的地?該他人為何?如何接洽?有無支付費用?費用多少?如何支付? 3. 前往目的地之方式為何? 4. 有無合法之身分證明或旅行文件? 5. 是否因被到目的地而負擔債務?約定以何方式償付? 6. 是否被送前目的地? 7. 前往目的地之過程中有無他人陪同?是否遭受強暴、脅迫、恐嚇、監禁?行動自由是否遭受限制? 8. 抵達目的地後是否被限制到另一批人手上?有無被買賣、質押? 9. 抵達目的地後是否經他人安排從事工作或性交易?有無支付費用? 10. 抵達目的地後是否經他人安排住處?是否自行選擇居住處所?			
被害人被害時之年齡： <input type="checkbox"/> 十八歲以上 <input type="checkbox"/> 未滿十八歲				
依前揭指標綜合鑑別結果：(被害人被害時之年齡為十八歲以上者，須同時具備剝削目的，不達上述任一項處置行為二年者，未滿十八歲者，具備剝削目的及人流處置行為二年者即可) <input type="checkbox"/> 是 <input type="checkbox"/> 否為人口販運被害人				

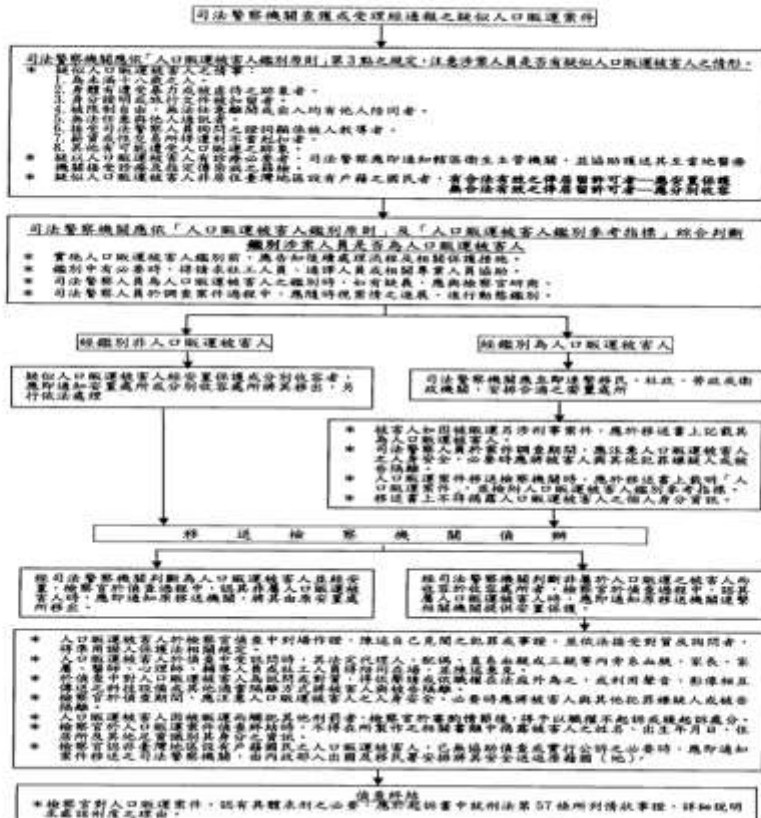




人口販運案件偵查流程



Flowchart of Investigating Human Trafficking Case



網絡合作偵辦人口販運案件



Collaboration Network of Investigating Human Trafficking Cases





四、臺灣防制人口販運起訴成效

- (一) 99年至106年4月各地檢察署偵辦人口販運案件起訴率統計 (偵查收結、起訴率、全般刑案起訴率)

地方法院檢察署辦理人口販運案件偵查案件收結情形

項 目 別	偵 辦		偵 結		起 訴		處 分	不 處	其 他	起 訴 率 %	全 起 訴 率 %
	案 件	人	案 件	人	通 緝 程 序 起 訴 人	聲 請 決 簡 處 易 刑 人					
							起 訴 人	起 訴 人	起 訴 人	起 訴 人	
99年-106年4月	1,888	6,353	1,938	5,733	2,088	142	130	2,836	537	38.9	42.0
99年	265	1,180	228	993	357	84	32	402	118	44.4	41.7
100年	290	977	319	1,074	412	25	38	506	93	40.7	41.7
101年	386	1,129	398	1,115	435	20	37	534	89	40.8	41.2
102年	328	993	328	927	328	6	14	500	79	36.0	41.9
103年	186	590	240	585	183	1	8	343	50	31.5	42.9
104年	196	669	195	478	147	1	-	278	52	31.0	42.7
105年	182	617	156	396	166	5	1	187	37	43.2	42.2
106年1-4月	55	198	74	165	60	-	-	86	19	36.4	41.4

資料來源：法務部統計處
說明：起訴率=起訴人數/偵查結結人數*100%

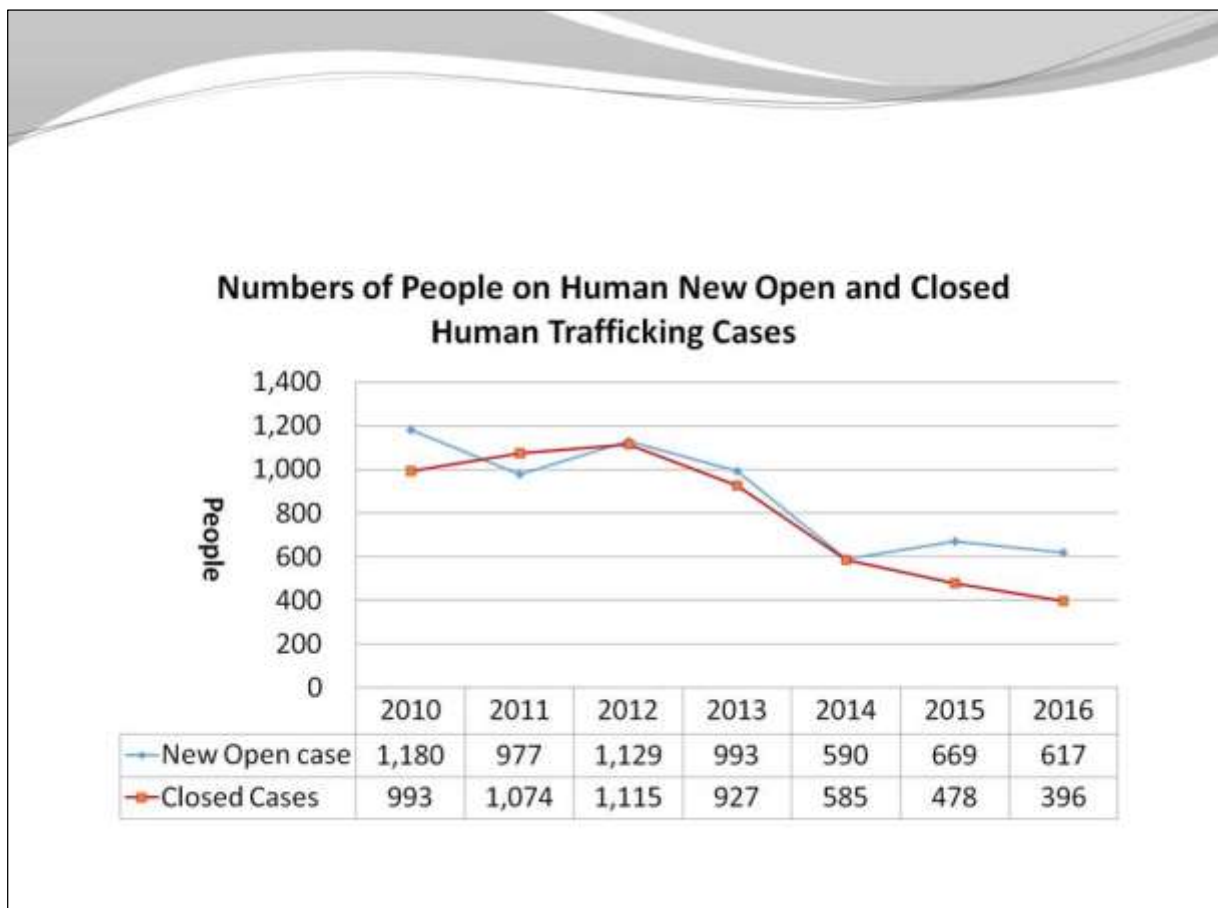
4 · Prosecution Achievements of Taiwan' s Combating Human Trafficking

- (1) 2010-2017 April the cases about Prosecution Achievements of Taiwan' s Combating Human Trafficking from prosecutors offices Rate (Investigation Concluded 、 Indictment Rate 、 Crime Rate)

地方法院檢察署辦理人口販運案件偵查案件收結情形

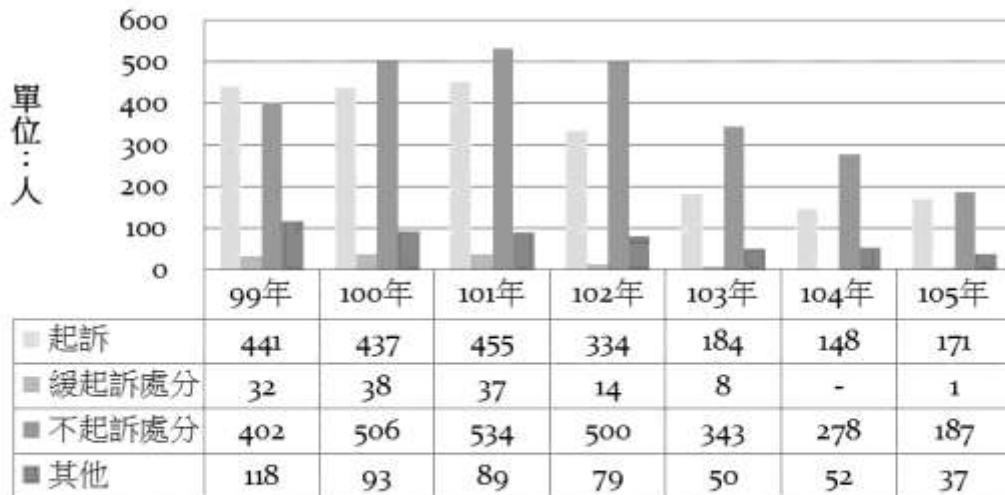
項 目 別	偵 辦		偵 結		起 訴		處 分	不 處	其 他	起 訴 率 %	全 起 訴 率 %
	案 件	人	案 件	人	通 緝 程 序 起 訴 人	聲 請 決 簡 處 易 刑 人					
							起 訴 人	起 訴 人	起 訴 人	起 訴 人	
99年-106年4月	1,888	6,353	1,938	5,733	2,088	142	130	2,836	537	38.9	42.0
99年	265	1,180	228	993	357	84	32	402	118	44.4	41.7
100年	290	977	319	1,074	412	25	38	506	93	40.7	41.7
101年	386	1,129	398	1,115	435	20	37	534	89	40.8	41.2
102年	328	993	328	927	328	6	14	500	79	36.0	41.9
103年	186	590	240	585	183	1	8	343	50	31.5	42.9
104年	196	669	195	478	147	1	-	278	52	31.0	42.7
105年	182	617	156	396	166	5	1	187	37	43.2	42.2
106年1-4月	55	198	74	165	60	-	-	86	19	36.4	41.4

資料來源：法務部統計處
說明：起訴率=起訴人數/偵查結結人數*100%

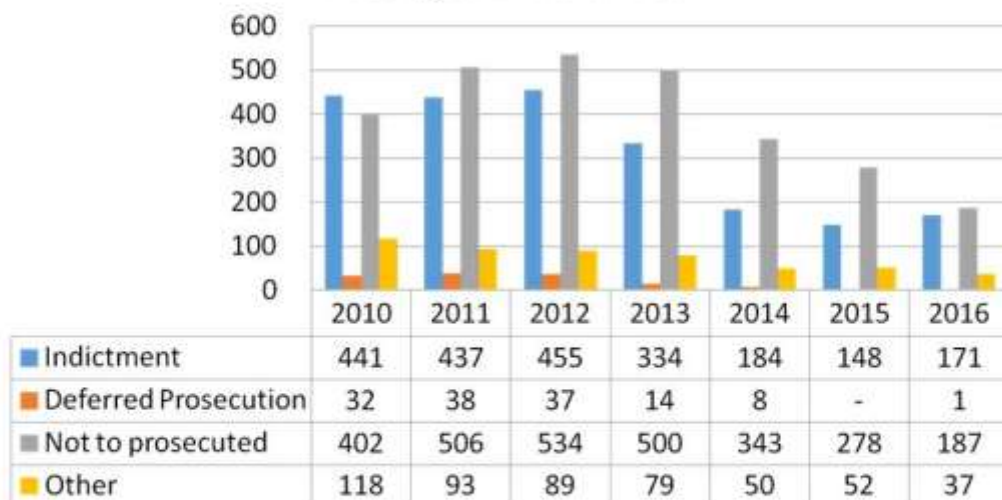


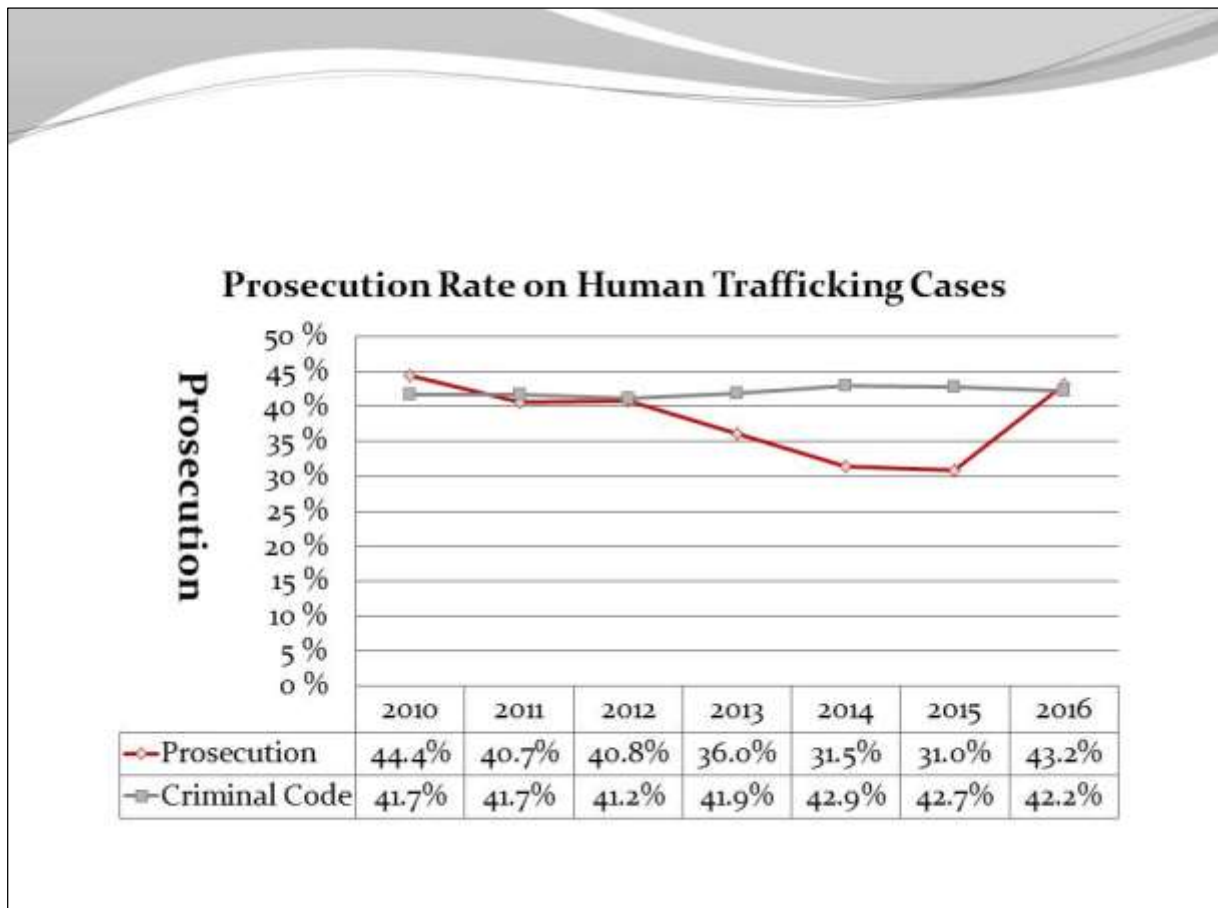
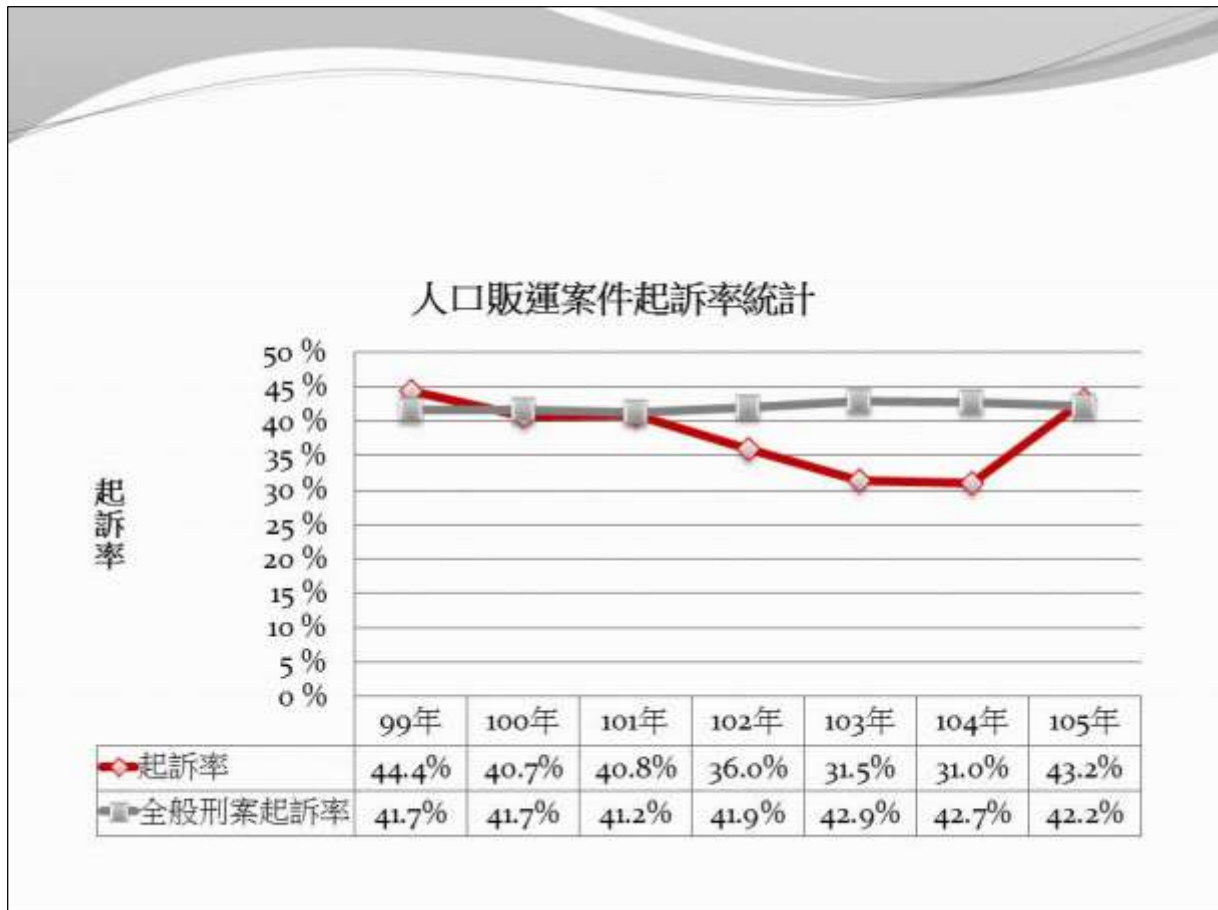


人口販運案件偵結情形統計



Investigation Concluded







四、臺灣防制人口販運起訴成效

- (二) 99年至106年4月各地檢署偵辦人口販運案件定罪率統計(科刑、定罪率、全般刑案定罪率)

地方法院檢察署執行人口販運案件裁判確定情形

項 目	總 計	死 刑	無 期徒刑	科 刑											死 刑	無 期徒刑	免 刑	不 受 處 罰	其 他	定 罪 率	全 體 定 罪 率	
				有 期 徒 刑																		
				六 月 以 下	六 個 月 以 上	一 年 以 下	一 年 以 上	二 年 以 下	二 年 以 上	三 年 以 下	三 年 以 上	五 年 以 下	五 年 以 上	七 年 以 下								七 年 以 上
99年-106年4月	1,912	1,583	-	-	899	125	189	30	201	11	11	6	-	29	72	2	262	12	37	16	85.8	96.3
99年	338	300	-	-	192	37	34	4	19	-	1	1	-	8	4	-	28	3	7	-	91.5	95.6
100年	212	173	-	-	98	15	27	5	17	2	1	-	-	6	2	1	36	1	1	-	82.9	96.1
101年	349	298	-	-	142	16	27	3	32	2	3	-	-	11	62	-	42	2	5	2	87.6	95.9
102年	321	269	-	-	155	21	36	5	41	4	2	-	-	4	1	1	40	1	8	2	87.1	96.3
103年	248	175	-	-	97	10	20	6	30	2	1	3	-	5	1	-	52	-	9	12	77.1	96.7
104年	214	165	-	-	103	10	14	1	29	1	-	1	-	2	2	-	47	1	3	-	77.6	96.6
105年	183	162	-	-	96	13	23	4	21	-	3	1	-	1	-	-	16	1	4	-	91.0	96.7
106年1-4月	47	43	-	-	16	3	8	2	12	-	-	-	-	2	-	-	1	3	-	-	97.7	96.9

資料來源：法務部統計處

說明：定罪率=(科刑+免刑)/(科刑+免刑+無罪)*100%

The Achievements on Human Trafficking Prosecution

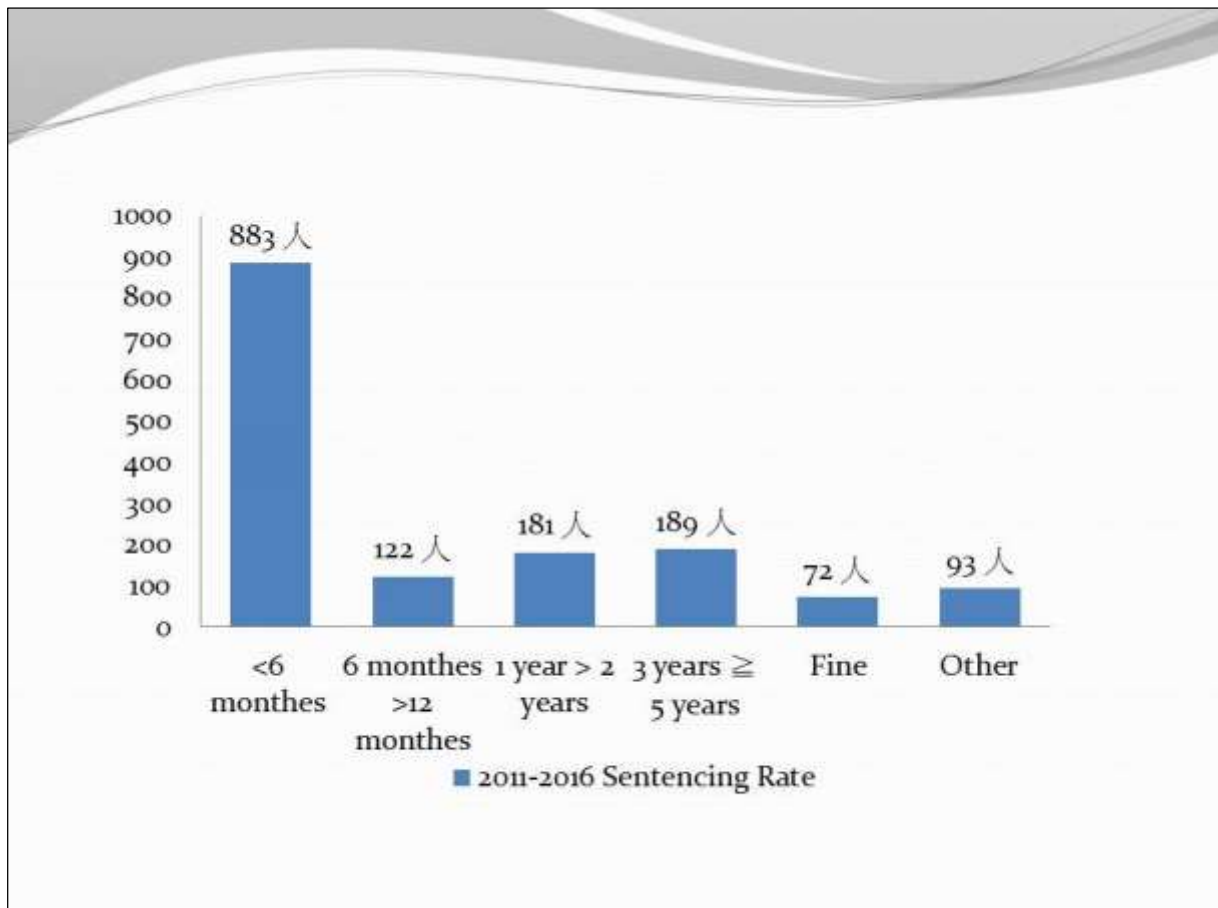
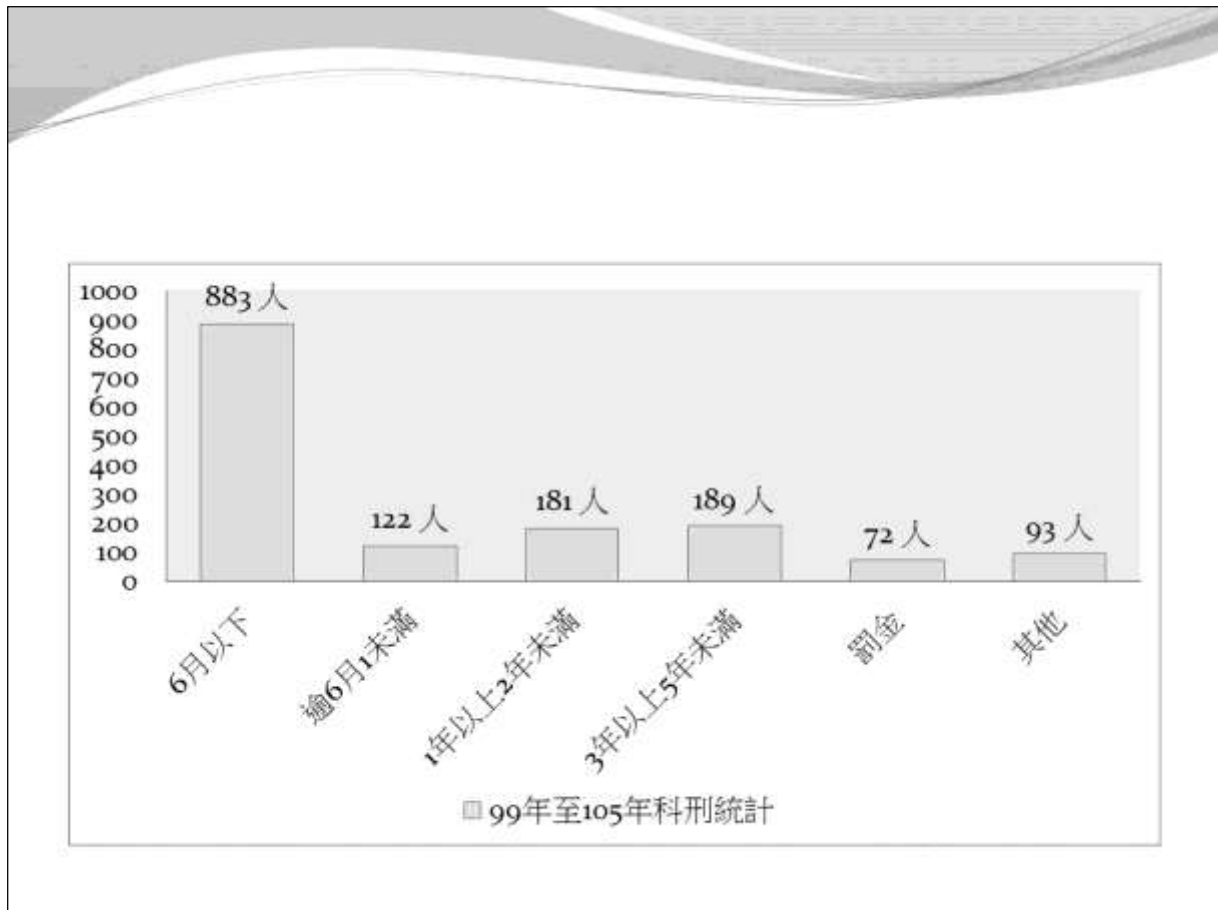
- (2) 2010-2017 April the cases about Prosecution Achievements of Taiwan's Combating Human Trafficking from Conviction rate(Sentencing, Conviction, Crime Rate)

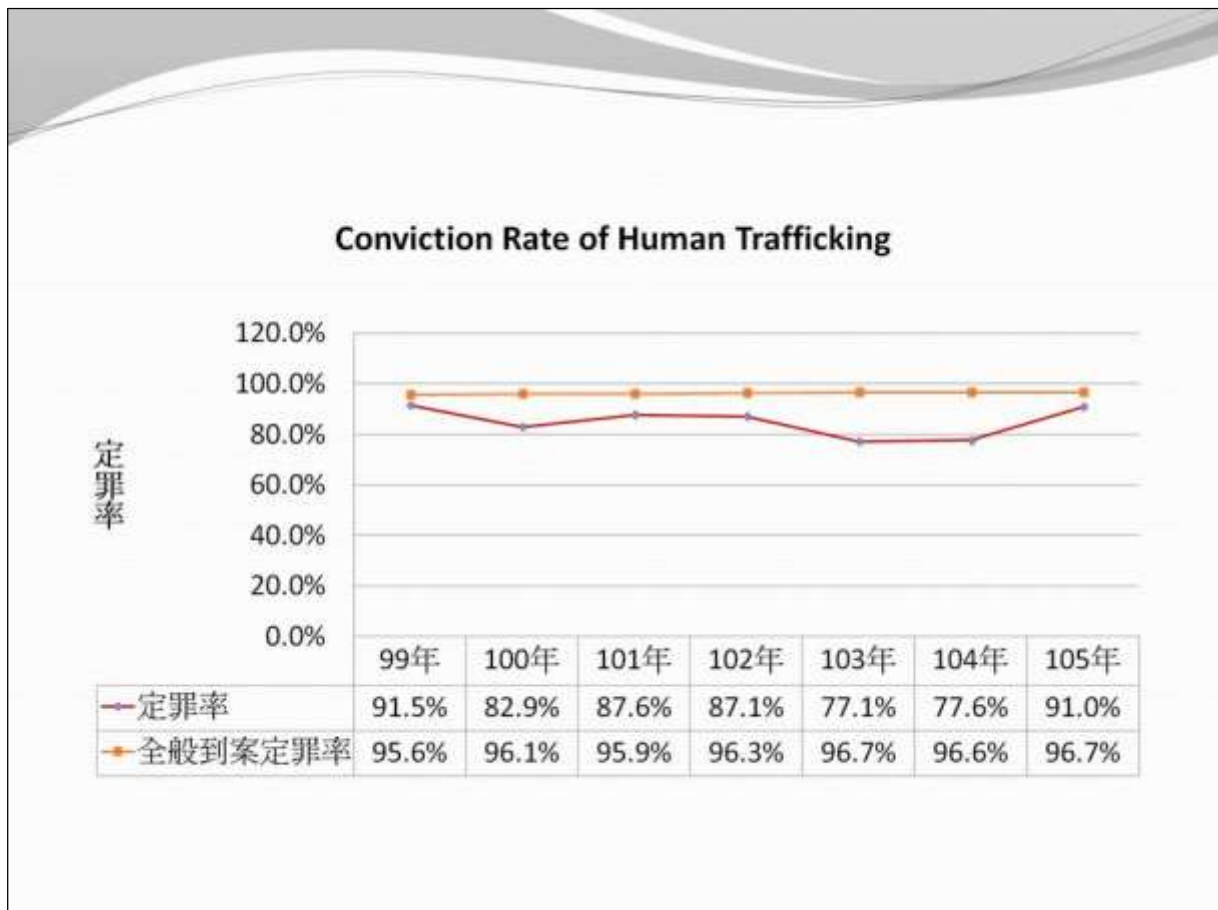
地方法院檢察署執行人口販運案件裁判確定情形

項 目	總 計	死 刑	無 期徒刑	科 刑											死 刑	無 期徒刑	免 刑	不 受 處 罰	其 他	定 罪 率	全 體 定 罪 率	
				有 期 徒 刑																		
				六 月 以 下	六 個 月 以 上	一 年 以 下	一 年 以 上	二 年 以 下	二 年 以 上	三 年 以 下	三 年 以 上	五 年 以 下	五 年 以 上	七 年 以 下								七 年 以 上
99年-106年4月	1,912	1,583	-	-	899	125	189	30	201	11	11	6	-	29	72	2	262	12	37	16	85.8	96.3
99年	338	300	-	-	192	37	34	4	19	-	1	1	-	8	4	-	28	3	7	-	91.5	95.6
100年	212	173	-	-	98	15	27	5	17	2	1	-	-	6	2	1	36	1	1	-	82.9	96.1
101年	349	298	-	-	142	16	27	3	32	2	3	-	-	11	62	-	42	2	5	2	87.6	95.9
102年	321	269	-	-	155	21	36	5	41	4	2	-	-	4	1	1	40	1	8	2	87.1	96.3
103年	248	175	-	-	97	10	20	6	30	2	1	3	-	5	1	-	52	-	9	12	77.1	96.7
104年	214	165	-	-	103	10	14	1	29	1	-	1	-	2	2	-	47	1	3	-	77.6	96.6
105年	183	162	-	-	96	13	23	4	21	-	3	1	-	1	-	-	16	1	4	-	91.0	96.7
106年1-4月	47	43	-	-	16	3	8	2	12	-	-	-	-	2	-	-	1	3	-	-	97.7	96.9

資料來源：法務部統計處

說明：定罪率=(科刑+免刑)/(科刑+免刑+無罪)*100%





四、臺灣防制人口販運起訴成效

- (三) 99年至106年4月各地檢署偵辦人口販運案件成效統計(起訴、羈押、有罪確定)

	起訴及聲請簡易判決處刑		羈押	確定判決有罪
	件	人	人	人
99年	115 (性剝削76+ 勞力剝削41)	441 (性剝削346+ 勞力剝削110)	46 (性剝削43+ 勞力剝削4)	300
100年	151 (性剝削80+ 勞力剝削72)	437 (性剝削259+ 勞力剝削179)	42 (性剝削35+ 勞力剝削7)	174
101年	169 (性剝削136+ 勞力剝削34)	458 (性剝削408+ 勞力剝削57)	42 (性剝削41+ 勞力剝削1)	300
102年	127 (性剝削84+ 勞力剝削46)	334 (性剝削219+ 勞力剝削103)	22 (性剝削22+ 勞力剝削1)	270 (性剝削202+ 勞力剝削61)
103年	102 (性剝削88+ 勞力剝削21)	184 (性剝削153+ 勞力剝削52)	19 (性剝削18+ 勞力剝削4)	175 (性剝削146+ 勞力剝削32)
104年	63 (性剝削53+ 勞力剝削12)	148 (性剝削128+ 勞力剝削25)	30 (性剝削30+ 勞力剝削4)	163 (性剝削135+ 勞力剝削33)
105年	69 (性剝削54+ 勞力剝削18)	171 (性剝削132+ 勞力剝削45)	17 (性剝削11+ 勞力剝削6)	162 (性剝削39+ 勞力剝削7)
106年1至4月	22 (性剝削21+ 勞力剝削1)	60 (性剝削57+ 勞力剝削3)	5 (性剝削5+ 勞力剝削0)	43 (性剝削39+ 勞力剝削7)

製表日期：106年5月22日 製表單位(部)：內政部移民署移民事務組 資料來源：法務部統計處
備註：※人口販運類別(性剝削、勞力剝削、器官剝削)自98年6月起以複數統計，如有重複情形，會重複計算，因此有案件總數與類型加總數不同之情形

The Achievements on Human Trafficking Prosecution

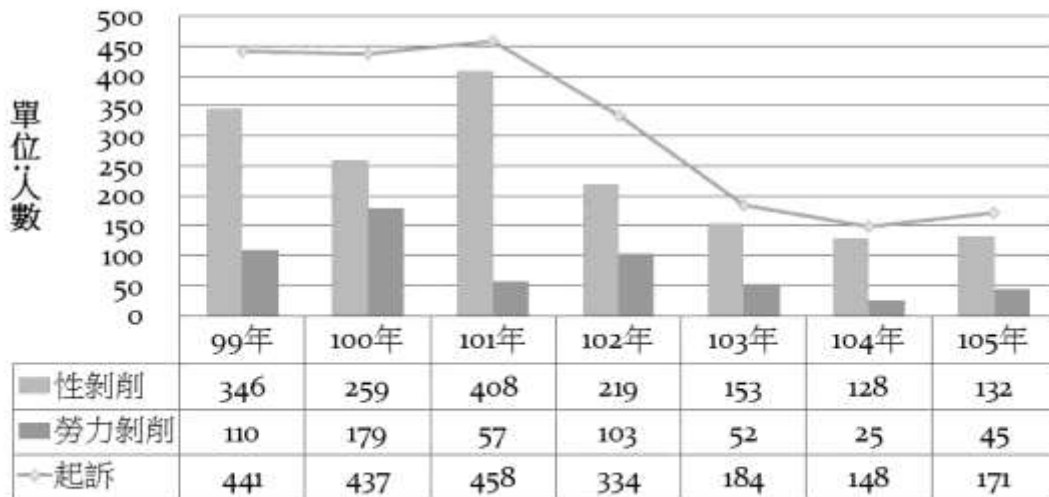
- (3) 2010-2017 April the cases about Conviction Achievements of Taiwan's Combating Human Trafficking from prosecutors offices Rate (Sentenced, Conviction rate, Conviction Rate of Total Criminal Cases)

	起訴及聲請簡易判決處刑		羈押	確定判決有罪
	件	人	人	人
2010	115 (性剝削76+ 勞力剝削41)	441 (性剝削346+ 勞力剝削110)	46 (性剝削43+ 勞力剝削4)	300
2011	151 (性剝削80+ 勞力剝削72)	437 (性剝削259+ 勞力剝削179)	42 (性剝削35+ 勞力剝削7)	174
2012	169 (性剝削136+ 勞力剝削34)	458 (性剝削408+ 勞力剝削57)	42 (性剝削41+ 勞力剝削1)	300
2013	127 (性剝削84+ 勞力剝削46)	334 (性剝削219+ 勞力剝削103)	22 (性剝削22+ 勞力剝削1)	270 (性剝削202+ 勞力剝削61)
2014	102 (性剝削88+ 勞力剝削21)	184 (性剝削153+ 勞力剝削52)	19 (性剝削18+ 勞力剝削4)	175 (性剝削146+ 勞力剝削32)
2015	63 (性剝削53+ 勞力剝削12)	148 (性剝削128+ 勞力剝削25)	30 (性剝削30+ 勞力剝削4)	163 (性剝削135+ 勞力剝削33)
2016	69 (性剝削54+ 勞力剝削18)	171 (性剝削132+ 勞力剝削45)	17 (性剝削11+ 勞力剝削6)	162 (性剝削39+ 勞力剝削7)
2017 Jan-Apr	22 (性剝削21+ 勞力剝削1)	60 (性剝削57+ 勞力剝削3)	5 (性剝削5+ 勞力剝削0)	43 (性剝削39+ 勞力剝削7)

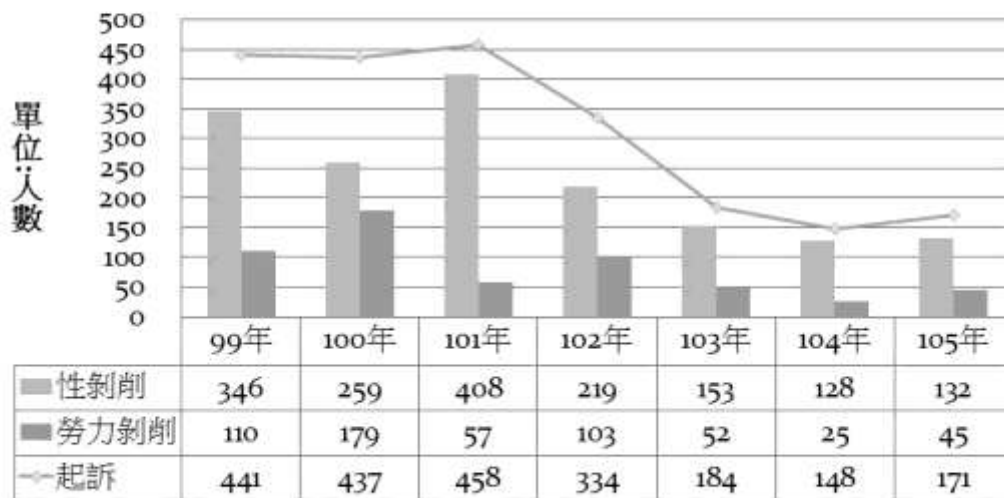
製表日期：106年5月22日 製表單位(部)：內政部移民署移民事務組 資料來源：法務部統計處
備註：※人口販運類別(性剝削、勞力剝削、器官剝削)自98年6月起以複數統計，如有重複情形，會重複計算，因此有案件總數與類型加總數不同之情形

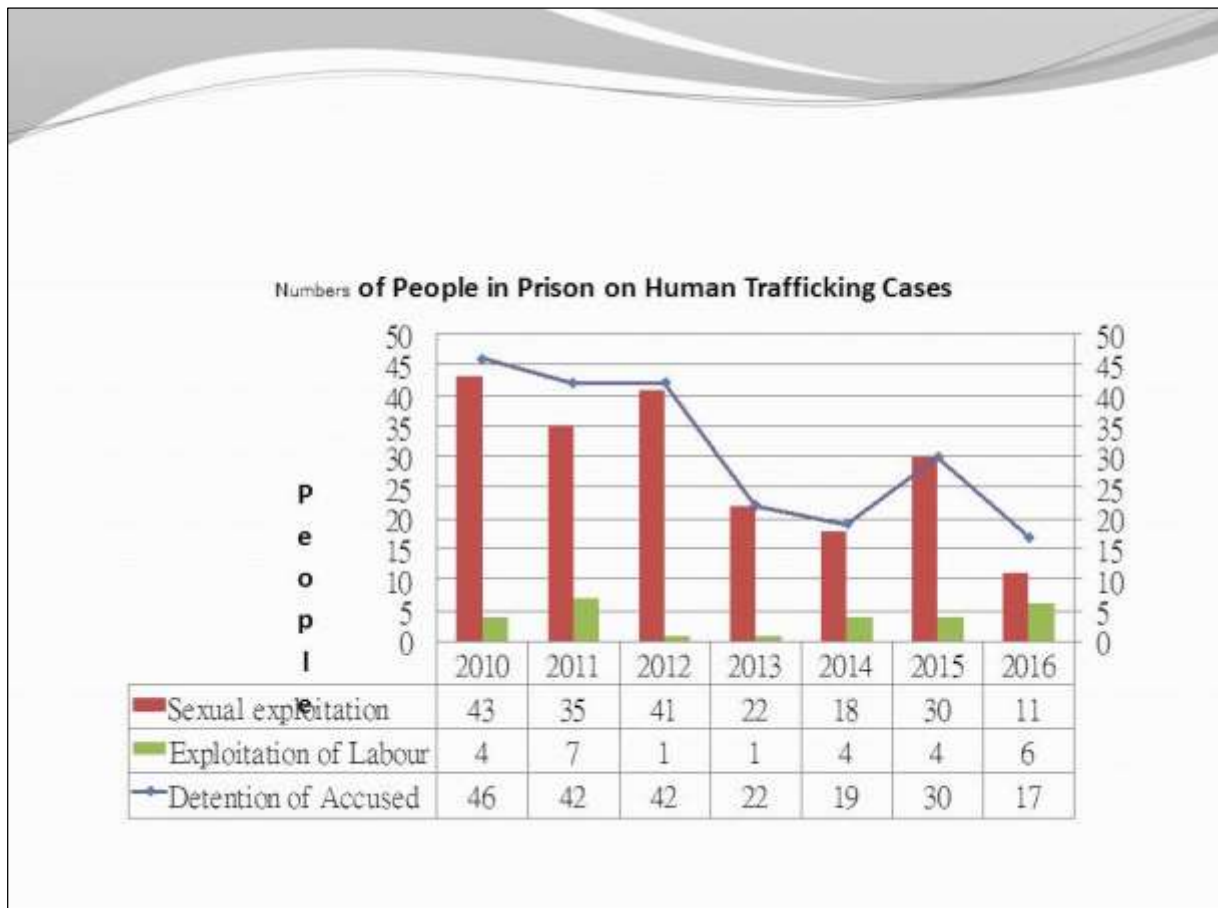
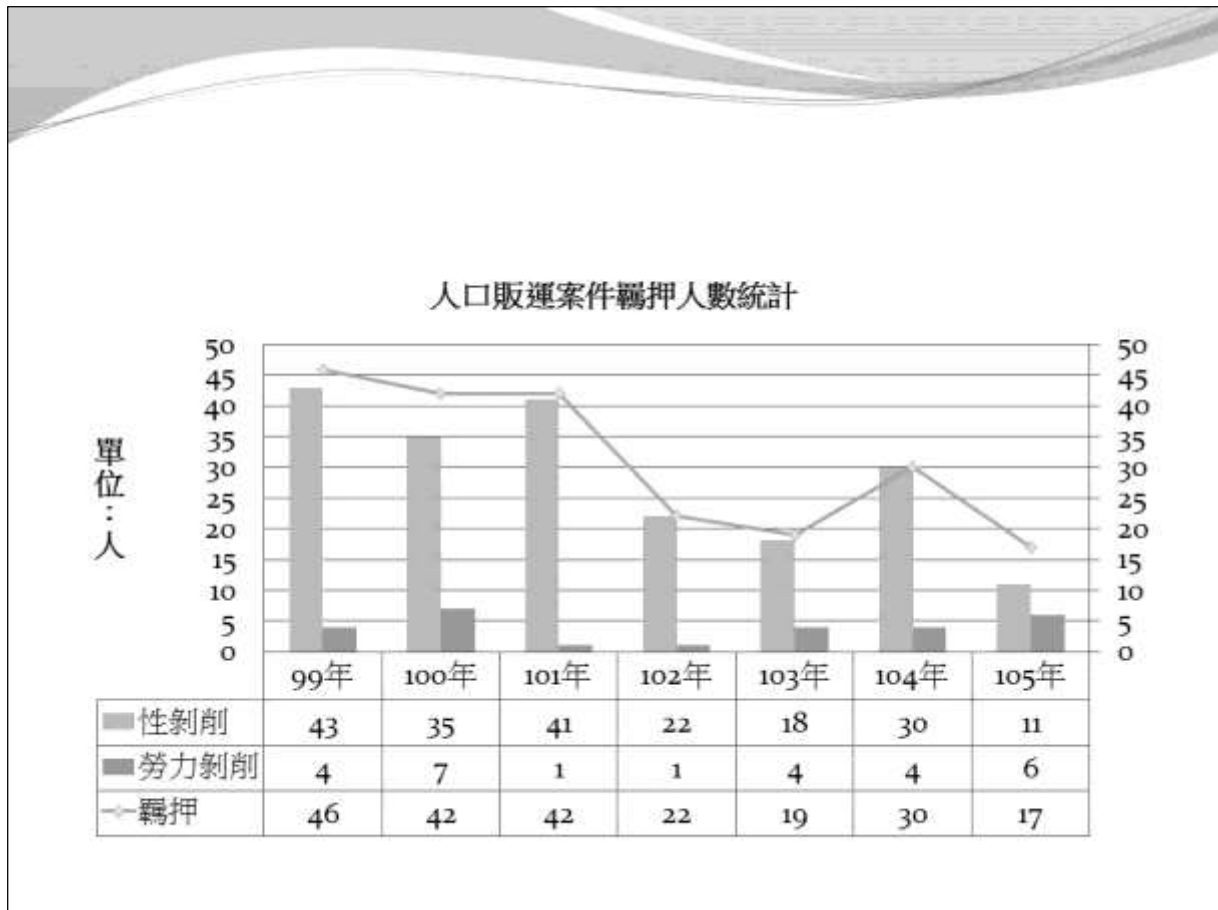


人口販運案件起訴人數統計



Prosecution Rate on Human Trafficking Cases







五、偵辦人口販運案件未來工作重點

- (一) 查緝起訴面向
 - 1、檢察官積極偵辦我國遠洋漁船境外僱用外籍船員涉嫌違反人口販運防制法案件，以防制我國遠洋漁船涉及人口販運行為並保護被害人權益。
 - 2、每年定期辦理「人口販運實務研習會」，安排檢察官、司法警察、法官、社工等實務工作人員，講授案件查緝、法律適用及被害人保護等相關課程，精進檢察官辦案能力，有效查緝、起訴犯罪行為人。

Foci on Investigating Human Trafficking Case in the Future

- (1) Prosecution
 - 1. Prosecutors actively investigate human trafficking cases on overseas fishing vessels that employ foreign workers in violation of the Human Trafficking Prevention Act. This will help to prevent human trafficking activities and protect victims rights overseas.
 - 2. Conducting "Workshop on Strategies of Combating Human Trafficking". The participants of this workshop include various related practical working staffs such as prosecutors, judicial police officers, judges, and social workers. The workshop includes classes in case investigation, case interrogation, proper law application, and the protection of victims. The goal is to enhance prosecutors' abilities to efficiently investigate and prosecute criminals.

五、偵辦人口販運案件未來工作重點

- (二) 保護面向
- 1、檢察官於案件偵辦時，主動告知被害人協助司法調查之影響，使受害人願意出面舉發或適時獲得援助。
- 2、與外交部等業管機關研議利用駐外館處對被害人進行遠距視訊可行性等相關議題，以調和被害人返鄉權及被告對質詰問權。

Foci on Investigating Human Trafficking Case in the Future

- (2) Protection
- 1. Prosecutors may approach victims to notify them of the benefits of cooperating with an investigation. During case proceedings, victims may come forward to help an investigation and obtain assistance.
- 2. Discussing the topic of using video conference to conduct interrogation with victims or other related matters with the Ministry of Foreign Affairs and other authorities. Since it is difficult for victims who chose to exercise their rights to return to their own country to cooperate with an investigation from abroad, video conferencing can become a viable option to overcome this challenge.



五、偵辦人口販運案件未來工作重點

- (三) 預防面向
- 1、人口販運案件有其偵辦上之困難，包括人口販運成因的複雜性、被害人身處隱匿或資訊不對等，導致取證困難；且人口販運防制法相關犯罪構成要件認定不易，檢察機關除多方蒐證、強化論理外，將持續為檢察官辦理相關教育訓練，提升檢察官辦案職能。
- 2、持續運用廣播電臺等各種宣傳管道，並結合民間社團辦理相關宣導活動，以加強宣導國人防制人口販運觀念，提升新住民與移工對我國法律的瞭解，避免誤觸法律，保障自身權益。

Foci on Investigating Human Trafficking Case in the Future

- (3) Prevention
- 1. It is a difficult job to detect Human trafficking activity. The diverse nature of human trafficking, hidden locations of victims, incorrect information, etc. make it harder to obtain evidence. Moreover, it is even more difficult to recognize human trafficking crime the constituent elements of Human Trafficking on law human trafficking. We need to improve our skills on searching and evaluate evidence through prosecution authorities and offer related training seminars for prosecutors to increase their ability to handle the these cases.
- 2. Using various media tools such as radio and television stations can contribute to the outreach and awareness of Human trafficking, hold advocacy activities in cooperation with private organizations, increase anti-human trafficking awareness to the public, as well as get new incoming immigration residents and workers to understand the related law so they can avoid committing these crimes and protect their own rights and interests.

五、偵辦人口販運案件未來工作重點

- (四) 國際合作面向
- 1、因我國外交地位特殊，與我國簽訂司法互助條約或協定之國家不多，惟內政部警政署刑事警察局、法務部調查局或其他相關駐外單位在世界各國重要城市均派駐有調查官或聯絡官，在簽訂司法互助協定不易之現況下，權宜之計仍須仰賴駐外調查人員與當地執法機關合作，及早發覺案件進而啟動跨境調查。
- 2.定期與大陸地區召開兩岸司法互助協調會報，強化兩岸人口販運案件取證及情資交換合作，持續藉由兩岸參訪交流與研習機會，共同打擊人口販運集團。

Foci on Investigating Human Trafficking Case in the Future

- (4) International Cooperation
- 1. Since the special diplomatic status Taiwan has with other countries, the legal treaties and agreements these countries have with Taiwan are numbered. Thus Criminal Investigation Police Office, National Police Agency, and other Embassy or Consulate dispatch stationed Police Liaison Officers or investigators in major cities around the world. Even with the difficulties signing Mutual Legal Assistance Agreement in Criminal Matters with other countries, seeking cooperation with our stationed police investigators and local or regional law enforcement agencies would be stop gap solution which would help early detection of ongoing human trafficking criminal activities and be able to active cross-broad investigation.
- 2. Conducting regular conferences based on "Cross-strait Joint Fight against Crime and Mutual Legal Assistance Agreement" between Taiwan and China to create direct ways of obtaining criminal evidence and intelligence exchange of human trafficking cases. Keep ongoing connection through ongoing visits and communication with China, to combat human trafficking collaboratively.



報告完畢
感謝聆聽

Thank You!

被害人陪同偵訊成效

Achievements of Accompanying Interrogation

主 講 人： 白智芳

財團法人臺北市婦女救援社會福利事業基金會副執行長

Speaker: **Jasmine Bai**

Deputy Chief Executive Officer, Taipei Women's Rescue
Foundation



主講人簡介

白智芳

財團法人臺北市婦女救援社會福利事業基金會
副執行長



經歷

婦女救援基金會研發部主任

婦女救援基金會花蓮工作站主任

婦女救援基金會花蓮工作站主任公共政策事務組督導

婦女救援基金會救援部主任

婦女救援基金會救援部督導，兼任花蓮庇護所主任

婦女救援基金會救援組社工

婦女救援基金會婦幼組社工

專長

婦女保護議題倡議、宣導及被害人服務

防制人口販運議題倡議、宣導及被害人保護服務

Brief Introduction of Speaker

Jasmine Bai

Deputy Chief Executive Officer, Taipei Women's Rescue Foundation



PROFESSIONAL EXPERIENCES

Director of Research and Development Department, Taipei Women's Rescue Foundation

Station Chief of Hualien Workstation, Taipei Women's Rescue Foundation

Supervisor of Public Policy Affairs / Station Chief of Hualien Workstation, Taipei Women's Rescue Foundation

Chief of Rescue Division, Taipei Women's Rescue Foundation,

Supervisor and Director of Shelter division, Anti-Trafficking Department, Taipei Women's Rescue Foundation

Anti-Trafficking Resue Team Social worker, Taipei Women's Rescue Foundation

Social Worker, Domestic Violence Department, Taipei Women's Rescue Foundation

SKILLS

Women Protection Issues initiative, outreach campaign and Victims Service

Anti-human trafficking initiative, outreach campaign and Victims Service



2017 年防制人口販運國際工作坊

簡報請見大會手冊 B / Please refer to the PROGRAM B for this document



第二場
國際間人口販運問題報告評比
第一級國家分享

Session 2
Experiences Sharing from
Tier 1 Countries around the World



主持人簡介

劉士豪

行政院防制人口販運協調會報委員



經歷

銘傳大學法律系專任教授

行政院防制人口販運協調會報委員

行政院勞工委員會訴願審議委員會委員

行政院勞工委員會大量解僱勞工勞工訴訟及必要生活費用補助審核小組委員

行政院勞工委員會大量解僱勞工時勞動市場變動趨勢評估委員會委員

桃園縣勞資爭議主任仲裁委員

經濟部中小企業處法規調適小組副召集人

專長

勞工法，民法，社會法則

Brief Introduction of Moderator

Liu, Shih-Hao

Committee member of Cabinet Anti-TIP Task Force



PROFESSIONAL EXPERIENCES

Professor of Ming Chuan University Law School

Committee member of Cabinet Anti-TIP Task Force .

Administrative Appeals Committee

Members of The Board, Regulations For Subsidizing The Litigation Costs and Necessary Living Expenses of Workers Laid off Under Mass Redundancy Plan

Regulations Governing The Organization of A Labor Market Trend-Changing Assessment Committee While Implementing A Mass Redundancy

Director, Settlement of Labor-Management Disputes of Taoyun City

Vice Chairperson of SME's Legal Rights Adaption

SKILL

Labor law, Civil law, Social law



2017 年防制人口販運國際工作坊

亞美尼亞防制人口販運評比
第一級國家經驗分享
Experiences Sharing from Armenia

主講人：**Viktor Avakova**

亞美尼亞聯合衛理救濟委員會協調專員

Speaker: **Viktor Avakova**

Anti-trafficking and Health Programs Coordinator



主講人簡介

Viktoriya Avakova

亞美尼亞聯合衛理救濟委員會協調專員

經歷

亞美尼亞聯合衛理救濟委員會協調專員

聯合國人口販運受害者自願信託基金董事會成員

專長

設計、規劃、管理反人口販運及衛生專案；制定專案監測評估系統

Brief Introduction of Speaker

Viktoriya Avakova

Anti-trafficking and Health Programs Coordinator

PROFESSIONAL EXPERIENCES

Anti-Human Trafficking and Health Projects Coordinator, UMCOR Armenia Foundation

Member of The Board of Trustees of UN Voluntary Trust Fund for Victims of Trafficking In Persons

SKILL

Design, plan and manage anti-trafficking and health projects; Develop M&E systems for projects, prepare reports



2017 年防制人口販運國際工作坊

簡報請見大會手冊 B / Please refer to the PROGRAM B for this document



加拿大防制人口販運評比
第一級國家經驗分享
Experiences Sharing from Canada

主講人：**Julie Meeks**

加拿大皇家騎警署資深教官

Speaker: **Julie Meeks**

Senior Instructor of Royal Canadian Mounted Police



主講人簡介

Julie Meeks

加拿大皇家騎警署資深教官



經歷

多倫多東區重大犯罪組織查緝署偵查員

多倫多東區船隻移民查緝單位偵查員

多倫多入境移民及護照管理部人口販運偵查員

多倫多東區移民護照管理部偵查員

加拿大聯邦執法部偵查員

多倫多東區毒品科及毒品防制宣導小組偵查員

多倫多毒品科市區查緝小組偵查員

專長

協助檢調人員聯繫人口販運受害者及潛在的人口販運偵查

提高及培養相關政府執法部門打擊人口販運意識

教育與提高青少年對毒品的危害意識

婦女庇護所 Bethesda House 董事會成員

Brief Introduction of Speaker

Julie Meeks

Senior Instructor of Royal Canadian Mounted Police.



PROFESSIONAL EXPERIENCES

Investigator in the Serious and Organized Crime Section in Toronto East

Investigator in the Migrant Vessel Enforcement Unit in Toronto East

Human Trafficking Coordinator for the Greater Toronto Area within the Immigration and Passport Section

Investigator in the Immigration and Passport Section in Toronto East

Investigator in the Federal Enforcement Section

Investigator in the Toronto East Drug Section and the detachment's Drug Awareness Coordinator

Investigator in the Toronto Drug Section Street Squad in downtown Toronto

SKILL

Contact investigator for human trafficking victims and potential human trafficking investigations

Raising awareness and educating other Government and Law Enforcement Agencies on the topic of Human Trafficking

Raising awareness and educating young people on the dangers of drug use

Member of the Board of Directors for the Bethesda House, a local woman's shelter



加拿大打擊人口販運的策略



Canada's Strategies for Combatting Human Trafficking



4P方案

- 預防 (Prevention)
- 保護 (Protection)
- 查緝起訴 (Prosecution)
- 夥伴關係 (Partnership)

The Four Pillars Approach

- Prevention
- Protection
- Prosecution
- Partnership



預防

Prevention

加拿大皇家騎警(RCMP) 旗下的 防制人口販運國家協調中心(HTNCC)

任命執行：

- 根據四 P：預防 (Prevention)、保護 (Protection)、查緝起訴(Prosecution)和夥伴關係(Partnership)四個面向來發展協調防制人口販運的活動及措施。

策略目標：

- 為執法提供聯絡中心

Royal Canadian Mounted Police (RCMP) Human Trafficking National Coordination Centre (HTNCC)

Mandate:

- Develop and coordinate anti-Human Trafficking activities/initiatives related to the four pillars of **Prevention, Protection, Prosecution and Partnerships**

Strategic Objective:

- Provide a focal point for law enforcement



國家防制人口販運行動計畫

- 2012年6月，加拿大政府設立了國家防制人口販運行動計畫，旨在：
 - 解決現行處置方法中存在的重大缺失
 - 加強與國內外夥伴的協調合作
 - 提升人口販運措施的透明度和聯邦政府責任歸屬
 - 提高國內外的防制人口販運意識

The National Action Plan on Human Trafficking

- In June 2012, the government launched the National Action Plan to Combat Human Trafficking to:
 - address critical gaps in existing responses
 - strengthen coordination with domestic and international partners
 - enhance transparency and accountability of federal anti-trafficking efforts
 - and raise awareness domestically and internationally

行動計畫的評價

- 公共安全部長正引導國家防制人口販運行動計畫建立一套正式的評鑑, 提供未來方向的資訊。
- 該行動計畫至2016年3月31日到期, 預算得以維持推動且...
- 聯邦政府部門和機構在該行動計畫的基礎下繼續進行防制人口販運工作。

Evaluation of The Action Plan

- The Minister of Public Safety is leading a formal evaluation of the National Action Plan on Human Trafficking to help inform the way forward
- While the Action Plan expired on March 31, 2016, budgets have been maintained, and
- Federal departments and agencies continue Anti-Trafficking work and efforts guided by its foundation



人口販運特遣部隊 (HTT)

- 由加拿大公共安全部領導
- 人員來自18個聯邦政府部門
- 職責為：
 - 對聯邦人口販運防制回應機制進行協調
 - 監督國家行動計畫的執行
 - 每年向民眾報告成果

Human Trafficking Taskforce (HTT)

- Led by Public Safety Canada
- Composed of 18 federal departments
- Responsible for:
 - Coordinating the federal anti-human trafficking response
 - Overseeing the implementation of the National Action Plan
 - Reporting annually on progress to the public

臨時外國勞工計畫 (TFWP)

- 僱主必須維護工作場所無虐待行為，並提供約定的工資和工作環境
- 僱主必須負責承擔聘雇成本及勞工的機票
- 行動計畫揭露，針對勞動剝削的索賠調查主要集中在移民勞動者的待遇上。
- 在一些案件中，有第三方使用臨時外國勞工計畫不合法的聘僱勞工

Temporary Foreign Worker Program (TFWP)

- Employers must maintain a workplace free of abuse and provide the agreed to wages and working conditions
- Employers must pay for recruitment costs and workers' airfare
- The National Action Plan revealed that investigations into claims of labour exploitation centred on the treatment of migrant workers
- In some cases, the fraudulent use of the Temporary Foreign Worker Program by third parties (recruiters)



臨時外國勞工計畫 (TFWP)

- 加拿大馬尼托巴省已將招聘費認定為非法，並將對雇主進行檢查
- 馬尼托巴省還設立了一套僱傭執照制度
- 薩斯喀徹爾省和新斯科舍省也實施了類似的措施
- 加拿大大部分省份都設立法規禁止僱傭手續費

Temporary Foreign Worker Program (TFWP)

- Manitoba made recruitment fees illegal and checks up on employers
- Manitoba also developed a licensing system for recruiters
- Saskatchewan and Nova Scotia followed with similar models
- Most provinces also passed laws against recruitment fees

臨時外國勞工計畫 (TFWP)

- 近年來的改善：
 - 增加了檢查是否符合臨時外國勞工計畫 (TFWP) 相關規定的次數
 - 2015年12月，針對違反臨時外國勞工計畫 (TFWP) 條款的雇主，處罰禁期由單純的兩年禁期變為時長不同的禁期。
 - 規定新的罰金金額 (任一違規罰款500美元至100,000美元不等)

Temporary Foreign Worker Program (TFWP)

- Recent improvements have been made:
 - Increased number of inspections conducted to verify compliance with TFWP conditions
 - In December 2015, the single two-year ban was replaced with a range of ban periods for employers who do not respect the TFWP guidelines
 - New financial penalties (\$500 to \$100,000 per violation)



加拿大邊境服務局 (CBSA)

- 對入境加拿大的旅客進行預期風險評估
- 其一項優先任務是調查與臨時外國勞工計畫 (TFWP) 相關的欺詐行為
- 2016年3月，加拿大邊境服務局 (CBSA) 更新了人口販運手冊，即對CBSA警察人員的指導手冊

Canada Border Services Agency (CBSA)

- Conducts pre-arrival risk assessments of passengers inbound to Canada
- Investigating frauds related to the TFWP is one of CBSA' s priorities
- In March 2016, the CBSA updated their TIP Manual – a guide for CBSA officers

北探射燈計畫

- 2016年10月，加拿大皇家騎警（RCMP）共同領導了第五次的代號為“北探射燈”的計畫，加拿大境內52個執法機構參與其中
- 進行了334個訪談
- 16人解除了被性剝削的困境

Operation Northern Spotlight

- In October 2016, the RCMP co-led the fifth edition of Operation Northern Spotlight
- 52 law enforcement partners across Canada participated
- 334 interviews took place
- 16 individuals removed from exploitative situations



保護計畫

- 由加拿大金融交易和報告分析中心 (FINTRAC) 於2016年12月創立
- 對金融機構進行援助，幫助他們識別並上報可疑交易，即可能涉及人口販運的洗錢行為
- 協助警方辨識，阻止和預防洗錢行為

Project Protect

- Created by the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) in December 2016
- Supports financial institutions in recognizing and reporting transactions related to the laundering of funds from the trafficking of victims
- Assists police services in efforts to detect, deter and prevent money laundering

提高意識- 培訓和教育

- 加拿大的執法機構須接受為期五天的防制人口販運調查者培訓課程
- 2016年共有62名來自加拿大皇家騎警 (RCMP) 和其他警局的人員接受了防制人口販運調查培訓課程,
- 另有網路線上防制人口販運培訓課程 · 加拿大所有執法機構的人員均可參與
- 加拿大皇家騎警 (RCMP) 還對所有的新進人員進行反人口販運的培訓
- 公共安全部和人口販運國家協調中心 (HTNCC) – 對航空公司人員進行防制人口販運的意識培訓活動

Awareness Raising - Training and Education

- 5-day Human Trafficking Investigator' s Course for Canadian law enforcement
- In 2016, a total of 62 candidates, RCMP and other police services, took The Human Trafficking Investigator' s Course
- An introduction to human trafficking on-line course is also available to all Canadian law enforcement personnel
- The RCMP also included human trafficking in the national academy training for all new recruits
- Public Safety and HTNCC - HT awareness campaign for airline personnel



提高意識- 培訓和教育

- 加拿大就業和社會發展部 (ESDC) 通過勞工計畫，於2016年秋舉辦了說明會，向勞工部的執法人員宣導了關於如何察覺人口販運跡象的基本知識。

Awareness Raising - Training and Education

- Employment and Social Development Canada (ESDC), through the Labour Program, developed an Information Session in the fall of 2016 to provide Ministry of Labour enforcement staff with general knowledge on the signs of human trafficking

保護

Canada

Protection

Canada



聯邦受害者基金

- 八年內使金額達到400萬美元
(2012-2020)
- 對非政府組織(NGOs) 開放
- 為加拿大境內遭遇人口販運的受害者提供更有效的直接服務

Federal Victims Fund

- \$4 million over 8 years
(2012-2020)
- Available to non-governmental organizations (NGOs)
- For enhanced direct service delivery to victims of human trafficking in Canada

臨時居留許可證 (TRP)

- 由加拿大公民移民部(CIC)於2005年創立
- 2015年發放了44份臨時居民許可證給人口販運受害者
- 允許受害者自主選擇，逃脫人口販運者的掌控，治癒創傷並參與調查

Temporary Resident Permit (TRP)

- Introduced by Citizenship and Immigration Canada (CIC) in 2005
- 44 TRPs issued to victims of human trafficking in 2015
- Allows victims to consider their options, escape the influence of traffickers, recover from trauma and participate in investigations



避難所 – 2015年調查

- 至2014年4月，加拿大全國共開設629家避難所，專為受虐待的女性提供服務：
 - 276處—中途過渡房
 - 117處—第二階段住所
 - 157處—緊急避難所
 - 51處—其他類型避難所(非特定類型)

Shelters – 2015 Survey

- In April 2014, 629 shelters for abused women operated across Canada:
 - 276 transition homes
 - 117 second stage housing shelters
 - 157 emergency shelters
 - 51 other shelter types (unspecified)

避難所 – 當前實例

- 溫哥華救世軍(Salvation Army) 的 Deborah之家設有10個床位提供給人口販運受害者
- 360° 兒童(360° kids)– 聯繫 · 創立於2016年3月 · 是安大略省約克地區南部的首家緊急住所 · 專為無家可歸的年輕人服務
- 多倫多盟約之家(Covenant House Toronto) – 特別為人口販運受害者服務 – 創立於2016年9月 – 多倫多首家為性交易和性剝削受害者服務的長期住所

Shelters – Current Examples

- Vancouver's Salvation Army's Deborah's Gate has 10 beds for trafficked persons
- 360° kids - Connections, the first emergency housing facility in the southern part of York Region, Ontario, for homeless youth opened in March 2016
- Covenant House Toronto – uniquely for human trafficking victims – September 2016 – Toronto's first longer-term housing program for victims of sex trafficking and exploitation



勞工標準

- 各省及加拿大全境的首要責任即執行勞工標準
- 該標準平等地適用於國外臨時勞工和加拿大本國勞工
- 一些省份已經或正在制定措施，管理第三方僱傭機構或人的行為

Labour Standards

- Provinces and territories have primary responsibility for enforcement of labour standards
- The standards apply equally to temporary foreign workers and Canadian workers
- Some provinces have, or are developing, measures to regulate the activities of third party Recruiters

起訴

2005年加拿大首度頒佈針對人口販運的刑法犯罪條例。如今刑法中包括6項針對人口販運犯罪的條例，最高可處以終身監禁。

Prosecution

Canada' s first *Criminal Code* offences specifically targeting human trafficking were enacted in 2005. The *Criminal Code* now contains six specific human trafficking offences punishable by maximum penalties as high as life imprisonment.



防制人口販運法

移民與難民保護法(IRPA)

第118節 人口販運

加拿大刑法 (CC)

第279節01條 人口販運 (若有綁架行為、嚴重傷害、嚴重性侵犯或致死行為則5年以上徒刑；其他情況則4年以上14年以下徒刑。)

第279節011條 對18歲以下未成年人進行人口販運 (若有綁架行為、嚴重傷害、嚴重性侵犯或致死行為則6年以上徒刑；其他情況則5年以上14年以下徒刑。)

Human Trafficking Laws

Immigration & Refugee Protection Act
(IRPA)

Section 118 Trafficking in Persons

Criminal Code of Canada (CC)

Section 279.01 Trafficking in Persons (Min 5 years to life if Kidnapping, Ag Assault, Ag Sex Assault or Death – Min 4 years to Max 14 years all other cases)

Section 279.011 Trafficking of a person under the age of 18 years (Min 6 years to life if Kidnapping, Ag Assault, Ag Sex Assault or Death – Min 5 years to Max 14 years all other cases)

防制人口販運法

加拿大刑法典 (CC)

第279小節02(1)條 以進行或促成人口販運為目的接受經濟或其他形式的利益 - 受害者為成人 (10年以下徒刑)

第279小節02(2)條 以進行或促成人口販運為目的接受經濟或其他形式的利益 - 受害者為兒童 (2年以上14年以下徒刑)

第279小節03(1)條 以進行或促成人口販運為目的扣押或毀壞他人身份證件 (如護照等) - 受害者為成人 (五年以上徒刑)

第279小節03(2)條 以進行或促成人口販運為目的扣押或毀壞他人身份證件 (如護照等) - 受害者為兒童 (1年以上10年以下徒刑)

Human Trafficking Laws

Criminal Code of Canada (CC)

Subsection 279.02(1) Receiving a financial or other material benefit for the purpose of committing or facilitating trafficking in persons – Adult victim (Maximum 10 years)

Subsection 279.02(2) Receiving a financial or other material benefit for the purpose of committing or facilitating trafficking in persons – Child victim (Minimum 2 years to 14 years)

Subsection 279.03(1) Withholding or destroying a Person's Identity Documents (for example, a passport) for the purpose of committing or facilitating trafficking of that person – Adult Victim (Max 5 years)

Subsection 279.03(2) Withholding or destroying a Person's Identity Documents (for example, a passport) for the purpose of committing or facilitating trafficking of that person – Child Victim (Minimum 1 year to Max 10 years)



防制人口販運法

加拿大刑法典 (CC)

剝削

第279節04條 人口販運的目的是進行剝削且不一定需要進行移動。刑法規定，若一人出於人口販運目的，對他人進行如下行為，則構成剝削：

通過在任意情況下，使某人有理由相信，若不能提供或提出提供勞力或服務，他們或他們熟知的人的人身安全將受到威脅，從而致使某人提供或提出提供勞力或服務；通過欺詐手段，或暴力迫使或威脅，或其他的強制形式，致使某人的器官或身體組織被取下。

Human Trafficking Laws

Criminal Code of Canada (CC)

Exploitation

Section 279.04 Trafficking in persons is about exploitation and does not necessarily involve movement. For the purpose of the trafficking offences, the Criminal Code states that a person exploits another person if they:

cause someone to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service. cause a person, by means of deception or the use or threat of force or of any other form of coercion, to have an organ or tissue removed

防制人口販運法

- 2016年新立案了68件人口販運案件，都是基於針對人口販運違法行為而提出指控
- 67件是國內人口販運案件
- 1件是涉及性剝削的國際人口販運案件
- 但2016年的強迫勞動案件的指控無一立案

Human Trafficking Laws

- 68 new TIP cases in 2016, where charges under the TIP-specific offences were laid
- 67 Domestic Human Trafficking
- 1 International Human Trafficking for Sexual Exploitation
- Forced labour cases in 2016, but none where charges were laid



魚場調查

- 加拿大東岸的3家魚類加工廠
- 中國的僱傭仲介– 每一組都有一名代表 (控制者)
- 拿走工人的銀行卡和其PIN碼 – 將所有錢都寄回中國
- 有恐嚇和威脅行為
- 控制工人行動
- 工人待遇低下

Fish Plant Investigation

- 3 fish processing plants on Canada's east coast
- Chinese recruitment agency – representative (controller) with each group
- Took workers debit cards with PIN – sent all money back to China
- Used intimidation and threats
- Controlled their movements
- Fed workers poorly

人口販運受害者

- 2016年以人口販運犯罪立案的案件中共有77名新受害者
- 367名人口販運受害者 – 來自於法院近期及延期審理中的人口販運犯罪案件
- 47名強迫勞動受害者 (12名女性，33名男性，2名未知)
- 320名性服務受害者 (308名女性，1名男性，11名未知)

Human Trafficking Victims

- 77 new victims in cases where TIP-specific offences were laid in 2016
- 367 trafficking victims – current and carry over TIP-specific cases before the courts
- 47 trafficked for forced labour (12 females, 33 males, 2 unknown)
- 320 for sexual services (308 female, 1 male, 11 unknown)



法院審理的人口販運案件

- 自2005年起，401件人口販運案件中有115件以人口販運特定和/或相關指控在法院完成審理。
- 401件中有382件是國內人口販運案件 (主要是性剝削案件)
- 401件中有19件是國際人口販運案件 (主要是強迫勞動案件)
- 249件法院仍在審理中。
- 約有404名被告人被牽涉其中

HT Cases Before the Courts

- Since 2005, 115 TIP cases out of 401 were completed through the courts with TIP-specific and/or related charges
- 382 of the 401 were domestic human trafficking (mostly for sexual exploitation)
- 19 out of the 401 were international human trafficking (mostly for forced labour)
- 249 cases remain before the courts
- Approximately 404 accused involved

夥伴關係

- 政府
- 執法機關
- 各大銀行
- 國內和國際
- 非政府組織 (NGOs)

Partnerships

- Government
- Law enforcement
- Major Banks
- National and international
- Non-Governmental Organizations (NGOs)



2016年多倫多人口販運問題國家論壇

- 2016年3月，政府與加拿大婦女基金一同舉辦該論壇
- 論壇將各個利益相關者聚集在一起，討論新問題，促進合作並加強反剝削
- 與會者達100人 – 來自執法部門，非政府組織，聯邦及省級政府部門

2016 National Forum on Human Trafficking in Toronto

- In March 2016, the government partnered with the Canadian Women' s Foundation to host the Forum
- The Forum brought stakeholders together to discuss emerging issues, promote cooperation and strengthen anti-exploitation efforts
- 100 Participants - law enforcement, NGOs, provincial and federal government sectors

打著共同的旗號的合作夥伴

- 2016年1月19日發佈的保護計畫，涉及到：
 - 各大銀行
 - 加拿大金融交易和報告分析中心 FINTRAC
 - 執法部門 (聯邦級和城市級)

Partnership Under a Common Banner

- Project PROTECT launched on January 19, 2016, involves:
 - Major Banks
 - FINTRAC
 - Law Enforcement (Federal and Municipal)



國際合作夥伴

- 加拿大與聯合國機構及其他合作夥伴一起緊密合作，共同打擊人口販運
- 加拿大對各國、各組織提供資金支援
- 加拿大皇家騎警 (RCMP) 國際聯絡官遍佈世界各地
 - 負責發展及保持聯絡，及
 - 同國外官員和國際合作夥伴進行資訊交流

The Human Trafficking Taskforce Partners

- Indigenous and Northern Affairs Canada (INAC)
- Canada Border Services Agency (CBSA)
- Immigration, Refugees and Citizenship Canada (IRCC)
- Department of Justice Canada (JUS)
- Global Affairs Canada (GAC)
- Employment and Social Development Canada (ESDC), including the
 - Labour Program; and,
 - Temporary Foreign Worker Program
- Public Safety Canada (PS)
- Royal Canadian Mounted Police (RCMP), including the
 - Human Trafficking National Coordination Centre (HTNCC)
- Status of Women Canada (SWC)

人口販運特遣部隊合作夥伴

- 加拿大原住民及北方事務部 (INAC)
- 加拿大邊境服務局(CBSA)
- 加拿大移民、難民和公民部(IRCC)
- 加拿大司法部(JUS)
- 加拿大環球事務部 (GAC)
- 加拿大就業和社會發展部(ESDC) · 包括：
 - 勞工計畫；及
 - 臨時外國勞工計畫
- 加拿大公共安全部 (PS)
- 加拿大皇家騎警(RCMP) · 包括
 - 人口販運國家協調中心 (HTNCC)
- 加拿大婦女地位部 (SWC)

International Partnerships

- Canada works closely with UN agencies and other partners to combat human trafficking
- Canada provides funding to states and organizations
- RCMP International Liaison Officers are stationed throughout the world
 - responsible for developing and maintaining liaison, and
 - exchanging information with foreign officials and international partners



人口販運特遣部隊合作夥伴

- 加拿大原住民及北方事務部 (INAC)
- 加拿大邊境服務局(CBSA)
- 加拿大移民、難民和公民部(IRCC)
- 加拿大司法部(JUS)
- 加拿大環球事務部 (GAC)
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 - 勞工計畫；及
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- 加拿大公共安全部 (PS)
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 - 國家人口販運協調中心 (HTNCC)
- 加拿大婦女地位部 (SWC)

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 - Labour Program; and,
 - Temporary Foreign Worker Program
- Public Safety Canada (PS)
- Royal Canadian Mounted Police (RCMP), including the
 - Human Trafficking National Coordination Centre (HTNCC)
- Status of Women Canada (SWC)

國際合作夥伴

- 環球事務部已贊助了兩個反人口販運意識計畫
- 人口販運國家協調中心 (HTNCC) / NICC 及其合作夥伴 (多倫多警方) 參與了國際刑警工作組及國際刑警反人口販運專家組
- A級/專員級 – 參與了聖瑪律塔組織 – 該組織由教皇領導
- 北美領導人高峰會 (NALS) / 組織三邊合作工作組 · 打擊人口販運

International Partnerships

- Global Affairs have sponsored two Human Trafficking awareness programs
- The HTNCC/ NICC and partners (Toronto Police) participate in Interpol working groups and the Interpol Human Trafficking Expert Group
- A/Commissioner level - participation in the Santa Marta Group – Pope led
- The North American Leaders Summit (NALS) / trilateral working group to combat HT



與非政府組織的合作不可或缺

- 得到專業人士的協助，與非政府組織和受害者服務組織進行合作
- 在非政府組織的協助下滿足受害者的基本需求（食物，住所，翻譯）
- 受害者援助

Partnerships with NGOs are essential

- Get assistance from professionals, create partnerships with NGOs/Victim Services
- Take care of victim's basic needs (food, shelter, translator) with the assistance of NGOs
- Victim Assistance



與談人簡介

Jayne Huckerby

美國杜克大學國際人權中心主任

經歷

杜克大學法學院國際人權中心主任

聯合國婦女資深人權顧問

聯合國紐約女權顧問

澳大利亞雪梨法學院客座教授

紐約大學法學院全球司法與人權中心顧問

紐約轉型正義國際中心性別顧問

泰國曼谷全球防制販運婦女聯盟之美國顧問代表

瑞士日內瓦國際人權事務處人權理事

聯合國難民事務人權與國際法資深專員

澳洲雪梨 Baker & McKenzie 法律事務所訴訟律師

專長

國際人權法，國際人權法中的性別法，女權法律理論，國際法與跨國合作，性別法，人權和國家安全法，人權執法機制

Brief Introduction of Commentator

Jayne Huckerby

Director of Duke International Human Rights Clinic

PROFESSIONAL EXPERIENCES

Associate Clinical Professor of Law, Director of International Human Rights Clinic, Duke University School of Law, Durham, NC

Senior Human Rights Consultant of U.N. Women, New York, NY

Human Rights Consultant, U.N. Women, New York, NY

Visiting Scholar, University of Sydney Law School, Sydney, Australia

Center for Human Rights and Global Justice NYU School of Law, New York NY

Gender Consultant International Center for Transitional Justice, New York, NY

United States Consultant Global Alliance Against Traffic in Women (GAATW), Bangkok, Thailand

Human Rights Officer International Service for Human Rights (ISHR), Geneva, Switzerland

International Law and Human Rights Fellowship, United Nations High Commissioner for Refugees (UNHCR), Geneva, Switzerland

Litigation Associate Baker & McKenzie, Sydney, Australia

Joint Women's Campaign Co-ordinator Amnesty International, NSW Legal Network, Sydney, Australia

SKILL

International Human Rights Law, Gender in International and Human Rights Law, Feminist Legal Theory, International Law and Cross-Border Movement, Gender, Human Rights, and National Security, Mechanisms for Human Rights Enforcement



與談人簡介

林姝娟

財團法人天主教善牧基金會人口販運被害
人安置庇護所主任



經歷

財團法人天主教善牧社會福利基金會_人口販運受害者安置庇護所社工員

財團法人天主教善牧社會福利基金會_人口販運受害者安置庇護所督導

財團法人天主教善牧社會福利基金會_人口販運受害者安置庇護所主任

專長

善牧基金會自民國 98 年 10 月起承接內政部移民署委託辦理的「人口販運被害人庇護所」，提供庇護服務、生活適應、法律服務、諮商輔導、醫療、職業技能訓練與就業媒合等多項服務給在臺人口販運受害者。

Brief Introduction of Commentator

Lin, Wen-Chuan

Shelter Director of Good Shepherd Social Welfare Services



PROFESSIONAL EXPERIENCES

Shelter Social Worker of Good Shepherd Social Welfare Services

Shelter Supervisor of Good Shepherd Social Welfare Services

Shelter Director of Good Shepherd Social Welfare Services

SKILL

Good Shepherd Social Welfare Foundation has been running the “Shelter for Victims of Human Trafficking” authorized by National Immigration Agency, Ministry of the Interior, since October 2009. The foundation offers a number of services to victims of human trafficking in Taiwan including shelter, living adaptation, law services, counseling, medical services, vocational training and job matchmaking.



與談人簡介

陳逸玲

臺灣展翅協會秘書長

經歷

臺灣展翅協會國際專員

臺北市女性權益促進會執行秘書/秘書長

Brief Introduction of Commentator

Chen, Yi-Ling

Secretary General, ECPAT Taiwan

PROFESSIONAL EXPERIENCES

International Affairs Officer, ECPAT Taiwan

Program Officer/ Secretary General, Taipei Association for the Promotion of Women's Rights



2017 年防制人口販運國際工作坊

第三場
加重人口販運查緝偵審力量

Session 3
*Enhancing the Power of the Crackdown,
Investigation, and Trial of Human Trafficking Cases*



主持人簡介

高巨瑩

行政院防制人口販運協調會報委員

經歷

展翅協會理事長

恆典國際法律事務所律師

愉晶國際法律事務所主持律師

愉晶國際法律事務所主持律師

財團法人法律扶助基金會審查委員

財團法人法律扶助基金會扶助律師

展翅協會副理事長

人口販運防制條例草案起草人及立法召集委員

專長

防制人口販運條例

Brief Introduction of Moderator

Kao, Hsuan-Ying

Committee member of Cabinet Anti-TIP Task Force

PROFESSIONAL EXPERIENCES

Director of ECPAT Taiwan

Lawyer of KHY Law Office

Lawyer of YuJing Law Office

Attorney-in Charge of YuJing Law Office

Examiner of the Taipei Chapter of the Legal Aid Foundation

Legal aid lawyer for the Taipei Chapter of the Legal Aid Foundation

Dupty Director of ECPAT Taiwan

Draft and legislators convened of Human Trafficking Prevention Act

SKILL

Human Trafficking Prevention Act



2017 年防制人口販運國際工作坊

澳洲偵辦人口販運案件技巧
及司法審判特色

*The Skills of Investigating Human Trafficking Cases
and the Specialties of Judicial Trial in Australia*

主 講 人： **Simone Butcher**

澳洲聯邦警政署防制人口販運組長

Speaker: **Simone Butcher**

Team Leader of Human Trafficking, Australian Federal Police



主講人簡介

Simone Butcher

澳洲聯邦警政署防制人口販運組組長



經歷

國際人口販運受害者組組長

調查人員技能培訓及發展組組長

秘密偵查人員培訓及發展組組長

澳洲警察秘密偵查及情報搜集組組長

澳洲警局犯罪偵查小組偵查員

澳洲首都刑事局犯罪調查員

澳洲聯邦警局總局國際監管部秘密警務組組長

墨爾本分部人力資源管理部成員

澳洲首都刑事調查性侵犯和虐待兒童小組及知識產權小組調查員

專長

人口販運偵查

Brief Introduction of Speaker

Simone Butcher

Team Leader of Human Trafficking,
Australian Federal Police



PROFESSIONAL EXPERIENCES

National Team Leader – Human Trafficking, Victim Based Crime

Team Leader – Investigations Training, Learning & Development

Team Leader - Covert Training, Learning & Development

Team Leader – Covert Services, Intelligence

Investigator – Criminal Investigations, ACTP.

Team Leader – Covert Policing –International Controller, AFP Headquarters.

Team Member - Human Source Management Team, Melbourne Office

Investigator – Criminal Investigations, Sexual Assault & Child Abuse Team,
Property Crime Team, ACTP.

SKILL

Investigator on Human Trafficking



HUMAN TRAFFICKING



人口販運



講座大綱

- 何謂人口販運？
- 人口販運在澳洲的狀況為何？
- 澳洲聯邦警察(AFP)在整體政府所扮演的角色
- 對人口販運的因應措施
- 通報面臨的挑戰與障礙
- 人口販運搜查所面臨的困難

In This Session

- What is Human Trafficking?
- How human trafficking presents itself in Australia
- AFP's role in the Whole of Government response
- Responding to Human Trafficking
- Challenges/Barriers to reporting



何謂人口販運？

- 「人口販運」就是：
是通過暴力威脅、暴力手段、脅迫、誘騙、招募、運送、轉移、窩藏或接收人員來達到剝削目的。
- 《聯合國議定書第3條中，嚴厲聲明，防止、禁止、懲治人口販運行為，特別是販運婦女和兒童行為》。

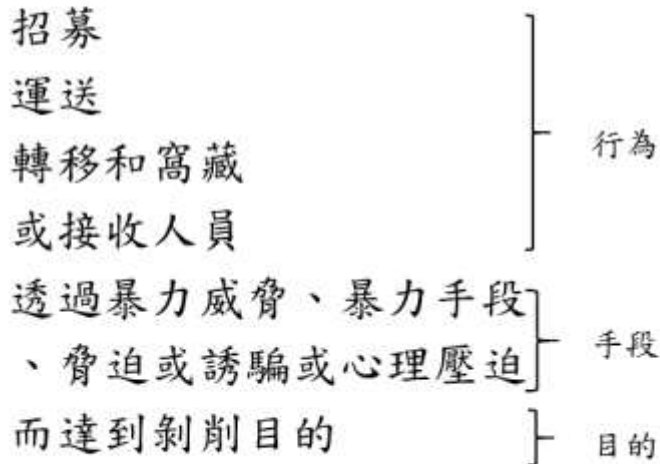
WHAT IS HUMAN TRAFFICKING

Human Trafficking is:

- *The recruitment, transportation, transfer, harboring or receipt of persons, by the threat or use of force or other forms of coercion, deception or other means, for the purpose of exploitation.*
- (Art. 3, UN Trafficking Protocol)

何謂人口販運？

• 人口販運方法及目的：



WHAT IS HUMAN TRAFFICKING?

Trafficking in persons:-

- the recruitment,
 - transportation,
 - transfer and harbouring
 - or receipt of persons
- Act

**by means of threat or the use of force
or coercion or deception or psychological
oppression**

Means

for the purpose of ongoing exploitation.

Purpose



人口販運的各種罪行

- 奴隸
 - 奴役
 - 強迫勞務
 - 誘騙性招募
 - 婚姻強迫
- } 聯邦刑法270條
- 人員販運
 - 器官販運
 - 窩藏
 - 債奴
- } 聯邦刑法271條

澳洲聯邦警察(AFP)是人口販運罪行的主要領導、調查單位

What are the OFFENCE types of Human Trafficking?

- Slavery
 - Servitude
 - Forced Labour
 - Deceptive recruiting
 - Forced Marriage
- } 270 Commonwealth Criminal Code
- Trafficking in Persons
 - Organ trafficking
 - Harboursing
 - Debt Bondage
- } 271 Commonwealth Criminal Code

AFP is the lead agency for investigating Human Trafficking offences

在澳洲脈絡下的人口販運及蓄奴

- 人口販運目的國家
- 超過750人販運關係受害人，得到法律上的保護。
- 超過340名受害者受到協助
- 20次成功定罪

Human trafficking and slavery in the Australian context

- Destination country
- More than 750 referrals to law enforcement
- More than 340 victims supported
- 20 successful convictions



澳洲聯邦警察(AFP)人口販運小組



- 澳洲聯邦警察(AFP)在雪梨和墨爾本，成立人口販運偵查小組，而當中的調查人員也遍佈全國，並由坎培拉總部統一指揮和調度。
- 澳洲聯邦國際警察(AFP)積極針對區域性人口販運進行掃查。

AFP human Trafficking teams



The AFP has dedicated Human Trafficking Teams located in Sydney and Melbourne, and investigator across the nation, coordinated centrally in Canberra.

AFP International Operations ensure significant regional engagement on transnational crime issues including human trafficking

澳洲政府管道

- 《打擊人口販運及蓄奴的全國行動計畫 (2015到2019年)》
- 澳洲反人口販運策略的四大面向：
 - 預防和嚇阻
 - 偵查和調查
 - 起訴和遵守法律
 - 受害者協助和保護

Australian Government Approach

- [National Action Plan to Combat Human Trafficking and Slavery \(2015-2019\)](#)
- There are four central pillars of Australia's anti-human trafficking strategy:
 - Prevention and deterrence;
 - *detection and investigation*;
 - *Prosecution and compliance*; and
 - victim support and protection.



立法架構

- 發布並修訂國際標準法
- 全面概括性的刑事罪行
- 目擊者保護

Legislative framework

- Ratification and implementation of international standards
- Comprehensive criminal offences
- Vulnerable witness protections

調查

- 專業的人口販運調查團
 - 超過750的轉介個案
- 國際防制犯罪合作

Investigations

- Specialist Human Trafficking investigative teams
 - More than 750 referrals
- International crime cooperation



起訴

- 聯邦檢察官
- 20次成功定罪

Prosecutions

- Commonwealth Director of Public Prosecutions
- 20 successful convictions

受害人協助和保護

- “協助被販運者計畫”
- 建立人口販運簽證

Victim support and protection

- Support for Trafficked People Program
- Human Trafficking Visa Framework



澳洲聯邦警察(AFP)調查— 人口販運

罪行	2013/14 FY	2014/15 FY	2015/16 FY
強迫性婚姻	11	33	69
性剝削	31	34	39
勞力剝削	22	33	36
兒童販運	2	11	10
販運	2	4	13
其他	2	4	2
總數	70	119	169

Afp Investigations – Human Trafficking

Offence	2013/14 FY	2014/15 FY	2015/16 FY
Forced marriage	11	33	69
Sexual exploitation	31	34	39
Labour exploitation	22	33	36
Child trafficking	2	11	10
Trafficking	2	4	13
Other	2	4	2
Total	70	119	169

警察在何處發現人口販運

- 性產業
- 車輛臨檢
- 家務工作
- 餐飲服務和餐廳
- 農業或園藝產業/農莊
- 營建業(礦業、成衣業和紡織業)
- 服務業(按摩店、美甲店和旅館)
- 娛樂業(酒吧、俱樂部和卡拉OK)

Where Police Find Human Trafficking

- Sex Industry
- Vehicle Intercepts
- Domestic work
- Catering and restaurants
- Agriculture or horticulture industry/farming
- Construction industry (mining; garments and textiles industries)
- Service Industry (massage shops, nail salons, hotels)
- Entertainment Industry (bars, clubs, karaoke bars)



澳洲聯邦警察(AFP) 在社會上所扮演的角色

- 「再了解深入一點」是一種標語。目的在於教育執法人員，如何察覺人口販運跡象，並妥善因應。維多利亞省警察(VP)和澳洲聯邦警察(AFP)聯合倡議
- 相關協助團體(法律援助人員、學校校長和輔導人員、兒童保護團體和其他相關機構)。
- 在研究上與研究機構合作
- 在提高意識和教育倡議上與非政府組織合作
- 結合媒體的力量

Afp Role In Wog Approach

- 'Look a Little Deeper' Campaign educating law enforcement officers on human trafficking indicators and best practice responses. A joint Victoria Police and AFP initiative.
- Speaking with and presenting to interest groups (Legal Aid Officers, School Principals and Counsellors, Child Protection Groups and other relevant parties.
- Cooperating with research bodies on relevant studies.
- Working with NGOs on awareness raising / education initiatives.
- Engaging with the media.

通報時所遭遇的障礙

- 語言障礙
- 文化差異
- 恐懼
- 對警方與權力的恐懼
- 販運者的威脅
- 未意識到自身權益
- 不認為自己是受害者
- 孤立

Barriers to Reporting

- Language barriers
- Cultural differences
- Fear generally
- Fear of police and authorities
- Threats from trafficker
- Not aware of their rights
- Don't see themselves as victims
- Isolation



警方所面臨的挑戰

- 受害者
 - 畏懼當局
 - 威脅/暴力/欺凌
 - 文化考量/羞恥/語言
 - 受害者撒謊
 - 不認為自己是受害者
- 利益衝突
 - 救援/傷害最小化 VS. 證據/情報/更多受害者
- 國際通聯
 - 罪行的衝突/政策態度的衝突
 - 死刑
 - 全面性的治安策略
 - 干預和遵守 / 流離失所問題
- 跨單位合作
 - 策略/角色認知不同
- 誘惑
 - 簽證制度
- 司法體系/過程/起訴/干預

Challenges for Police

- Victims
 - Fear of Authorities
 - Threats / Force / Intimidation
 - Cultural Considerations / Shame/Language
 - Victims lying
 - Don't see themselves as victims
- Competing Interests
 - Rescue / Harm minimisation vs Evidence / Intel/more victims
- International Liaison
 - Conflicting Offences/Conflicting policies attitudes
 - Death Penalty
- Overt Policing Tactics
 - Disruption and Compliance Pushing / Displacing Problem
- Inter-agency collaboration
 - Differing strategies / understanding roles
- Inducements
 - Visa regime
- Justice System / Process / Prosecution/ Disruption

受害者協助

- 紅十字—協助計畫
 - 評估管道
 - 司法協助管道
 - 判決管道
- 非政府組織合作
 - 尊嚴計畫(Project Respect)
 - 澳洲反對人口販運天主教協會(ACRATH)
 - 沙克達教會組織(SHAKTI)
 - 反蓄奴組織
- 簽證制度
 - 銜接簽證(Bridging F Visa)、刑事司法停留簽證(Criminal Justice Stay Visa)、 募集者保護永久簽證(Witness Protection (Trafficking) Permanent Visa)

Victim Support

- Red Cross – Support Program
 - Assessment Stream
 - Justice Support Stream
 - Trial Stream
- NGO engagement
 - Project Respect
 - ACRATH
 - SHAKTI
 - Anti-Slavery
- Visa Regime
 - Bridging Visas, CJSV and WPTV



倡議

- 跨國合作
 - 澳、亞打擊人口販運計畫(AAPTIP)
 - 「關於人口走私、販運及相關跨國罪行的巴厘島進程」(巴厘島進程)
- 全國性訓練...
 - 2015到2019年打擊人口販運及蓄奴的全國行動計畫
 - 人口販運調查課程
 - 為第一線執法人員量身打造的講座，以提高他們「再了解深入一點」的意識
- 預防倡議
 - 非政府組織、社群、各州/領地
 - 2015到2019年打擊人口販運及蓄奴的全國行動計畫

Initiatives

- Transnational Collaboration:
 - Australia-Asia Program to Combat Trafficking in Persons (AAPTIP)
 - Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process)
- National Training commitments
 - National Action Plan to Combat Human Trafficking and Slavery 2015-2019
 - Human Trafficking Investigations Course
 - “Look a Little Deeper” awareness session designed for front line officer
- Prevention Initiatives
 - Engagement with NGOs , community, State / Territory
 - National Action Plan to Combat Human Trafficking and Slavery 2015-2019

問題

Questions



DETECTIVE SERGEANT SIMONE BUTCHER
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DETECTIVE SERGEANT SIMONE BUTCHER
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臺灣人口販運司法實務運作
及加重求刑判刑之探討

*The Judicial Practices of Human Trafficking Cases
and the Discussion of Heavier Sentences Advocacy*

主講人：吳秀娥
瑞麒法律事務所

Speaker: **Jessie Wu**
Lawyer of Rechd Attorney at Laws



主講人簡介

吳秀娥

瑞麒法律事務所律師

經歷

瑞麒法律事務所律師

專長

勞工法、家事法、一般民刑事訴訟

Brief Introduction of Speaker

Jessie Wu

Lawyer of Rechd Attorney at Laws

PROFESSIONAL EXPERIENCES

Lawyer of Rechd Attorney at Laws

SKILL

Labor Standards Act, Family Laws, Criminal code and civil litigation

臺灣人口販運司法實務運作
及加重求刑判刑之探討

分享人：吳秀娥律師

時間:2017年07月26日

Study on Judicial Practices to Combat Human
Trafficking in Taiwan and Aggravated Sentencing

Speaker : Jessie Wu Lawyer

Date: 2017 / July / 26th



台灣人口販運司法實務運作

人口販運司法案件類型

1. 勞力剝削
2. 性剝削
3. 器官買賣

Judicial Practices to Combat Human Trafficking in Taiwan

Type of Human Trafficking Judicial Cases

1. Exploitation of Labor
2. Sexual Exploitation
3. Organ Trafficking

以人口販運受害者司法歷程為例

案例(一)、勞力剝削 (集體拘禁積欠工資)

1、案件事實概述:

被害人遭群體監控、限制行動自由並長期積欠工資等。

2、檢方起訴與不起訴依據。

3、庇護所 & 收容所兩樣情。

4、民事求償問題

Cases of Judicial Proceedings of Human Trafficking Victims

Case One: Exploitation of Labor (collective detention, overdue wages)

1. Case description:

Victims were monitored, controlled and deprived from freedom. Wages were overdue over a long period of time.

2. The determining cause whether the prosecutor would press charges

3. Difference between a shelter and an asylum(a detention center)

4. Problems with civil claims



以人口販運受害者司法歷程為例

案例(二)、勞力剝削 (妨害自由及傷害)

1、案件事實概述:

被害人遭囚禁從事勞務，並遭被告數人帶到山上毆打至遍體鱗傷，被害人以紙條求救後脫困。被告之一逃逸遭通緝後到案。

2、法院判決：

刑事一審審理中，被告表示欲以3萬元與被害人和解以求輕判，被害人拒絕，法官認被告已有還款誠意，被告遭輕判易科罰金。民事判賠30多萬，然至今被害人仍未拿到任何金錢賠償。

3、不正義的判決形同第二次凌遲？

4、法院的偏見？

5、人權的普世價值？

6、對被害人最好的安排與協助？

Cases of Judicial Proceedings of Human Trafficking Victims

Case Two: Exploitation of Labor (Offense against personal liberty and assault)

1. Case description:

Victim was kept in captivity and was brought away into the mountains and assaulted by the defendants. Victim later saved by a mayday note. One of the defendants absconded and was wanted.

2. Judgement:

In the criminal court of first instance, the defendant claimed to have offered the victim a 30,000 compensation as settlement but was denied. Judge considered that the defendant was apologetic and willing to pay back. Hence, the defendant was given a light sentence commutation to fines. The civil court ruled out an over 300,000 compensation but the victim has not received any monetary compensation to this date.

3. Unjust verdict is like second-time suffering?

4. Bias in court?

5. Universal value of human rights?

6. The best arrangements and assistances for the victims?

以人口販運受害者司法歷程為例

案例(三)、性剝削 (應召站)

1、案件事實概述:

被害人以商務簽證來台逾期居留，遭被告監控限制行動自由並從事性交易且未實際取得交易所得等。

2、檢方起訴依據。

3、司法正義實現過程的漫長等待。

4、被害人漫長的歸鄉之路。

Cases of Judicial Proceedings of Human Trafficking Victims

Case Three: Sexual Exploitation (prostitution)

1. Case description:

The victim overstayed business visa and was monitored, controlled and deprived from freedom. The victim was forced to conduct transactional sex without pay.

2. Prosecution basis

3. The long waiting for judicial justice

4. The victim's belated journey to home



司法實務起訴與判決

- 1 低起訴率
- 2 判決刑度過低

Judicial Prosecution and Sentences

- 1 Low prosecution rate
- 2 Light sentences

加重求刑判刑之探討 2-1

- 一、檢警對人口販運案件之識別
人口販運勞力剝削與單純積欠薪資
- 二、集體組織犯罪之加重處罰
- 三、法院適用刑法第57條應從嚴認定
 - 1 犯罪之手段
 - 2 犯罪後態度之認定

Aggravated Sentencing 2-1

- I. Prosecutors' definition on cases of human trafficking and human trafficking exploitation of labor and overdue wages
- II. Aggravated sentencing on organized crime
- III. According to Criminal Law Article 57, courts shall base sentencing on the liability of the offender and take into account all the circumstances, and special attention shall be given to
 1. The means used for the commission of the offense
 2. The offender's attitude after committing the offense.



加重求刑判刑之探討2-2

四 舉證責任困難

勞力剝削之認定

勞力與報酬顯不相當認並標準?

Aggravated Sentencing2-2

IV. Difficult burden of proof

Identifying exploitation of labor

Criteria to identifying unreasonable wages?

行政院勞工委員會八十二年六月八日台
82勞動二字第二九九一八號函

- ◆ 查外籍勞工來華工作，應遵守我國法令，亦受我國法令保障。勞動基準法對於外籍勞工並無另訂基本工資之規定，凡受僱於適用勞動基準法事業單位之勞工，不論本國勞工或外籍勞工，其工資均不得低於基本工資。
- ◆ 關於建議對外籍勞工參酌該國當地工資與生活指數另行訂定最低工資乙節，其他國家無類似作法，故未便同意。

The Executive Yuan Ministry of Labor
June 8th 1994
(82) MOL Second Division Letter No. 29918

- Ⓔ Foreign workers in Taiwan should abide by and be protected by Taiwanese laws and regulations. The Labor Standards Act does not suggest different standards for foreign workers. Therefore, the wages given to Taiwanese and foreign workers alike who are employed by enterprises or entities that abide by the Labor Standards Act shall not be lower than the specified minimum wage.
- Ⓔ In regard to the suggestion that a different minimum wage standard should be set upon deliberating the local wages and cost-of-living index of the foreign workers' country of origin, decision has been made not to adopt such suggestion for the reason that no other countries have adopted similar approach.



加班費舉證困難

- 1 超過工時雇主禁止勞工打卡
- 2 非法滯留勞工無法舉證工作天數及工作時數

Difficult Proof of Extra Working Hours

- 1 Employers prohibit workers to register their working time for extra working hours.
- 2 Illegally overstaying workers are unable to prove their working days and working hours.

性剝削案件被害人模糊樣貌 與裁判者偏見

案例:以人口販運被害人假結婚來台為例

A檢方起不起訴依據

檢察機關辦理人口販運案件應行注意事項第29點規定
「人口販運被害人因被販運而觸犯其他刑罰者，檢察官於審酌情節後，得予以職權不起訴或緩起訴處分」。

B法院減免刑責依據

人口販運防制法第29條

「人口販運被害人因被販運而觸犯其他刑罰或行政罰規定者，得減輕或免除其責任」。

Indefinite victims of sexual exploitation and prosecutors' biases

Case: Victims of human trafficking fake marriage in Taiwan

A Prosecution basis

Prosecutors should abide by Article 29 of the Human Trafficking Prevention Act

"Any human trafficking victim who has violated other provisions of the criminal code or administrative regulations as a result of being trafficked may be eligible for a reduction in penalty or absolution from his/her liability."

B Court's basis on reduction in penalty or absolution from one's liability

Human Trafficking Prevention Act "Any human trafficking victim who has violated other provisions of the criminal code or administrative regulations as a result of being trafficked may be eligible for a reduction in penalty or absolution from his/her liability."



我們還可以多做點什麼？

1 實質正義實現

A 被告確實受刑事追訴懲罰

B 被害人取回應得的報酬

檢審協助掌握和解的時機

2 被害者法律扶助所面臨的問題

A 放寬准予假扣押,期待被害人得到實質的賠償

B 落實補償基金運作

What else can we do to help them?

1 Realization of justice

•A Offenders punished by criminal prosecution

•B Victims receive the overdue wages they deserve

Prosecutors assist with seizing the perfect timing for settlement

2 Victims' legal support

•A Allow provisional attachment and anticipate victims receiving solid compensation

•B Implement the operations of monetary compensation funds

Q & A

謝謝指教！

Q & A

Thank you for your time!



與談人簡介

邱曉華

臺灣臺北地方法院檢察署檢察官

經歷

臺灣士林地方法院檢察署檢察官

臺灣桃園地方法院檢察署檢察官



Brief Introduction of Commentator

Ciou, Siao-Hua

Prosecutor of Taipei District Prosecutors Office

PROFESSIONAL EXPERIENCES

Prosecutor of Shi-Lin District Prosecutors Office

Prosecutor of Tao-yun District Prosecutors Office



與談人簡介

宋一心

財團法人法律扶助基金會臺北分會專職律師

經歷

財團法人法律扶助基金會專職律師

Brief Introduction of Commentator

Sung, Yi-Hsin

Staff Attorney of Law of Legal Aid Foundation

PROFESSIONAL EXPERIENCES

Staff Attorney of Law of Legal Aid Foundation



2017 年防制人口販運國際工作坊

第四場
避免漁工剝削之查緝成效及預防作為

Session 4
Crackdown Achievements and Prevention Measures
of the Fishery Workers Exploitation



主持人簡介

劉黃麗娟

行政院防制人口販運協調會報委員

經歷

行政院勞工委員會人權工作小組委員

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行政院防制人口販運協調會報委員

開南大學通識教育中心暨養生與健康行銷學系助理教授

開南大學國際勞力與發展研究中心研究員兼執行長

行政院勞工委員會社會對話小組委員

行政院勞工委員會人權工作小組委員

專長

國際遷移與社會融合、社會對話、比較勞力政策與勞資關係



Brief Introduction of Moderator

Liuhuang, Li-Chuan

Committee member of Cabinet Anti-TIP Task Force



PROFESSIONAL EXPERIENCES

Committee on Human Rights, Council of Labor Affairs, Executive Yuan

Consultant, National Federation of Taiwan Insurance Industry

Coordination Meeting on Human Trafficking Prevention, Executive Yuan

Assistant Professor, General Education and Health Center and Health Marketing Department, Kainan University

Researcher and CEO, International Labor and Development Research Center, Kainan University

Subcommittee on Social Dialogue, Council of Labor Affairs, Executive Yuan

Committee on Human Rights, Council of Labor Affairs, Executive Yuan

SKILL

International migration and social integration, social dialogue, comparative labor policy and labor relations



2017 年防制人口販運國際工作坊

**泰國 2015、2016 年查緝漁工剝削成效
及管理新措施**

*Crackdown Achievements and New Management Measures of
the Fishery Workers Exploitation in Thailand from 2015-2016*

主 講 人： **Choosak Apaipakdi**
泰國警政署中央調查局副組長

Speaker: **Choosak Apaipakdi**
Deputy Superintendent of Anti-Trafficking in Persons Division



主講人簡介

Choosak Apaipakdi

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經歷

泰國皇家警察局人口販運調查講座主講人

人口販運調查毒品和犯罪問題辦公室方案發言人

警政署調查官

反人口販運調查官

Brief Introduction of Speaker

Choosak Apaipakdi

Deputy Superintendent for Anti-Trafficking in Persons Division



PROFESSIONAL EXPERIENCES

Speaker of Royal Thai Police, 2010-2017 Lecture on 52 trafficking investigations.

Speaker of the UNODC Program, 2015-2016 lecture on human trafficking investigations

police station investigator

Officer for Anti-Trafficking in Persons Division

簡報請見大會手冊 B / Please refer to the PROGRAM B for this document





2017 年防制人口販運國際工作坊

臺灣對境外僱用漁工查緝剝削成效
及勞動管理新作法

*Crackdown Achievements and New Management Measures of the
Exploitation of the Oversea Hired Fishery Workers in Taiwan*

主 講 人： 林良榮
國立政治大學法學院助理教授

Speaker: **Lin, Liang Jong**
Assistant Professor of College of Law, National Chengchi University



主講人簡介

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經歷

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台北市政府勞動局就業評議委員會委員

高雄市勞工局勞資仲裁委員會委員

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Brief Introduction of Speaker

Lin, Liang-Jung

Assistant Professor, College of Law, National Cheng-Chi University



PROFESSIONAL EXPERIENCES

Executive Director, Taiwan Labor Law Society.

The 3rd Member of the Rules for the Settlement of Labor Insurance, Ministry of Labor

The Member of Job Evaluation Committee, Department of Labor, Taipei City Government

The Member of Industrial Arbitration, Labor Affairs Bureau of Kaohsiung City Government.

SKILL

Labor law, Legalsociology, Basic Theory of Social Law



2017 年防制人口販運國際工作坊

簡報請見大會手冊 B / Please refer to the PROGRAM B for this document





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Freddy Panggabean

印尼漁工安置保護局主任



經歷

印尼移工安置保護局主任

馬來西亞駐印尼吉隆坡大使館政治事務公使銜參贊

印尼外交部國際組織政策分析與國際發展組織-聯合國中心副局長

印尼駐南非普利托里亞大使館社會和文化事務參贊

印尼外交部多邊事務總處長，社會經濟合作與扶貧主管

印尼駐多倫多加拿大總領事館擔任副領事

專長

談判、公開演講、教學、分析與研究

Brief Introduction of Commentator

Freddy Panggabean

Director of International Cooperation, National Board for the Placement and Protection of Indonesian Overseas Workers



PROFESSIONAL EXPERIENCES

Director: International Cooperation, National Board for the Placement and Protection of Indonesian Overseas Workers.

Minister Counselor for Political Affairs, Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia.

Deputy Director: International Organizations and the United Nations, Center for Policy Analysis and Development of the International Organizations, Ministry of Foreign Affairs of the Republic of Indonesia.

Counsellor for Social and Cultural Affairs, Embassy of the Republic of Indonesia in Pretoria, South Africa.

Head: Social Economic Cooperation and Poverty Alleviation, Director General for Multilateral Affairs, Ministry of Foreign Affairs of the Republic of Indonesia

Vice Consul at the Consulate General of the Republic of Indonesia in Toronto, Canada.

SKILL

Negotiation, PublicSpeaking, Teaching, Research and Analysis



與談人簡介

Peter Hurst

漁業工作之健康、安全與勞動議題獨立專家

經歷

國際食品、農業、酒店、餐館、飲食服務、煙草暨同業工人聯會--簡稱國際食品勞聯(IUF)擔任職業安全與衛生環境協調員

瑞士日內瓦國際勞工組織衛生與安全處政策計畫幹部

瑞士世界自然基金會資源消耗和污染計畫政策專員

瑞士世界自然基金會汙染計畫化學及消費政策專員

於英國倫敦運輸工人總工會擔任國家衛生安全及環境專員

於英國菲爾職業健康與安全管理局 (職健安全局) 健康和安檢員

擔任 Hoechst UK 化學集團農業化學部門的實地試驗和技術顧問

專長

英語、法語、西班牙語、義大利語

在草擬政策、技術文件及報告上有豐富經驗，同樣在依據聯合國及國際勞工組織標準草擬準則與訓練資料及在同行評議期刊上發表文章方面亦有豐富經驗。

Brief Introduction of Commentator

Peter Hurst

Independent specialist on health, safety and labour issues in fishing

PROFESSIONAL EXPERIENCES

International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)

Policy Programme Officer, Health and Safety Branch, International Labour Organization, Geneva, Switzerland

Head, Resource, Consumption and Pollution Programme, World Wide Fund for Nature, Gland, Switzerland

Chemicals and Consumer Policy Officer, Resource, Consumption and Pollution Programme, World Wide Fund for Nature, Gland, Switzerland

National Health, Safety and Environment Specialist, Transport and General Workers Union, London, UK

Health and Safety Inspector, Health and Safety Executive, Sheffield, UK

Field Trials Officer and Technical Advisor, Agrochemicals Division, Hoechst UK

SKILL

English, French, Spanish, Italian

Demonstrated wide experience in the development and drafting of policy and technical documents and reports, as well as guidelines and training materials, set to UN and ILO drafting standards, as well as publishing articles in peer-reviewed journals.



漁船上勞工條件之監督規定

- 防制人口販運策略 ·
2017年7月25到26日 · 台灣台北
- 防制剝削漁工
- Peter Hurst

INSPECTION OF LABOUR CONDITIONS ON BOARD FISHING VESSELS

- Strategies for Combating Human Trafficking, 25-26 July 2017, Taipei, Taiwan
- Combating Fisheries Workers' Exploitation
- Peter Hurst

漁業：一種全球產業

- 全世界有超過4千5百萬漁工；其中1千5百萬在漁船上
- 工業化的高科技漁船—海外漁業，長期在海上
- 較小型的技能性漁船—領海

FISHING: A GLOBAL INDUSTRY

- 45 million+ fishers worldwide; 15 m of them on vessels
- Industrialised high tech fishing vessels - overseas fishing, long periods at sea
- Smaller artisanal fishing vessels - territorial waters



剝削性的勞動條件

- 剝削勞動狀況特多，特別是外籍漁工
- 糟糕的工作和生活條件
- 高風險：四種最危險工作之一
- 強迫壓榨勞務和人口販運
- 童工

EXPLOITATIVE LABOUR CONDITIONS

- Exploitative labour conditions, especially migrant fishers
- Poor working & living conditions
- High risks: One of 4 most dangerous jobs
- Forced labour & human trafficking
- Child labour

監督漁業

- 政府對漁業的監督往往時分鬆散、缺乏資源、缺乏監督者、缺乏訓練、執法單位間的合作和互助不理想
- 缺乏對勞動和生活條件的監督
- 對於強迫勞務和人口販育的監督。特別監督小組已經成立且訓練完成，並被給予適當的法律支援

INSPECTIONS IN FISHING

- Government inspection services in fishing often weak, under resourced, too few inspectors, lack of training, poor coordination & cooperation between regulatory agencies
- Too few inspections on working & living conditions
- Inspections on forced labour & human trafficking. Special inspection teams have to be formed and trained, and given proper legal support



強迫或強制性勞動

- 「強迫或強制性勞動是指在懲罰脅迫下，勒索自人們的各種勞務，而他們並非出於自願貢獻自己的勞力」，1930年，國際勞工組織《關於強迫勞動的第29號公約》
- 「近期的深入研究描述並分析了漁業部門中強迫勞動和人口販運的嚴重案例，這些研究顯示：漁船上的漁工，許多都是外籍漁工，遭受極端的人權濫用，包括強迫勞動和人口販運。」，《受困海上：漁業中的強迫勞動與販運》，國際勞工組織，2013年

Forced or Compulsory Labour

- "Forced or compulsory labour is all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." ILO Convention No. 29 on Forced Labour, 1930
- "Recent in-depth studies have described and analysed severe cases of forced labour and human trafficking in the fisheries sector. These studies reveal that, on board fishing vessels, fishers - many of them migrant workers - are subjected to extreme forms of human rights abuses, including forced labour and human trafficking". Caught at Sea: Forced Labour & Trafficking in Fisheries. ILO 2013

人口販運

- 「販運人口是指為剝削目的經由威脅使用
或使用暴力或其他形式的脅迫手段，以誘拐、
欺詐、謊騙、濫用權力或利用脆弱境況、或
收受酬金或利益而取得對他人有控制權者的
同意等方式，招募、運送、轉移、窩藏或接
收人員。」
- 剝削行為至少包括利用他人賣淫或其他形
式的性剝削、強迫勞動或服務、奴役或類似
奴役的做法、勞役或切除器官
- 2000年聯合國人口販運議定書

Human Trafficking

- "Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.
- Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."
- UN Trafficking in Persons Protocol 2000.



漁業中的強迫勞動和人口販運

- 「特別是移工往往被掮客和仲介誘騙和脅迫，因暴力脅迫或成為債奴而被迫在漁船上工作。受害者描述著數月或數年來在遠洋漁船上的病痛、生理傷害、心理或性虐待、死亡和他們的脆弱境況。」
- 「強烈的證據顯示，漁業部門中的強迫勞動和人口販運往往與其他形式的犯罪關聯，如跨國組織漁業犯罪與貪腐。」

Forced Labour & Human Trafficking in Fishing

- "Migrant workers in particular are too often deceived and coerced by brokers & recruitment agencies & forced to work on board vessels under the threat of force or by means of debt bondage. Victims describe illness, physical injury, psychological & sexual abuse, deaths, & their vulnerability on board vessels in remote locations of the sea for months and years at a time."
- "There are also strong indicators that forced labour and human trafficking in the fisheries sector are frequently linked to other forms of crime, such as transnational organized fisheries crime and corruption".

特別監督措施

- ❑ 需要特別監督體系來消除漁業中的強迫勞動和人口販運
- ❑ 特別是這些問題往往與組織形式的犯罪有關
- ❑ 提供具有防制強制勞動和販運授權的監督者，需要堅定的政治意志透過以下方式來強化整體監督機制：
 - ❑ 增加監督者數量
 - ❑ 訓練他們防制強制勞動和販運
 - ❑ 提供他們資源
 - ❑ 提供他們武裝警察和海軍，甚至軍隊後盾

Special Inspection Measures

- ❑ Special inspection systems are needed to eliminate forced labour and human trafficking in fishing
- ❑ Especially as these problems are frequently linked to organised arms of crime
- ❑ Providing inspectors with a mandate to combat forced labour and trafficking requires strong political will to strengthen inspection system as a whole by:
 - ❑ increasing the number of inspectors
 - ❑ training them on combating forced labour and trafficking
 - ❑ providing them with resources,
 - ❑ providing them with armed police, navy, even military, back up



巴西：特別機動監督小組

- 1995年：勞動部成立特別機動監督小組 (SMIG)體系，來因應強迫勞動/蓄奴，特別是針對農業和牧牛
- 為因應1995到2010年間巴西北部發生的牧牛者伏擊/謀殺3名勞檢官員和他們的司機
- 該小組拯救超過3萬6千名勞工脫離奴役。在2010年，巴西勞動監督的好表現：消除近乎奴役的勞動，國際勞工組織，巴西和勞動監督秘書

BRAZIL: Special Mobile Inspection Group

- 1995: Ministry of Labour set up the Special Mobile Inspection Group (SMIG) system to tackle forced labour/ slavery, especially in agriculture and cattle ranching
- In response to the ambush/murder of 3 labour inspectors & their driver by cattle ranchers in northern Brazil Between 1995 and 2010, the Special Mobile Inspection
- Group rescued more than 36,000 workers from slavery Good practices in Brazilian labour inspection: The eradication of labour analogous to slavery. ILO Brazil and SIT, 2010

巴西：特別機動監督小組

- 勞動監督者：蒐證、匯整違法報告、發與工作許可、為勞工登錄失業保險和必要時關閉非法工作場所
- 勞動檢察官：與特別小組合作，幫忙蒐證、提供立即法律行動(也就是凍結僱主資產)
- 6名聯邦警察或聯邦高速公路警察在監督過程中陪伴 SMIG 成員，並負責：
 - 確保小組安全
 - 蒐證
 - 沒收武器和逮捕罪犯
 - 關必非法工作場所和沒收非法貨品
- 勞動監督者：平均6個月一名自願者，招募自不同於執勤地的地區，為防受到報復，家人無法伴隨他們

BRAZIL: Special Mobile Inspection Group

- **Labour inspectors**
collect evidence, compile infraction reports, give out work permits, register workers in unemployment insurance and close down illegal work sites when necessary
- **Labour prosecutor**
works with each Special Group, helping collect evidence, proposing immediate legal action, e.g., freezing the employer's assets
- **Six Federal Police or Federal Highway Police** generally accompany each SMIG on inspections and are responsible for:
 - ensuring the safety of the group
 - collecting evidence
 - weapon confiscation and arresting criminals
 - closure of illegal workplaces & confiscating illegal goods
- **Labour inspectors-volunteer for a 6 month period on average. Recruited from a different region from the one where they carry out inspections. Families cannot accompany them to avoid the danger of reprisals**



巴西：全國性機動監督小組

- 巴西勞動監督已經採用SMIG系統，成立全國性機動監督小組，來監督漁船和商船
- 跨單位的合作是必要的，也就是漁業署、海軍和海岸警備隊
- 2006到2010年：936艘漁船受到監督，並發布了471份違法警告
- 重要進展包括：
 - 消除非正式勞動合約，例如夥伴協議
 - 辨識出非法的船隻
 - 有助於消除漁業濫用的童工問題
- 巴西勞動監督的好表現：海洋部門，國際勞工組織和勞動監督秘書，2010年，isbn: 9789221244219:9789221244226 (web pdf)

Brazil: National Mobile Inspection Group

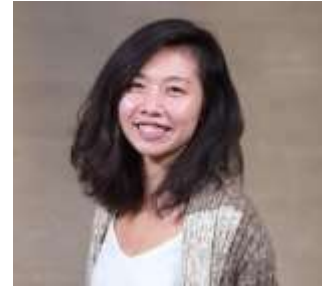
- Brazilian Labour Inspectorate has adapted the SMIG system to set up a National Mobile Group on Inspection in fishing and merchant shipping
- Interagency cooperation vital, eg, with fishing agencies, navy and coastguard
- 2006-2010: 936 fishing vessels were inspected, and 471 infraction notices issued.
- Important advances include:
 - eradicating informal labour contracts such as partnership agreements
 - Identification of clandestine vessels
 - helping eradicate child labour in the fishing sector

The Good Practices of Labour Inspection in Brazil: The Maritime Sector, ILO and SIT, 2010; ISBN: 9789221244219:9789221244226 (web pdf)

與談人簡介

蔡佩芸

財團法人綠色和平基金會東亞分部主任



經歷

國立海洋生物博物館研究助理

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Brief Introduction of Commentator

Tsai, Pei-Yun,

Ocean Campaigner of Green Peace Foundation
International Labour Organization



PROFESSIONAL EXPERIENCES

Research Assistant of National Museum of Marine Biology and Aquarium

Planning Executive of Environmental Quality Protection Foundation



2017 年防制人口販運國際工作坊

第五場
家事勞動者保障制度策略

Session 5
The Strategies of Working Right Institutions
of Domestic Workers



主持人簡介

鄭津津

行政院防制人口販運協調會報委員



經歷

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亞洲勞動法學會（ASLL）秘書長

臺灣勞動法學會第6屆理事長

美國加州柏克萊大學法學院資深訪問學者

專長

勞動法、勞動政策、性別平等、法律倫理學、法學英文

Brief Introduction of Moderator

Cheng, Chin-Chin

Committee member of Cabinet Anti-TIP Task Force .



PROFESSIONAL EXPERIENCES

Committee of Broad of Taiwan Labour Law Association

Secretary General, Taiwan Labour Law Association

President, Taiwan Labour Law Association

Senior Visiting Scholar, UC, Berkeley,

SKILL

Specialize filed: Labor Law, Employment Law, Gender Equality Law, Legal Ethics



2017 年防制人口販運國際工作坊

國際對於家事勞動者之
工作時間、休息時間規範及案例分享
*The International Regulations of Working Time
and Rest Time of Domestic Workers and Case Studies*

主 講 人： **Karin Pape**

全球化與組織化之非正式就業婦女協會副處長

Speaker: **Karin Pape**

Deputy Director, Organization and Representation Programmer,
Women in Informal Employment Globalizing and Organizing, WIEGO



主講人簡介

Karin Pape



全球化與組織化之非正式就業婦女協會副處長

經歷

WEIGO 的歐洲顧問

在國際食品勞聯(IUF) 擔任國際家事勞工網的過渡時期國際協調員

在 WEIGO 協調歐洲方面的家事勞工組織

國際家事勞工聯合會(IDWF) 歐洲協調員

專長

公共政策

Brief Introduction of Speaker

Karin Pape

Deputy Director, Organization and Representation
Programmer, Women in Informal Employment
Globalizing and Organizing, WIEGO



PROFESSIONAL EXPERIENCES

WIEGO's European Advisor

the IUF to serve as the new interim international coordinator of the International Domestic Workers Network (IDWN)

WIEGO coordinating domestic workers' organizations in Europe,

International Domestic Workers Federation European Coordinator

SKILL

Public Policy



2017 年防制人口販運國際工作坊

簡報請見大會手冊 B / Please refer to the PROGRAM B for this document



臺灣家事勞動者勞動權益保障政策之探討

The Protection of The Working Rights Institution

of Domestic Workers in Taiwan

主 講 人： 郭玲惠

國立臺北大學法律系教授

Speaker: **Kuo, Ling Hui**

Professor of Department of law, National Taipei University



主講人簡介

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行政院勞動部法規會委員

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臺北市性別工作平等會委員

臺北市就業歧視委員會委員

新北市婦女權益委員會委員

專長

民法、勞動法、兩性平權法

Brief Introduction of Speaker

Kuo, Ling-Hui

Professor, Department of Law National Chengchi University



PROFESSIONAL EXPERIENCES

Member of Labor regulations committee, Labor Department, Executive Yuan

Member of Labor Insurance Dispute Review Committee, Labor Department, Executive Yuan

Member of Gender Equality committee, Executive Yuan

Member of Gender Equality Committee, Taipei City

Member of Taipei City Employment Discrimination Committee

Members of Women's Rights Commission, New Taipei City

SKILL

Specialized field: Criminal Code, Labour Law Gender Equality Law,



台灣家事勞動者權益保障政策之 探討

主講人：台北大學法律系
郭玲惠教授

Discussion on Domestic Workers Rights Protection Policies in Taiwan

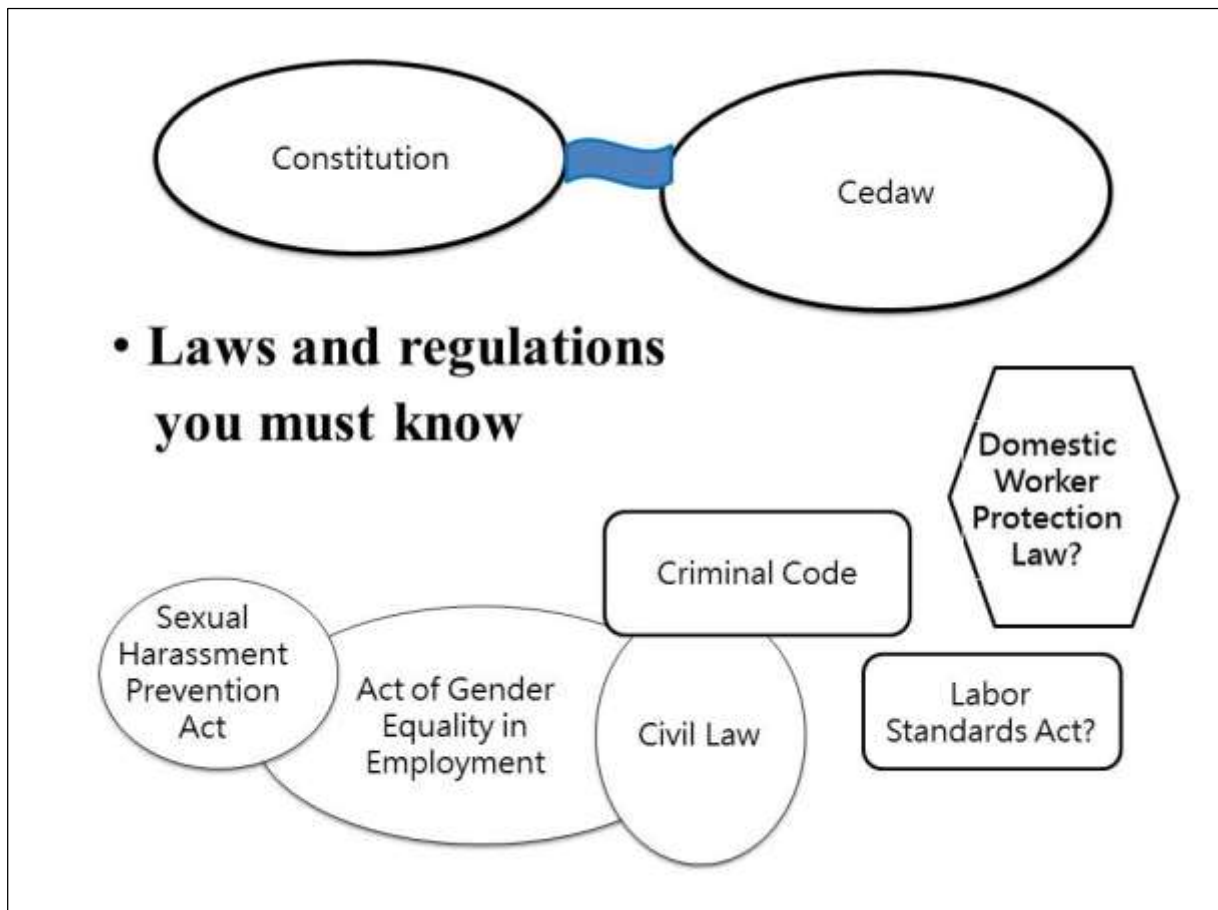
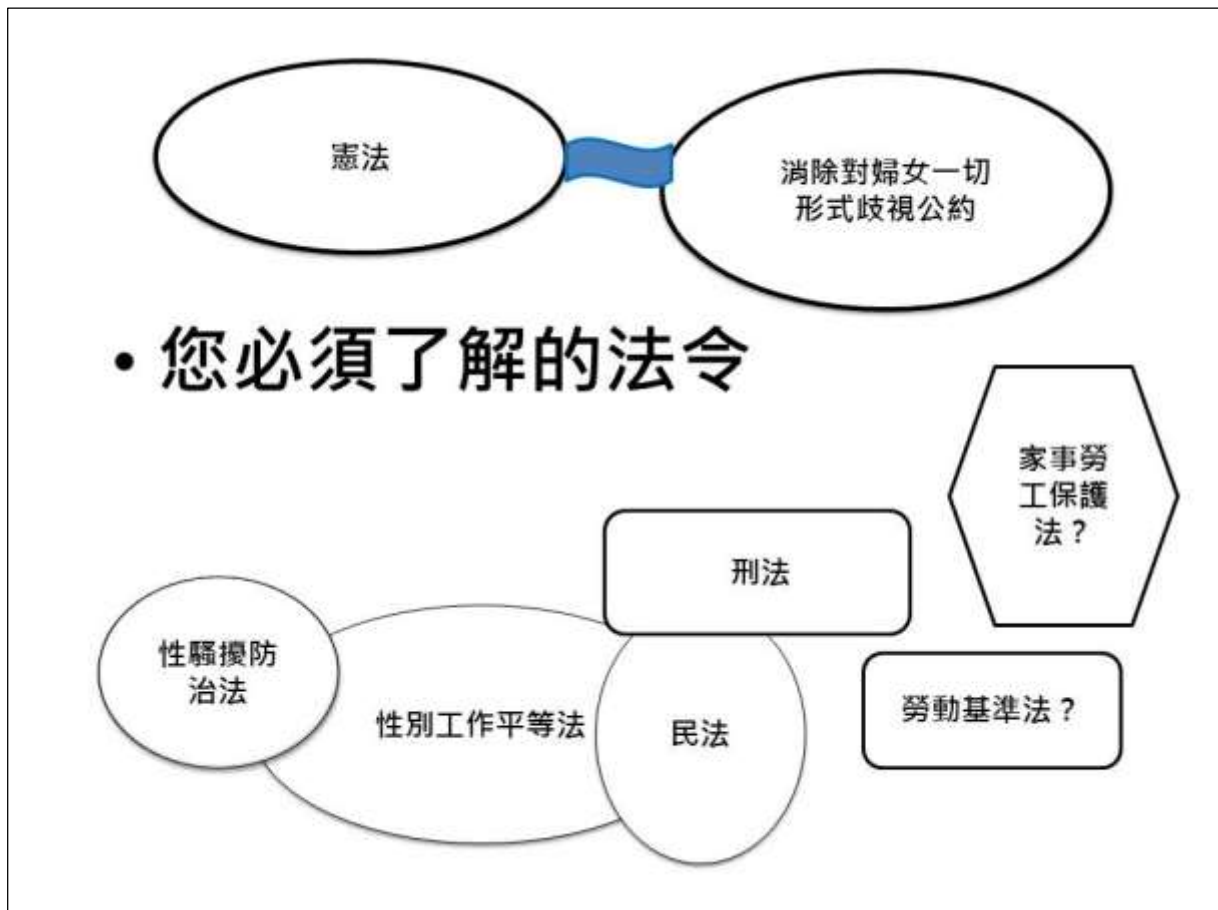
Speaker : National Taipei University Department of Law
Professor Kuo Ling-Hui

臺灣外籍家事勞動者之現況

- 來源國家
 - 越南
 - 印尼
 - 菲律賓
- 引進制度
- 聘僱管理制度
- 權益爭議問題
- 人數現況

Foreign Workers for Household in Taiwan

- Countries of origin
 - Vietnam
 - Indonesia
 - The Philippines
- Current number of workers
- System introduced
- Employment management system
- Dispute of rights



權益爭議主要之問題

- 工作時間之計算與認定
- 工資之計算
- 假期之給予
- 性別歧視

Major Problem with Dispute of Rights

- Definition and calculation of working hour
- Calculation of wages
- Leaves
- Gender discrimination



工作時間之計算與認定

- 工作時間之定義
- 待命時間之性質
- 最高工時之規範
- 合理間隔時間

Definition and calculation of working hours

- Definition of working hours
- The functions of standby time
- Regulation on maximum working hours
- Reasonable break time

假期之給予

- 例假日?
- 特別休假?
- 國定假日?
- 休息日?

Leaves

- standard holiday?
- special leave?
- national holiday?
- rest day?



工資之計算

- 基本工資與調整
- 工資之內容
- 加班費之計算

Calculation of Wages

- Minimum wages and adjustment
- Content of wages
- Calculation of overtime wages

性別歧視爭議問題

- 招募禁止懷孕
- 禁止懷孕歧視之效力
- 性騷擾防治

Gender Discrimination Dispute

- Discriminate against pregnant women in recruitment
- Impact of pregnancy prohibition
- Sexual Harassment Prevention



以司法實務二案例解析

- 雇主認定之難題
- 性別歧視與休假

Case Study on Two Judicial Cases

- Problems faced by employers
- Gender discrimination and leaves

案例

- A女為外籍家庭看護工，雇主為甲，A之工作為負責看護甲之父乙男，甲平日未和乙同住。A女主張其自工作第一個月起，即遭受乙趁機撫摸其胸部及下體且性侵害數次得逞，若A拒絕，則會要脅要將其遣返。事發後，曾由甲之兄陪同至診所檢查驗孕，並且在檢查時A女亦曾告知醫生被侵害一事。日後，A隨甲全家出遊途中，A女又遭受乙性侵害，A遂向仲介公司請求轉換雇主，但仲介公司亦未認真處理。A因此向警察局報案，並因向甲求助未果，向所屬勞工局申訴性侵害情事。本案經X市性別工作平等會評議結果，裁定雇主有違反性平法第13條及第38條之1規定，處以罰鍰十萬元。雇主不服該裁罰處分。

Case

- A is a female foreign domestic nursing care worker employed by X. A's job is to care for X's father, Y. X does not live with Y. A claims that starting from the first month of her job, Y has been sexually harassing her by touching her breasts and private part. If A fights against Y, Y would threaten to deport her. After being reported, X's brother accompanied A to a clinic to take a pregnancy test and A did mention to the doctor of her sexual harassment. Later, A was sexually harassed again by Y on a family trip with Y's family. A then requested her agency to transfer her to another employer but the agency did not take it seriously. Hence, A reported the case to the police, and filed a complaint to the Ministry of Labor since A did not get help at all. After the deliberation of the City Committee on Gender Equality in Employment, the employer has violated Article 13 and Article 38-1 of the Act of Gender Equality in Employment and was fined NTS 100,000. The employer denies the charges.



誰是家庭幫傭之雇主

- 契約雇主
- 被照顧之人
- 契約雇主之兄
- 仲介

Who's the employer of the foreign worker?

- Contract employer
- Care receiver
- The contract employer's brother
- Agency

家庭幫傭及監護工其僱主之定義

- 性平法第3條第3款規定，僱主為僱用受僱者之人。代表僱主行使管理權之人或代表僱主處理有關事務之人，亦視同僱主。
- 學理上**並非純粹**以契約當事人或權利義務人來認定何謂僱主，
 - 而是依照執行僱主功能與職權之自然人來認定何謂僱主。

The Definition of the Employer of Household Workers and Nursing Care Worker

- According to Article 3, Subparagraph 3 of the Act of Gender Equality in Employment, employer means the person that hires an employee. Therefore, a person who represents an employer to exercise managerial authority or who represents an employer in dealing with employee matters is deemed to be an employer.
- In theory, the employer is not purely defined as the person who signed the contract or the person of rights and responsibilities. Instead, the employer is defined based on a natural person's execution of employer's function and responsibilities.



- 行政院勞工委員會於民國九十一年曾針對於聘僱外國人之雇主作出解釋
- 雖然無法直接引用，惟該解釋文認為，代表雇主行使對外勞管理監督地位之人，亦視同雇主之指派行為，參照行政院勞工委員會(91)勞職外字第0910205078號解釋函

- The Executive Yuan Ministry of Labor explained foreign worker employment in 2002.
- Unable to refer to the original text, the explanation indicates that the action of the person representing the employer to manage and supervise foreign workers are deemed as actions assigned by the employer. Refer to the Executive Yuan Ministry of Labor (91) under Lao-Chi-Wai Order No. 0910205078.

分析

- 依據性平法第3條第3款規定，雇主為僱用受僱者之人，而代表雇主行使管理權之人或代表雇主處理有關事務之人，亦視同雇主。
- 本案勞動契約名義上之雇主為甲，並無疑問，有疑問者為所謂的「視為雇主」對象為何。

Analysis

- According to Article 3, Subparagraph 3 of the Act of Gender Equality in Employment, employer means the person that hires an employee. Therefore, a person who represents an employer to exercise managerial authority or who represents an employer in dealing with employee matters is deemed to be an employer.
- There' s no question that in this case, the contract employer is A. The problem is with who is the person deemed as employer.



分析

- 蓋性平法同勞基法之立法例，採用功能性雇主之概念，不以契約當事人或權利義務人來認定何謂雇主，而是依照執行雇主功能與職權之自然人來擴張認定何者為雇主。
- 但此種規範如適用於家庭看護工或幫傭，即會產生疑義，蓋無論是受看護人、雇主之家屬等，皆非雇其是否代表雇主行使管理權或處理有關事務，認定上存有困難。因此依前開函令，認為代表雇主行使對外勞管理監督地位之人，該等人員所為之行為，亦視同雇主之指派行為。

Analysis

- Same as the Labor Standards Act, the Act of Gender Equality in Employment adopts the concept of employer' s function. Instead of defining the employer as the person who signed the contract or person of rights and responsibilities, the natural person who executes the function and responsibilities of an employer is deemed as the employer.
- However, in cases of domestic worker or domestic nursing care worker, this regulation creates ambiguity. It is with great difficulty to define whether the care receiver or the family members of the employer is representing the employer in this matter. Therefore, according to the previous explanation, the behaviors of the person who represents the employer to manage and supervise the foreign worker are deemed as actions assigned by the employer.

**Cedaw之實踐
外籍勞工權益保障之困境**

**The Implementation of Cedaw
Difficulty in the Rights Protection for
Foreign Workers**



外籍家庭監護工保障之難點
雇主之認定

Difficulty in the Rights of Protection
of Foreign Workers Employer' s Perception

事實

- 原告A係印尼籍人。緣訴外人B於民國96年1月22日與C人力仲介有限公司簽訂委任合約書，委託C代辦招募引進外籍勞工事宜。嗣原告經C人力仲介公司仲介下，於96年3月9日至B住處擔任看護工。
- 原告以B於契約明訂禁止懷孕，且於工作期間一再告知其不得懷孕，後知悉原告懷孕生下小孩後，追溯之前工作缺失，已涉及懷孕歧視為由，委任財團法人天主教會新竹教區希望職工中心提出申訴。
- 經臺北市性別工作平等會101年11月1日審定性別歧視（懷孕歧視）不成立，經行政院勞工委員會於102年4月10日訴願決定駁回。

Facts

- Plaintiff A is Indonesian. Person B signed a contract with C Human Resources Agency on January 22nd 2007 that commissioned C Agency to recruit foreign workers. Plaintiff A was employed to B's house starting gone March 9th 2007 under the arrangements of C Agency.
- Plaintiff A commissioned Hsinchu Diocese to file a complaint against B for the reason that B has initially prohibited pregnancy in the contract and constantly warned A that pregnancy was not permitted. After finding out that A was pregnant and had delivered the baby, B traced back on A's deficiency at work during her pregnancy.
- On November 1st 2012, Taipei City Committee on Gender Equality in Employment deliberated that the case of gender discrimination was invalid. The complaint was denied on April 10th 2013 by the Executive Yuan Ministry of Labor.



臺灣臺北地方法院 102年簡字第 206 號 判決

- 消除對婦女一切形式歧視公約施行法第 2 條雖規定：「公約所揭示保障性別人權及促進性別平等之規定，具有國內法律之效力。」然消除對婦女一切形式歧視公約與我國所制定之該公約施行法之規定，無非係在課予締約國或國家機關負有義務，以具體措施（包括立法）實現該公約所規定之權利，私人間違反該公約之權利侵害行為，自應視該權利侵害行為是否在國家為落實消除對婦女一切形式歧視公約所制定之內國法制裁規範範圍內，自不得僅因私人間有違反消除對婦女一切形式歧視公約之權利侵害行為，即認得逕予侵害人以行政處罰。我國性別工作平等法第 7 條、第 11 條已就職場性別歧視行為明定相關處罰規定，自應依性別工作平等法檢視訴外人之性別歧視行為，而非直接適用該國際公約。

Taipei District Court Decree No.206, 2013

- Article 2 of Enforcement Act of Convention on the of All Forms of Discrimination against Women (CEDAW) specifies that All terms and conditions specified in the Convention regarding protection to human rights of different genders and promotion of gender equality shall have the same effect as domestic laws. However, CEDAW and relative regulations are the effecting of states parties or national entities obligations using concrete measures (including legislation) to deliver the rights specified in the act. Person-to-person behaviors that violate the convention should be deliberated upon whether such behaviors fall within the field of national sanction norm regulated by CEDAW. Hence, administrative penalty is not applicable to the offender based on the person-to-person violation against CEDAW. The Article 7 and Article 11 of the Act of Gender Equality in Employment have already specified relative penalties. Therefore, the employer' s gender discrimination behaviors should be deliberated upon with the reference of the Act of Gender Equality in Employment instead of international convention.

- 至於上開國內法是否符合消除對婦女一切形式歧視公約意旨，乃係國家是否落實該國際公約之問題，而內國法規定之適用，應參照公約意旨及聯合國消除對婦女歧視委員會對公約之解釋，乃屬當然

- In terms of whether the national law mentioned above meets the context of CEDAW, it is a matter of whether a country implements an international convention. The application of national law has to refer to the convention and United Nations CEDAW' s interpretation of the convention.



Cedaw第11條

- 1.締約各國應採取一切適當措施，消除在就業方面對婦女的歧視，以保證她們在男女平等的基礎上享有相同權利，特別是：... (b) 享有相同就業機會的權利，包括在就業方面相同的甄選標準
- (d) 同等價值的工作享有同等報酬包括福利和享有平等待遇的權利，在評定工作的表現方面，也享有平等待遇的權利
- (f) 在工作條件方面享有健康和安全保障，包括保障生育機能的權利

CEDAW Article 11

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: ... (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment; ... (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; ... (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

勞動基準法

- **第 50 條** 女工分娩前後，應停止工作，給予產假八星期；妊娠三個月以上流產者，應停止工作，給予產假四星期。前項女工受僱工作在六個月以上者，停止工作期間工資照給；未滿六個月者減半發給。
- **第 51 條** 女工在妊娠期間，如有較為輕易之工作，得申請改調，雇主不得拒絕，並不得減少其工資。

Labor Standards Act

- Article 50:
 - A female worker shall be granted maternity leave before and after childbirth for a combined period of eight weeks. In the case of a miscarriage after the first three months of pregnancy, the female worker shall be permitted to discontinue her work and shall be granted maternity leave for a period of four weeks.
 - If the female worker referred to in the preceding paragraph has been employed for more than six months, she shall be paid regular wages during the maternity leave, while if her period of service is less than six months, she shall be paid wages at half of the regular payment.
- Article 51:
 - A female worker may apply to be transferred to less strenuous work during her pregnancy. The employer shall neither reject her application nor reduce her wage.



享有健康和安全保障，包括保障生育機能的權利。
約定不得懷孕？禁止懷孕？

- 我們認為沒有辦法證明原告與B間有口頭約定不得懷孕，而且在訪談中，B已經陳稱是因為之前在性別工作平等法實施前的家庭看護契約中有約定受僱人不得懷孕，後來性別工作平等法修正後，他不知道僱傭契約上已經沒有不得懷孕的約定，所以**她一直誤以為契約仍有不得懷孕的約定**，才會在刑事補充陳述狀上這樣記載。**雙方並未簽定不得懷孕之書約**

The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction. Agreed pregnancy prohibition? Pregnancy prohibited?

- We reckon that there is no way to proof the verbal agreement on pregnancy prohibition between plaintiff and B. In the interviews, B claimed that before the enactment of the Act of Gender Equality in Employment, there was an agreement on pregnancy prohibition in the nursing care working contract. After the enactment of Act of Gender Equality in Employment, B was not aware that pregnancy prohibition is no longer legal. She thought the contract still includes a pregnancy prohibition the whole time. That was what she put down in the supplementary criminal statement. Both parties did not sign a contract that prohibited pregnancy.

性平法第11條

- 工作規則、**勞動契約**或團體協約，不得規定或**事先約定受僱者**有結婚、懷孕、分娩或育兒之情事時，應行離職或留職停薪；亦不得以其為解僱之理由。
- 反前二項規定者，其規定或約定無效；勞動契約之終止不生效力。

Act of Gender Equality in Employment Article 11

- Work rules, labor contracts and collective bargaining agreements shall not stipulate or arrange in advance that when employees marry, become pregnant, engages in childbirth or child care activities, they have to sever or leave of absence without payment. Employers also shall not use the above-mentioned factors as excuses for termination.
- Any prescription or arrangement that contravenes the stipulations of the two preceding paragraphs shall be deemed as null and void. The termination of the labor contract shall also be deemed as null and void.



享有健康和安全保障，包括保障生育機能的權利。

- 性平法第7條施行後，於96年10月2日行政院衛生署為配合性平法之修正，故修正受聘僱外國人健康檢查管理辦法第6條，修正理由即以：基於人道考量及踐行「兩性工作平等法」相關規定，爰於修正條文第1項增列除外規定，免除妊娠檢查項目，並同時修正辦法第7條規定，此後，外籍看護工於工作滿6個月、18個月及30個月之日前後30日內，亦無須再進行妊娠檢查。

The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

- Corresponding to the enactment of Article 7 of the Act of Gender Equality in Employment, the Executive Yuan Ministry of Health made amendments to Article 6 of the Regulations Governing Management of the Health Examination of Employed Aliens on October 2nd, 2007 based on the following reason: In light of humanitarian concerns and the implementation of “the Act of Gender Equality in Employment”, amendment was made to subparagraph 1, excluding pregnancy examination. Article 7 of the Regulations is also amended specifying that foreign nursing care workers do not need to conduct pregnancy examination within 30 days from the day they have worked for 6 months, 18 months and 30 months.

Cedaw一般性建議第26號 禁止休假

- (b) 對女性移工權利的法律保護：締約國應確保憲法和民法以及勞工法為女性移工提供與本國所有工人一樣的權利和保護，包括組織權和自由結社權。
- 締約國應確保女性移工的契約具有法律效力。
- 特別是，它們應確保以女性移工為主的職業，如家務工作和某些形式的娛樂工作，都受到勞工法的保障，**包括工資和工時法規、健康和 safety 守則以及假日和休假條例**。這些法律應包括監督女性移工工作場所條件的機制，尤其是在以她們為主的工作類別中(第2(a)、(f)和 11 條)

CEDAW General Recommendation No.26 Leave Prohibition

- (b) Legal protection for the rights of women migrant workers: States parties should ensure that constitutional and civil law and labour codes provide to women migrant workers the same rights and protection that are extended to all workers in the country, including the right to organize and freely associate. They should ensure that contracts for women migrant workers are legally valid. In particular, they should ensure that occupations dominated by women migrant workers, such as domestic work and some forms of entertainment, are protected by labour **laws, including wage and hour regulations, health and safety codes and holiday and vacation leave regulations**. The laws should include mechanisms for monitoring workplace conditions of migrant women, especially in the kinds of jobs where they dominate (articles 2 (a), (f) and 11)



法令未禁止&約定

- 簽訂之監護工/幫傭契約書第4 條第1項至第3項規定
- 「乙方 於服務滿一年，經展延之一年者，在其展延一年期間內由甲方（按：指B）給予特別休假日，或折發工資」（第1項）
- 「乙方因病每年可請病假三十日薪資折半發給」（第2項）、「假日由甲乙雙方協定」（第3項），可見除特別休假（須工作滿1年）、病假外，關於一般休假部分，應由雙方協定
- 而依B於同日所提出之選工需求表內勾選「沒有休假」，可知B應未與原告約定原告享有一般休假權利，此部分不僅為原告所自承，亦經B證實

No regulated prohibition or agreement

- Paragraph 1 to 3 under Article 4 of the signed contract of nursing care work specifies
- “After Party B has worked for one year, within the extended year, special leaves shall be given by Party A (referring to employer B) or equivalent pay should be given. (Paragraph 1)
- “Party B is entitled to 30 days of sick leave per year on half pay” (Paragraph 2)
- “Holidays are agreed by both Party A and Party B” (Paragraph 3), from which it shows that other than special leaves (requires one year of work) and sick leaves, general leaves should be determined and agreed by both parties.
- According to B’ s request form that stated “No Holiday” , it can be deduced that B did not agree with the appellant on general leaves. This part is supported by the appellant and B confirmed it as well.

- CEDAW 公約施行法第2 條雖規定：「公約所揭示 保障性別人權及促進性別平等之規定，具有國內法律之效力。」惟揆諸CEDAW 公約與我國所制定施行法之規定，無非係 在課予締約國或國家機關負有義務，以具體措施（包括立法）實現該公約所規定之權利，私人間違反 CEDAW 公約之權利 侵害行為，自應視該權利侵害行為 是否在國家為落實CEDAW 公約所制定之內國法制裁規 範範圍內，自不得僅因私人間有 違反CEDAW 公約之權 利侵害行為，即認得逕予侵害人以行政 處罰，此由 CEDAW 公約第2 條(b) 款、CEDAW 公約第11條第 2 項(a) 款規定即知。性平法第7 條、第11條既已就職場 性 別歧視行為明定處罰規定，自應依上開規定檢視上訴 人所指 稱雇主B性別歧視之行為。至上開規定是否符合 CEDAW 公約意旨，乃係國家是否落實CEDAW 公約之 問題，而內國法 之適用，應參照公約意旨及聯合國消除 對婦女歧視委員會對 公約之解釋，乃屬當然。

- Despite that Article 2 of CEDAW specifies that “all terms and conditions specified in the Convention regarding protection to human rights of different genders and promotion of sexual equality shall have the same effect as domestic laws”, However, CEDAW and relative regulations are the effecting of states parties or national entities obligations using concrete measures (including legislation) to deliver the rights specified in the act. Person-to-person behaviors that violate the convention should be deliberated upon whether such behaviors fall within the field of national sanction norm regulated by CEDAW. Hence, administrative penalty is not applicable to the offender based on the person-to-person violation against CEDAW. This can be justified based on Article 2 subparagraph(b) of CEDAW. **This can be justified based on Article 2 subparagraph(b) of CEDAW.**
- **Article 7 and Article 11 of the Act of Gender Equality in Employment have already specified relative penalties. Therefore, the employer’ s gender discrimination behaviors should be deliberated accordingly.** In terms of whether the national law mentioned above meets the context of CEDAW, it is a matter of whether a country implements an international convention. The application of national law has to refer to the convention and United Nations CEDAW’ s interpretation of the convention.



- 上訴人雖指稱B違反性平法第7條、第11條第2項、第15條規定及CEDAW公約第42屆會議第26號關於女性移工之一般性建議第18點、第19點、第26點意旨。

- Appellant claimed that B has violated Article 7, Article 11 Paragraph 2 and Article 15 of Act of Gender Equality in Employment and clause 18, clause 19 and clause 26 of CEFAW 42nd commission general suggestions No.26 in regard to female migrant workers.

臺北高等行政法院判決 102年度
簡上字第183號

上訴判決

Taipei High Administrative Court Decree
Chien-Shang Order No.183, 2013

Appellate Decree



- 性平法第7條規定已就因性別或性傾向而為差別待遇之行為類型予以列舉，而非在例示行為類型後再設概括條款，是解釋上除列舉之行為類型外，其餘因性別或性傾向而為差別待遇之行為類型，除法律另有明文規定外，基於處罰法定主義及法律明確性原則，應認不在該條處罰範圍之內。即使B於勞資權益相關處置中違反CEDAW公約之規定，亦應視其行為是否符合性平法所規定應予處罰之要件，因違反CEDAW公約行為之情節不一，即便國家負有義務應採取一切適當措施保證公約保障意旨之實現，是否對特定違反保障規定之行為予以立法處罰，乃立法政策之問題，自不能僅因CEDAW公約設有保障規定，在性平法未有明文規定處罰之情況下，強予比附援引。

- Article 7 of the Act of Gender Equality in Employment specifies that employers shall not discriminate against employees because of their gender or sexual orientation in the course of recruitment, screening test, hiring, placement, assignment, evaluation and promotion. Other than the laws and regulations elsewhere, this act is not binding to types of discriminative behaviors which are not mentioned above. Hence, though B' s behavior has violated CEDAW, his behavior does not meet the penalty requirement of the Act of Gender Equality in Employment. The country does uphold the obligation to adopt appropriate measures to abide by the principles of CEDAW, yet whether there is a need for legislation on the violation penalty is a matter of policy making. That is, the case can not be deliberated based on CEDAW references while the Act of Gender Equality in Employment does not specify relative penalties.

休假

- 就上訴人指稱B因懷孕歧視而禁止上訴人休假部分，依B所提出之外籍幫傭選工需求表第3點「僱主提供條件」第5小點「休假」欄內明確勾選「沒有」，及所簽訂之監B與上訴人）則於第4條第1項至第3項規定，可見除特別休假（須工作滿1年）、病假外，關於一般休假應由雙方協定，而依B所提出之選工需求表內勾選「沒有休假」，可知B應未與上訴人約定其享有一般休假權利。至前開無休假之約定是否合理、有無不當限制CEDAW公約第42屆會議第26號關於女性移工之一般性建議所保障之休假權利一節，因家庭看護工並不適用勞動基準法之規定（見勞委會101年12月14日勞動3字第1010133196號函），自應由主管機關盱衡經濟環境、勞務性質、勞雇雙方權益等一切情事做政策性考量，在此之前，B依合約約定行事，即便如上訴人所主張B因擔憂上訴人與配偶見面可能懷孕而拒絕上訴人休假，亦難認B違反相關法規；縱認上開約定不符合CEDAW公約第42屆會議第26號關於女性移工之一般性建議第26點第(b)小點所保障之休假權利，惟此未在性平法第7條所規範之行為類型內，自難據此裁罰B，應由主管機關檢討現行法規而進行法規制（訂）定、修正或行政措施之改進。

Leaves

- Appellant claimed that B prohibited the appellant to take leaves due to discrimination against pregnancy. According to B's request form for foreign worker, in Section3 "Conditions offered by employer" and Section5 "Leaves", the answer "NO" was stated. In Article4 from paragraph1 to paragraph3, it mentioned that special leaves are permitted only after the employee has worked for over one year except sick leaves. General leaves should be agreed by both parties. Yet from the "No Holiday" statement made in the request form submitted by B, it is deduced that B probably had not agreed with the appellant on having general leaves. Since the Labor Standards Act does not apply to domestic nursing care workers (Refer to the Ministry of Labor Lao-Dong-San Order No.1010133196), whether the previously agreed contract with no general leaves and whether the No.26 general suggestion of CEDAW is violated should be deliberated at a political level by the concerning authority based on economic environment, content of work, employment rights of both parties. Before that, B was following the contract. Though the appellant claimed that B refused to give general leaves to the appellant for fear that the appellant might get pregnant after meeting up with her spouse, prosecution of relative regulation violation is impossible. Though the contract does not meet the CEFWA 42nd commission general suggestions No.26 which specifies female migrant workers' rights to holidays and leaves, such discriminative action is not included in Article 7 of the Act of Gender Equality in Employment. Therefore, it is hard to give penalty to B. Relative authorities should reflect on the current regulations and make legislation or amendments to address this matter.

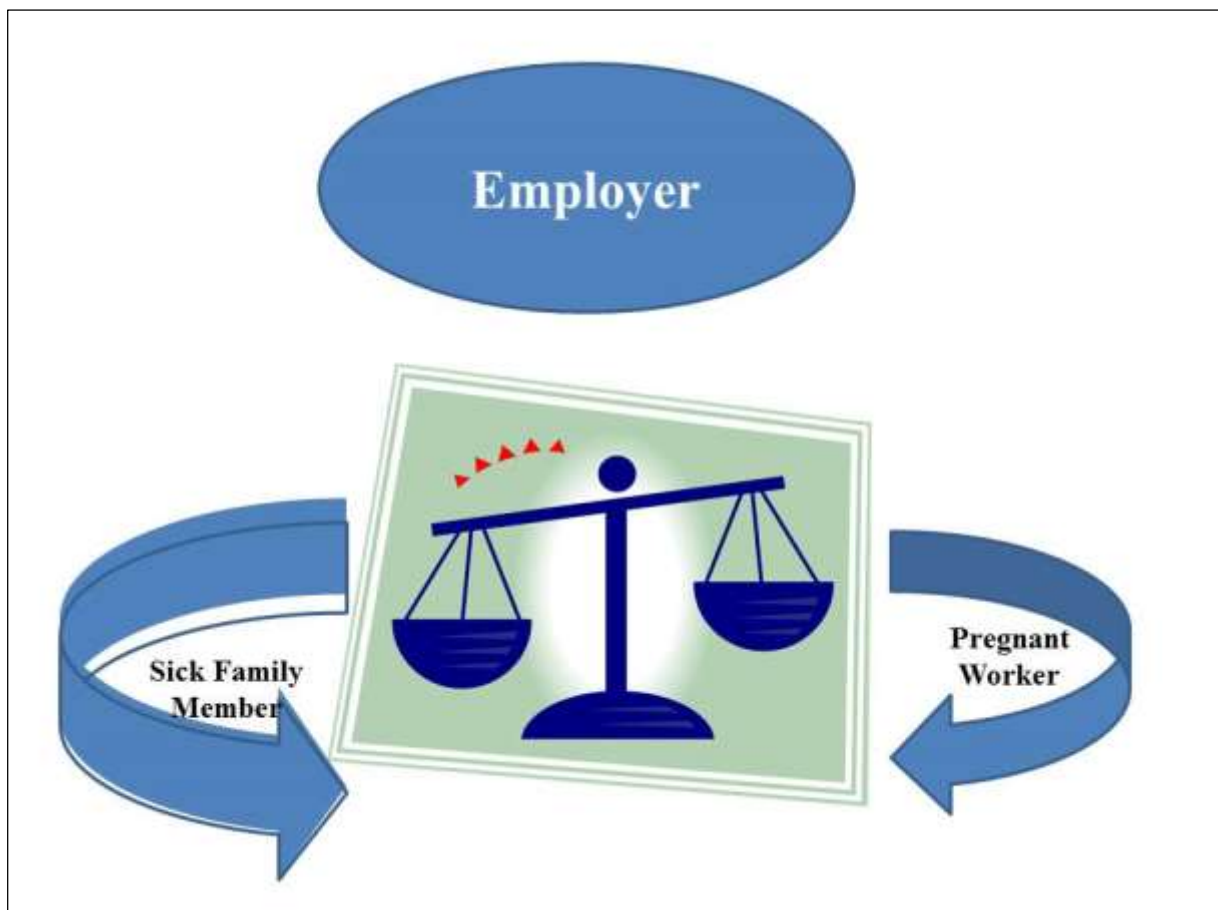
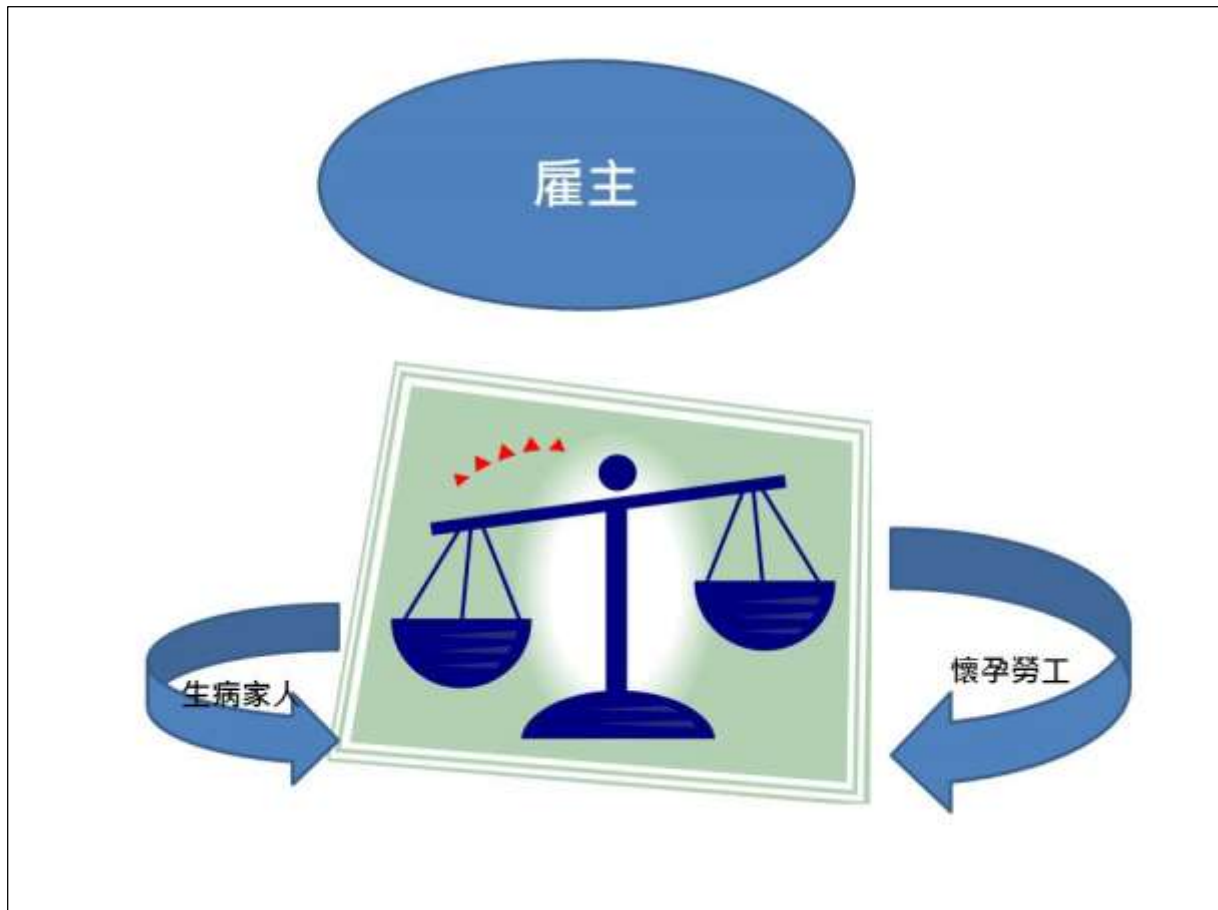


外籍家庭監護工權益保障之現在/未來？



Current and future rights protection of foreign domestic nursing care workers ?







與談人簡介

Peter Hurst

漁業工作之健康、安全與勞動議題的獨立專家

經歷

國際食品、農業、酒店、餐館、飲食服務、煙草暨同業工人聯會--簡稱國際食品勞聯(IUF)擔任職業安全與衛生環境協調員

瑞士日內瓦國際勞工組織衛生與安全處政策計畫幹部

瑞士世界自然基金會 資源消耗和污染計畫政策專員

瑞士世界自然基金會 汙染計畫化學及消費政策專員

於英國倫敦運輸工人總工會 擔任國家衛生安全及環境專員

於英國菲爾職業健康與安全管理局 (職健安全局)- 健康和安檢員

擔任 Hoechst UK 化學集團農業化學部門的實地試驗和技術顧問

專長

英語、法語、西班牙語、義大利語

在草擬政策、技術文件及報告上有豐富經驗，同樣在依據聯合國及國際勞工組織標準草擬準則與訓練資料及在同行評議期刊上發表文章方面亦有豐富經驗。

Brief Introduction of Commentator

Peter Hurst

Independent specialist on health, safety and labour issues in fishing

PROFESSIONAL EXPERIENCES

International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)

Policy Programme Officer, Health and Safety Branch, International Labour Organization, Geneva, Switzerland

Head, Resource, Consumption and Pollution Programme, World Wide Fund for Nature, Gland, Switzerland

Chemicals and Consumer Policy Officer, Resource, Consumption and Pollution Programme, World Wide Fund for Nature, Gland, Switzerland

National Health, Safety and Environment Specialist, Transport and General Workers Union, London, UK

Health and Safety Inspector, Health and Safety Executive, Sheffield, UK

Field Trials Officer and Technical Advisor, Agrochemicals Division, Hoechst UK

SKILL

English, French, Spanish, Italian

Demonstrated wide experience in the development and drafting of policy and technical documents and reports, as well as guidelines and training materials, set to UN and ILO drafting standards, as well as publishing articles in peer-reviewed journals.



家事勞動&勞動檢查

- 防制人口販運策略,
2017年7月25到26日，台灣台北
- 家事勞動
- Peter Hurst

DOMESTIC WORKERS & LABOUR INSPECTION

- Strategies for Combating Human Trafficking,
25-26 July 2017, Taipei, Taiwan
- Domestic workers**
- Peter Hurst

家事勞動

- ❑ 根據國際勞工組織 (ILO) 的資料顯示：全球有六千七百萬的家事勞動者(從事家事勞動的童工)
- ❑ 包含廣大的婦女和女孩
- ❑ 包含境外移入的家事勞工者
- ❑ 工作內容可能包括：整理家務，烹飪，洗熨燙衣物，照顧孩童或年長病弱的家庭成員，整理花園，看守房子，開車接送，甚至照顧寵物

3

DOMESTIC WORKERS

- ❑ 67 million domestic workers worldwide (without child domestic labourers) ILO
- ❑ Vast majority, women and girls
- ❑ Including migrant domestic workers employed overseas
- ❑ Tasks may include tasks: cleaning the house, cooking, washing & ironing clothes, taking care of children, or elderly or sick members of a family, gardening, guarding the house, driving for the family, and even taking care of household pets.

4



國際勞工組織公約第189號-家事勞動

- (a) 「**家事勞動**」一詞係指在一個家庭或為一個家庭或為幾個家庭從事的工作
- (b) 「**家事勞動**」一詞係指在一種雇傭關係範圍內從事家事工作的任何人
- (c) 僅偶爾或零星地，而並非成為謀生手段，從事家事工作的成員，不算家事勞工

ILO CONVENTION No 189 DOMESTIC WORKERS

- (a) the term **domestic work** means work performed in or for a household or households;
- (b) the term **domestic worker** means any person engaged in domestic work within an employment relationship;
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is **not** a domestic worker.

家事勞動

- 在勞工中屬弱勢族群
- 為私人家庭工作
- 通常沒有詳述僱傭工作時間等等內容
- 未被編列入名冊
- 在勞動基準法的適用範圍之外，或是僅僅少部分適用
- 勞動檢查員沒有法律保證和權力進入住用處所規勸家庭雇主，或是在需要時採取法律行動

7

DOMESTIC WORKERS

- A among the most vulnerable groups of workers
- They work for private households
- Often without clear terms of employment
- Unregistered in any book
- Excluded from the scope of labour legislation or only poorly covered
- Labour inspectors do not have the legal warrant or powers to enter domestic premises to advise household employers and to take enforcement action where necessary

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家事勞動

- 低薪
- 工時長
- 不保證每週能有休假
- 易遭受到身體、心理和性暴力等侵害
- 在工作的家中被軟禁 – 被剝奪行動自由
- 缺乏就業（聘僱）保障– 容易被聘請和解雇
- 遣返問題 –外籍勞工

DOMESTIC WORKERS

- Very low wages
- Excessively long hours
- No guaranteed weekly day of rest
- Vulnerable to physical, mental and sexual abuse/violence
- Confined to the home where they work - restrictions on freedom of movement
- Lack security of employment - easily hired and fired
- Repatriation issues - migrant workers

家事勞動&勞動檢查

- ❑ 許多法制體系仍將家事勞工排除在外或是給予較少保護
- ❑ 因此勞工檢查員（檢查部門）沒有被賦予權力對住宅處所進行視察，來確保雇主遵守規定及對其執行法律行動
- ❑ 勞動檢查部門能藉由工作場所探訪，媒體，研討會，電話諮詢中心，宣導資料，活動來提供雇主(家庭雇主, 員工等)需要的資訊和建議
- ❑ 檢查員應可使用禁制令，對雇主在必要時以強制執行為最後手段，使其能遵守法規
- ❑ 執行有雙重性質：包含諮詢與檢查員

DOMESTIC WORKERS & LABOUR INSPECTION

- ❑ Many legal systems still exclude domestic workers from their scope or grant them less protected status
- ❑ Labour inspectors (inspection agencies) therefore do not have the legal powers to inspect domestic premises to ensure compliance and take enforcement action
- ❑ Enforcement has a dual nature: it includes an advisory as well as an inspectorial function
- ❑ Labour inspection services give necessary information and advice to employers (householders, workers and others) through workplace visits, media, seminars, call centres, brochures, campaigns
- ❑ Where necessary, inspectors may use their injunction powers and, as a last resort, take formal enforcement action in order to achieve compliance with the law



家事勞動&勞動檢查

- ◻ **拉丁美洲**:家事勞工的地位已漸提升到接近其他勞工，從傳統觀念的自家行為進步到接受家庭法管制
- ◻ **中國、印尼、寮國、泰國**: 在勞工法實施和勞工檢查方面，家事勞動仍然完全或大部份的被忽略。**台灣** - 草擬法案階段？
- ◻ **瑞典**：「工作環境管理署」(勞動檢查部門): 自從2008年起就開始提倡私人家庭除了要遵守職業安全衛生法以外,另需合乎工時限制、每日與每周休息時間規定
- ◻ **愛爾蘭**:2007年成立的「國家就業權利局」確保僱主遵守就業權利法,其中也納入家事勞工這個區塊

DOMESTIC WORKERS & LABOUR INSPECTION

- ◻ **Latin America**: domestic workers' status is approaching that of other workers in a move away from the traditional view of domestic work as a family matter to be governed by family law
- ◻ **China, Indonesia, Laos and Thailand**: domestic workers are still wholly or largely excluded from the application of labour law and labour inspection. **Taiwan** - draft legislation?
- ◻ **Swedish Working Environment Authority (labour inspectorate)**: mandated since 2008 to promote private households' compliance not only with occupational safety and health legislation, but also with the rules governing working hours and daily and weekly rest
- ◻ **Ireland**: National Employment Rights Agency established 2007 to secure compliance with employment rights legislation, including in the domestic work sector

家事勞動&勞動檢查

- 在一些已立法保護家事勞工的國家中，勞工檢查法令仍有部分被遺漏
 - a) 法令只針對企業商行
 - b) 只能對擁有特定數目以上員工的雇主規範

DOMESTIC WORKERS & LABOUR INSPECTION

- Even in countries whose labour law applies to domestic workers, the sector may not fall within the scope of labour inspectors because
 - a) their mandate is limited to industry and commerce or
 - b) applies only to employers of more than a certain number of employees



與談人簡介

李凱莉

財團法人勵馨社會福利事業基金會外勞庇護所主任

經歷

財團法人勵馨社會福利事業基金會研發專員

新北市外籍勞工庇護中心督導

Chaplaincy Center, Lancaster University, UK 國際學生幹事

行政院青輔會專案執行

Brief Introduction of Commentator

Lee, Kaili

Shelter Director of The Garden of Hope Foundation

PROFESSIONAL EXPERIENCES

Research and Development Division, The Garden of Hope Foundation

Supervisor, Sheltering Service for Migrant Workers, New Taipei City

Officer Chaplaincy Center, Lancaster University, UK

Account Executive, National Youth Commission, Executive Yuan



2017 年防制人口販運國際工作坊

第六場
海外遭勞力剝削預防策略及國際合作

Session 6
Prevention Strategies of Oversea Labor Exploitation
and International Cooperation



主持人簡介

紀惠容

行政院防制人口販運協調會報委員



經歷

中時報系記者、主編、專欄記者

勵馨基金會專案執行長

新故鄉基金會董事

台灣沙遊治療學會理事

教會人權促進聯盟理事

台灣少年權益與福利促進聯盟理事

公益自律聯盟常務理事

專長

性別之推動, NPO 組織經營管理, 社會議題之倡議, 媒體管理

Brief Introduction of Moderator

Gi, Hui-Joung

Committee member of Cabinet Anti-TIP Task Force



PROFESSIONAL EXPERIENCES

Journalist, Chief Editor, Columnist of Chinatimes Group

Chief Executive Officer of The Garden of Hope Foundation

Chairman, Board of NewhomeLand Foundation

Director, Board of Taiwanese Society for Sandplay Therapy

Director of Christian Communities Coalition for Human Rights

Director of Taiwan Alliance for Advancement of Youth Rights and Welfare

Executive Director of Taiwan Self-Regulation Alliance

SKILL

Gender Equality Promotion, Non-Profit Organization Management, Social Issues Initiative, Media Management



2017 年防制人口販運國際工作坊

澳洲對於來澳度假打工遭剝削
預防作為與國際救援合作

*The Prevention Measures of Holiday Workers Exploitation and
International Rescue Cooperation in Australia*

主 講 人： **Jenny Stanger**
澳洲救世軍基金會執行長

Speaker: **Jenny Stanger**
National Manager of the Salvation Army



主講人簡介

Jenny Stanger

澳洲救世軍基金會執行長



經歷

洛杉磯廢除奴隸販運聯盟（CAST）聯盟的聯合創始人

“美國自由聯盟”的創始成員

與雪梨科技大學的法學院共同創立了反奴隸制專案

促成澳洲唯一防制販運人口，奴隸制或奴役制度的婦女避難所

澳洲政府民政部長召集國家人口販運和奴隸制國家圓桌會議參與成員

Brief Introduction of Speaker

Jenny Stanger

National Manager of the Salvation Army



PROFESSIONAL EXPERIENCES

Co-founder and staff person at the Coalition to Abolish Slavery & Trafficking (CAST) in Los Angeles

Founding member of Freedom Network USA

Co-founded the Anti-Slavery Project in the Faculty of Law at the University of Technology Sydney.

the Supervisor of Australia's only refuge for women who have experienced human trafficking, slavery and/or slavery-like practices, a project of The Salvation Army.

member of the Australian government's National Roundtable on People Trafficking and Slavery convened by the Minister for Home Affairs



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澳洲打工度假簽證的陰謀 --- 處理風險

2017 International Workshop on People Trafficking Taipei

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Australia's Working Holiday Visa Scheme—Managing Risks

2017 International Workshop on People Trafficking Taipei

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關於夥伴

- 支援經歷過人口販運和奴隸制度的人們。
- 動員社區能有效地鑑別夥伴並呼應現今的奴隸制度。
- 與政府、商業、公司及消費者共同揭露、減輕及修正生產供應鏈下的奴隸制度。
- 與地方、州、地區政府合作發展並施行在地回饋。
- 提供現有倡導者機會分享他們專業技能。

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About the Freedom Partnership

- **Supports** people who experience human trafficking and slavery
- **Mobilises** community to effectively identify and respond to modern slavery
- **Engages** with government, business, corporations and consumers to uncover, mitigate and remediate slavery in production supply chains
- **Partners** with local, state and territory governments that develop and implement localised responses
- **Empowers** survivor advocates to contribute their expertise

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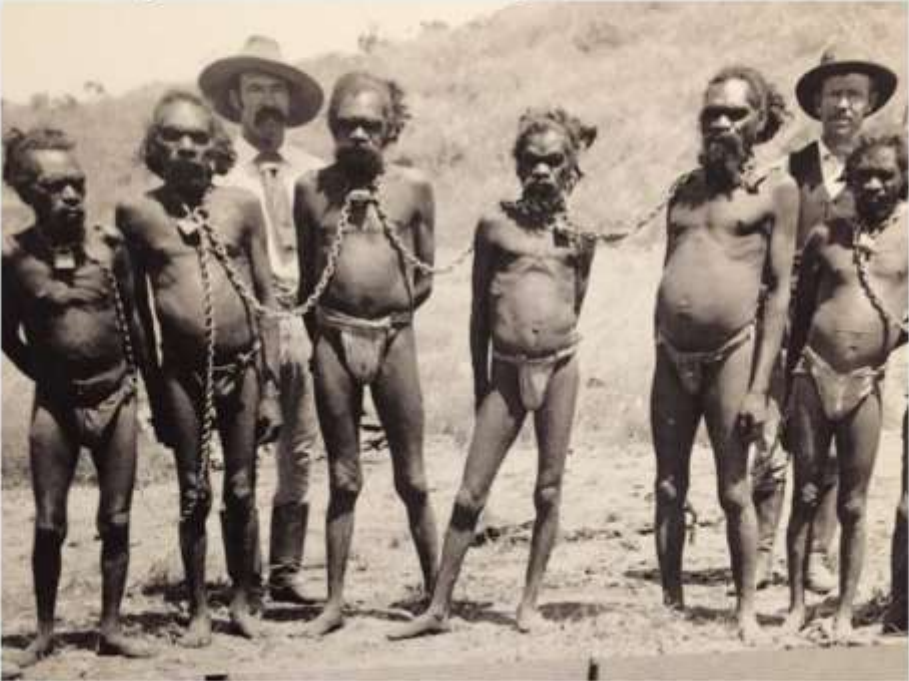
澳洲奴隸制度的歷史



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History of Slavery in Australia



現今的奴隸制度

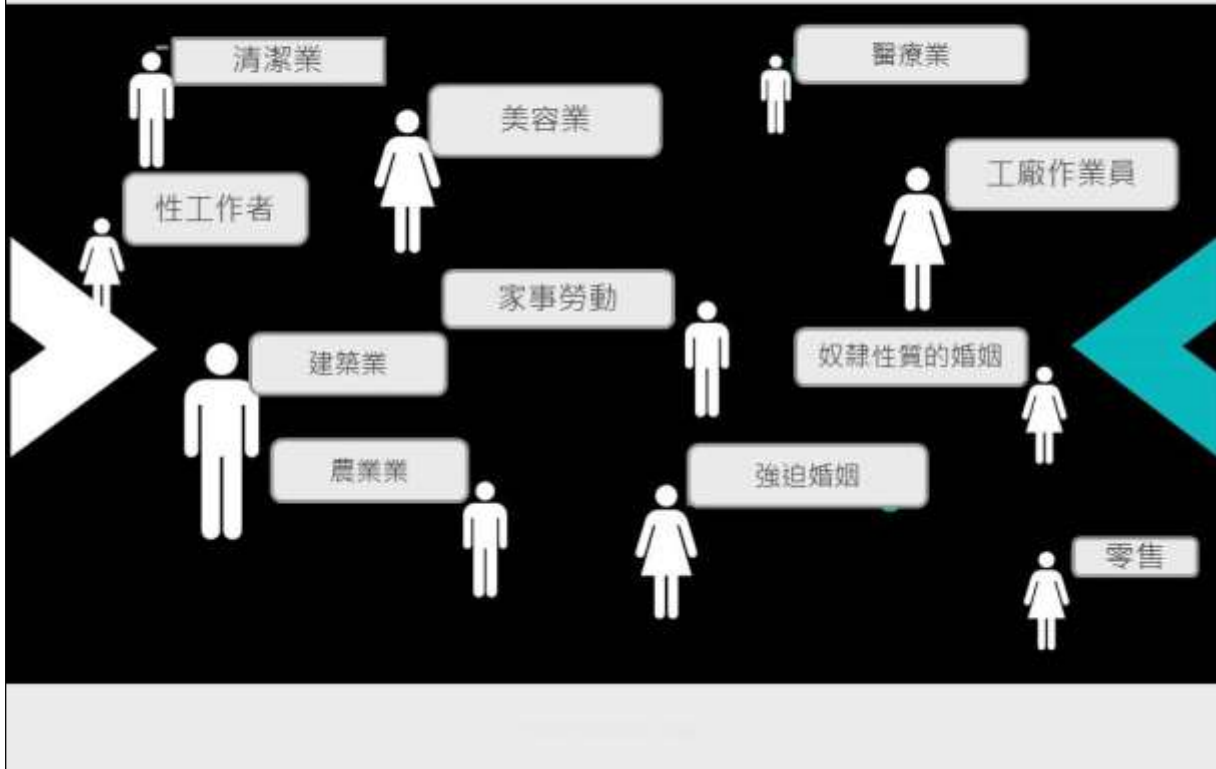


Slavery Today

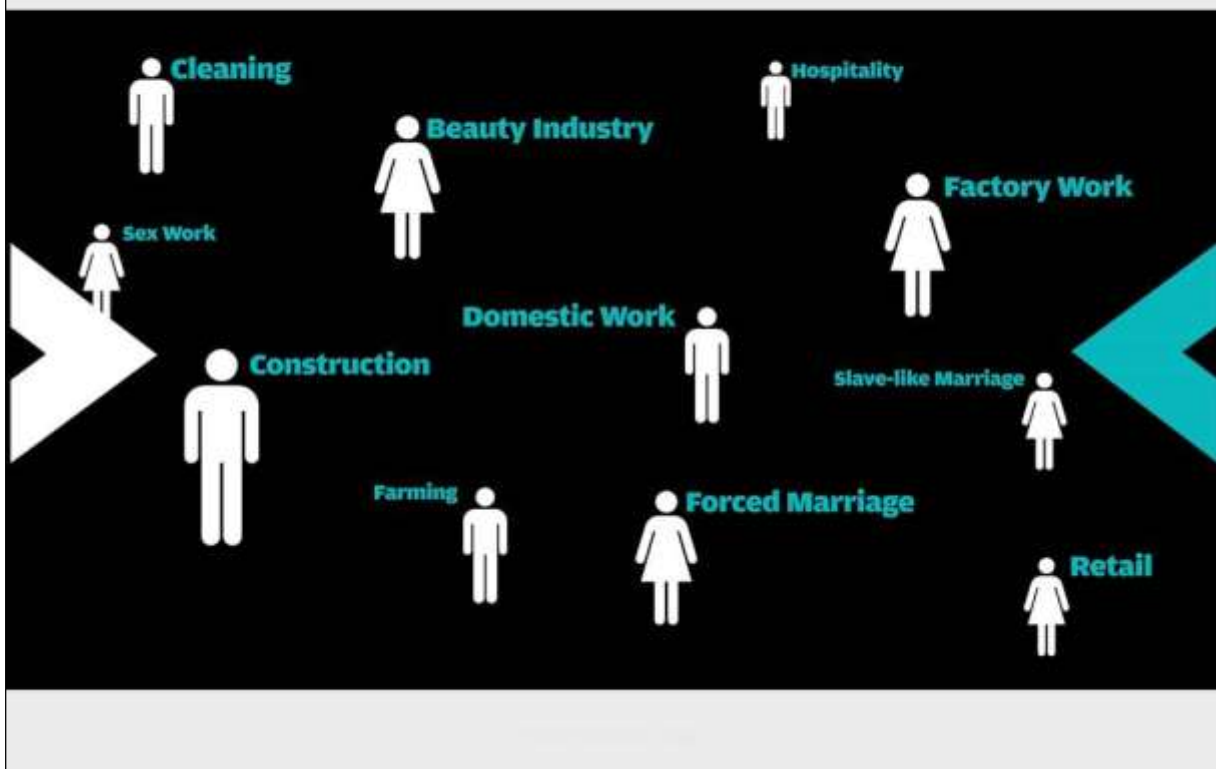





申請案例的鑑別



Cases identified in....

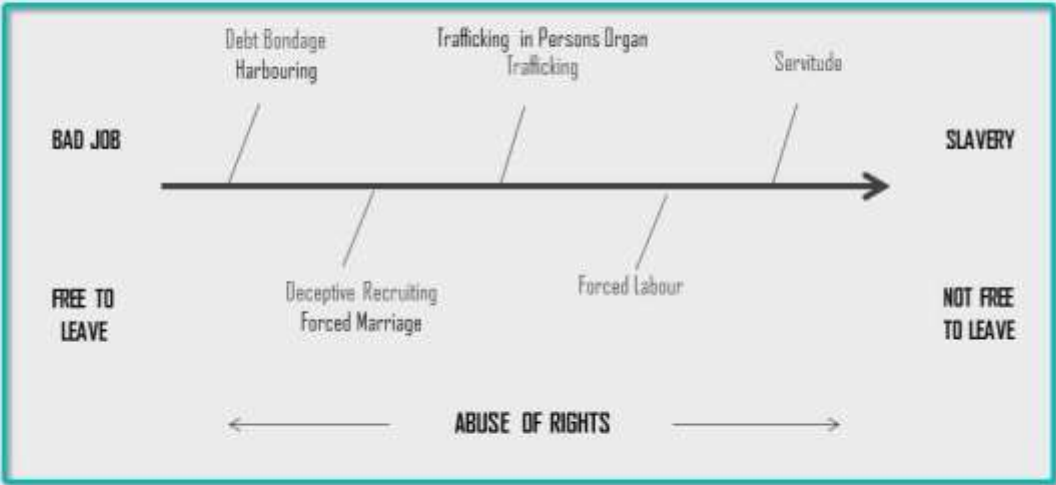


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澳洲奴隸制度的罪刑

一份不好的工作跟奴隸制度的差別在於，當事人是不是可以想走就走



Debt Bondage
Harbouring

Trafficking in Persons
Organ Trafficking

Servitude

BAD JOB

FREE TO LEAVE

Deceptive Recruiting
Forced Marriage


Forced Labour

SLAVERY

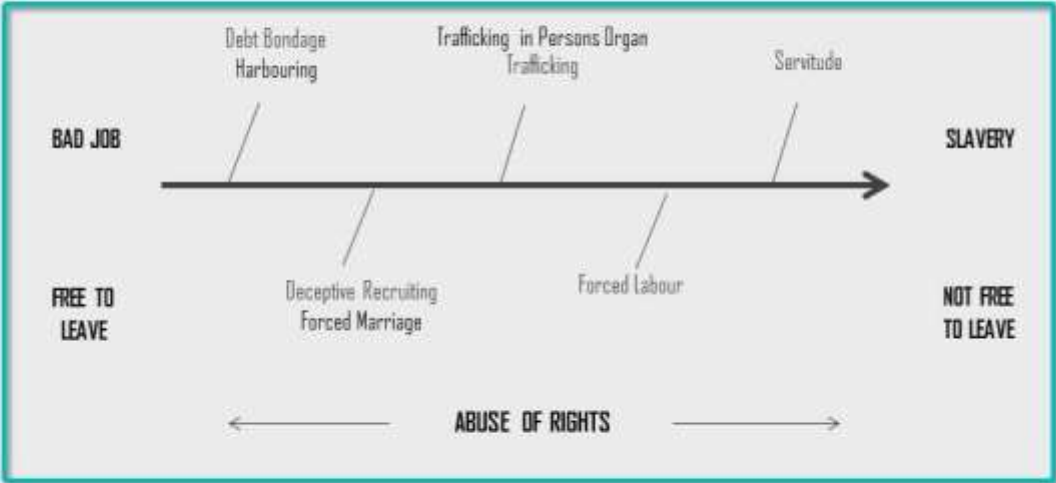
NOT FREE TO LEAVE

ABUSE OF RIGHTS

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Australia's Slavery Offences



Debt Bondage
Harbouring

Trafficking in Persons
Organ Trafficking

Servitude

BAD JOB

FREE TO LEAVE

Deceptive Recruiting
Forced Marriage

Forced Labour

SLAVERY

NOT FREE TO LEAVE

ABUSE OF RIGHTS

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人口販運簽證 + 應有權力



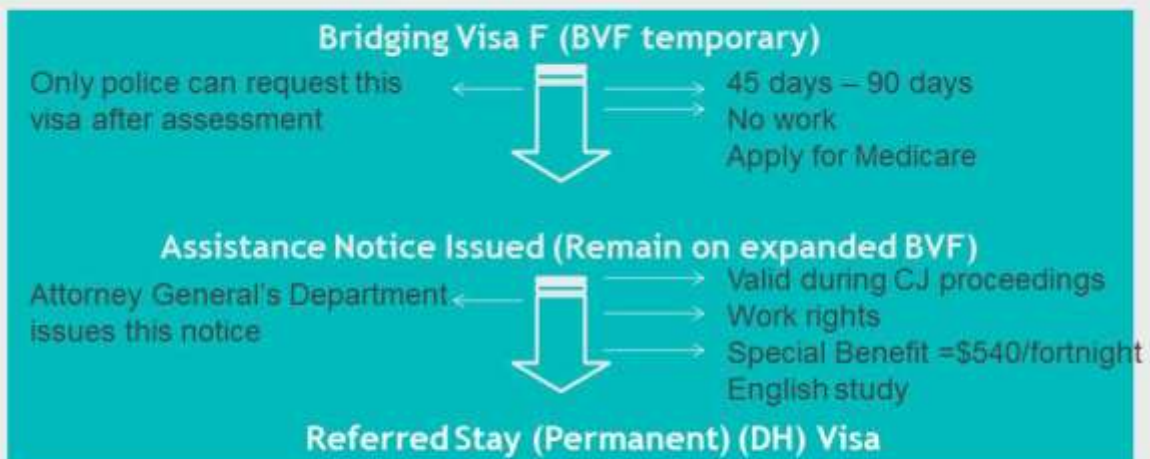
Government invites victim to apply. Statement of fears of harm if returned home must be provided by victim and supported by police.

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Welfare payment eligibility
Work rights
Medicare
Study rights
Settlement services
Sponsor immediate family



Trafficking Visas + Entitlements



Government invites victim to apply. Statement of fears of harm if returned home must be provided by victim and supported by police.

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Welfare payment eligibility
Work rights
Medicare
Study rights
Settlement services
Sponsor immediate family



台灣鍋爐房案件



Taiwanese Boiler Room Case



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何謂打工度假簽證？或是背包客簽證？

- 打工度假簽證 (子分類417 & 462) 是給想到澳洲度假及打工的年輕人，一個以一年為上限的暫時簽證。這是暫時的簽證，目的是為了促進澳洲與符合資格的國家文化交流並建立更緊密的關係。



What is a Working Holiday Visa – or Backpacker visa?

The Working Holiday visa (subclass 417 & 462) are temporary visas for young people who want to holiday and work in Australia for up to a year.

It is a temporary visa that “encourages cultural exchange and closer ties between Australia and eligible countries”.





有風險的工業

- 園藝業 --- 農業、食品包裝業
- 餐旅服務業 --- 餐廳、咖啡廳、餐飲業
- 清潔業
- 肉製品業：屠夫、肉類包裝、清潔

“我的生意若沒有背包客跟他們所付出的勞力的話，是絕對無法生存的。我百分之百依賴他們把我們農作物送到市場上。”

Australian farmer



Industries of Risk

- Horticulture – farms, food packing
- Hospitality – restaurants, cafes, catering
- Cleaning
- Meat works – butchers, meat packing, cleaning

“My business cannot survive without backpackers and the labour they provide to us. I am 100% dependent on them to deliver our crops to the market.”

Australian farmer





合格的國家

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- 比利時
- 加拿大
- 賽普勒斯共和國
- 丹麥
- 愛沙尼亞
- 芬蘭
- 法國
- 德國
- 香港
- 愛爾蘭共和國
- 義大利
- 日本
- 大韓民國
- 馬爾他
- 荷蘭
- 挪威
- 瑞典
- 台灣
- 英國

Eligible Countries

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- Belgium
- Canada
- Republic of Cyprus
- Denmark
- Estonia
- Finland
- France
- Germany
- Hong Kong
- Republic of Ireland
- Italy
- Japan
- Republic of Korea
- Malta
- Netherlands
- Norway
- Sweden
- United Kingdom

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人們打工度假的風險



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Risks to Working Holiday Makers (WHMs)



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風險

- 沒有做好工作的準備
 - 身體狀況/濕氣 = 脫水/生病
 - 不能勝任勞動工作
- 不合規格的住所 (非法的)
 - 太多人
 - 不衛生
 - 保養差
- 訓練不足
 - 不安全/意外 (設備及車輛)
 - 在荒郊野外是否可以得到醫療照顧
 - 蛇咬
- 未付工資
 - 錯誤薪資
 - 不公平的扣款
 - 住所
 - 交通



Risks

- Unprepared for work
 - Heat/humidity = dehydration or illness
 - Unfit for physical labour
- Substandard accommodation (illegal)
 - Too many people
 - Unhygienic
 - Poor maintenance
- Lack of training
 - Unsafe/accidents (equipment and vehicles)
 - Access to medical care in remote locations
 - Snake bites
- Unpaid wages
 - Incorrect pay
 - Unfair deductions
 - Accommodation
 - Transport



風險

- 言論攻擊
 - 種族歧視
 - 恐嚇/恐懼
- 性侵/犯罪受害者
 - 來自勞動承包商
 - 來自當地人
- 因沒工作而需要為宿舍工作來抵付房租
- 像奴隸般的工作環境
 - 扣留護照以及個人物品
 - 以威脅來剝削
 - 強迫性勞動



Risks

- Verbal abuse
 - Racism
 - Intimidation/fear
- Sexual assault/victim of crime
 - By labour contractors
 - Local people
- Debt to working hostel for rent/bed due to lack of work
- Slavery-like conditions
 - Withholding of passports and personal property
 - Exploitation through threats
 - Forced labour



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不安全的工作

- 21歲的台灣背包客蕭先生在屠宰場工作。他不小心從水泥壁架上滑倒並掉進深及腰的化學池裡。
- 蕭先生全身32%都受到了化學灼傷，之後有過無數次的皮膚移植跟手術。
- Big Mars Pty Ltd同樣被雇用蕭先生的人力資源公司聘請到Thomas Foods International 的屠宰場工作，公司承認他們並沒有任何的**健康與安全政策**。
- 此公司並沒有充分讓蕭先生了解他的工作風險以及所用化學品的危險性。

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Unsafe Work

- Mr Hsiao, a 21-year old backpacker from Taiwan was working at an abattoir, when he slipped from a concrete ledge and fell into the chemical bath up to his waist.
- Mr Hsiao suffered chemical burns to 32 per cent of his body and had numerous skin grafts and operations.
- Big Mars Pty Ltd, the labour hire company which had placed Mr Hsiao at one of the Thomas Food International abattoirs, admitted it did not have any health and safety policies.
- The company had failed to take straightforward steps to ensure Mr Hsiao knew of the risks posed by his work and the dangerous chemicals he was using.

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未管制的勞動合約

- 曾先生以打工度假簽證(子分類417)去澳洲，希望不僅能冒險，增長學識，並擁有不錯的薪資。
- 他花費\$300上了四週他所認為的正規屠宰訓練。
- 實際上，他被派去清潔、包裝肉品，及搬移很重的機器。
- 雖然每周工作50小時以上，但他薪資只有\$200。
- 雇用他的人力公司在不同肉製廠掌控許多職位，曾先生跟他的朋友因為害怕找不到其他工作。“所以只好乖乖上完‘訓練’課程。”

Unregulated Labour Contractors



- Mr. Tseng travelled to Australia on a 417 working holiday visa in the hope of finding adventure, education and decent pay
- He paid \$300 for what he believed to be four weeks of legitimate training in butchering
- Instead, he was put to work cleaning, packing meat, and lumping heavy machinery.
- For 50 hours a week, sometimes more, he was paid just \$200
- The labour hire firm who signed up Mr Tseng controlled many positions across a network of meat factories, Mr Tseng and his friend worried they would not find another job. "So we decided to finish the 'training' program"



少付薪資

- 位於布里斯本的一家餐廳，在他們承認只以一小時十到十一塊剝削員工後，被法院要求給付 \$107,551 。
- 一位只會說少許英文的台灣人，用工作度假簽證 (子分類417) 去澳洲，卻發現他在當廚房幫手時，薪資少了 \$33,169 。
- 這公司承認他們沒有提供員工無休年假的權力，員工在工作期間也並未拿到工資單。



Underpayment of Wages

- The operators of a Brisbane area restaurant, in were ordered to pay \$107,551 after admitting to underpaying the worker with flat hourly rates of \$10 and \$11.
- The employee, who came to Australia on a 417 working holiday visa from Taiwan and spoke limited English, was short-changed \$33,169 working as a kitchen hand
- The company also admitted failing to provide untaken annual leave entitlements. The worker was not given any pay slips during employment.

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被剝削的應對

Australian Government **Fair Work**
OMBUDSMAN

THE P.A.C.T.
PAY AND CONDITIONS TOOL

The Freedom Partnership
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Responses to exploitation

Australian Government **Fair Work**
OMBUDSMAN

THE P.A.C.T.
PAY AND CONDITIONS TOOL

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Simplified Chinese - 简体中文

所有在澳洲就业工作的人员，包括移民或持有签证的人员，都享有同等的工作场所权利。

每一名澳洲雇主都必须遵守工作场所法规，即便他们的雇员是持有签证的人员也不例外。

我们能够帮助你了解你在工作中应有的权利与责任。

从这里开始

了解更多在澳洲工作的信息:

- [薪资](#)
- [公平工作资讯声明](#)
- [休假与休息](#)
- [终止雇佣关系](#)
- [获取帮助](#)
- [联络我们](#)

阅读《开始新工作指南 (PDF 44.7KB) (PPT 663.4KB)》 (Guide to starting a new job) 或《雇用新员工指南 (PDF 38.5KB) (PPT 757.5KB)》 (Guide to hiring new employees) 了解详细信息。



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被剝削的應對



T-WHY 台灣打工度假青年 shared 大可居 青年旅館
Duckstay Hostel's event

June 15 at 3:07pm · 🌐

T-WHY成員受邀分享澳洲打工度假的經驗談，暢談個人打工度假的故事歷程！當然也要讓大家了解澳洲工度假制度、勞動權益，才能成就一個美好方程式！

大家快來報名參加！就在下週二晚上喔！

每個人都有自己的故事 # 過來人的經驗分享... See More

T-why members are invited to share the experience of Australia's working holiday and talk about the story of a personal holiday holiday! Of course, we have to let people know about the Australian work holiday system, labour rights and so on to achieve a good formula!

Come and enroll! Next Tuesday night!

每個人都有自己的故事 # 過來人的經驗分享
邊打工邊度假怎麼寫下美好方程式

⚙️ Rate this translation



Responses to Exploitation



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⚙️ Rate this translation

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被剝削的應對

中文版 Tiếng việt



JOIN OUR UNION



- 80% of jobs advertised to workers on working holiday visas are far below the minimum wages 八成以上背包客在網站上看到的徵才廣告其薪資都低於最新標準
- travellers and permanent residents alike cannot earn a living wage on piece rates that give them no security 不管是背包客或當地居民，在計件制的薪資制度裡，幾乎無法賺取足夠的生活費用。
- workers are forced to work horrifyingly long hours or suffer from sexual assault 工人被迫超時工作，或是隨時擔心會被性侵

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Responses to Exploitation

中文版 Tiếng việt



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The Freedom Partnership
End Modern Slavery



食品工人正在為他們的勞動權奮鬥著!除了要求在工作場合受到尊重外,我們要建立一個公平食物的供應鏈!所有尊重工人以及確保勞動權的產業,等同於一個提供永續經營以及倫理的食品企業。

- JOIN THE UNION
加入工會
- UNDERPAYMENT CALCULATOR
欠薪計算
- IN THE MEDIA
媒體關注
- YOUR RIGHTS AT WORK
勞動權利
- REPORT A PROBLEM
提出意見
- OUR VICTORIES
成功故事

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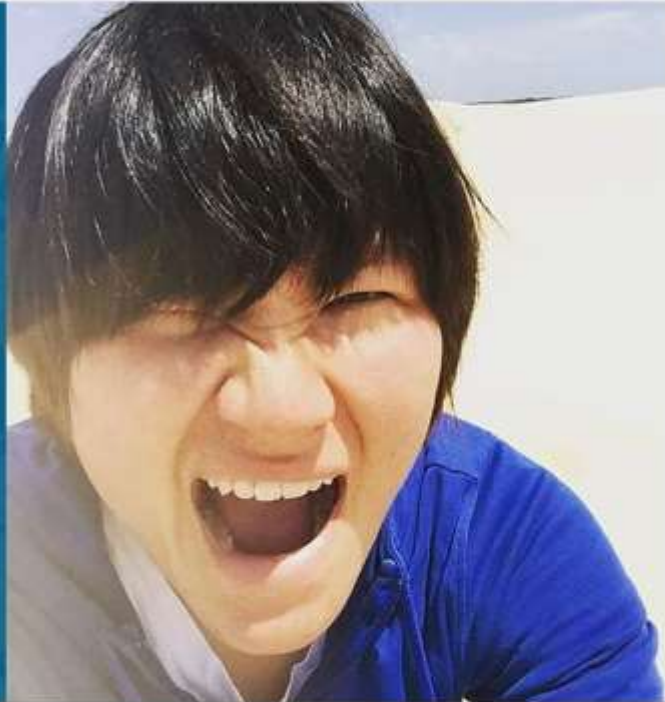
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澳洲肉品工業僱員工會 – 肉品員工工會

我相信有很多人和我以前一樣，對不公平的對待保持沉默，也不知道被剝削要怎麼辦。一開始我其實不太相信工會，但從追討的過程我感受到工會的用心協助，最後工會真的替我們取回應得的薪水！我真的很感謝工會，不只為了薪水，也為了我們的權益和尊重！”



AMIEU
NEWCASTLE & NORTHERN



AMIEU – Meat Workers Union

I really want to thank the union for what they had done for me. It was not just about the salary – it was about our rights, and about being respected.

Working as a cleaner on the night shift, my friend Ivy and I did not get what we deserved. We were cheated. As a backpacker, I thought there must be a lot of people like us – silent, not knowing how to fight for our rights.

It only took two months to get a result, working with the union. I was so surprised. The union really does care about workers rights, and about helping people without a voice. They really are trustworthy. Thank you, from my deepest heart.”



AMIEU
NEWCASTLE & NORTHERN





澳洲肉品工業僱員工會 – 肉品員工工會



我很感謝工會，如果沒有他們強而有力的幫忙，憑我自己的力量是很有限的。我相信一定還有很多人跟我有類似的處境，但是不知如何是好，認識工會並且加入這個大家庭是一個很好的選擇，你會獲得你應有的保障和權益，在此誠心謝謝工會的幫忙！



AMIEU
NEWCASTLE & NORTHERN

AMIEU – Meat Workers Union



Even though we knew we were being underpaid, we didn't know what we could do about it. We were just two young women, and we thought that our employer wouldn't care about us at all...

I really appreciated everything the union did for us. Without their help I would never have been strong enough to get the money that was stolen from me.

If anybody reading this is having problems like mine, I want to tell you to join the union. It was the right choice and you will get what you deserve. I am very thankful for the union for being there and supporting me.



AMIEU
NEWCASTLE & NORTHERN

澳洲肉品工業僱員工會 – 肉品員工工會

我的脊椎在肉廠工作時受傷，仲介一開始說我可以領工傷賠償及幫我預約專科醫生，但過了一周後仲介說保險公司拒賠後把我解雇。我的心也懸在半空...當時我心想這麼辛苦來澳工作賺錢，一個工傷便已經賠虧了。

幸運的是，我很久之前便已經加入了工會，獲得了工會保障。從工傷理賠到免費治療，我所獲得的不單純是過萬澳元的理賠，還有是一個工人應得的公道和權益。雖然每周要交數元的會費，但這些都是可以用來退稅抵稅，而且工會是非盈利，錢都是用在工人身上。

在此呼籲所有的背包客別讓你們的權益睡著了！記注意外隨時都可能發生，特別是背包客在這裡沒身份沒地位，工作時可能遇到的問題一大堆，需要有人真心協助你以及在背後支持你，工會便是這強大的力量。



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AMIEU – Meat Workers Union

I had a terrible spine injury at work, and the agent guaranteed that I'm covered by workers compensation at the beginning. However, within one week, the agent said my claim was refused and just fired me.

I felt my heart was hanging in the air... I came all way to Australia and, just one injury made all my hard work in vain.

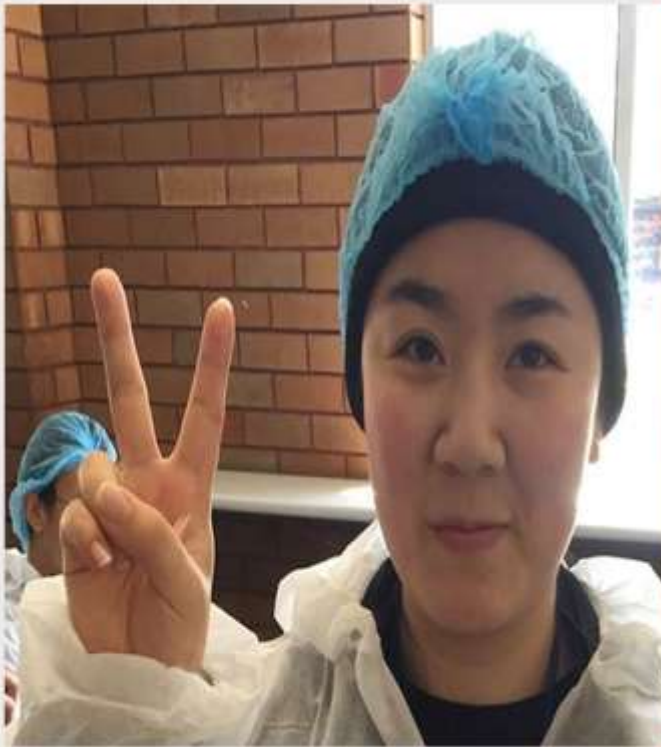
Fortunately, I'd been an AMIEU member so the Union helped me out. From worker compensation to medical treatments, what I receive was not only the 10 thousand reparation, but the justice and rights one worker should have.

Thus I would like to thank the Union and tell all the backpackers "Stand up for your rights and do not keep silent!"





澳洲肉品工業僱員工會 – 肉品員工工會



I was working under a contractor in a poultry factory. I had no insurance, no payslip and no super. It was really an unsafe working environment. I did not know about the Union before working there, and I joined the Union when I started working.

Later on, one of my friends wanted to claim for the underpayment claim so I also prepared for the claim with the Union's assistance. This is why I could get my unpaid wage recovered. I'm so thankful to the AMIEU.

For people who are working in the meat industry, I really recommend them to join the AMIEU.

AMIEU

AMIEU – Meat Workers Union



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AMIEU

AMIEU



不知道如何使用
即時支援嗎?

點選下面綠色按鈕, 就可看到使用範例:

 **live support**
available now
www.imeatworker.net

- live chat
- let us call you
- send an sms
- email us

即時支援使用範例

AMIEU

<https://youtu.be/MTBiuUZ5rzs>



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即時支援使用範例

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建議

- 提供台灣暫時簽證持有者暫時移民澳洲的風險訓練。
- 提供組織資金如T-WHY幫助在澳洲的台灣公民能更順利的運用資源及服務，並發展戰略夥伴與進行讓暫時移民更安全的研究。
- 支援組織如T-WHY 實施提高年輕人認知與策略。
- 請教從澳洲回來的暫時簽證持有者如澳洲工會及T-WHY 關於讓暫時移民更安全的修正案。
- 利用政府對政府的管道提倡更安全的暫時移民。

The Freedom Partnership
End Modern Slavery



Recommendations

- Educate Taiwanese temporary visa holders on the risks of temporary migration to Australia
- Provide funding to organisations like T-WHY to assist Taiwanese nationals to access support and services in Australia, develop strategic partnerships and conduct research to make migration safer
- Support organisations like T-WHY to deliver an awareness-raising strategy that is appealing to young people
- Consult with returned temporary visa holders, Australian unions and T-WHY on amendments that will make temporary migration safer
- Use government to government channels to advocate for safer temporary migration to Australia

The Freedom Partnership
End Modern Slavery



如何保持聯絡

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 endslavery@aue.salvationarmy.org


endslavery.salvos.org.au

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2017 年防制人口販運國際工作坊

臺灣避免青年國人海外度假打工
落入剝削陷阱與及時救援

*The Exploitation Prevention and Rescue Movements
of the Local Youths Serving as Holiday Workers Overseas*

主 講 人：張進旺
外交部公眾外交協調會專門委員

Speaker: **Chang, Chin-Wang**
Assistant Director-General, Public Diplomacy
Coordination Council, Ministry of Foreign Affairs of
Republic of China



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經歷

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外交部非洲司科長

外交部秘書回部辦事暨代理科長

駐馬拉威大使館三等及二等秘書

北美事務協調委員會薦任組員

立法委員蔡璧煌博士國會助理

Brief Introduction of Speaker

Chang, Chin-Wang

Assistant Director-General, Public Diplomacy
Coordination Council, Ministry of Foreign Affairs of
Republic of China

PROFESSIONAL EXPERIENCES

Section Chief, Public Diplomacy Coordination Council, Ministry of Foreign Affairs

Division Director, Taipei Economic and Cultural Office in Atlanta

Section Chief, Department of African Affairs, Ministry of Foreign Affairs

Second Secretary on Home Assignment and Acting Section Chief

Third and Second Secretary, Embassy of Republic of China (Taiwan) in Malawi

Officer, Coordination Council for North American Affairs

Research Assistant in Congress to Dr. Bih-Hwang Tsai, Member of Legislative Yuan



2017 年防制人口販運國際工作坊

簡報請見大會手冊 B / Please refer to the PROGRAM B for this document



與談人簡介

Helena Huang

新加坡南洋科技大學資深分析師

經歷

新加坡南洋科技大學資深分析師

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Senior Analyst, Centre for Non-Traditional Security

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Senior Analyst, S. RAJARATNAM SCHOOL of INTERNATIONAL STUDIES,
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Treaties Section, ATTORNEY-GENERAL'S CHAMBERS, SINGAPORE
International Affairs Division Manager,

Senior Executive, PRIME MINISTER'S OFFICE, SINGAPORE Corrupt
Practices Investigation Bureau



與談人簡介

白智芳

財團法人臺北市婦女救援社會福利事業基金會
副執行長



經歷

婦女救援基金會研發部主任

婦女救援基金會花蓮工作站主任

婦女救援基金會花蓮工作站主任公共政策事務組督導

婦女救援基金會救援部主任

婦女救援基金會救援部督導，兼任花蓮庇護所主任

婦女救援基金會救援組社工

婦女救援基金會婦幼組社工

專長

婦女保護議題倡議、宣導及被害人服務

防制人口販運議題倡議、宣導及被害人保護服務

Brief Introduction of Commentator

Jasmine Bai

Deputy Chief Executive Officer, Taipei Women's Rescue Foundation



PROFESSIONAL EXPERIENCES

Director of Research and Development Department, Taipei Women's Rescue Foundation

Station Chief of Hualien Workstation, Taipei Women's Rescue Foundation

Supervisor of Public Policy Affairs / Station Chief of Hualien Workstation, Taipei Women's Rescue Foundation

Chief of Rescue Division, Taipei Women's Rescue Foundation,

Supervisor and Director of Shelter division, Anti-Trafficking Department, Taipei Women's Rescue Foundation

Anti-Trafficking Resue Team Social worker, Taipei Women's Rescue Foundation

Social Worker, Domestic Violence Department, Taipei Women's Rescue Foundation

SKILLS

Women Protection Issues initiative, outreach campaign and Victims Service

Anti-human trafficking initiative, outreach campaign and Victims Service



會場交通方式

- 地點：福華國際文教會館 1 樓前瞻廳
- 地址：臺北市新生南路三段 30 號
- 交通資訊網址：http://intl-house.howard-hotels.com.tw/CT_AsiaPacific1.php?Psn=4986

開車

【中山高】下圓山交流道接建國高架→和平東路出口右轉→左轉至新生南路→右轉至辛亥路→會館地下停車場。

【北二高】下深坑交流道往臺北方向→辛亥路過地下道直行→建國南路左轉辛亥路行駛平面車道→過新生南路交叉口→會館地下停車場

捷運

自捷運臺電大樓站 2 號出口，出站左轉沿辛亥路步行約 10~15 分鐘至辛亥路新生南路口左轉，即達福華國際文教會館。

公車

- 【龍安國小】 52,253,280,284,290,311,505,907,0 南,指南 1
- 【大安森林公園】 3,15,18,52,72,74,211,235,237,278,295,626
- 【和平新生路口】 253,280,290,311,505,642,0 南,指南 1,指南 5
- 【溫州街口】 3,15,18,74,235,237,254,278,295,907,291,672
- 【公務人力發展中心】 52,253,280,284,290,291,311,505,642,907,0 南,指南 1

Transportation

- Venue : 1F, Visionary Hall, Howard Civil Service International House
- Address : No. 30, Sec. 3, Shin-Sheng South Road. Taipei, 106, Taiwan
- Website : http://intl-house.howard-hotels.com/CT_AsiaPacific2.php?Psn=5539

Car

【National Highway No. 1】 Exit Yuanshan Interchange and turn to Jianguo Road (elevated road) → turn right after exiting to Heping E. Rd. → turn left to Xingsheng S. Road → turn right to the Xinhai Road → turn into the underground parking of Howard Civil Service International House.

【National Highway No. 3】 Exit Shengkeng Interchange and drive towards Taipei → pass the Xinhai Road underpass and go straight → from Jianguo S. Rd. turn left to Xinhai Road and drive on the surface road → after passing the Xingsheng S. Road intersection → turn to the underground parking of Howard Civil Service International House.

MRT

Exit from Exit 2 Taipei MRT Taipower Building Station, turn left and walk along Xinhai Road for 10 to 15 minutes, turn left at the junction of Xingsheng S. Road. Howard Civil Service International House is right after the junction.

Bus

【Longan Elementary School】 Bus No: 52, 253, 280, 284, 290, 311, 505, 907, 0 South, Zhinan 1

【Daan Forest Park】 Bus No: 3, 15, 18, 52, 72, 74, 211, 235, 237, 278, 295, 626

【Heping-Xinsheng Intersection】 Bus No: 253, 280, 290, 311, 505, 642, 0 South, Zhinan 1 and Zhinan 5

【Wenzhou Street Corner】 Bus No: 3, 15, 18, 74, 235, 237, 254, 278, 295, 907, 291, 672

【Civil Service Development Institute】 Bus No: 52, 253, 280, 284, 290, 291, 311, 505, 642, 907, 0 South, Zhinan 1