



2018 International Workshop on Strategies for Combating Human Trafficking

2018 年防制人口販運
國際工作坊

PROGRAM

大會手冊

A

2018 年防制人口販運國際工作坊

2018 International Workshop on Strategies for Combating Human Trafficking





目錄 Table of Contents

會議緣起 Introduction of the Workshop	4
議事規則 Rules of Procedure	7
會議議程 Agenda	8

第一場：防制新作為 - 人口販運國際性及區域化聯防機制探討

Session 1 : New Prevention Approaches – Joint International Prevention and Regional Prevention Mechanisms	13
---	----

「移民、安居、和諧」- 聯合國起草「安全有序常態性移居全球約定」及對防制人口販運之影響探討

Immigration, Housing Safely and harmoniously – The Drafting of Global Compact for Safe, Orderly and Regular Migration in UN	17
---	----

亞洲國家防制人口販運體制之相異性與一致化之探析

The Diversities and Uniformities of Anti Human Trafficking System in Asia	23
---	----

第二場：加害與被害間糾纏 - 人口販運有關犯罪案件競合與處罰

Session 2 : The Tangle Between Offenders and Victims – The Competing Claims over Criminality and Penal Actions in Human Trafficking Cases	81
---	----

我國人口販運案件被害人與加害人雙重身分的探討

Offshore Fishermen Workers under Control by Means of Narcotics	85
--	----

漁工遭受毒品控制問題之探討 - 吸毒與剝削漁工之探討

Offshore Fishermen Workers under Control by Means of Narcotics	89
--	----

第三場：監督出剝削沒 - 有效防範弱勢族群遭受勞力剝削之機制

Session 3 : Supervision Appearance, Exploitation Disappearance – Effective Mechanisms for Preventing Labor Exploitation of the Vulnerable _____ **115**

紐西蘭境外漁工奴役 - 利害關係人之回應

Slavery in New Zealand’s Offshore Fisheries: A Multi – Stakeholder Responses _____ **119**

家事勞動力輸出國保護國民之焦點作為 - 由菲律賓防範家事工遭剝削之體制談起
Actions in Focus by the Exporting Countries of Migrant Domestic Workers – The Philippine Model on Preventing Migrant Domestic Workers from Exploitation. _____ **141**

臺灣預防境外漁工免於剝削的新紀元

Slavery in New Zealand’s Offshore Fisheries: A Multi – Stakeholder Responses _____ **167**

第四場：好還要更好 - 被害人保護機制全面探究

Session 4 : Better and Better – Victim Protection Mechanisms _____ **177**

被害人保護及國家轉介機制

Protection Promotion – from the church’s cooperation mechanism _____ **181**

人口販運被害人機構化與社區化處遇之分析比 - 美式風格之人口販運被害人多元處遇機制

The Comparison of Institutional Housing Treatment and Community Housing Treatment for victims _____ **185**

臺灣安置保護人口販運被害人之得失分析與展望

Protection Promotion – from the church’s cooperation mechanism _____ **199**

會場交通方式 Transportation _____ **208**

會議緣起

人口販運不僅危害基本人權，亦是嚴重侵害自由與人性尊嚴的犯罪行為，依據聯合國的人口販運問題報告顯示，全球人口販運案件有 55% 具有跨國境特色，因此採取雙邊及多邊（區域性或全球性）國際交流合作，是不可或缺的防制策略。內政部（移民署）為強化與各國合作關係，精進我國防制人口販運工作，每年邀請國內外政府官員及非政府組織等民間團體人員齊聚一堂，辦理防制人口販運國際工作坊，共同探討防制人口販運相關議題。

人口販運也被稱為「現代版奴役」，嚴重侵犯人權，因此如何從源頭探究防制策略作為，強化人權保障，顯得相當重要。今（西元 2018）年，我國國工坊規劃主題即以被害人為中心，探究區域聯防機制，釐清加害與被害間競合與處罰，有效強化避免勞力剝削，以及如何全面建構被害人保護機制等，分二日四場次進行國內外專家學者研討與經驗分享，期能因應新興犯罪趨，機先強化查緝偵審作為，落實保障被害人及建立周延之保護機制。

美國國務院於今年 6 月 29 日公布「人口販運問題報告」，我國雖名列第 1 級國家名單，已連續 9 年獲此佳績，此一殊榮實為長期以來公私部門通力合作成果。然而，這並非表示我國人口販運防制工作就是圓滿，仍須奮力不懈，這也是我們持續舉行此國際工作坊之目的。本次會議計有邀請美國、英國、比利時、紐西蘭、日本、香港、菲律賓、印尼等 10 多國專家學者及 20 多國駐臺使節共同與會，發揮國際夥伴力量，全球齊心努力，打擊人口販運。

Introduction of the Workshop

Human trafficking is a major criminal behavior that not only violates human rights but also attacked people's freedom and their dignity. Depends on human trafficking possess the property of cross-border and organizational. According to the “Human trafficking report by the United Nations, human trafficking is a cross-border crime. Developing International bilateral and multilateral (district or global) cooperation for the purpose of the prevention of human trafficking. It has become an indispensable task indeed. In order to strengthen cooperative relationships with different nations and to enhance the work of preventing human trafficking in Taiwan, the National Immigration Agency (NIA) invites foreign government employees, Non-Governmental Organizations (NGO), as well as 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 the prevention of human trafficking.

“Modern slaves” is another alternate term for human trafficking. It is mostly known for the serious violation of human rights. Therefore, it is rather important to find the possible solutions to for the prevention strategies from the root of the matter. Now (2018), we began planning on the Workshop topic by placing the victim's rights in the first place. In this case, the objective of this conference is "Emerging the Concerns Regarding Human Trafficking". To be specific, we are here to discuss the emerging concerns of international and district defense mechanism as well as analyzing the multiple crime patterns of victims involving drug abuse or exploitation. We will also be focusing on the employees' right of underprivileged groups such as but not limited to the deckhands and domestic workers, plus how to pursue a better protection mechanism for the victims. This two-day conference is separated into four individual sessions for experts and scholars to discuss and share their knowledge as well as their experiences among the general topic of human trafficking in order to fully protect the victims and to establish a comprehensive protection mechanism.

United States Department of State announced the human trafficking report on June 29. Taiwan has gotten the first pride in the national list for 9 years, and this credit to the long-term collaboration between the public as well as the private sectors. Although the result was quite decent, we understand the fact that there are still a lot of efforts to make, in order to hold the seminar. The conference invited the distinguished scholars from over 10 countries including Belgium, Hong Kong, Indonesia, Japan, New Zealand, Philippines, United Kingdom and last but not least The United States of America, and the diplomatic envoys from over 20 countries to cooperate with us to develop some possible prevention strategies towards the concerns of human trafficking. We strongly urge each and every members and guest invited to this conference to perform a knowledgeable discussion, and we wholeheartedly believe that as one, we will soon lead to a solution for the human trafficking crisis.



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.

「2018年防制人口販運國際工作坊」議程表

第一日

時間：107年7月25日（星期三）

地點：公務人力發展學院福華國際文教會館一樓前瞻廳

時間	議程
08:30 ~ 09:00	報到
09:00 ~ 09:40	開幕致詞暨合照
第一場	防制新作為 - 人口販運國際性及區域化聯防機制探討 主持人：行政院防制人口販運協調會報委員高巨瑩
09:40 ~ 10:20	「移民、安居、和諧」- 聯合國起草「安全有序常態性移居全球約定」及對防制人口販運之影響探討 主講人：全球移民政策協會理事長 Patrick Taran (40 分鐘)
10:20 ~ 10:40	茶敘
10:40 ~ 11:20	亞洲國家防制人口販運體制之相異性與一致化之探析 主講人：中華警政研究學會副秘書長黃文志博士 (40 分鐘)
11:20 ~ 12:20	與談人：政治大學副教授翁燕菁 中央警察大學副教授高佩珊 (30 分鐘，各 15 分鐘) 雙向交流 (30 分)
12:20 ~ 13:50	午餐
第二場	加害與被害間糾纏 - 人口販運有關犯罪案件競合與處罰 主持人：行政院防制人口販運協調會報劉士豪委員
13:50 ~ 14:40	我國人口販運案件被害人與加害人雙重身分的探討 主講人：法律扶助基金會臺北分會律師朱芳君律師 (50 分鐘)
14:40 ~ 15:30	漁工遭受毒品控制問題之探討 - 吸毒與剝削漁工之探討 主講人：印尼緝毒局副局長 Mr. Ali Johardi (50 分鐘)
15:30 ~ 15:50	茶敘 (20 分鐘)
15:50 ~ 17:00	與談人：比利時 Payoke 庇護中心主任 Mr. Klaus Vanhoutte 中華警政研究學會副理事長章光明 (30 分鐘，各 15 分鐘) 雙向交流 (40 分鐘)

「2018 年防制人口販運國際工作坊」議程表

第二日

時間：107 年 7 月 26 日（星期四）

地點：公務人力發展學院福華國際文教會館一樓前瞻廳

時 間	議 程
第三場	監督出剝削沒 - 有效防範弱勢族群遭受勞力剝削之機制 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	紐西蘭境外漁工奴役 - 利害關係人之回應 主講人：奧克蘭大學助理教授 Christina Anne Stringer (50 分鐘)
09:50 ~ 10:40	家事勞動力輸出國保護國民之焦點作為 - 由菲律賓防範家事工遭剝削之體制談起 主講人：菲律賓大學公共行政及治理學院教授 Jorge Villamor Tigno (50 分鐘)
10:40 ~ 11:00	茶敘
11:00 ~ 11:20	臺灣預防境外漁工免於剝削的新紀元 主講人：行政院農業委員會漁業署劉啟超簡任技正 (20 分鐘)
11:20 ~ 12:20	與談人：印尼漁工協會秘書長 Sam Ismail 香港正義中心研究主任 Jade Anderson (30 分鐘，各 15 分鐘) 雙向交流 (30 分鐘)
12:20 ~ 13:30	午餐
第四場	好還要更好 - 被害人保護機制全面探究 主持人：行政院防制人口販運協調會報紀惠容委員
13:30 ~ 14:10	被害人保護及國家轉介機制 主講人：英國倫敦大都會警察局刑事警察大隊長 Simon Moring (40 分鐘)
14:10 ~ 14:50	人口販運被害人機構化與社區化處遇之分析比較 - 美式風格之人口販運被害人多元處遇機制 主講人：美國防制人口販運自由聯盟執行長 Jean Bruggeman (40 分鐘)
14:50 ~ 15:10	茶敘
15:10 ~ 15:50	臺灣安置保護人口販運被害人之得失分析與展望 主講人：婦女救援基金會副執行長白智芳 (40 分鐘)
15:50 ~ 17:00	與談人：日本保護人口販運被害人民間組織燈塔 (lighthouse) 秘書長坂本新 台灣展翅協會秘書長陳逸玲 (30 分鐘，各 15 分鐘) 雙向交流 (40 分鐘)
17:00 ~ 17:10	閉幕



2018 International Workshop on Strategies for Combating Human Trafficking Agenda

Day 1

Date: Wednesday July 25, 2018,

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	New Prevention Approaches – Joint International Prevention and Regional Prevention Mechanisms Moderator : Kao, Hsuan-Ying, Committee Member of Cabinet Anti-TIP Task Force
09:40 ~ 10:20	Immigration, Housing Safely and harmoniously-The Drafting of Global Compact for Safe, Orderly and Regular Migration in UN and the Effects on Combating HT Speaker : Mr. Patrick Taran, President of Global Migration Policy Associates (40 mins)
10:20 ~ 10:40	Refreshment (20 mins)
10:40 ~ 11:20	The Diversities and Uniformities of Anti Human Trafficking System in Asia Speaker : Dr. Huang, Deputy Secretary General of Asian Association of Police Studies (40 mins)
11:20 ~ 12:20	Commentators : Vivianne Weng, Associate Professor of National Chengchi University Kao, Pei-shan, Associate Professor of Central Police University (30 mins, 15 mins each) Bilateral Exchange (30 mins)
12:20 ~ 13:50	Lunch Break
Session 2	The Tangle Between Offenders and Victims – The Competing Claims over Criminality and Penal Actions in Human Trafficking Cases Moderator : Liu, Shih-Hao, Committee Member of Cabinet Anti-TIP Task Force
13:50 ~ 14:40	Offender? Victim? The overlapping status of Human Trafficking in Taiwan Speaker : Chu, Fang-chun, Staff Attorney of Taipei Branch office of Legal Aid Foundation (50 mins)
14:40 ~ 15:30	Offshore Fishermen Workers under Control by Means of Narcotics Speaker : Ali Johardi, Deputy of Prevention NNB, National Narcotic Board of Republic of Indonesia (50 mins)
15:30 ~ 15:50	Refreshment (20 mins)
15:50 ~ 17:00	Commentators : Klaus Vanhoutte, Director of Payoke Shelter Center Dr. Chang, Charles, Deputy Secretary General of Asian Association of Police Studies (30 mins, 15 mins each) Bilateral Exchange (40 mins)

2018 International Workshop on Strategies for Combating Human Trafficking Agenda

Day 2

Date: Thursday July 26, 2018,

Venue: Howard Civil Service International House 1F Visionary Hall

TIME	AGENDA
Session 3	Supervision Appearance, Exploitation Disappearance – Effective Mechanisms for Preventing Labor Exploitation of the Vulnerable Moderator : Liu Huang, Li-Chuan, Committee Member of Cabinet Anti-TIP Task Force
09:00 ~ 09:50	Slavery in New Zealand's Offshore Fisheries : A Multi – Stakeholder Responses Speaker : Christina Anne Stringer, Associate Professor, Auckland University, New Zealand (50mins)
09:50 ~ 10:40	Actions in Focus by the Exporting Countries of Migrant Domestic Workers – The Philippine Model on Preventing Migrant Domestic Workers from Exploitation. Speaker : Dr. Jorge Villamor Tigno, National College of Public Administration and Governance University of Philippines, Diliman (50 mins)
10:40 ~ 11:00	Refreshment (20 mins)
11:00 ~ 11:20	The New Era of Preventing Offshore Fishery Workers From Exploitation in Taiwan Speaker : Liu, Chi-Chao, Senior Executive Officer, of Fishery Administration (20 mins)
11:20 ~ 12:20	Commentators : Jade Anderson, Research Director of Justice Center Hong Kong Sam Ismail, Chief Secretary of Indonesian Fishmen Federation (30 mins, 15 mins each) Bilateral Exchange (30 mins)
12:20 ~ 13:30	Lunch Break
Session 4	Better and Better – Victim Protection Mechanisms Moderator : Gi, Hui-Joung, Committee Member of Cabinet Anti-TIP Task Force
13:30 ~ 14:10	Victim Care and National Referral Mechanism Speaker : Simon Moring, Detective Superintendent of Metropolitan Police Service, London, UK (40 mins)
14:10 ~ 14:50	The Comparison of Institutional Housing Treatment and Community Housing Treatment for victims Speaker : Jean Bruggeman, Executive Director of Freedom Network USA (40 mins)
14:50 ~ 15:10	Refreshment (20 mins)
15:10 ~ 15:50	Retrospect and Prospect of Protecting Human Trafficking Victims in Taiwan Speaker : Jasmine Bai, Deputy Chief Executive Officer, Taipei Women's Rescue Foundation (40 mins)
15:50 ~ 17:00	Commentators : Sakamoto Arata, Secretary General of Lighthouse Japan, Chen, I-Ling, Chief Secretary of ECPAT, Taiwan (30 mins, 15 each) Bilateral Exchange (30 mins)
17:00 ~ 17:10	Closure



第一場

防制新作為 - 人口販運國際性及區域化聯防機制探討

Session 1

**New Prevention Approaches- Joint International Prevention and Regional
Prevention Mechanisms**

主持人簡介

高亘瑩

行政院防制人口販運協調會報委員
台灣展翅協會理事長

專長

人口販運防制法

經歷

台灣展翅協會理事長

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

Brief Introduction of Moderator

Hsuan-Ying Kao

Committee member of Cabinet Anti-TIP Coordination
Task Force
Director, ECPAT Taiwan

Expertise

Human Trafficking Prevention Act

Career Experience

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



「移民、安居、和諧」- 聯合國起草「安全有序常態性移居全球約定」及對防制人口販運之影響探討

**Immigration, Housing Safely and harmoniously –
The Drafting of Global Compact for Safe, Orderly
and Regular Migration in UN**

主講人：Patrick Taran

全球移民政策協會理事長

Speaker : Patrick Taran

President of Global Migration Policy Associates

主講人簡介

Patrick Taran

全球移民政策協會理事長

學歷

紐約州立大學杭廷頓 Friends World College 文學學士學位

經歷

日內瓦國際勞工局資深移民專家

日內瓦國際移民政策計劃專員

日內瓦、瑞士國際移民權利 主任

日內瓦世界教會理事會移民局局長

研究協調庇護和移民相關問題

美國紐約服務移民教會、難民計劃

華盛頓特區兼任華盛頓宣傳官員

美國西雅圖南美難民計劃署主任

Brief Introduction of Speaker

Patrick Taran

President of Global Migration Policy Associates

Education

State University of New York Bachelor of Arts Degree at Friends World College, Huntington, NY.

Career Experience

Current (since October 2011) President, Global Migration Policy Associates

Senior Migration Specialist, International Labour Office, Geneva
Program Officer, International Migration Policy Program; Geneva
Director, Migrants Rights International; Geneva, Switzerland

Secretary for Migration, World Council of Churches; Geneva,
Research Coordinator; Coordinator Asylum and Migration Concerns
Church World Service Immigration and Refugee Program; New York,
USA

Also acting Washington Advocacy Officer in 1988-90, part-time,
Washington DC.

Program Director, South American Refugee Program; Seattle, USA



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



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

亞洲國家防制人口販運體制之相異性與 一致化之探析

The Diversities and Uniformities of Anti Human Trafficking System in Asia

主講人：黃文志

中央警察大學國境警察學系助理教授

Speaker : Wen-Chih “Billy” Huang

**Assistant Professor, Department of Border Police, Central
Police University, Taiwan**

主講人簡介

黃文志 博士



中央警察大學國境警察學系

助理教授

中華警政研究學會副秘書長

學歷

美國德州聖休士頓州立大學刑事司法學系博士

美國紐約州立大學奧伯尼分校公共行政碩士

中央警察大學外事警察學系法學學士

經歷

警政署駐越南警察聯絡官

警政署刑事警察局國際刑警科組長國際刑事偵查隊長

警政署副署長室機要

警政署國際組特勤科警務正

警政署保六總隊第二警官隊警情組組員

Brief Introduction of Speaker

Wen-Chih “Billy” Huang Ph.D



Assistant Professor, Department of Border Police, Central Police University, Taiwan

Deputy, Secretary General, China Police Research Society

Education

Assistant Professor, Department of Border Police, Central Police University (CPU), Taiwan.
He has been police officer of National Police Agency, Taiwan, since 1992, and once assigned as Police Liaison Officer stationed in Ho Chi Minh City, Vietnam. Received Ph.D. from Department of Criminal Justice and Criminology, College of Criminal Justice, Sam Houston State University, Texas, USA.

Career Experience

Deputy Secretary-General, Association of Chinese Police Research, Taiwan
Assistant Professor, Department of Border Police, College of Criminal Justice, Central Police University, Taiwan
Section Chief, International Investigation Section II, International Criminal Affairs Division, Criminal Investigation Bureau (CIB), National Police Agency (NPA), Taiwan
Police Liaison Officer stationed in Ho Chi Minh City, Vietnam; focus on Police Cooperation Affairs & Transnational Crime Investigation, responsible for Vietnam, Cambodia, and P.D.R. Laos
Section Chief, Operation Section, International Criminal Affairs Division, Criminal Investigation Bureau (CIB), National Police Agency (NPA), Taiwan
Assistant to Deputy Director-General Hung, Sheng-Kun, National Police Agency (NPA), Taiwan
Analyst, South Asia Region, Institute for the Study of Violent Groups (ISVG), Criminal Justice Center, Sam Houston State University, Texas, USA
Detective, Foreign Affairs Police Corps, National Police Agency (NPA), Taiwan
Police Lieutenant, 2nd Squad of Special Protection, 6th Preservation Corps, National Police Agency (NPA), Taiwan

Labour Trafficking in South East Asian Countries:

A Comparative Study in Current Legal and Practices of
Vietnam, Malaysia, Indonesia, and Taiwan

Dr. Wen-Chih "Billy" Huang
Department of Border Police, Central Police University, Taiwan



亞洲國家防制人口販運體制 相異性與一致化之探析

中華警政研究學會副秘書長黃文志博士



Index

- PART ONE : General Information
UN Conventions & NGO rules
- PART TWO : Country variables
Domestic working environment & exploitation
- PART THREE : Discussions & Policy
Recommendations

第一章

聯合國公約和非政府組織（NGO）規則

第二章

亞洲四國：家事工勞動環境和反人口販運

第三章

討論和政策建議



PART ONE

GENERAL INFORMATION: UN CONVENTIONS & NGO RULES



第一章

聯合國公約和非政府組織（NGO）規則

3

Definition

(Human Trafficking-Labor exploitation)

**2000 UN Convention on Transnational Organized Crime
Protocol to Prevent, Suppress and Punish Trafficking in Persons,
Especially Women and Children, supplementing the United Nations
Convention against Transnational Organized Crime**

- (a) "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 labor or services, slavery or practices similar to slavery, servitude** or the removal of organs.

定義

(人口販運 - 勞力剝削)

2000 年的《聯合國打擊跨國有組織犯罪公約關於預防、禁止和懲治販運人口特別是婦女和兒童行為的補充議定書》

- (a)“人口販運”系指為剝削目的而通過暴力威脅或使用暴力手段，或通過其他形式的脅迫，通過誘拐、欺詐、欺騙、濫用權力或濫用脆弱境況，或通過授受酬金或利益取得對另一人有控制權的某人的同意等手段招募、運送、轉移、窩藏或接收人員。剝削應至少包括利用他人賣淫進行剝削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；

Definition

(Human Trafficking-Labor exploitation)

- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) **The recruitment, transportation, transfer, harbouring or receipt of a child** for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) **"Child" shall mean any person under eighteen years of age.**

定義

(人口販運 - 勞力剝削)

- (b) 如果已使用本條(a)項所述任何手段，則人口販運活動被害人對(a)項所述的預謀進行的剝削所表示的同意並不相干；
- (c) 為剝削目的而招募、運送、轉移、窩藏或接收兒童，即使並不涉及本條(a)項所述任何手段，也應視為“人口販運”；
- (d) “兒童”系指任何18歲以下者。

Definition

(Human Trafficking-Labor exploitation)

U.S. Department of State, Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report (2001)

For the purpose of this report, the term "trafficking" refers to actions that fall within this definition.

As an underground criminal activity, the scope of trafficking is difficult to measure accurately. In some countries, particularly transit countries, it is difficult to distinguish between alien smuggling and trafficking. The mere facilitation of illegal entry into a country is not considered trafficking, unless it meets the Act's definition, for example because it involves force, fraud, or coercion. Further difficulty in measuring the scope of the problem arises from the fact that many victims come from countries in which the authorities are a source of fear rather than of assistance, and **victims are often reluctant to seek help once they fall into the hands of traffickers. In some countries, the victims themselves are prosecuted and jailed for violating immigration or other laws.** Moreover, traffickers may threaten victims or their families.

定義

(人口販運 - 勞力剝削)

美國國務院「2000年人口販運及暴力行為被害人法案：販運人口報告」（2001年）

就本報告而言，「販運」行為的定義：

此種地下犯罪活動，範圍很難精準衡量。部分的國家，特別是轉運國，區分外國人『走私』和『販運』是非常困難的。如果只是非法進入一個國家，將不被視為販運，除非符合人口販運及暴力行為被害人法案的定義，例如，涉及強迫，欺詐或脅迫等。由於大多數的所來自國家對官府是畏懼而非可求助對象，使得這類問題更難以充分揭露。換句話說，落入販運者的手中的被害人，往往無從尋求幫助，使調查很難順利進行。

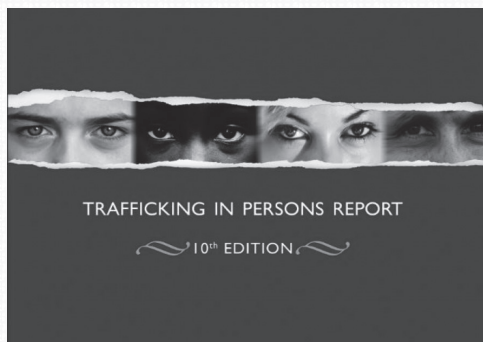
Definition (Human Trafficking-Labor exploitation)

The problem of trafficking in persons is not new--it is in many ways a modern-day form of slavery, which has persisted into the twenty-first century. Yet it is only in the past several years that the contemporary manifestation of this problem has captured international governmental attention, and that governments have begun to address it systematically. **It is telling that even some countries that are proactive and meet the Act's minimum standards for addressing trafficking still have a significant trafficking problem--**a reminder that the world has a long way to go to stop this horrific practice. Governments need strong individual and collective action to combat this phenomenon and to bring those responsible to justice. The immensity of the problem simply overwhelms the capabilities of some countries, and, **without collective action by other origin, transit and destination countries, the best intentions of a country may not suffice to meet the minimum standards.**

The Act defines "severe forms of trafficking in persons" as

(a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(b) **the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.**



定義 (人口販運 - 勞力剝削)

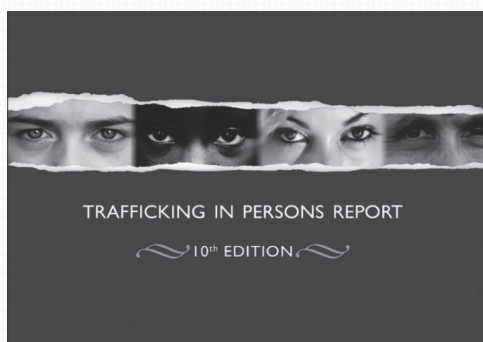
販運人口問題由來已久——

總體來說，它是一種現代形式的奴隸制，且一直持續到二十一世紀。然而，在過去幾年中，這一問題的擴大已經引起國際間的關注，各國政府也已開始解決這一問題。這也說明，即使是一些積極主動且遵循法律處理販運問題的國家，仍然面臨著嚴峻的考驗——如果要阻止這種現象，必須花費很多時間。各國政府需要能力極強的個人和團體行動來解決這個問題，並將之繩之以法。不過，這個問題的嚴重性已經超出了許多國家的能力範圍，如果缺少了其他國家的幫助，例如過境國和目的地國的協同行動，單憑一個國家可能沒有辦法達到有效控制。

該法將「嚴重的販運人口」定義為

(a) 性交易，此行為是透過暴力，欺詐或脅迫產生，且被誘導從事此行為的人年齡為18歲以下；

(b) 以暴力、欺詐、脅迫等方式來招募、藏匿、運送、收受勞役者，使其非自願地被奴役、債役等。



Definition

(Human Trafficking-Labor exploitation)

- Under U.S. Federal Law, victims of human trafficking include **“anyone forced into different forms of ‘labor or services,’** such as domestic workers held in a home or farm workers forced to labor against their will.”
- The TIP Report also notes that **human trafficking offenses can occur even in cases where the victim initially consented to the work** or participated in a crime as a result of being trafficked.
- There are many employment practices that are indicia of human trafficking, though not all victims suffer from the same list of abuses. The clearest indications of trafficking are those signs that **an individual is not able to control their own movement or work choices.** For example, victims often have little freedom to leave their work and/or living conditions as they choose. Other indicia include excessively long working hours, especially if not allowed breaks.

定義

(人口販運 - 勞力剝削)

- 根據美國聯邦法，人口販運的被害人包括「任何被迫從事不同形式的『勞動或服務』的人。其中包括被拘押在家中的家傭或被迫勞動的農場工人。」
- TIP報告還指出，即使被害人同意工作或因販運而犯罪的情況下，也可能成為人口販運被害人。
- 許多雇用方式都有人口販運的跡象，但不是所有被害人都遭受同樣的侵權或剝削行為。販運最明顯的跡象是被害人無法自由行動或選擇工作及工作內容。舉例來說，被害人通常無法自由選擇離開工作或生活居住條件，而且幾乎都有超時工作的現象，特別是未被給予休息的機會。

Definition

(Human Trafficking-Labor exploitation)

ILO's Forced Labour Convention, 1930

Article 2

1. For the purposes of this Convention **the term forced or compulsory labor shall mean 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.**
2. Nevertheless, for the purposes of this Convention, the term forced or compulsory labor **shall not include—**
 - (a) any work or service exacted in virtue of **compulsory military** service laws for work of a purely military character;
 - (b) any work or service which forms part of the normal **civic obligations** of the citizens of a fully self-governing country;

定義

(人口販運 - 勞力剝削)

1930年 國際勞工組織強迫勞動公約 第2條

1. 就本公約而言，「強迫或強制勞役」一詞是指在任何處罰或威脅下從任何人身上獲得的所有無條件的工作或服務，同時被害人不是自願提供勞動。
2. 就本公約而言，「強迫或強制勞役」一詞不包括—
 - (a) 軍事性質的工作且根據義務兵役法所作出的任何工作或服務；
 - (b) 工作內容為自治國家中正常的公民義務中的一部分或者相關的工作或服務；

Definition

(Human Trafficking-Labor exploitation)

- (c) any work or service exacted from any person as a consequence of a **conviction in a court of law**, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
- (d) any work or service exacted in **cases of emergency**, that is to say, in the event of **war or of a calamity** or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
- (e) **minor communal services of a kind** which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

定義

(人口販運 - 勞力剝削)

- (c) 被法院定罪而取得的非自願工作或服務。不過，前提是所述的工作或服務是在擁有較多權力者的監督和控制下進行，並且非僱用其為個人，公司或協會提供勞務或供其使用；
- (d) 在緊急情況下發生的任何工作或服務，即在發生戰爭或災難，如火災，洪水，飢荒，地震，暴動、流行病或動物流行病，動物入侵，昆蟲或蔬菜害蟲，以及一般會危害所有人或部分人口的存在或情況；
- (e) 由社區成員為社區的利益而進行的小型社區服務可被視為社區成員所承擔的正常公民義務。如果是該社區成員，社區或其代表有權諮詢並執行此類服務。

Rules

(For domestics workers)

The Convention on the Elimination of all Forms of Discrimination Against Women , CEDAW

The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- **to establish tribunals and other public institutions to ensure the effective protection of women against discrimination;** and
- to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

國際準則（適用於家事工）

「消除對婦女一切形式歧視公約」（CEDAW）

對婦女歧視定義為「.....以性別為基礎的任何區別，包誇排斥或限制，其目的是損害或取消對婦女的認可，不論其婚姻狀況如何，男女必須平等，在政治、經濟、社會、文化、人權和基本自由或任何其他領域上必須平等。」

通過接受「CEDAW公約」，各國將承諾採取一系列措施，其目的將消除各種形式對婦女的歧視，包括：

- 將男女平等的原則納入國家法律制度中、廢除所有帶歧視性法律、採取禁止歧視婦女的法律；
- **建立法庭和其他公共機構，以有效確保婦女免受歧視**
- 消除個人、組織或企業對婦女的一切歧視行為。



PART TWO

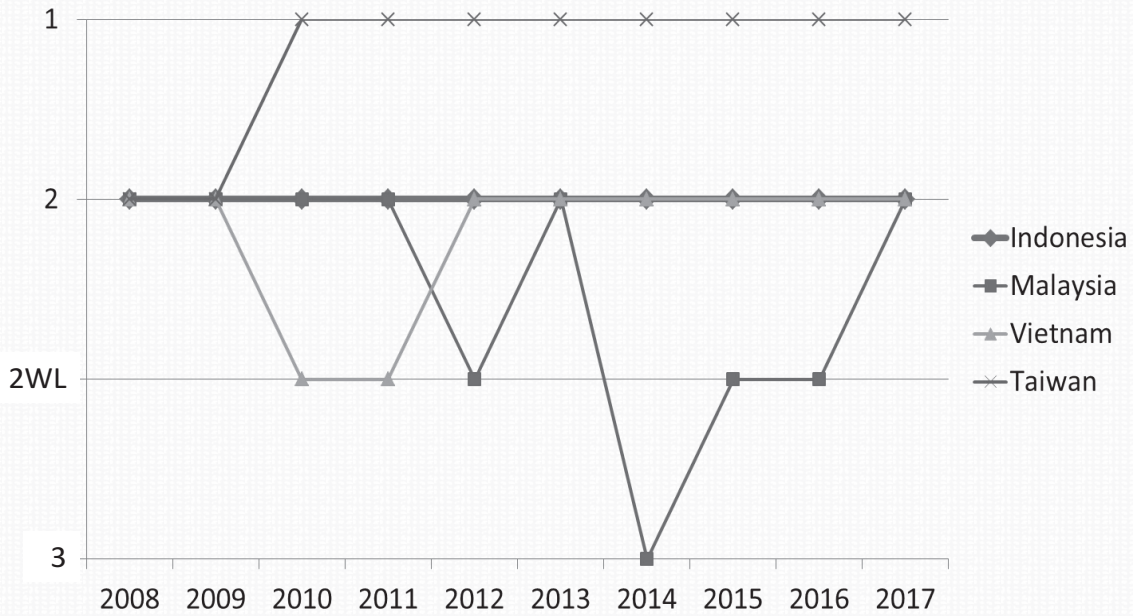
COUNTRY VARIABLES: DOMESTIC WORKING ENVIRONMENT & EXPLOITATION



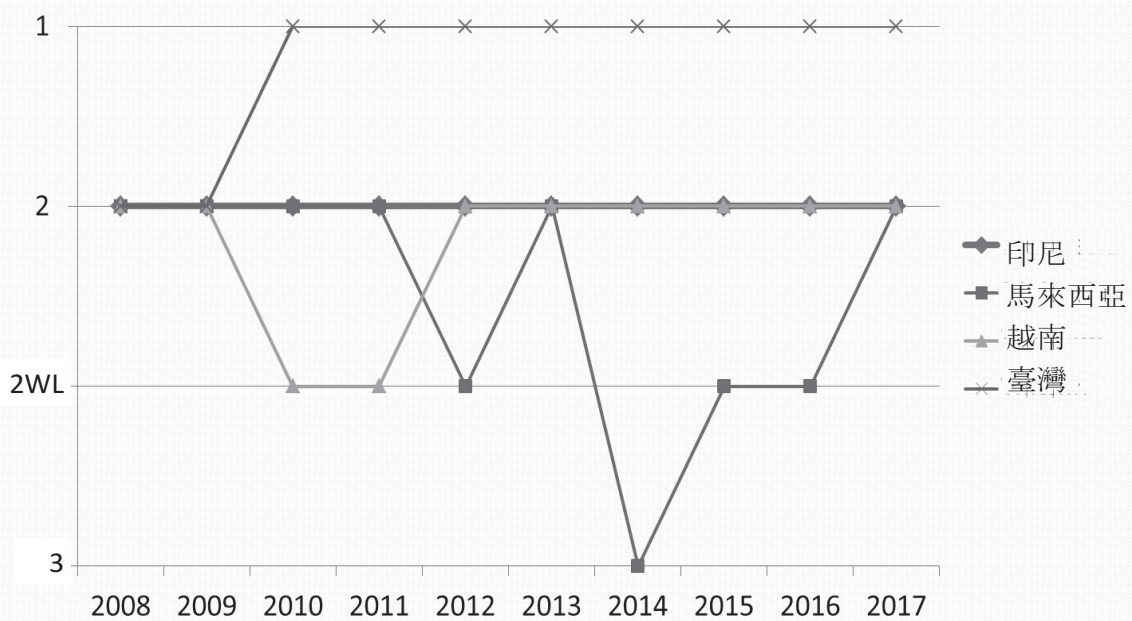
第二章

亞洲四國：家事工勞動環境和剝削

Tier Ranking of Four Countries within 10 years, TIP Reports, U.S. Department of State



2008-2017美國國務院TIP報告 亞洲四國評等一覽表



Slavery Index of Four Countries, Global Slavery Report

	Malaysia	Vietnam	Indonesia	Taiwan
ICCPR&ICESCR	Yes	Yes	Yes	No (After leaving UN)
CMW	Yes	Yes	Yes	No
Population	30,331,000	91,519,000	257,564,000	23,416,640
Estimate Number Living in Modern Slavery	128,800(0.425%)	139,300(0.152%)	736,100(0.29%)	53,600(0.228%)
Government Response Rating	CCC	B	B	CCC

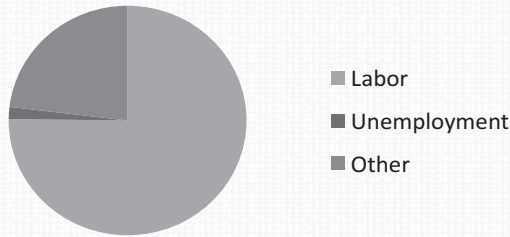
四國奴隸指標 (2017全球奴隸報告)

	馬來西亞	越南	印尼	臺灣
公民權利和政治權利國際公約 經濟、社會和文化權利國際公約	有	有	有	有 (已制定施行法)
移工委員會/聯合國人權高級專員辦事處	有	有	有	無
人口	30,331,000	91,519,000	257,564,000	23,416,640
現代奴役估計人數	128,800(0.425%)	139,300(0.152%)	736,100(0.29%)	53,600(0.228%)
政府回應評級	CCC	B	B	CCC

Vietnam

Demographic variables

- Population: **96,491,146** (2018 Jan)
- Labor population: **74,208,500**(76.9%)
- Unemployment rate: **2.2%** (1.7% of all population)



- GDP per capita: **\$1,770**



越南人口統計

- 人口：**96,491,146**（2018年1月統計）
- 勞動力人口：**74,208,500**（76.9%）
- 失業率：**2.2%**（佔所有人口的1.7%）



- 國內生產總值：**\$1,770 /人**



Vietnam

Working environment and exploitation

- Estimated citizens working in foreign countries: 4,000,000
- Minimum wage: 3,980,000 VND (US\$175.12) /month

In Vietnam, there are a number of key official forces engaged in anti-trafficking activities to varying degrees. These forces belong to different ministries, including the: *MPS; Ministry of National Defense (MND); Ministry of Labour, Invalids and Social Affairs (MOLISA); MIC; VWU; Supreme People's Prosecution; Supreme People's Court; Ministry of Foreign Affairs; Ministry of Justice; Ministry of Culture, Sports and Tourism; Ministry of Education and Training; Ministry of Planning and Investment; Ministry of Finance; Ministry of Health; State Bank of Vietnam; and the Committee for Population, and Family and Children.*

Agency responsibilities are specified in Vietnamese law and policies, **including the *Anti-trafficking Law 2011* and the *NPA*.** Based on government regulations. In particular, the *Anti-trafficking Law 2011* regulates the responsibilities of key agencies, such as the MPS, MND, MIC, and other ministries (VNA 2011: Articles 42–52). Agencies are required to cooperate with other governmental offices.

Year	Cases	Victims
2006	328	966
2007	369	938
2008	375	981
2009	395	869
2010	429	671
2011	458	821
2012	487	883
2013	507	982
2014	469	1031
2015	407	1000
total	4224	3142

越南

工作環境及剝削

- 在國外工作估計公民：400萬
- 最低工資：3,980,000越南盾（約175.12美元）/月

在越南，有一些重要的官方單位或多或少從事反人口販運行動。他們屬於不同部門，包括：公安部；國防部；勞動，殘疾人和社會事務部（MOLISA）；資訊傳播部（MIC）；越南婦女聯合會（VWU）；最高人民檢察署；最高人民法院；外交部；司法部；文化體育觀光部；教育和培訓部；規劃和投資部；財政部；衛生部；越南國家銀行；人口、家庭和兒童委員會。

越南法律和政策明確規定了各個機構的責任，包括2011年的「反人口販運法」和「國家行動綱領」。根據政府規定。特別是，2011年的「反人口販運法」，規定了各個機構的主要責任，特別是公安部、國防部、資訊傳播部（VNA 2011：第42-52條）必須與其他政府部門合作達成目標。

年份	案例	被害人
2006	328	966
2007	369	938
2008	375	981
2009	395	869
2010	429	671
2011	458	821
2012	487	883
2013	507	982
2014	469	1031
2015	407	1000
total	4224	3142

Vietnam

Working environment and exploitation

- Legal Definition of Labor Trafficking

The Vietnamese Government has paid attention to the issue of trafficking since 1985 when **the Penal Code 1985 first codifies the offence of trafficking in women and children**. Within the provisions of the *Penal Code 1985, Articles 115 and 149* respectively provide for the offences of **“Trading in women” and “Kidnapping, trading or exchanging fraudulently of children”** without defining the term “trafficking”.

Moreover, trafficking in persons was not fully understood at the time, although it received attention as a critical issue (Hoang 2013: 184). **The Penal Code 1985 was then replaced by the Penal Code 1999 which is also the main law criminalizing acts of trafficking in Vietnam.**

- Labor trafficking Condition

In Vietnam the statistics indicate that **human trafficking is now an established practice**(Duong 2014; Hoang 2013). The number of trafficking cases and victims has increased recently with **4,224 cases and 9,142 victims identified in the last decade**. People are subjected to forced labor and are trafficked for sexual exploitation. **Many children are the victims of forced and bonded labor, including begging, domestic services, working in factories in big cities, or in brick kilns and gold mines**. Babies are also trafficked for internal adoption (Duong 2014; Hoang 2013; USDOS 2015). Although official reports do not provide data for internal trafficking, trafficking within Vietnam is also recognized as a serious problem (Duong 2014; Hoang 2013).

越南

工作環境及剝削

- 勞力剝削人口販運法律上的定義

自1985年「刑法」首次納入販賣婦女和兒童有罪以來，越南政府一直關注販運問題。根據1985年刑法，第115條和第149條分別規定「販賣婦女」和「綁架，交易或以欺詐手段販運兒童」的罪行，但依然沒有明確解釋「販運」一詞。

儘管販運人口已經受到許多關注，但當時對此並未有充分的了解。

1985年的「刑法典」也在1999年被新的「刑法」取代，後者也明確將越南販運行為定義為有罪。

- 勞力剝削人口販運狀態

在越南，統計數據顯示人口販運現已非常普及。最近，販運案件和被害人的數量有明顯增加的趨勢，在過去十年中發現了4,224起案件和9,142名被害人。許多人因為人口販運遭受性剝削。在強迫勞動和債務拘束的被害人中，有許多是兒童，其中包括乞討、家事服務、在大城市的工廠工作、在磚窯和金礦中工作等。除了兒童，嬰兒也被販運以供境內收養。雖然官方報告沒有提供境內人口販運的資料，但人口販運在越南已被視為非常嚴重的問題。

Vietnam Anti-Trafficking Strategies: Prevention

2013	<p>1. A key change in the identification procedures under the trafficking in persons law is the expansion in the number of government agencies authorized to verify the status of a trafficking victim.</p> <p>2. With assistance and cooperation from international organizations, governments, NGOs, and foreign donors, the government increased efforts to prevent trafficking in persons.</p>
2014	<p>1. During the year, the government suppressed the release of a report of an international organization's research, which assesses the scope of labor trafficking in the country and of Vietnamese citizens abroad.</p> <p>2. The government conducted a media campaign against prostitution, targeting potential consumers of commercial sex acts. It did not make efforts to reduce the demand for forced labor.</p>
2015	<p>1. In 2014, officials supported anti-trafficking awareness campaigns by partnering with national and local media outlets to conduct radio and television stories and publish news articles on trafficking.</p> <p>2. Throughout the reporting period, the government led raids at brothel and unscrupulous massage parlors, and it administered fines and suspended the licenses of some companies that used forced labor.</p>
2016	<p>1. In 2015, officials supported anti-trafficking awareness campaigns by partnering with national and local media outlets to conduct radio and television stories, publish news articles, and disseminate fliers on trafficking.</p> <p>2. During the year, Vietnam entered into memoranda of understanding with 11 primary destination countries and updated its agreement with Malaysia to ban the practice of employers retaining employees' passports</p>
2017	<p>1. The government issued guidelines to relevant ministries and provincial authorities on the 2016-2020 national anti-trafficking action plan to address forced labor, improve victim services, and implement the revised anti-trafficking penal code.</p> <p>2. The government conducted workshops and hosted community dialogues on vulnerabilities to labor trafficking, targeting areas with a high prevalence of agricultural labor, construction, and foreign contract labor recruitment—especially of women.</p>

越南 防制人口販運策略：預防

2013	<p>1. 有權鑑別人口販運被害人身分的政府機構增加，是「人口販運法」的鑑別程序所產生的關鍵性改變。</p> <p>2. 在國際組織、政府、非政府組織和外國捐助者的協助與合作下，政府更加努力防止人口販運。</p>
2014	<p>1. 在這一年中，政府拒絕發布一份國際組織研究報告。該報告評估了越南國內及境外的越南公民被勞力剝削人口販運的規模。</p> <p>2. 政府展開了一場反對賣淫的媒體宣傳活動，主要針對性交易的消費者。不過它沒有減少越南對強迫勞動的需求做任何努力。</p>
2015	<p>1. 在2014年，官員通過與國家和地方媒體合作開發廣播和電視節目及發布有關販運的新聞文章，支持反販運宣傳活動。</p> <p>2. 在報告所述期間，政府發動對妓院和按摩院的突擊，並對部分使用強迫勞動的公司進行罰款和吊銷執照。</p>
2016	<p>1. 在2015年，官員通過與國家和地方媒體合作開展廣播和電視節目，發布新聞報導及發送與販運相關的傳單，支持反販運宣導活動。</p> <p>2. 在這一年中，越南與11個主要販運目的地國簽訂備忘錄，並更新與馬來西亞的協議，禁止雇主扣留勞工護照的做法。</p>
2017	<p>1. 政府向相關部會及地區當局發布了關於2016 - 2020年國家反販運行動計劃的指導方針，以鋪陳強迫勞動，改善被害人服務，並實施經修訂的反販運刑法。</p> <p>2. 政府舉辦了許多研討會，針對販運議題，例如農業、建築勞役和外國勞工招募率高的地區—尤其是婦女族群，針對脆弱處境舉辦了社區對話。</p>

Vietnam Anti-Trafficking Strategies: Prosecution

2013	<p>1.The expanded definition of trafficking in persons in the new law was not applied during the reporting period because the government has not yet issued necessary guidance to law enforcement personnel.</p> <p>2.Although workers have the legal right to take cases to court, in practice few have the resources to do so, and there is no known record of a Vietnamese labor trafficking victim successfully achieving compensation in court.</p>
2014	<p>1.The Government of Vietnam sustained law enforcement efforts to combat the transnational sex trafficking of Vietnamese women and girls but made minimal progress in prosecuting labor trafficking offenses.</p> <p>2.Contract disputes between Vietnamese workers and their Vietnam-based labor recruitment companies or companies overseas.</p>
2015	<p>1.In 2014, the government launched a nationwide computer database to track trafficking cases; however, inconsistencies in data collected on anti-trafficking law enforcement and victim identification data persisted.</p> <p>2.Although the 2012 anti-trafficking amendments provide a criminal law basis to prosecute these crimes, officials primarily pursued labor trafficking cases as administrative violations under the country's labor laws, which do not provide criminal penalties.</p>
2016	<p>1.Labor trafficking provisions in the 2012 anti-trafficking law have not been applied in prosecutions due to a lack of awareness.</p> <p>2.In November 2015, the National Assembly passed a new penal code included articles 150- 151 on human trafficking, which amended articles 119 and 120 of the anti-trafficking law by describing most of the acts, means, and purposes of trafficking included in the international definition .</p>
2017	<p>1.The 2012 anti-trafficking law expanded articles 119 and 120 of the penal code to define and criminalize sex and labor trafficking; however, these laws do not prohibit all forms of trafficking, and no one has ever been prosecuted under the labor trafficking provisions of the 2012 anti-trafficking law.</p> <p>2.Starting in 2014, the government maintained a nationwide computer database to track trafficking cases; however, disparate government bodies continued to report discrepant, overlapping, or incomplete data on anti-trafficking law enforcement and victim identification.</p>

越南 防制人口販運策略：查緝起訴

2013	<p>1. 在本報告所述期間，由於越南政府尚未向執法人員發布必要的指導準則。人口販運新法中新增的人口販運定義無法適用。</p> <p>2. 儘管工人有權將案件告上法庭，但實際擁有資源的人非常少，且目前完全沒有已知的被害人在法庭上獲得賠償的記錄。</p>
2014	<p>1. 越南政府繼續執法，打擊跨國販運越南婦女和女孩的販運人，不過在勞力剝削人口販運罪刑被起訴者甚微。</p> <p>2. 越南工人與其在越南的勞務招聘公司或海外公司之間的合約糾紛。</p>
2015	<p>1. 2014年，政府啟動了一個全國性數據庫來跟蹤販運案件，但存在著販運防制執法和被害人鑑別數據不一致的問題。</p> <p>2. 儘管2012年的反人口販運法得以起訴了這些罪行並提供刑法依據，但官員將勞力剝削販運人口案件歸類為違反國家勞動法的行政違規行為，該等法規沒有刑事罰則。</p>
2016	<p>1. 由於缺乏認知，2012年反人口販運法中的勞力剝削販運條款未適用於起訴。</p> <p>2. 在2015年11月，人民代表大會通過了一項新的刑法，其中包括有關人口販運的第150-151條，其中描述國際定義中之販運人口多數的行為、手段、目的，修訂反販運法第119條和第120條。</p>
2017	<p>1. 在2012年反販運法擴充了刑法第119條和第120條得定義，將性剝削和勞力剝削人口販運均定義為刑事犯罪；但是，這些法律並未禁止一切形式的販運，也沒有人因為違反2012年反販運法的勞力剝削規定而受到起訴。</p> <p>2. 從2014年起，政府啟動了一個全國性數據庫來追蹤販運案件，但是不同政府部門間對於執法及鑑別數據的不一致、重疊或不完整現象仍然存在。</p>

Vietnam Anti-Trafficking Strategies: Protection

2013	<p>1. Two decrees drafted to guide the implementation of the trafficking in persons law concerning victim protection were completed and issued during the reporting year.</p> <p>2. The government's Vietnamese Women's Union, in partnership with NGOs and with foreign donor funding, continued to operate three trafficking shelters in Vietnam's largest urban areas.</p>
2014	<p>1. The Vietnamese government continued efforts to protect victims subjected to transnational sex trafficking, but efforts to identify, and provide protection to, labor trafficking victims or domestic victims remained inadequate.</p> <p>2. Vietnamese diplomatic personnel lacked sufficient training and oversight to address instances of trafficking.</p>
2015	<p>1. Victim identification and referral mechanisms remained weak throughout the country. The government had a formal procedure for victim identification, but it did not proactively employ it to identify victims among vulnerable groups.</p> <p>2. Protection services varied by location but generally included legal aid, counseling, shelter, vocational training, healthcare, and financial allowance.</p>
2016	<p>1. In 2015, authorities identified 1,000 potential trafficking victims—but did not report how many were subjected to sex or labor trafficking, how many were adults or children, or how many were exploited in Vietnam or abroad.</p> <p>2. It also did not systematically refer victims to protective services due to inadequacies in its formal referral process, including some border guards' unfamiliarity with trafficking crimes and a lack of interjurisdictional cooperation, in addition to the large number of victims who self-identified, were returned via unofficial border crossings, or lacked identification documentation.</p>
2017	<p>1. The government adopted common victim identification criteria as part of the Coordinated Mekong Ministerial Initiative against Human Trafficking and maintained its own formal procedure for victim identification.</p> <p>2. The government did not systematically refer victims to protective services due to inadequacies in its formal referral process, including some border guards' unfamiliarity with trafficking crimes, a lack of interjurisdictional cooperation, and incomplete data collection processes.</p>

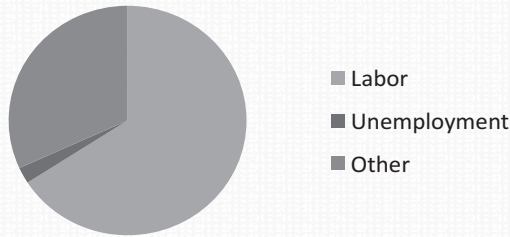
越南 防制人口販運策略：保護

2013	<p>1. 在報告年度內發布了兩項旨在實施保護販運人口被害人的法令。</p> <p>2. 越南婦女聯盟與非政府組織合作，與外國捐助經費持續在越南最大的城市運作三個庇護所。</p>
2014	<p>1. 越南政府努力保護跨國性剝削人口販運的被害人，但為勞力剝削販運或國內被害人提供的保護仍然不足。</p> <p>2. 越南外交人員缺乏足夠的培訓和監督來處理販運事件。</p>
2015	<p>1. 全國各地的受害人鑑別和轉介機制非常薄弱。雖然政府有一個正式的被害人鑑別程序，但沒有積極使用它來鑑別弱勢群體中的被害人。</p> <p>2. 保護措施及服務因地而異，但通常包括法律援助、諮詢、庇護所、職業培訓、醫療保健和財政津貼等。</p>
2016	<p>1. 在2015年，當局鑑別了1,000名疑似販運被害人，但尚未報告有多少人遭受過性剝削或勞力剝削、有多少成人或兒童、有多少人在越南或國外受到剝削。</p> <p>2. 基於正式轉介過程中存在不足之處，例如，一些邊防人員對販運罪行非常不熟悉且缺乏管轄權合作，無法有系統地將被害人轉介到保護服務部門，同時也有許多被害人自我表示身分，是通過非官方過境點返回越南，缺乏身份證明文件。</p>
2017	<p>1. 政府採用了共同的被害人鑑別標準作為湄公河打擊人口販運協調倡議的一部分，同時也保留了他們自己的鑑別被害人身份的程序。</p> <p>2. 由於正規轉介程序的不足，政府沒有辦法順利地提供被害人保護，也因邊防人員對販運犯罪不熟悉，缺乏跨管轄區域合作及數據收集，造成過程不完整。</p>

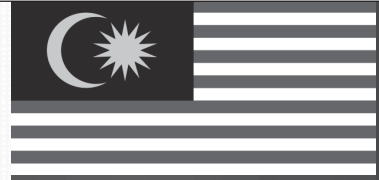
Malaysia

Demographic variables

- Population: **32,042,458** (2018 Jan)
- Labor population: **21,853,000**(68.2%)
- Unemployment rate: **3.4%** (2.3% of all population)

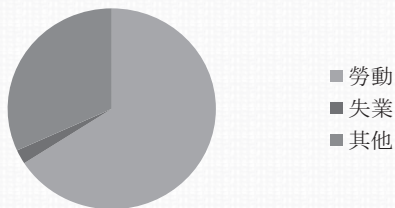


- GDP per capita: **\$11,028**

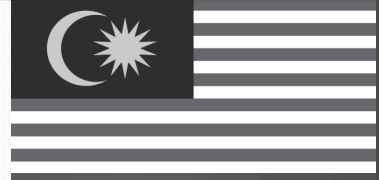


馬來西亞人口統計

- 人口：**32,042,458** (2018年1月統計)
- 勞動力人口：**21,853,000** (68.2%)
- 失業率：**3.4%** (佔總人口的2.3%)



- 國內生產總值：**\$11,028 /人**



Malaysia

Working environment and exploitation

- Estimated citizens working in foreign countries: 3.9million
- Minimum wage: 1000 MYR (US\$248.04) /month
- **In 2007 Malaysia enacted its first legislation specifically banning human trafficking, with its Anti-Trafficking in Persons Act, and seemed to indicate that the government was prepared to tackle this issue in earnest. The act “clearly states that servitude, long working hours and debt bondage are all elements of labor trafficking.”**

馬來西亞 工作環境及剝削

- 估計在外國工作的公民：390萬人
- 最低工資：每月1000馬幣（248.04美元）
- **2007年，馬來西亞通過了第一個專門懲治人口販運法律--「打擊人口販運法」，代表政府已準備認真面對這個問題。**
- 該法案明確指出，奴役、超時工作和債務約束都是勞力剝削的一部分。

Malaysia

Working environment and exploitation

- Legal Definition of Labor Trafficking
The Anti-Trafficking in Persons Act was amended in November 2010. The amendments broadened the country's definition of trafficking to include **“all actions involved in acquiring or maintaining the labor or services of a person through coercion.”** The anti-trafficking law would provide comprehensive means by which to combat trafficking; however, **it is not being sufficiently utilized, especially in prosecuting cases of forced labor.**

- Labor trafficking Condition
Excessive Workload
Exploitative Practices
Psychological, Physical, and Sexual Abuse

馬來西亞 工作環境和剝削

勞力剝削人口販運的法律定義

2010年11月修訂了「打擊人口販運法」。這些修正案擴大了該國對販運的定義，包括「以脅迫獲取個人勞動、服務的所有行為。」反販運法將提供全面打擊販運的手段；但是，並未充分利用法律手段起訴強迫勞動案件。

勞力剝削販運狀況

工作過量
剝削
心理、身體、性虐待

Malaysia Anti-Trafficking Strategies: Prevention

2013	<p>1.The government's denial to a number of NGOs of regular access to its victim facilities hindered effective government-civil society collaboration to combat trafficking.</p> <p>2.Existing agreements with Indonesia and the Philippines reportedly provide some protections for domestic workers from these countries.</p>
2014	<p>1.The Ministry of Health joined MAPO in 2013 and began providing health screenings to foreign victims in shelters. MAPO continued to meet monthly to coordinate the government's anti-trafficking response.</p> <p>2.The government reported producing 6,078 public service radio announcements and 6,032 public service television announcements to raise awareness of human trafficking during the reporting period—a significant increase from public service efforts during the previous year.</p>
2015	<p>1.MAPO leadership was active in coordinating anti-trafficking efforts, but lacked adequate budget support.</p> <p>2.Malaysian and Indonesian officials announced the creation of an "official channel" for domestic worker recruitment, which aims to expedite recruitment and minimize the number of migrants who seek work illegally.</p>
2016	<p>1.The government signed memoranda of understanding with the governments of Sri Lanka, Vietnam, Thailand, China, Pakistan, Bangladesh, India, Cambodia, and Indonesia to improve regulation of foreign worker contracts and rights.</p> <p>2.Employment law continued to exclude domestic workers from a number of protections, including the country's minimum wage.</p>
2017	<p>1.The deputy prime minister approved an updated national action plan spanning 2016-2020, which outlined the government's objectives to combat trafficking by strengthening laws, improving cooperation and investigation skills among law enforcement agencies, raising public awareness, and increasing partnerships with NGOs on victim protection.</p> <p>2.The government did not demonstrate efforts to reduce demand for commercial sex. The government provided anti-trafficking training for its diplomatic personnel and its troops prior to their deployment abroad on international peacekeeping missions.</p>

馬來西亞 防制人口販運策略：預防

2013	<p>1.政府阻絕了部分被害人與非政府組織的溝通管道，阻礙了政府與民間有效的合作，以打擊販運活動。</p> <p>2.據報導，當局與印尼和菲律賓簽署了協議以保護本國勞工。</p>
2014	<p>1.衛生部於2013年加入MAPO，開始為收容所中的外國被害人提供健康檢查。MAPO每個月定期舉行會議，以協助政府的反販運行動。</p> <p>2.政府在報告中提出上一年度，在公共服務電台和電視製作了6,078份政令宣導，以提高國內居民對人口販運的認識。</p>
2015	<p>1.MAPO領導高層積極提倡打擊販運活動，但目前缺乏足夠的預算支持。</p> <p>2.馬來西亞和印尼官員宣佈，將為家庭幫傭招募建立一個「官方渠道」，加快招聘並儘量減少非法尋找工作的移民人數。</p>
2016	<p>1.政府與斯里蘭卡、越南、泰國、中國、巴基斯坦、孟加拉國、印度、柬埔寨、印尼政府簽署了瞭解備忘錄，以改善對外國工人合約和權利的監管。</p> <p>2.就業法將當地工人排除在部分法律保護範圍之外，其中包括該國的最低工資。</p>
2017	<p>1.副總理批准了2016 - 2020年更新的國家行動計劃，該計劃通過加強法律，改善與執法機構間的合作和調查技能，提高公眾意識及與非政府組織的關係，概述了政府的目標，並保護被害人。</p> <p>2.政府沒有展現出減少性交易需求的努力。政府在國際任務部署之前，為外交人員及其部隊提供反販運培訓。</p>

Malaysia Anti-Trafficking Strategies: Prosecution

2013	<p>1. Increasing efforts to investigate and prosecute trafficking offenders, notably in the area of labor trafficking, though convictions of sex trafficking offenders decreased.</p> <p>2. Malaysian law prohibits all forms of human trafficking through its 2008 Anti-Trafficking in Persons Act, which prescribes penalties that are commensurate with those prescribed for other serious offenses.</p>
2014	<p>1. The government did not provide data as to whether these were sex or labor trafficking victims. More than half of the victims were Indonesian nationals.</p> <p>2. Malaysia's anti-trafficking law provides victims immunity from criminal prosecutions for some crimes as a result of being trafficked; however, victims whose cases did not result in a prosecution generally were not granted a protection order and were transferred to immigration detention facilities for deportation.</p>
2015	<p>1. NGOs reported officials often failed to investigate complaints of passport confiscation or withholding of wages, thereby failing to recognize trafficking indicators and instead responding to those who complained by taking action against them for immigration violations.</p> <p>2. The Royal Malaysia Police operated a specialized anti-trafficking unit, and the immigration and labor departments had specialized trafficking enforcement agents.</p>
2016	<p>1. The government demonstrated uneven anti-trafficking law enforcement efforts. These efforts resulted in a decreased number of investigations and prosecutions, but an increase in convictions from 3 to 7.</p> <p>2. The government facilitated 10 national briefing sessions at state levels to inform relevant agencies on critical aspects of the 2015 amendments to the anti-trafficking law.</p>
2017	<p>1. Complicity among law enforcement officials, in the form of accepting bribes to allow undocumented border crossings, hampered some anti-trafficking efforts</p> <p>2. The government detained 42 immigration and police officers for their involvement in facilitating smuggling and trafficking crimes; authorities prosecuted five of these officers and the cases remained ongoing at the end of the reporting period.</p>

馬來西亞 防制人口販運策略：查緝起訴

2013	<p>1. 儘管性販運罪犯的定罪減少了，在販運人口方面依然要加強調查和起訴販運罪犯。</p> <p>2. 馬來西亞法律通過2008年「打擊人口販運法」禁止一切形式的人口販運，該法提出了與其他嚴重犯罪規定相稱的處罰。</p>
2014	<p>1. 政府沒有提供關於性販運還是勞工販運受害人的數據，不過超過一半的被害人是印尼國民。</p> <p>2. 馬來西亞的反人口販運法讓被害人免於刑事訴訟的豁免權，但起訴的被害人沒有獲得保護令，反而是被轉移到移民拘留設施以便驅逐出境。</p>
2015	<p>1. 非政府組織報告，官員經常沒有調查關於沒收護照或扣留工資相關的投訴，因此疏於確認可能的販運指標，反而是針對那些抱怨的人採取違反移民法的調查行動。</p> <p>2. 馬來西亞皇家警察署有負責反人口販運的單位，移民和勞工部門也有專責的人口販運執法人員。</p>
2016	<p>1. 政府未表現出平均的人口販運執法努力，導致調查和起訴案件的數量減少，但定罪人數也從3人增加到7人。</p> <p>2. 政府舉辦了10次全國會議，向有關機構報告2015年反販運法修正案的重點。</p>
2017	<p>1. 執法人員接受賄賂、允許無證過境，妨礙了反人口販運的調查行動。</p> <p>2. 政府因此拘留了42名移民和警察，他們參與了走私和販運等犯罪行為；其中5名官員也已被起訴，在本報告所述期間、案件仍在進行中。</p>

Malaysia Anti-Trafficking Strategies: Protection

2013	<p>1. Modest improvements made in the previous year were not equaled this year and overall victim protection efforts continued to negatively affect victims.</p> <p>2. Despite the availability of NGO resources to serve trafficking victims, the government only occasionally referred victims to NGO shelters for temporary assistance.</p>
2014	<p>1. The government did not provide data as to whether these were sex or labor trafficking victims. More than half of the victims were Indonesian nationals.</p> <p>2. Malaysia's anti-trafficking law provides victims immunity from criminal prosecutions for some crimes as a result of being trafficked; however, victims whose cases did not result in a prosecution generally were not granted a protection order and were transferred to immigration detention facilities for deportation.</p>
2015	<p>1. The majority of the victims were Indonesian nationals, followed by Vietnamese and Filipino citizens. The number of victims subjected to sex or labor trafficking was unclear.</p> <p>2. NGOs and government officials report labor trafficking was far more common than sex trafficking in Malaysia. The government reported law enforcement agencies followed standardized procedures to identify trafficking victims.</p>
2016	<p>1. Parliament passed amendments which allowed victims to work and to move freely in and out of government facilities.</p> <p>2. Officials initiated labor trafficking investigations after labor inspections and workers' reports of non-payment of wages.</p>
2017	<p>1. Because not all victims of trafficking were granted freedom of movement and the ability to work while their investigations were pending, the government reported law enforcement agencies followed standardized procedures to identify trafficking victims.</p> <p>2. The attorney general approved and the deputy prime minister enforced implementing regulations for the amendments to the anti-trafficking law.</p>

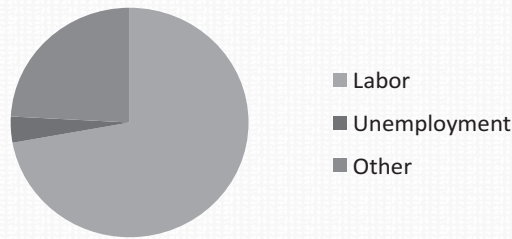
馬來西亞 防制人口販運策略：保護

2013	<p>1. 前一年執行的成效與今年不同，但在總體上被害人保護工作對被害人產生了許多負面影響。</p> <p>2. 儘管有非政府組織為販運活動被害人提供服務，但政府卻不常將被害人轉介到非政府組織的庇護所。</p>
2014	<p>1. 政府沒有明確說明從事性販運或勞動販運被害人的數據，不過可以確定近一半的被害人是印尼公民。</p> <p>2. 馬來西亞的人口販運法讓被害人有免於刑事訴訟的豁免權，但起訴的被害人一般沒有獲得保護令，而是被轉移到移民拘留設施以便驅逐出境。</p>
2015	<p>1. 大多數被害人是印尼國民，其次則是越南和菲律賓國民。不過受性販運或販賣人口的被害人數還未經過調查。</p> <p>2. 非政府組織和政府官員的報告內容主要說明馬來西亞的勞動販運比性販運更為常見。而政府也回應，執法機構將以標準化程序來辨別被害人。</p>
2016	<p>1. 國會通過了許多修正案，允許被害人能正常工作且自由進出政府設施。</p> <p>2. 官員在勞動檢查後得知未支付工人工資等報告後，開始啟動勞動販運調查。</p>
2017	<p>1. 由於並非所有被害人都有在調查未結束前獲得工作的能力，執法機構將遵循政府標準化程序來識別販運被害人。</p> <p>2. 反販運法修正案的實施條例已獲得律政司批准，馬來西亞副總理也強調將強制執行此條例。</p>

Indonesia

Demographic variables

- Population: **266,794,980** (2018 Jan)
- Labor population: **184,088,500**(69%)
- Unemployment rate: **5.1%** (3.5% of all population)

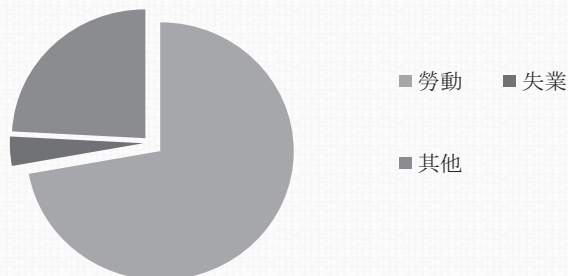


- GDP per capita: **\$3,974**

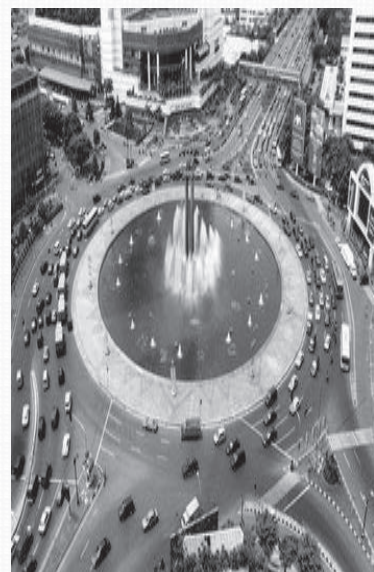


印尼人口統計

- 人口：**266,794,980**（1月2018）
- 勞動力人口：**184,088,500**（69%）
- 失業率：**5.1%**（佔所有人口的3.5%）



- 國內生產總值：**\$3,974/人**



Indonesia

Working environment and exploitation

- Estimated citizens working in foreign countries: **4.5 million**
- Minimum wage: 3,600,000 IDR (US\$252) /month

The formulation of *LAW OF THE REPUBLIC OF INDONESIA* constitutes a manifestation of Indonesia's commitment to observe the UN protocol of 2000 on the Prevention, Suppress and Punishment of Trafficking in Persons, especially Women and Children (the Palermo Protocol), to which Indonesia is a signatory.

印尼 工作環境和剝削

- 估計在外國工作的公民：450萬
- 最低工資：3,600,000 IDR（252美元）/月

「印尼共和國法」的製定，代表印尼政府承諾遵守2000《聯合國打擊跨國有組織犯罪公約關於預防、禁止和懲治販運人口特別是婦女和兒童行為的補充議定書》（巴勒莫議定書）。

Indonesia

Working environment and exploitation

- Legal Definition of Labor Trafficking

Trafficking in Persons shall mean the recruitment, transportation, harboring, sending, transfer, or receipt of a person by means of threat or use of force, abduction, incarceration, fraud, deception, the abuse of power or a position of vulnerability, debt bondage or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, whether committed within the country or cross-border, for the purpose of exploitation or which causes the exploitation of a person

- Labor trafficking Condition

Indonesia is a source, transit, and destination country for women, children, and men trafficked for the purposes of commercial sexual exploitation and forced labor. The greatest threat of trafficking facing Indonesian men and women is that posed by conditions of forced labor and debt bondage in more developed Asian countries and the Middle East.

印尼 工作環境和剝削

勞力剝削人口販運的法律定義

- 人口販運被定義為通過威脅、暴力或任何形式的脅迫手段招募、運送、轉移、藏匿或收受人員。或者以剝削為目的在國內或跨境境內對另一個人擁有完全的控制權，並以此給予或接受付款或者利益。

勞力剝削人口販運狀況

印尼是以商業性剝削和強迫勞動為目的，對婦女、兒童、男子的販運來源國：轉運國及目的地之一。印尼的男女現正面臨的最大人口販運威脅，主要是來自於亞洲部份較發達的國家以及中東大部分國家對於強迫勞動和債務約束情形。

Indonesia Anti-Trafficking Strategies: Prevention

2013	<p>1.The national taskforce met quarterly in 2012 with 21 ministries, departments, and agencies represented; the national anti-trafficking taskforce does not have a budget and is funded by the participating ministries and departments.</p> <p>2.The government also added 17 civil service inspectors within the Agency for the Placement and Protection of Overseas Workers to investigate trafficking cases.</p>
2014	<p>1.The Indonesian government made some progress in preventing human trafficking, particularly through issuing additional guidelines for the oversight of labor migrants and the registered recruiters and licensed recruiting agencies sending them abroad.</p> <p>2.A number of provinces signed inter-provincial agreements that included guidelines for cooperating in the provision of care to trafficking victims located outside their home provinces.</p>
2015	<p>1.The national anti-trafficking taskforce did not have a budget and was funded by participating ministries. The government and international organizations co-hosted two anti-trafficking awareness raising events for officials and law enforcement personnel.</p> <p>2.The government continued efforts to monitor outbound Indonesian workers and protect them from fraudulent recruitment and human trafficking through improving data collection.</p>
2016	<p>1. The government made minimal efforts to prevent trafficking. Most prevention efforts occurred at the district and provincial levels; funding for and activities undertaken by the taskforces varied greatly across regions.</p> <p>2.The national anti-trafficking taskforce, housed within the Ministry of Women's Empowerment and Child Protection , met several times during the reporting period and adopted a 2015-2019 national action plan to combat trafficking,</p>
2017	<p>1. Insufficient funding and lack of coordination within and between local taskforces and with the national taskforce at times impeded anti-trafficking efforts.</p> <p>2.The government also engaged in income-generating, awareness-raising, and capacity building activities targeted to communities at higher risk of trafficking.</p>

印尼 防制人口販運策略：預防

2013	<p>1. 2012年全國反人口販運專案組每三個月舉行一次會議，共有21個部會和機構參加，而專案組沒有編列預算，均由參與的部會資助。</p> <p>2. 政府在海外工人安置和保護機構內增設了17名公務、檢查員，以方便調查販運案件。</p>
2014	<p>1. 印尼政府在防止人口販運方面取得了一定的進展，尤其是通過頒布額外的監督勞務移民的指導方針、向海外登記招聘人員及有執照的機構。</p> <p>2. 一些省份簽署了省際協議，其中包括為在印尼以外國家的販運被害人提供護理的提案。</p>
2015	<p>1. 因為參與國家工作隊於2012年度舉行會議的部會將負責資助國家反販活動，國家工作隊沒有設定預算。政府和國際組織也共同舉辦了兩次針對當地官員和執法人員的反販運宣傳活動。</p> <p>2. 政府繼續努力監測境外的印尼工人，並嘗試保護他們免受欺詐招募和人口販運。</p>
2016	<p>1. 政府盡最大努力防止販運。大多數預防工作只有在地區和省級中執行；各工作隊的資金和活動也因不同地區而異。</p> <p>2. 在本報告所述期間，設立在婦女賦權和兒童保護部內的國家反販運問題工作隊也已經舉行了幾次會議，並通過了2015到2019年打擊販運的國家行動計劃。</p>
2017	<p>1. 地方工作隊內部與國家工作隊之間缺乏資金和協調，也因此阻礙了反販運活動。</p> <p>2. 政府也參與這次針對販運風險較高的社區的基金招募，提高大家對於人口販運的意識等。</p>

Indonesia Anti-Trafficking Strategies: Prosecution

2013	<p>1.The Indonesian government's anti-trafficking law enforcement efforts diminished in effectiveness during the reporting period.</p> <p>2.NGOs and government officials reported that endemic corruption among members of Indonesian security forces and government officials remained an impediment to increased effectiveness in anti-trafficking law enforcement efforts.</p>
2014	<p>1.The common practice of extrajudicial mediation hampered successful prosecutions, as victims whose families received out-of-court settlements from traffickers were usually unwilling to participate in official law enforcement proceedings.</p> <p>2.The number of new referrals accepted for prosecution is unknown, but a lack of familiarity with the provisions of the anti-trafficking law at times led prosecutors and judges to decline cases or use other, more familiar laws to prosecute traffickers.</p>
2015	<p>1.The government continued to lack a system for comprehensive reporting on anti-trafficking law enforcement data, resulting in inaccuracies and inconsistencies across systems.</p> <p>2.The Indonesian National Police opened 305 trafficking investigations, but more than 200 were closed with no further prosecutorial action.</p>
2016	<p>1.Officials reported ineffective coordination among police, prosecutors, and judges hindered the government's ability to investigate, prosecute, and convict traffickers, especially when cases involved numerous jurisdictions, including other countries.</p> <p>2.Extrajudicial mediation impeded successful prosecutions, as victims whose families received settlements from traffickers were usually unwilling to participate in official law enforcement proceedings.</p>
2017	<p>1.In December, the Supreme Court issued a new regulation expanding the courts' ability to prosecute corporations for complicity in trafficking.</p> <p>2.Despite these trends of corrupt officials, the government initiated prosecutions against only two low-level officials for complicity in trafficking offenses.</p>

印尼 防制人口販運策略：查緝起訴

2013	<p>1. 在本報告所述期間，印尼政府的反販運執法工作的效率有所下降。</p> <p>2. 非政府組織和政府官員曾提到，印尼安全部隊成員和政府官員的腐敗阻礙了反販運執法工作的效率。</p>
2014	<p>1. 法外調解的做法妨礙了起訴，因被害人家庭從販運者那裡得到庭外和解，被害人通常不願意參加正式的執法程序。</p> <p>2. 接受起訴的數量不詳，但由於許多人不熟悉反販運法的規定，導致檢察官和法官拒絕接受案件或使用其他較簡單的法律來起訴販運者。</p>
2015	<p>1. 政府繼續缺乏全面性反販運執法的數據，導致各系統執法不一致。</p> <p>2. 印尼國家警察開展了305起販運調查，但有200多人沒有進一步的起訴行動。</p>
2016	<p>1. 官員曾說明，警察、檢察官和法官之間的不力合作阻礙了政府調查，其中起訴和販運者定罪的能力也不佳，特別是涉及包括其他國家司法管轄權的案件。</p> <p>2. 司法調解阻礙了起訴成效，因為家庭與販運者和解，使被害人通常不願意參加正式的執法程序。</p>
2017	<p>1. 在12月，印尼最高法院發布了一項新規定，擴大了法院起訴公司參與販運活動的能力。</p> <p>2. 儘管當地有許多腐敗官員的存在，但政府僅起訴兩名低階官員參與販運的違法行為。</p>

Indonesia Anti-Trafficking Strategies: Protection

2013	<p>1.The Indonesian government continued its provision and coordination of modest and uneven efforts to protect victims of trafficking during the year.</p> <p>2.The government provides limited funding to other organizations for the provision of services to trafficking victims but since 2005 has increasingly channeled support through the center. The centers also receive private funding.</p>
2014	<p>1.The Indonesian government continued its provision and coordination of efforts to protect victims of trafficking, though the level of available support for victims varied greatly across regions.</p> <p>2.The government did not employ standardized, nationwide guidelines for the proactive identification of victims among vulnerable groups, such as returning migrant workers who report problems during their overseas employment.</p>
2015	<p>1.The Ministry of Social Affairs continued to provide trauma services and immediate shelter to an unknown number of female trafficking victims through 18 rehabilitation centers.</p> <p>2.The Ministry of Women’s Empowerment and Child Protection managed 247 integrated service centers, most of which were operated by provincial governments and served a wide range of vulnerable groups.</p>
2016	<p>1.The government sustained inadequate victim identification efforts and moderate efforts to protect trafficking victims.</p> <p>2.To standardize inspection procedures, the fisheries minister drafted and adopted a ministerial regulation in October 2015 establishing government-wide protocols for inspecting fishing vessels and screening for trafficking victims, but they weren’t uniformly implemented during the reporting period.</p>
2017	<p>1.Officials did not collect comprehensive data on victims identified, but disparate government entities sometimes reported their own statistics.</p> <p>2.The government body managing this complaint system also led an interagency effort to establish five integrated one-stop service centers to assist and educate Indonesians aiming to travel abroad for work and those returning from overseas.</p>

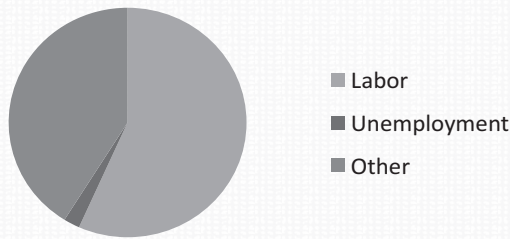
印尼 防制人口販運策略：保護

2013	<p>1. 印尼政府繼續提供和幫助協調，不過也有許多人提出，政府對販運被害人的幫助失衡。</p> <p>2. 政府對販運被害人組織提供有限的資金，作為服務及保護之用。但自2005年以來，越來越多販運被害人組織獲得私人資金幫助。</p>
2014	<p>1. 儘管各地區對被害人的現有支持程度差異很大，印尼政府依然繼續提供販運被害人保護。</p> <p>2. 政府沒有採用標準的全國性政策以便在弱勢群體中主動查明被害人，例如已返國勞工在海外就業期間提出的問題。</p>
2015	<p>1. 社會事務部目前已通過18個健康中心向婦女被害人提供創傷服務和庇護。</p> <p>2. 婦女權益和兒童保護部目前管理247個綜合服務中心，其中大多數由省政府運營、服務各種弱勢群體。</p>
2016	<p>1. 政府對於被害人身份識別和適度保護販運被害人的政策仍有不足。</p> <p>2. 為了使檢查程序標準化，漁業部於2015年10月通過了一項條例，制定了政府檢查漁船和篩查販運被害人的議定書，但這些議定書尚未執行。</p>
2017	<p>1. 官方沒有全面搜集查明被害人資料，但不同地區政府會不定期報告自己統計出的數據。</p> <p>2. 管理申訴系統的政府機構建立了5個一站式綜合服務中心，以協助和教育出國工作或工作後返國的印尼人民。</p>

Taiwan

Demographic variables

- Population: **23,694,089** (2018 Jan)
- Labor population: **13,955,800**(58.9%)
- Unemployment rate: **3.7%** (2.2% of all population)



- GDP per capita: **\$24,337**



臺灣人口統計

- 人口： **23,694,089** (2018年1月統計)
- 勞動力人口： **13,955,800** (58.9%)
- 失業率： **3.7%** (佔所有人口的2.2%)



- 國內生產總值： **\$24,337 /人**



Taiwan

Working environment and exploitation

- Estimated citizens working in foreign countries: more than 20,000 (working holiday)
- Minimum wage: 22,000 TWD (US\$721.8) /month

Taiwan authorities made clear progress during the rating period by improving efforts to investigate and prosecute trafficking cases, approving amendments to Taiwan's Immigration Act that will significantly enhance legal protections for trafficking victims, and approving a budget plan of \$12.6 million for victim protection measures.

臺灣

工作環境和剝削

- 在國外工作的估計公民：超過20,000人（度假打工）
- 最低工資：每月22,000新台幣（721.8美元）

政府透過加強查緝、起訴人口販運案件：所通過人口販運防制法修正版本也將大幅增加對販運被害人之法律保護，同時通過預算計劃，在評核期間獲得了顯著成效。

Taiwan

Working environment and exploitation

- Legal Definition of Labor Trafficking
Trafficking in Persons as the recruitment, transportation, transfer, harboring 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs

- Labor trafficking Condition
Taiwan is primarily a destination for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. It is also a source of women trafficked to Japan, Australia, the United Kingdom, and the United States.

臺灣

工作環境和剝削

勞力剝削人口販運的定義

「人口販運」指意圖使人從事性交易、勞動與報酬顯不相當之工作或摘取他人器官，而以強暴、脅迫、恐嚇、拘禁、監控、藥劑、催眠術、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，或其他違反本人意願之方法，從事招募、買賣、質押、運送、交付、收受、藏匿、隱避、媒介、容留國內外人口，或以前述方法使之從事性交易、勞動與報酬顯不相當之工作或摘取其器官。

勞力剝削販運現況

臺灣是以勞動剝削和性剝削的目的國，包含男性、女性，同時，也是女性販運至日本、澳州，英國和美國的來源國。

Taiwan Anti-Trafficking Strategies: Prevention

2013	<p>1. Various agencies funded advertisements and public service announcements on human trafficking prevention in newspapers, magazines, and on the radio and distributed anti-trafficking posters and pocket cards in seven languages.</p> <p>2. The CLA continued to operate foreign worker service stations and international airport service counters around Taiwan to assist migrant workers and educate them on their rights, and a hotline number to report trafficking offenses.</p>
2014	<p>1. The Tourism Bureau published training programs for tour guides and hotel associations on human trafficking.</p> <p>2. The CLA continued to operate foreign worker service stations and international airport service counters around Taiwan to assist migrant workers and educate them on their rights, and a hotline number to report trafficking offenses.</p>
2015	<p>1. Members of the working group established standard operating procedures to handle offshore disputes involving Taiwan-flagged vessels, including incidents of trafficking.</p> <p>2. To address exploitation associated with labor recruitment, authorities denied 21 business licenses to those complicit in trafficking and fined 73 individuals.</p>
2016	<p>1. Authorities sustained efforts to prevent trafficking through numerous awareness campaigns, workshops, and conferences. A cabinet-level minister-without-portfolio continued to implement the national plan of action and oversee an interagency working group, which met twice in 2015.</p> <p>2. Authorities made efforts to reduce the demand for commercial sex acts and forced labor. Authorities provided anti-trafficking training for diplomatic personnel.</p>
2017	<p>1. Various agencies continued to fund advertisements, public service announcements, and other materials on human trafficking and held trainings for vulnerable populations, such as youth, foreign workers, and fishing sector workers.</p> <p>2. To address exploitation associated with labor recruitment, the direct hiring service center allowed employers to hire foreign workers directly, instead of utilizing brokers who may charge excessive fees.</p>

臺灣 防制人口販運策略：預防

2013	<p>1. 各機構提供經費在報章雜誌和廣播媒體中製播有關防制人口販運的廣告和宣導，並以七種語言發送反販運海報和提示卡。</p> <p>2. 勞動部繼續在臺灣各地設立國際移工服務站和國際機場服務櫃檯，協助移工了解自身權利，並提供熱線電話檢舉販運罪行。</p>
2014	<p>1. 觀光局為導覽人員和飯店同業公會提供有關防制人口販運培訓計劃。</p> <p>2. 勞動部繼續在臺灣各地設立國際移工服務站和國際機場服務櫃檯，幫助移工了解自身權利，並提供熱線電話檢舉販運罪行。</p>
2015	<p>1. 執行人員制定了處理臺灣籍船舶海上爭端的標準作業程序，包括販運事件。</p> <p>2. 為了解決勞工招聘相關的剝削問題，臺灣政府拒絕了21項商業許可證，並對73人進行罰款。</p>
2016	<p>1. 政府部門透過宣傳、研討會和會議，持續努力防止人口販運。內閣透過跨部會國家行動計劃所監督的工作小組於2015年舉行了兩次會議。</p> <p>2. 致力減少對性交易和強迫勞動的需求，並為外交人員提供反販運培訓。</p>
2017	<p>1. 各機構繼續提供有關人口販運的宣傳廣告，並為青年，國際移工和漁工等弱勢群體提供協助。</p> <p>2. 為因應與招聘有關的剝削問題，成立直聘中心讓雇主直接聘僱外國勞工，避免透過收取高額費用的仲介。</p>

Taiwan Anti-Trafficking Strategies: Prosecution

2013	<ol style="list-style-type: none"> 1. During the year, Taiwan authorities trained more than 11,000 law enforcement officers, prosecutors, and judges through various workshops, seminars, and conferences. 2. HTPCA prohibits forced prostitution and labor and prescribes penalties of up to seven years' imprisonment.
2014	<ol style="list-style-type: none"> 1. NGOs reported some traffickers successfully appealed their cases because victims were not in Taiwan to testify against the traffickers. 2. HTPCA prohibits forced prostitution and labor and prescribes penalties of up to seven years' imprisonment.
2015	<ol style="list-style-type: none"> 1. Despite the anti-trafficking law, authorities prosecuted the majority of trafficking cases under other laws, such as the Criminal Code, and the Children and Youth Sexual Exploitation Prevention Law. 2. Many prosecutors and judges continued to demonstrate a limited understanding of trafficking crimes. Authorities did not report any investigations, prosecutions, or convictions of Taiwan authorities complicit in human trafficking offenses.
2016	<ol style="list-style-type: none"> 1. In 2014 a Cambodian court convicted six Taiwan nationals for enslaving 74 Cambodians onboard Taiwan fishing vessels, but at the end of the reporting period Taiwan's investigation was still underway, and Taiwan authorities had not convicted any traffickers associated with this case. 2. Taiwan police arrested over 10,000 suspects accused of lewd and lascivious acts. Authorities did not report any investigations, prosecutions, or convictions of Taiwan officials complicit in human trafficking offenses.
2017	<ol style="list-style-type: none"> 1. Traffickers convicted under the HTPCA received lighter sentences than defendants convicted under the CYSTPA and other sections of the criminal code. 2. Authorities and NGOs cited continued challenges in effective prosecution of labor trafficking cases due to court officials perceiving cases as labor disputes rather than trafficking crimes.

臺灣 防制人口販運策略：查緝起訴

2013	<ol style="list-style-type: none"> 1. 2013年，政府透過各種講習、研討會和會議，培訓了11,000多名執法人員、檢察官和法官。 2. 《人口販運防制法》禁止強迫賣淫和勞動，並規定處以最高7年有期徒刑。
2014	<ol style="list-style-type: none"> 1. 非政府組織報告中提到，因為部分被害人不願在臺灣作證，以致販運者成功上訴他們的案件。 2. 《人口販運防制法》禁止強迫賣淫和勞動，並規定處以最高7年有期徒刑
2015	<ol style="list-style-type: none"> 1. 儘管有人口販運防制法，政府依舊根據刑法和兒童和少年性剝削防制條例等其他法律起訴了大多數販運案件。 2. 許多檢察官和法官對販運罪行的了解有限，也未提報臺灣參與販運人口罪的任何調查、起訴或定罪。
2016	<ol style="list-style-type: none"> 1. 2014年，柬埔寨法院判決六名臺灣人民在臺灣漁船上奴役74名柬埔寨人，但在報告期結束時，臺灣的調查工作仍在進行，臺灣沒有定罪任何販運者。 2. 臺灣警方逮捕了1萬多名被控猥褻行為的嫌犯，但沒有臺灣官員參與販運人口的調查、起訴、定罪的報告。
2017	<ol style="list-style-type: none"> 1. 根據《人口販運防制法》而被定罪的販運者，通常判刑較輕，而根據《兒少性剝削防制條例》和其他刑法定罪的販運者通常被判重刑。 2. 政府當局和非政府組織指出，由於法院多將案件視為勞資糾紛而非販運罪行，因此難以有效起訴販運人口案件，仍然面臨挑戰。

Taiwan Anti-Trafficking Strategies: Protection

2013	<ol style="list-style-type: none"> 1. Authorities continued to employ systematic procedures to proactively identify and assist victims of trafficking. Among the 390 victims were 80 victims whom authorities identified via joint screening mechanisms with NGOs, after the initial screenings by frontline officers. 2. While the HTPCA provides that human trafficking victims can receive immunity for crimes committed as a result of being trafficked, NGOs reported trafficking victims occasionally were treated as criminals.
2014	<ol style="list-style-type: none"> 1. National Immigration Agency operated shelters to provide victims of trafficking—both men and women—with medical and psychological services, legal counseling, vocational training, small stipends, and repatriation assistance. 2. Taiwan authorities also reported employing social workers and interpreters to accompany victims during court proceedings.
2015	<ol style="list-style-type: none"> 1. Authorities encouraged victims to participate in investigations against their traffickers by offering temporary residence and work permits. 2. Authorities made available permanent residence visas to foreign trafficking victims who faced retribution or hardship if they returned to their country of origin.
2016	<ol style="list-style-type: none"> 1. Authorities sustained efforts to protect victims of trafficking. Authorities identified 278 trafficking victims (197 sex trafficking victims and 81 forced labor victims), compared with 292 in 2014; 192 of these victims were referred to shelters for assistance. 2. The National Immigration Agency (NIA) operated three shelters dedicated to trafficking victims, and the Ministry of Labor subsidized an additional 20 shelters and a 24-hour hotline trafficking victims could access.
2017	<ol style="list-style-type: none"> 1. Law enforcement officials used standardized questions and evaluation forms when interviewing and referring potential trafficking victims, including screening foreigners with immigration violations for indicators of trafficking. 2. NIA operated three shelters. The Ministry of Labor (MOL) subsidized an additional 25 shelters and a 24-hour hotline that trafficking victims could access.

Taiwan 反販運戰略：保護

2013	<ol style="list-style-type: none"> 1. 臺灣主動鑑別和協助販運受害者。由政府部門做第一線鑑別，在390名受害者中，再由政府與非政府組織再次鑑別80名受害者。 2. 雖然人口販運防制法規定人口販運受害者因販運而犯下的罪行可以獲得豁免，但非政府組織報告指出，販運被害人偶爾會被視為罪犯。
2014	<ol style="list-style-type: none"> 1. 內政部移民署設有庇護所，為男性和女性被害人提供醫療、心理服務、法律諮詢、職業培訓、小額津貼和返國援助。 2. 臺灣政府，在法庭訴訟期間僱用社會工作者和口譯員陪同被害人。
2015	<ol style="list-style-type: none"> 1. 主管機關與提供臨時停留及工作許可鼓勵受害者參與販運者的調查。 2. 如果外國人口販運受害者返回原籍國，有遭到報復或刁難之虞，可以獲得專案永久居留。
2016	<ol style="list-style-type: none"> 1. 主管機關透過提供臨時停留和工作許可證鼓勵被害人協助販運者的調查。 2. 如果外國人口販運被害人返回原籍國，有遭到報復或刁難之虞，可以獲得專案永久居留。
2017	<ol style="list-style-type: none"> 1. 在與疑似販運被害人進行面談時，司法警察使用標準化問題和評估表，其中包括對違反移民法規行為的外國人進行清訊有無人口販運之跡象。 2. 內政部移民署運作一個庇護所。勞動部（MOL）補貼了另外25個收容處所和24小時熱線，提供給人口販運被害人。



PART THREE

DISCUSSIONS & POLICY RECOMMENDATIONS



第三章

討論和政策建議

Vietnam : Policy Recommendations

- Strengthen efforts to monitor labor recruitment companies and enforce regulations prohibiting the imposition of recruitment fees.
- Strengthen efforts to train officials on implementation of penal code amendments, with a focus on identifying and investigating forced labor and internal trafficking cases.
- Allow independent verification that Vietnamese drug users are no longer subjected to forced labor in government-run rehabilitation centers.
- Implement policies to identify and assist victims among vulnerable groups, such as migrant workers, individuals in prostitution, and child laborers, and train relevant officials on these procedures.
- Develop programs that reduce stigma and promote reintegration of trafficking returnees; implement anti-trafficking campaigns directed at reducing child sex tourism.

越南：政策建議

- 加強監督勞力招聘公司，並實施禁止徵收招聘費的規定。
- 加強培訓官員執行刑法修正案的能力，調查強制勞役和器官販運案件。
- 允許獨立調查越南吸毒者，不再在政府經營的康復中心接受強迫勞動。
- 落實幫助弱勢群體被害人的政策，如移工、性交易者、童工，並進行相關官員培訓。
- 促進販運被害人重返社會的方案；致力減少兒童性交易的反販運工作。

Malaysia : Policy Recommendations

- Educate workers and employers on foreign worker rights, including legal recourses and remedies against traffickers, and ensure employers provide lockers or other secure passport storage facilities.
- Expand labor protections for domestic workers, continue investigating allegations of domestic worker abuse and educate employers about domestic workers' rights.
- Sign into law and implement amendments to the anti-trafficking law to allow trafficking victims to travel, work, and reside outside government facilities.
- Provide victims in government facilities access to legal services and effective counseling, including in their native languages whenever possible.
- Offer legal alternatives to removal to countries in which victims would face retribution or hardship; increase and strengthen labor inspections to identify instances of forced labor.

馬來西亞：政策建議

- 提供勞工、雇主和外籍勞工權利的相關教育，包括法律資源和對販運者的補救措施，並要求雇主提供安全處所讓勞工放置護照。
- 擴大對家庭幫傭的勞動保護，繼續調查關於幫傭受虐的指控，並教育雇主關於家庭幫傭的權利。
- 簽署法律並實施反販運法相關修正案，允許販運被害人在政府設施外行動、工作和居住。
- 為被害人提供有效的法律諮詢服務，包括盡可能使用其母語。
- 為面臨報復或危難的被害人提供合法的替代方案；增加和加強不定時勞動檢查，以查明強制勞動的情況。

Indonesia : Policy Recommendations

- Increase efforts to investigate, prosecute, and convict labor recruitment agencies, brokers, and corrupt public officials involved in trafficking.
- Develop and implement procedures to identify potential victims among vulnerable groups, train marine ministry staff and labor inspectors on victim identification and referral procedures.
- Provide anti-trafficking training for judges, prosecutors, police and social workers; take steps to eliminate recruitment fees charged to workers by labor recruiters.
- Establish a data collection system to track anti-trafficking efforts at all levels of law enforcement; and create a national protocol that clarifies roles for prosecuting trafficking cases outside victims' home provinces.
- Raise awareness among victims of government reintegration services; prosecute and punish those who obtain commercial sexual services from children

印尼：政策建議

- 加強販運機構及相關團體的調查範圍、起訴和定罪，懲處非法仲介和違法公職人員。
- 制定標準作業流程，以查明弱勢群體中潛在的被害人。
- 培訓工作人員和勞動檢察員，以便確定販運被害人身份和轉介程序。
- 提供法官、檢察官、警察和社會工作者人口販運培訓；防止勞務招聘人員向勞工收取招聘費用。
- 建立資料蒐集系統，追蹤各級執法單位人口販運工作成效；並制定國家議定書，幫被害人平反在海外遭起訴的販運案件。
- 提高政府讓被害人重返社會服務的意識。確實起訴並懲罰從事與未成年兒童性交易的販運者。

Taiwan : Policy Recommendations

- Prosecute the owners of Taiwan-owned or -flagged fishing vessels that allegedly commit abuse and labor trafficking onboard long haul fishing vessels.
- Enact legislation that would address gaps in basic labor protections for household caregivers and domestic workers.
- Increase efforts to reduce brokers' exploitation of migrant workers by continuing to simplify the process of direct hiring and build public awareness of the Direct Hiring Service Center and by strengthening broker evaluation and accountability systems.
- Establish a systematic information-sharing process to foster more robust interagency anti-trafficking coordination; enhance cross-border efforts to identify victims and prosecute offenders; and continue efforts to increase public awareness of all forms of trafficking.
- Actively operationalize information sharing memoranda of understanding, including for the travel of individuals who have committed child sexual exploitation; and continue efforts to increase public awareness of all forms of trafficking.

臺灣：政策建議

- 起訴所有涉嫌在遠洋漁船上進行虐待和奴役外籍漁工的臺灣籍漁船雇主。
- 立法解決外籍幫傭和看護工在基本勞動保護的差距，確保公平性。
- 簡化直接聘僱流程，提高民眾對直聘中心的認識，加強仲介評比和責任制度，減少仲介對外籍勞工的剝削。
- 建立線上資訊共享平台，以強化協調政府各機構防制人口販運努力；加強跨國合作，查明被害人和起訴罪犯，並持續提高大眾對各種形式販運的認識。
- 積極簽署資訊共享合作備忘錄，包括未成年兒少性交易的販運；並持續提高公眾對各種形式販運的認識。

Paradigm of Exit and Voice

- Albert O. Hirschman's "exit, voice" paradigm can be a helpful tool for understanding how a form of work becomes human trafficking.
- According to this model, some displeased customers will choose to leave their current firm and reenter the marketplace in search of something better. The unhappy customers' other alternative is to somehow voice their dissatisfaction; but this option is much "messier" and includes much greater variation and more manifestations.
- Though originally applied to business scenarios, Hirschman recognizes the paradigm's applicability to any number of noneconomic organizations and situations. For example, this paradigm is used in discussing employees' actions in various labor markets. **Workers who are dissatisfied with the terms of their employment or their employer's business practices should have channels through which to express that dissatisfaction. Ideally, unhappy employees can demonstrate their dissatisfaction by leaving their employer and seeking work elsewhere. Alternatively, there should be some means for employees to indicate their dissatisfaction to their employer prior to taking the drastic step of seeking employment elsewhere.** Both of these options give employees at least some ability to influence their own employment terms and practices.

離開 (EXIT) 和發聲 (VOICE) 準則

- Albert O. Hirschman的「離開和發聲」範例是一個可以區別"一般工作"和"人口販運"的有效工具。
- 根據所提出的例子，不滿意的客戶會選擇離開現有的公司或企業，重新進入市場尋找更適合他們的工作。不滿意的人也可以用另一種方式來表達他們的不滿，被稱為「發聲 (VOICE)」，但這很容易造成「混亂」，因為這包含太多的變數和表現方式。
- 雖然此範例最初適用於商業模式，但後來發現，也適用於非經濟組織和市場情況。舉例來說，員工有適合的管道表達對工作條件或雇主行為的不滿。在理想的情況下，不滿意的員工可以透過離職、並在尋找其他工作來表達他們的不滿。或者，在採尋求取其他工作的行動之前，利用一些方法讓員工明確地表達他們對雇主的不滿。這兩種選擇都為員工提供了一些改變他們就業條件的影響力。

Paradigm of Exit and Voice

- As human trafficking is ultimately about a **person's lack of control over their own person and work**, this paradigm can help to identify offenses.
- **If an individual is in compelled service, she will not be able to exit her situation if she dislikes the conditions or terms of work.** Similarly, she will have no recourse by which to voice her complaints with the hope of influencing her employer's conduct. That worker therefore has no means through which to control her own employment terms and working conditions.

離開 (EXIT) 和發聲 (VOICE) 準則

- 由於人口販運是個人缺乏掌控自己工作的權利，這樣的標準可以幫助識別犯罪。
- 如果一個人被迫服務，就算她不喜歡她的工作內容或條件也無法離開或「離開 (EXIT)」。同樣的，她也無法透過其他方式，例如「發聲 (VOICE)」表達她對工作的不滿，意即，該勞工無法選擇自己的就業條件和工作內容。

Paradigm of Exit and Voice

- A worker's complete lack of exit and voice options is indicative of forced labor and human trafficking, and **the examination of an individual's exit and voice options can be instrumental in identifying a victim or group of victims.**
- Upon making this examination with respect to domestic workers, **it is apparent that very few options are actually open to these women and that they seem to have extremely low bargaining power with which to attempt to change the system.**

離開 (EXIT) 和發聲 (VOICE) 準則

- 移工沒有「離開 (EXIT) 和發聲 (VOICE)」的選擇，是強制勞動和人口販運的徵兆，針對勞動者「離開 (EXIT) 和發聲 (VOICE)」權利的調查，有助於找到被害人或受害群體。
- 在對家庭幫傭和看護工進行強迫勞動和人口販運的勞動檢查時，婦女很少有選擇權，也幾乎沒有跟雇主討價還價的能力，得以試圖改變這樣的制度。

Discussions: Strategies of EXIT

Vietnam	The government demonstrated increasing efforts by enacting penal code amendments, establishing a new task force to increase law enforcement efforts in vulnerable border areas, and initiating an assessment of the implementation of its national action plan.
Malaysia	The government demonstrated significant efforts by convicting more traffickers, increasing criminal enforcement of unauthorized passport retention, granting more victims freedom of movement, tripling funding for NGOs including for three NGO-run shelters, and opening its first trafficking-specific court. The government also amended its foreign worker levy and Private Employment Agency Act to shift debt burdens away from migrant workers.
Indonesia	The government demonstrated increasing efforts by investigating, prosecuting, and convicting more traffickers, and identifying more victims compared to the previous year. It also repatriated and provided services to more Indonesian victims from overseas; implemented new regulations to prevent trafficking in the fishing industry; negotiated initiatives with the private sector to reduce vulnerability of Indonesian overseas workers; and conducted training for officials.
Taiwan	Taiwan authorities fully meet the minimum standards for the elimination of trafficking. Authorities continued to demonstrate serious and sustained efforts. These efforts included a sharp increase in the number of trafficking prosecutions, leading to more convictions—including of officials—and the identification and service provision of a significantly higher number of victims than in prior years.

討論：離開 (EXIT) 策略

越南	政府透過相關刑法修正，建立新的工作小組來加強脆弱邊界地區的執法工作，並同時評估國家行動計劃的執行成效，朝這個方向努力發展。
馬來西亞	政府透過更多販運者的定罪，殺雞儆猴，提高對非法扣留護照的刑事罰則，給被害人更多行動自由；為非政府組織（包括三個非政府組織開辦的庇護所）提供加倍的資金，及開設專門的審判法庭。政府也須修改《外籍勞工課稅和私人機構就業法》，以減輕勞工的債務負擔。
印尼	與前一年相比，政府經由調查，起訴和定罪更多的販運者，也尋獲了更多的被害人。政府需向更多在海外的印尼被害人提供幫助及服務；實施新法規以防止漁業勞工販運。與私人企業談判採取主動措施，降低印尼海外勞工成為被害人的機率，並對官員進行培訓。
臺灣	臺灣政府完全達到消除人口販運的最低標準，相較於其他亞洲國家，政府持續表現出認真和努力執行的態度，這些努力包括人口販運起訴的數件大幅增加，多數也被定罪(包括官員)，也比前幾年尋獲更多的被害人並提供保護。

Discussions: Strategies of VOICE

Vietnam	The government identified significantly fewer victims than in 2016, and authorities did not proceed with ongoing criminal cases in the absence of formal implementation guidelines on the new penal code amendments. Anti-trafficking efforts continued to suffer from a lack of interagency coordination, unfamiliarity among provincial officials with anti-trafficking legislation and victim identification procedures, and underdeveloped data collection.
Malaysia	The government's victim protection efforts remained largely inadequate and the government identified fewer victims than the previous year. The Ministry of Human Resources drafted legislative changes that would cover domestic workers under employment laws, but the new regulations had not been approved by the Cabinet by the end of the reporting period, and recruitment practices often exposed foreign workers to debt bondage. Procedures to extend victims' freedom of movement and the right to work were impeded by bureaucratic delays, lack of appropriate staff, and risk-averse and paternalistic attitudes towards victims; of the 721 victims identified, the government granted two work visas and 91 special immigration passes for freedom of movement.
Indonesia	Endemic corruption among officials remained, which impeded anti-trafficking efforts and enabled many traffickers to operate with impunity. The 2007 anti-trafficking law included a requirement of demonstrated force, fraud, or coercion to constitute a child sex trafficking crime, which is inconsistent with international law. Officials' lack of familiarity with trafficking indicators and anti-trafficking laws impaired proactive victim identification among vulnerable populations and hindered law enforcement efforts.
Taiwan	Although Taiwan authorities meet the minimum standards, separation of purview between the Ministry of Labor and the Fisheries Agency (FA) continued to impede efforts to address forced labor on Taiwan flagged and -owned fishing vessels in the highly vulnerable distant water fleet (DWF). Lack of awareness and dissuasive performance evaluation systems in the judiciary continued to drive lenient sentencing for traffickers, and domestic workers and caregivers remained at elevated risk due to a stalled domestic worker protection bill.

討論：發聲（VOICE）策略

越南	政府確定的被害人人數相較2016年有明顯的下降，在沒有新的刑法修正案正式實施準則的情況下，政府沒有繼續處理進行中的刑事案件。人口販運目前依然缺少機構間協調，省級官員對反販運立法和被害人身份識別程序依然不是非常熟悉，也因此數據搜集受到了負面的影響。
馬來西亞	政府的「被害人保護工作」依然有明顯的不足，不過人口販運的被害人人數已有明顯的下降。人力資源部起草的修正法案也確定涵蓋就業法規定的家傭，不過新的規定尚未經內閣批准。被害人行動自由和工作權程序因為某些原因被拖延，在確定的721名被害人中，政府批准了兩份工作簽證和91份自由行動特別移民通行證，以幫助被害人。
印尼	由於官員腐敗的存在，反販運活動不斷被阻礙，讓許多販運者逍遙法外。2007年的反販運法要求證明存在武力，欺詐或脅迫以構成兒童性販運犯罪，不過這與國際法不符。官員們對販運指標和反販運法缺乏了解，削弱了弱勢群體中主動識別被害人的能力，也因此阻礙了執法工作的進展。
臺灣	儘管臺灣當局已經達到最低標準，但勞動部和漁業署（FA），對臺灣籍漁船在遠洋海域（DWF）進行強迫勞動的查察仍存在著阻礙。司法部門輕忽犯罪的意識及消極的處理方式讓許多販運者被輕判，由於國內勞工保護法案停滯不前，家庭幫傭和雇主仍面臨極大的風險。



Thank you for your listening!

Q & A



謝謝聆聽

問答時間



與談人簡介

高佩珊 博士

中央警察大學國境警察學系
副教授

學歷

英國艾塞克斯大學政府研究所政治學博士

專長

國際關係、難民移民議題、恐怖主義、兩岸關係及危機談判

Brief Introduction of Commentators

Pei-shan Kao Ph.D

Associate Professor, Department of Border Police
Central Police University

Education

Doctor of Political Science, Government Research Institute
University of Essex

Expertise

International relations, Refugee and immigrant issues, Terrorism, Cross-strait relations, Crisis negotiation



與談人簡介

翁燕菁

國立政治大學政治學系
副教授

學歷

紐法國巴黎第二大學法學博士學位

經歷

國立中山大學政治學研究所約聘助理教授
中央研究院法律學研究所博士後研究員

Brief Introduction of Commentators

Yen-ching Weng

Associate Professor, Political Science Department,
National Chengchi University

Education

Doctor in Law, Université Panthéon-Assas - Paris II (France).

Career Experience

Assistant Professor (contract based) in Institute of Political Science of
National Sun Yat-sen University

Post-Doctoral Research Fellow in Institutum Iurisprudentiae of Academia
Sinica.



第二場

加害與被害間糾纏 - 人口販運有關犯罪案件競合與處罰

Session 2

**The Tangle Between Offenders and Victims – The Competing Claims over
Criminality and Penal Actions in Human Trafficking Cases**

主持人簡介

劉士豪 博士

行政院防制人口販運協調會報委員
銘傳大學法律系專任教授

專長

勞工法，民法，社會法則

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

Brief Introduction of Moderator

Shih-Hao Liu Ph.D

Committee member, Cabinet Anti-TIP Coordination
Task Force

Full-time Professor, Ming Chuan University Law School

Expertise

Labor law, Civil law, Social law

Career Experience

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



我國人口販運案件被害人與加害人雙重身分的探討

Offshore Fishermen Workers under Control by Means of Narcotics

主講人：朱芳君

法律基金會台北分會專職律師

Speaker : Attorney Chu, Fang-chun

Staff Attorney, Taipei Branch office of Legal Aid Foundation

主講人簡介

朱芳君 學士

法律扶助基金會台北分會專職律師

學歷

台灣大學法律系財經法律組學士

經歷

執業律師(2004年起)及民間反人口販運聯盟成員

法律扶助基金會台北分會執行秘書

法律扶助基金會總會法務處專員

台北律師公會消費者債務清理委員會委員

台北律師公會環境委員會委員

台北律師公會平民法律扶助委員會委員

環境法律人協會理事

卡債受害人自救會顧問

台灣士林地方法院調解委員

Brief Introduction of Speaker

Fang-chun Chu Attorney at Law

Staff Attorney, Taipei Branch office of Legal Aid Foundation

Education

Department of Law, National Taiwan University

Career Experience

Graduated from Department of Law, Taiwan University in 2003. Admitted to the Taiwanese Bar since 2004.

Fangchun Chu has practiced law at a private law firm since Jan 2004. Soon she realized the importance of legal service for the disadvantaged, and thus started her career in Legal Aid Foundation (LAF) in Taiwan. From September 2007 to September 2009, she was a staff attorney in LAF, chiefly working at Anti-human trafficking project and consumer debt clearance project. Afterwards she served as executive secretary in Taipei Branch Office of LAF, in charge of the administration of the office. Now her fields of practices as a staff attorney are mainly civil litigation, family matters and bankruptcy.



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

漁工遭受毒品控制問題之探討 -
吸毒與剝削漁工之探討

**Offshore Fishermen Workers under Control by
Means of Narcotics**

主講人：**Mr. Ali Johardi**

印尼緝毒局副局長

Speaker : Mr. Ali Johardi

Police Inspector General

主講人簡介

Mr. Ali Johardi

印尼緝毒局副局長

學歷

印尼警察學院
印尼國立警察科學學院
印尼國家警察領導學院
大學法學院
基礎研究課程
高級調查員培訓
澳洲新南威爾斯大學法商課程
阿姆斯特丹邊境警察暑期課程
吉隆坡高階國際警官第 28 期指揮課程
雅加達洗錢犯罪調查
馬來西亞基本分析和反洗錢課程
新加坡重大犯罪國際管理 (IMOSC)
中國警察學院 刑事司法制度培訓
雅加達國家彈性研究所 (Lehanhanas)

經歷

警官
警長
警務督察
高級警司
警察准將

Brief Introduction of Speaker

Mr. Ali Johardi

Police Inspector General

Education

Police Academy
Indonesian National Police Science College
Indonesian National Police Staff And Leadership College
University, Faculty of Law
Basic Investigator Course
Advance Investigator Training
Commercial Law Course, New South Wales University Australia
Police Border Summer Course, Amsterdam
The 28th International Command Course Senior
Police Officer, Kuala Lumpur
Investigation of Money Laundering Crime, Jakarta
Basic Analysis and Anti Money Laundering Course, Malaysia
International Management of Serious Crime (IMOSC), Singapore
Criminal Justice System Training, China Police Academy
National Resilience Institute (LEMHANAS), Jakarta

Career Experience

Police Lieutenant
Police First Lieutenant
Police Captain
Police Asisstant Superintendent
Police Superintendent
Police Senior Superintendent
Police Brigadier General



Offshore Fishermen Workers Under BNN's Control

by: ALI JOHARDI

Deputy for Prevention, National Narcotics Board of the Republic of Indonesia
Presenting at "International Workshop on Strategy for Combating Human
Trafficking, Taipei, 26 July 2018"



漁工遭受毒品控制 問題之探討 — (BNN)

報告人: ALI JOHARDI

印尼緝毒局副局長

2018年「防制人口販運國際工作坊」研討會

Indonesia's effort to interdict narcotics Cooperation with Other Agencies

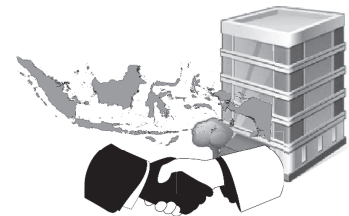
National Cooperation

BNN under coordination of the Coordinating
Ministry for Political, Legal, and Security Affairs

Cooperation in monitoring
and guarding the sea from
drug smuggling



INP, Customs, Navy, Maritime Security
Board



印尼緝毒局 與其他機構的合作

國內合作

國家緝毒局（BNN）
在政治、法律和安全事務協調部的幫助下

合作監督和查緝
海上毒品走私



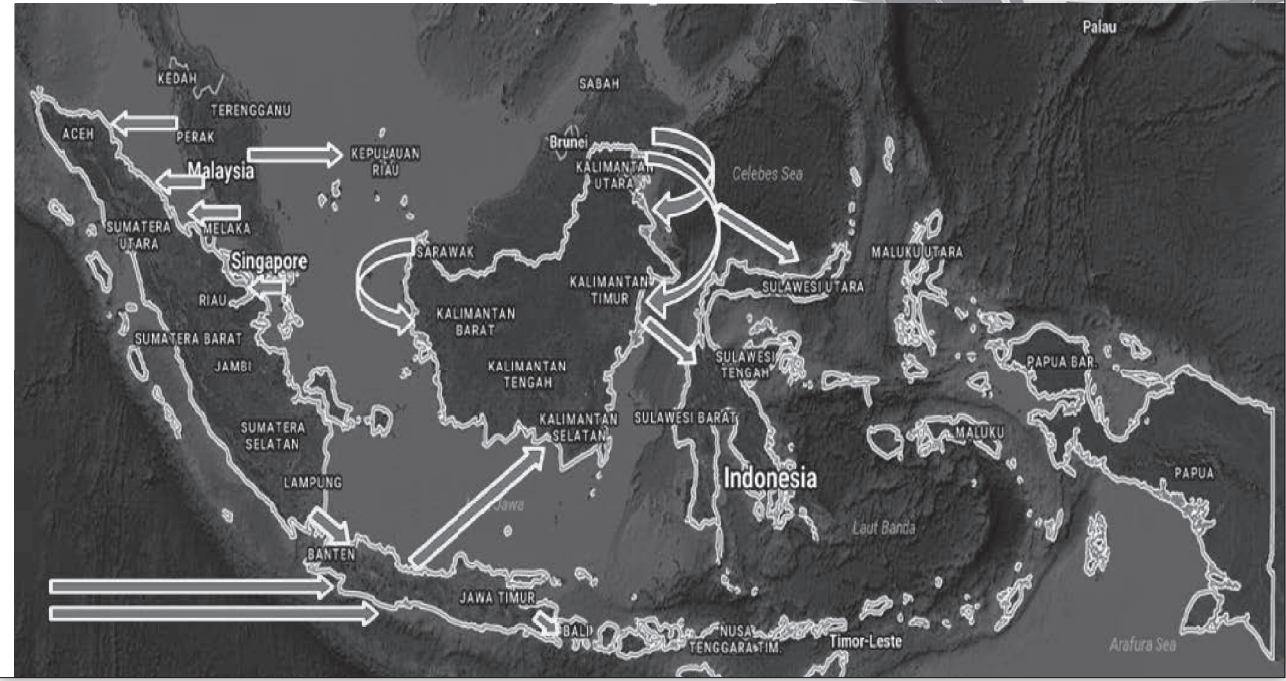
INP、海關、海軍、海事安全委員會



Indonesia's effort to interdict narcotics Cooperation with Other Agencies



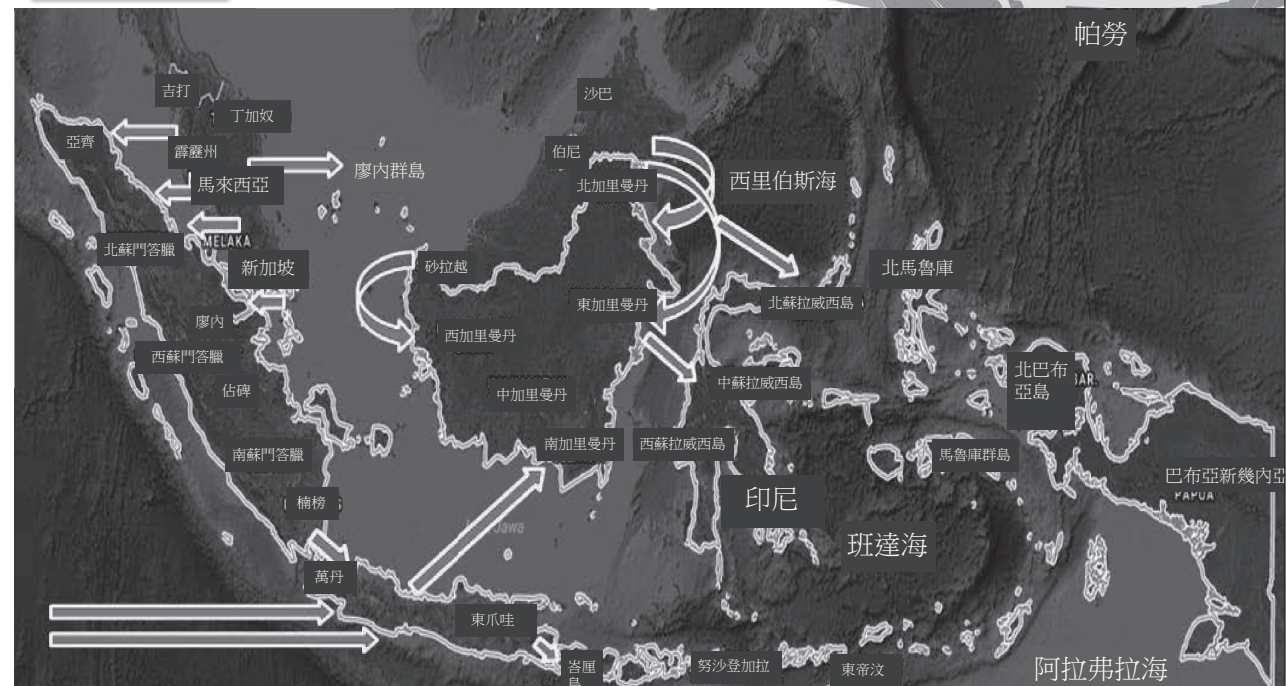
International Cooperation



印尼緝毒局 與其他機構的合作



國內合作



Indonesia's effort to interdict narcotics Strengthening Interdiction Control

Drug Crimes is a Transnational
Organized Crime

Drug Trafficking is a Well-
Organized Crime

Drug abuse occurs in all
community elements

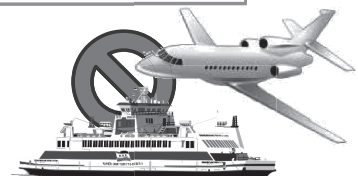


印尼阻止毒品貿易之行動 致力封鎖及防制

毒品犯罪是一種跨國組織犯罪

販毒是一種計畫性犯罪

毒品濫用常在團體間發生



Indonesia's effort to interdict narcotics

The main challenge to be bear by Indonesia:

Geography Factor

Demography Factor

Organized world drug syndicates

No Borders

Modern/sophisticated technology



印尼防制毒品貿易之行動

印尼面臨的主要挑戰：

地理因素

人口因素

國際販毒集團：

無國界

現代的科技



The Obstacles

- Some Ministeries/ Agencies not yet implemented anti drug program
- Treatment to the drug abusers
- Accessibility to Narcotics Rehabilitation
- Inadequate attention from Govt to Indonesia's outer waters and oceans



阻礙

- 部分主政者/機構沒有實施反毒計劃
- 毒品濫用者的治療
- 麻醉藥品容易取得
- 印尼政府對境外(海上)活動關注及監督不足



Indonesia's effort to interdict narcotics Strengthening Interdiction Control



01

GEOGRAPHY FACTOR

02

LACK OF EDUCATION & GOVERNMENT ATTENTION –
PEOPLE LIVE IN COAST AREA AND BORDER AREA

03

SYNERGY AMONG STAKEHOLDER IS NOT YET
OPTIMAL



印尼緝毒行動 致力封鎖及防制



01

地理因素

02

在沿海和邊境地區生活的居民缺乏教育和政府之關注

03

相關單位合作成效不甚理想



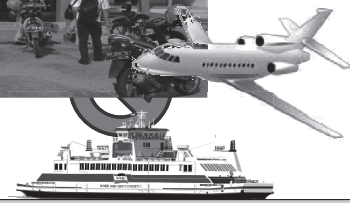
Indonesia's effort to interdict narcotics Strengthening Interdiction Control



EXCHANGE OF DATA AND INFORMATION RELATED TO DRUG ERADICATION AMONG RELATED STAKEHOLDER



CONTROLLING OFFICIAL PORTS (NATIONAL & INTERNATIONAL AS WELL AS UNOFFICIAL PORT LINES



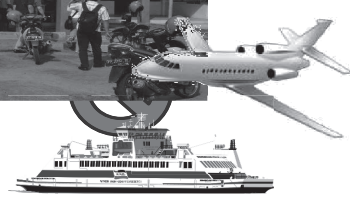
印尼緝毒局行動



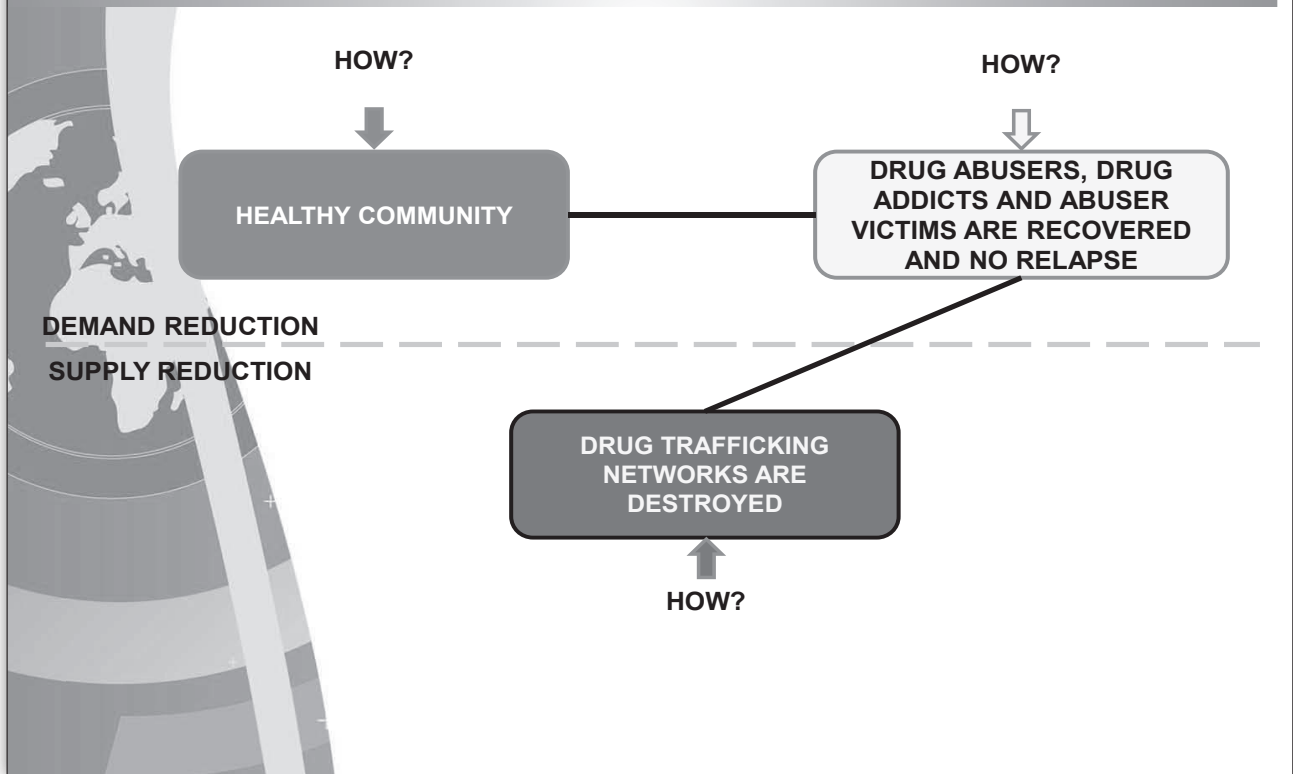
與相關單位交換並分享有關緝毒的數據和信息



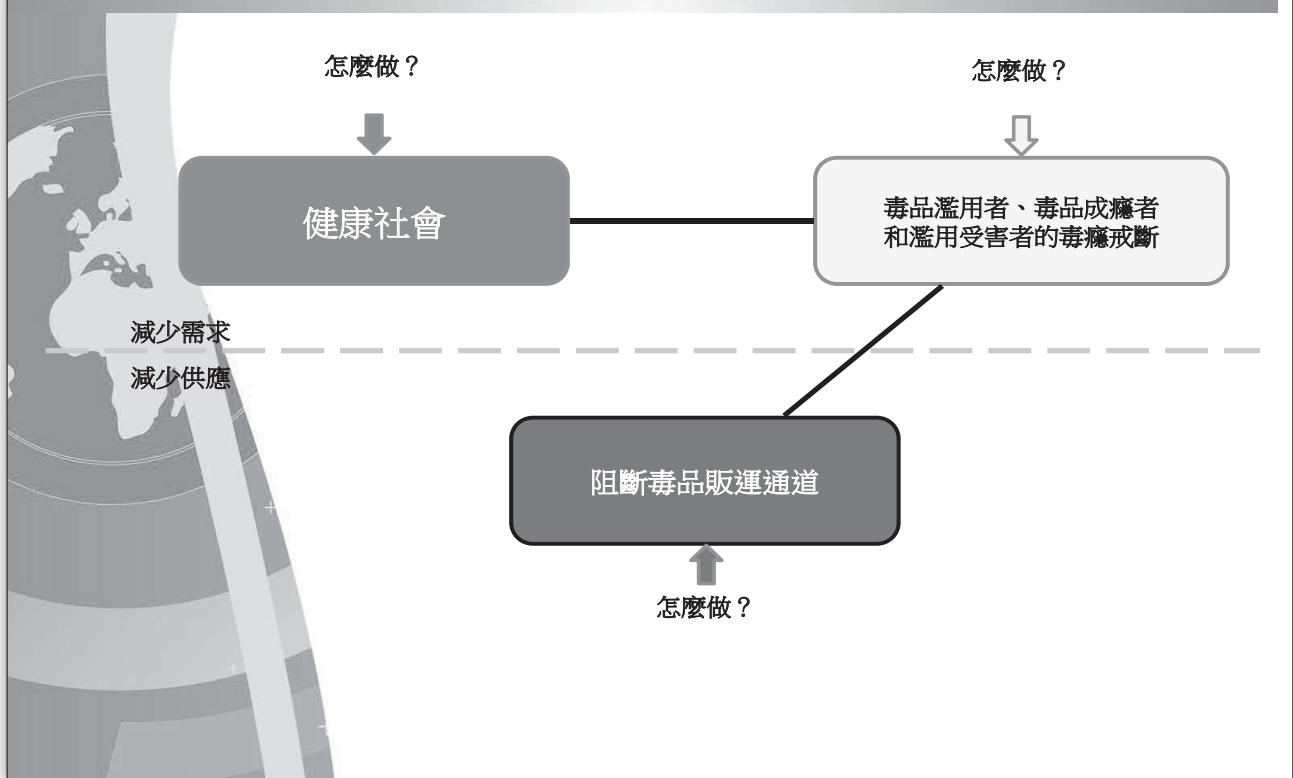
監控官方港口（國家以及非正式港口線路）



A COMPREHENSIVE, INTEGRATED AND BALANCED APPROACH TO ADDRESSING THE WORLD DRUG PROBLEM



解決世界毒品問題 綜合與平衡方法



Reducing Demand, Lowering Supply



INCREASE PUBLIC AWARENESS THAT DRUG ABUSE IS BAD FOR HEALTH AND PROHIBITED BY THE GOVERNMENT



DISCONNECTING THE NETWORK AND CONFISCATING NARCOTICS EVIDENCE

減少需求，降低供應量



提高公眾意識，宣導濫用毒品有害健康，且政府的禁止



斷絕毒品通路並搜證



SUPPLY REDUCTION



BNN Indonesia as the Secretariat of ASEAN Seaport Interdiction Task Force (ASITF) is tasked to prepare and collect reports of all ASITF Meetings, initiate communication channels for each member to facilitate coordination and exchange of information, reporting all ASITF activities in ASOD meetings annually

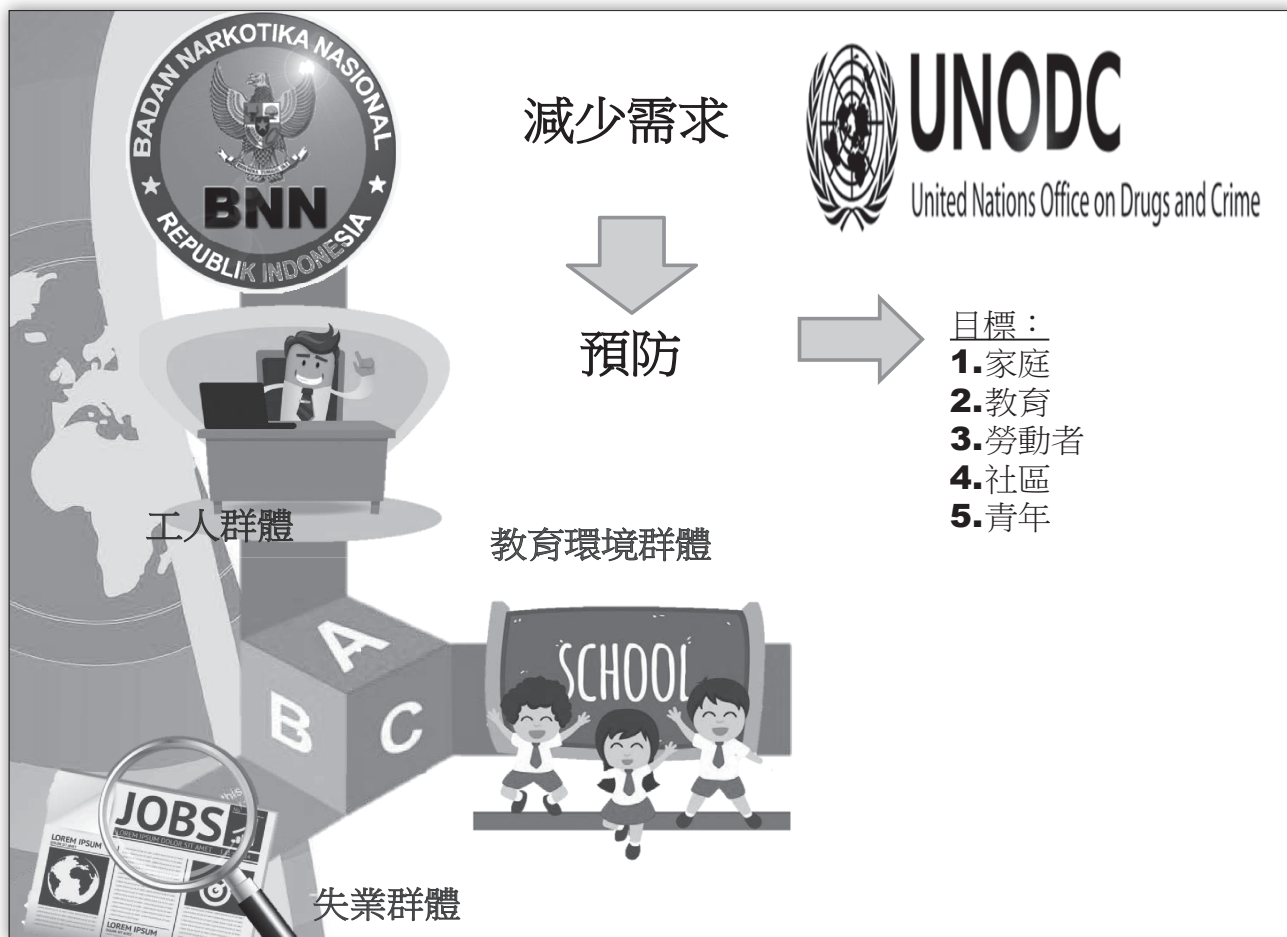
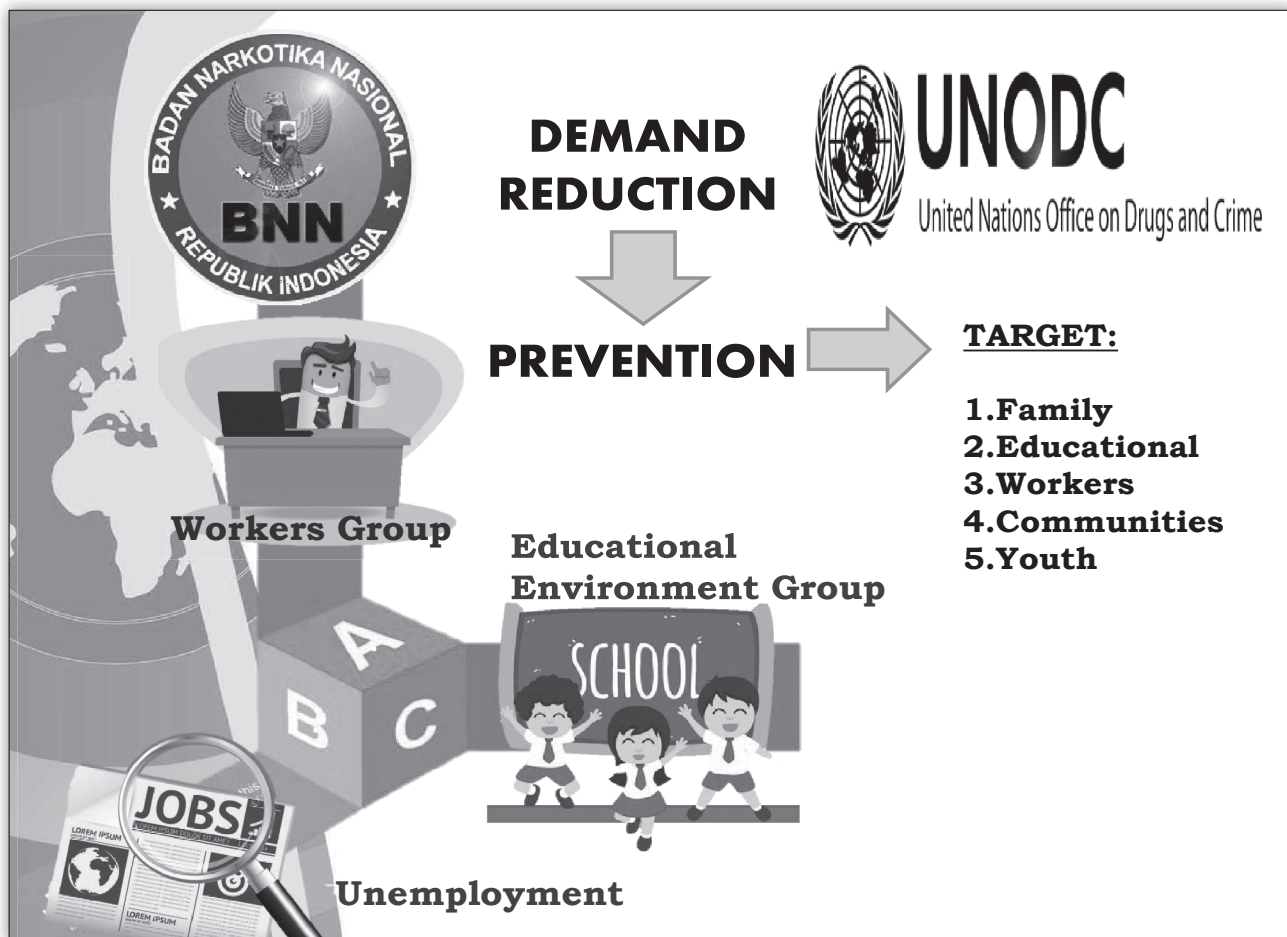


減少供應



印尼緝毒局（BNN Indonesia）將以東盟海岸禁運特遣工作隊（ASITF）成員身分，負責準備和搜集所有ASITF會議的報告，為每個成員建立良好的溝通渠道，以促進信息的分享及交流。同時，每年也會在ASOD會議上報告所有ASITF相關的行動。





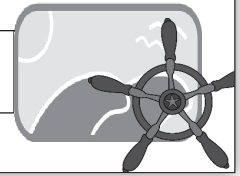
What we do to the people live in border line at the outer line of Indonesia?



BORDER LINE IN NAPAN, KAB TIMUR TENGAH UTARA (TTU) NTT NEXT TO TIMOR LESTE



QUANTITY AND QUALITY OF HUMAN RESOURCES ARE STILL LACK, BUDGETARY CONSTRAINTS, AND INFRASTRUCTURE FACILITIES



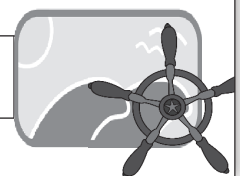
我們提供印尼邊境人民的協助



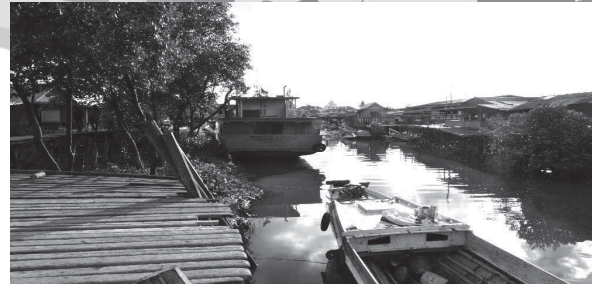
在 NAPAN, KAB TIMUR TENGAH UTARA (TTU)邊防、位於東帝汶邊境



現有的預算限制了基礎設施、人力資源、數量及品質



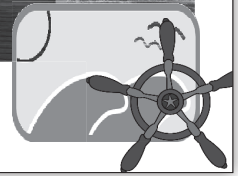
What we do to the people live in coast line at the outer line of Indonesia?



COST LINE IN NUNUKAN KALIMANTAN UTARA (BONGKOK BRIDGE) IS A BORDER AREA WITH TAWAU MALAYSIA



PEOPLE LIVE IN COAST LINE TEND TO EXPLOITED TO BE NARCOTICS COURIER AND NARCOTICS ABUSERS



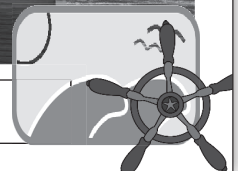
我們提供印尼邊境人民的幫助



北卡利曼丹 (BONGKOK BRIDGE) 的邊界，是與馬來西亞的邊境地區



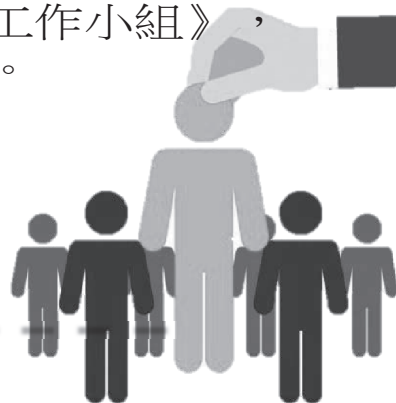
沿海岸線的人民大多為毒品供應商和毒品濫用者



From these conditions BNN demanded more persistent to make a strategic effort, one of them is by forming of **Anti-Drugs Volunteers Group** who further became the activator of the active participation of the community in the prevention of drug abuse efforts



從這些條件來看，印尼緝毒局（BNN）必須更加努力、且有策略地找到解決方法。我們希望可以成立《反毒品志願工作小組》，成為積極預防毒品濫用的推動者。





What is Anti-Drug Volunteer Group?

Anti-Drug Volunteers as someone who is willing to serve sincerely, selfless, and without rewards, have the ability and care as a proponent of the dissemination of information on the dangers of drug abuse and capable of encouraging activities self-prevention both in the work environment, education, and society..



什麼是反毒品志願者小組？

『反毒品志願者』-- 是有高度意願、無私、真誠服務的人。即使沒有獎勵，依然致力宣導有關毒品濫用信息，並鼓勵及關心他人在工作環境，教育和社會中進行自我預防。





Call Center : 021-80880011
Telp : 021-80871567 ext : 139



dep.cegah@bnn.go.id



www.bnn.go.id
www.indonesiabergegas.bnn.go.id
www.dedihumas.bnn.go.id



lensabnn



@INFOBNN
@BNNbergegas

Thank You

**National Narcotics Board
Republic of Indonesia**
www.bnn.go.id



電話 : 021-80880011
Telp : 021-80871567 分機 : 139



dep.cegah@bnn.go.id



www.bnn.go.id
www.indonesiabergegas.bnn.go.id
www.dedihumas.bnn.go.id



lensabnn



@INFOBNN
@BNNbergegas

謝 謝

**緝 毒 局
印度尼西亞共和國**
www.bnn.go.id

與談人簡介

Klaus Vanhoutte

比利時 Payoke 庇護中心
主任

學歷

碩士學位：市場傳播行銷
管理學；社會 - 非營利
學士學位：政治學

經歷

比利時私人診所 “The Barony” 營運總監
Payoke 比利時 販運受害者官方庇護中心資深行政經理
Payoke 比利時 販運受害者官方庇護中心副主任
Payoke 比利時 販運受害者官方庇護中心主任

Brief Introduction of Commentators

Klaus Vanhoutte

Director of Payoke Shelter Center

Education

Master Degree: Communication – Marketing

Management: Social – Non Profit

Bachelor Degree: Political science

Career Experience

Managing Director

Private Clinique “The Barony” Bruges, Belgium Senior Policy Manager

Payoke, - Official centre /shelter for victims of trafficking in Belgium

Assistant Director

Payoke - Official centre for victims or trafficking in Belgium Director

Payoke - Official shelter for victims or trafficking in Belgium

與談人簡介

章光明

中央警察大學警察政策研究所
教授

學歷

美國伊利諾大學 芝加哥校區公共政策分析研究所(博士)
中央警察大學警政研究所警察行政組(碩士)
中央警察大學外事警察學系(學士)

經歷

總統府司法改革國是會議委員
中央警察大學警政管理學院院長
中央警察大學推廣中心主任
中央警察大學行政系主任(研究所長)

Brief Introduction of Commentators

Kuang-Ming Chang

Professor, Police Administration Department,
Central Police University

Education

Ph.D., Public Policy Analysis-Political Science University of Illinois at Chicago, Chicago, Illinois

M.A., Police Administration Central Police University, Taoyuan, Taiwan.

B.A., Foreign Affairs Police Science Central Police University, Taoyuan, Taiwan.

Career Experience

Dean, College of Justice Administration

Director, Extensive Training Center Central Police University

Visiting professor, College of Criminal Justice Sam Houston State University, Huntsville, TX

Visiting professor, Department of Criminal Justice University of Houston at Downtown,
Houston, TX

Chair, Police Research Association, Taiwan

Chair, Department of Police Administration, Central Police University, Taiwan

Chair, Asian Association of Police Study (AAPS)

Researcher, National Policy Research Foundation, KMT

Assistant to the President of Central Police University and Director General of National Police
Administration

Captain, Central Police University, Taiwan,

Special Assistant to the Vice President, Central Police University, Taiwan,

Lieutenant, Central Police University, Taiwan.



第三場

監督出剝削沒 - 有效防範弱勢族群遭受勞力剝削之機制

Session 3

**Supervision Appearance, Exploitation Disappearance – Effective Mechanisms
for Preventing Labor Exploitation of the Vulnerable**

主持人簡介

劉黃麗娟

行政院防制人口販運協調會報委員
中正大學勞工關係學系
助理教授



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

經歷

行政院勞工委員會人權工作小組委員

中華民國保險業全國總工會顧問

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

Brief Introduction of Moderator

Li-Chuan Liuhuang



Committee member,
Cabinet Anti-TIP Coordination
Task Force

Assistant Professor, Dept of Labor Relations,
National Chung Cheng University

Expertise

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

Career Experience

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

Consultant, National Federation of Taiwan Insurance Industry

Committee member, Cabinet Anti-TIP Coordination Task Force

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



紐西蘭境外漁工奴役 - 利害關係人之回應

Slavery in New Zealand's Offshore Fisheries: A Multi – Stakeholder Responses

主講人：Christina Anne Stringer

紐西蘭奧克蘭大學國際企業管理學系副教授

Speaker : Christina Anne Stringer

**Management and International Business Faculty of
Business and Economics Associate Professor**

主講人簡介

Christina Anne Stringer

紐西蘭奧克蘭大學國際企業管理學系
副教授

經歷

2008年，為紐西蘭漁業部（現為基礎工業部）展開一項《紐西蘭捕撈魚類在中國加工並出口到主要市場》的研究專案。該專案促使紐西蘭於2010年，對遠洋漁船奴役漁工情況進行調查。這項調查使政府在政策上有重大變革，紐西蘭政府頒布了一項法律，要求所有外籍漁船在2016年5月1日之前重返紐西蘭註冊。

2012年，Christina Anne Stringer和她的兩位共同研究員（Dr Glenn Simmons and Professor Hugh Whittaker）獲得了一項特別獎 -- 學院院長獎：表彰其在紐西蘭海域捕魚的外籍漁船有關人權問題的影響。

2017年，漁業小組（Dr Glenn Simmons, Professor Hugh Whittaker, Associate Professor Christina Stringer, Associate Professor Manuka Henare and Professor Nigel Haworth）獲得了戰略影響研究卓越獎。

Brief Introduction of Speaker

Christina Anne Stringer

Associate Professor, Management and International
Business Faculty of Business and Economics

Career Experience

Christina is an Associate Professor in the Department of Management and International Business.

In 2008, she undertook a project for New Zealand's Ministry of Fisheries (now Ministry of Primary Industries)

which looked at the extent that New Zealand caught fish was being processed in China and exported to key markets. This project led in 2010, to Christina and colleagues investigating the use of forced labour on board New Zealand foreign chartered fishing vessels. This research, in turn, led to a Ministerial Inquiry, a major shift in government policy, and the enactment of a law requiring all foreign charter vessels to be reflagged to New Zealand by 1 May 2016.

In 2012, Christina and her two co-researchers (Dr Glenn Simmons and Professor Hugh Whittaker) received the Dean's Award: a special award recognising the impact of research concerned with human rights issues onboard foreign charter vessels fishing in New Zealand's waters.

In 2017, the fisheries team (Dr Glenn Simmons, Professor Hugh Whittaker, Associate Professor Christina Stringer, Associate Professor Manuka Henare and Professor Nigel Haworth) received a Research Excellence Award for Strategic Impact in Research.



Sunday, 24 June 2018

Slavery in New Zealand's offshore fishing industry: A multi-stakeholder response

2018 International Workshop on Strategies for Combating Human Trafficking
Taipei, Taiwan, 25-26 July 2018

Christina Stringer

Department of Management and International Business
The University of Auckland, New Zealand



BUSINESS SCHOOL

Sunday, 24 June 2018

紐西蘭遠洋漁業奴工問題- 多方利害關係對策

2018年7月25 - 26日，
臺灣臺北市，2018防制人口販運國際工作坊
Christina Stringer助理教授
紐西蘭奧克蘭大學國際企業管理學系



BUSINESS SCHOOL



BUSINESS SCHOOL

Slavery in the fishing industry

“When a man, desperate for work, finds himself...on a fishing boat...toiling, for little or no pay, and beaten if he tries to escape – that is slavery. Right now, there is a man on a boat, casting the net with his bleeding hands, knowing he deserves a better life, a life of dignity, but doesn’t know if anybody is paying attention”.

President Obama, Clinton Global Initiative Annual Meeting, 25 September 2012.



BUSINESS SCHOOL

遠洋漁業奴工問題

歐巴馬總統於2012年9月25日柯林頓全球行動計畫年會上說：

「若有人亟需工作，結果發現自己身在漁船上做苦工，領著微薄工資，或甚至沒有報酬，試圖逃跑卻遭毆打 - 那這就是奴工。直到現在還是有人在漁船上，用鮮血淋漓的雙手向海拋網，明知自己值得更好、更有尊嚴的生活，卻不知道是否有人會注意到他的困境。」

Our starting point

- Ministry of Fisheries offshore processing project identified a low-road cost-driven business model.
- The sinking of the South Korean fishing vessel, *Oyang 70*, August 2010.
- In 2011, migrant crew walked off a number of South Korean foreign charter vessels (FCVs), which had been fishing in New Zealand's waters, citing labour and human rights abuses.
- Completed over 300 in-depth interviews between 2011 and 2017.
- Research framework: ILO indicators of Forced Labour.



起點

- § 遠洋漁業部離岸處理方案辨識出一種血汗，成本導向的商業模式
- § 2010年8月，南韓漁船 *Oyang 70* 於紐西蘭外海沈沒
- § 2011年，多艘向南韓承包的外國漁船在紐西蘭海域進行作業，移工船員指控船上踐踏勞權與人權並憤而離開
- § 2011年至2017年間共完成超過300場深度訪談
- § 研究架構：ILO 強迫勞動公約指標



(*Oyang 70* 的生還者返回里卡頓)



BUSINESS SCHOOL

The Oyang 75 crew

Indonesian crew from the *Oyang 75*
vessel sought refuge in a local church

“They were very cold, most wearing cotton jackets,” Ani Kartikasari recalled. “The heaters on the walls were on but their faces could not hide the exhaustion and fatigue from the previous sleepless night when they discussed their plight together.

At 4 am that day...in the dark they found the only church building that was still standing. They waited outside until the vicar turned up, letting them in and organizing breakfast.

When asked later how they had found the church to shelter them they said they had no idea where to find a mosque where they would expect to find refuge.”

<http://indonesianow.blogspot.com/2013/04/slaves-on-high-seas.html>



BUSINESS SCHOOL

Oyang 75 船員

Oyang 75 漁船上的印尼籍船員
在當地的教會尋求庇護。

Ani Kartikasari 回憶道：「他們非常冷，大多只穿著棉夾克。在他們談論自己的困境時，由於他們前晚沒睡，所以即便開了牆上的暖氣，他們仍是一臉疲倦。

當天清晨四點...他們摸黑找到當地唯一的教會建築物。他們在外頭等待，直到牧師出現讓他們進來並為他們準備早餐。

隨後我問他們如何找到教會來避難，他們說不知道何處可以找到可尋求庇護的清真寺。」

<http://indonesianow.blogspot.com/2013/04/slaves-on-high-seas.html>

Forced Labour indicators

Forced labour -- ‘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 voluntary’
(The ILO Forced Labour Convention 1930 (No. 29)).

Indicators:

1. abuse of vulnerability
2. deception
3. restriction of movement
4. isolation
5. physical and sexual violence
6. intimidation and threats
7. retention of identity documents
8. withholding of wages
9. debt bondage
10. abusive living and working conditions
11. excessive overtime

‘As violence is not acceptable as a disciplinary measure under any circumstances, it is a strong indicator of forced labour’ (ILO 2012).

強迫勞動公約指標

強迫勞動是指 - 在威脅施予懲罰的情況下，或在該勞動者不會表明意願的情況下，所強加的一切工作或服務（1930年第29號 ILO 強迫勞動公約）

指標：

1. 濫用弱勢處境
2. 欺騙
3. 行動限制
4. 孤立
5. 人身暴力及性暴力
6. 恐嚇及威脅
7. 扣留身分文件
8. 扣發薪資
9. 抵債勞務
10. 苛刻的工作及生活條件
11. 超時加班

「不管在任何情況下，暴力都不可接受的懲戒手段，暴力是強迫勞動的一項有力指標」
(2012年 ILO 強迫勞動公約)



BUSINESS SCHOOL

Labour abuses in New Zealand's FCV sector

Recruitment stage (Indonesian manning agents)	Employment stage (South Korean officers)
Agents required recruitment fees (NZ\$200 - 1000) as well as collateral. Fishermen borrowed from local lenders.	Substandard working and living conditions. Shifts of 16-20+ hours common. Some barely able to stand at the end of their shift.
Deceived about their employment conditions, the legality of their contracts and their employment rights in NZ.	Wages paid to the manning agent - money withheld until the crew completed their contract.
Employed under three different employment contracts.	Forced to sign blank or false timesheets and accept unspecified deductions from wages. Some complained to the captain: "soon after we were given out plane tickets and within 6 hours, we were sent home".
Promised \$US250 to \$US500 a month (about 10% of the amount they are entitled to).	"New Zealand law is not in your contract".
Penalties of up to \$US10,000 for non-completion of contract.	Culture of physical and sexual violence: "if you want a job that pays this much, this is the consequence".



BUSINESS SCHOOL

紐西蘭外國承包漁船的勞工虐待

招聘階段 (印尼船員仲介)	雇用階段 (南韓幹部)
仲介要求支付紐幣200至1000元的招聘費及抵押品，而船員則在當地貸款。	低於標準的工作及生活條件，通常輪班工時長達16至20小時以上，鮮少有人能站立到輪班結束。
船員，在紐西蘭的雇用狀況、契約合法性及雇用權利軍被蒙騙。	直到船員履行完契約前，工資都會付給仲介並扣留。
船員簽下三種不同的勞動契約而被顧用。	船員被迫在空白或造假的出勤卡上簽名，並被迫接受莫名的減薪。 有些船員向船長抱怨：「只要我們一拿到機票，六小時內我們就會被送回家。」 「紐西蘭法律管不到你的契約。」

仲介僅承諾給予美金250至500元的月薪（約是船員有權領取金額的10%）。

期滿前未履行完契約將面臨最高10000美金的罰款。

人身暴力及性暴力文化：「如果想要一份薪水這麼多的工作，這就是代價。」

A culture of violence



BUSINESS SCHOOL

- Inhumane punishments and aggravated assaults common:

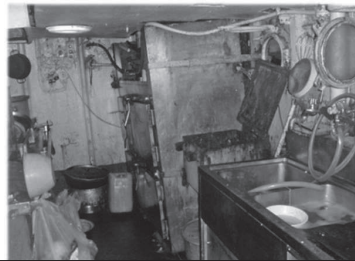
"They punished me because I connected the wrong cable. They told me to stand up [on the deck in poor weather] from 1 until 6 o'clock in the evening".

"while eating lunch, the Bosun put a rice sack over my head and punched the back of my head until I had trouble breathing".

- For talking, mouth taped over with packing tape.
- One fisher jumped overboard to escape being shot by captain with a flare gun.
- Another was stabbed by the Captain with a pair of scissor and denied medical treatment.

- Incidents of sexual abuse common:

"my crew member [was] raped in my cabin, beneath my bunk, many times on each trip...to make us shut our mouths the officer paid money".



暴力文化



BUSINESS SCHOOL

- § 不人道的懲罰及常見的重傷害行為：

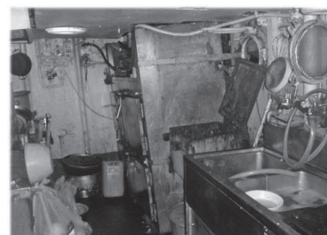
「只因為我接錯了纜索，他們就懲罰我，要我（在天候不佳的甲板上）從下午1點罰站到傍晚6點。」

「吃午餐時，水手常把米袋放到我頭上，還一直揮拳打我的頭，直到我呼吸困難才停手。」

- 講話的人會被用封箱膠帶黏住嘴巴。
- 有漁民為了躲避船長用信號槍射擊而從船上跳海。
- 另一位漁民被船長用剪刀刺傷，且船長拒絕給予醫治。

- § 常見的性暴力事件：

「船艙裡，有船員在我的床鋪下面被性侵，每次出海都發生好多次... 為了讓我們閉嘴，船副都會付錢給我們。」





BUSINESS SCHOOL

INDIVIDUAL WORKING AGREEMENT

Between

PT. Sandi Genesis Samuel as Agent
DONG NAM Coporroration.,Ltd. Korea.
As Employer

A n d

Mr. HADI MULYONO



f) Crew shall bear round trip expenses for the crew who leaves the vessel by the reason of discipline as long as the crew was not beating/torturing by the Korean crewmembers.



BUSINESS SCHOOL

INDIVIDUAL WORKING AGREEMENT

Between

PT. Sandi Genesis Samuel as Agent
DONG NAM Coporroration.,Ltd. Korea.
As Employer

A n d

Mr. HADI MULYONO

個人工作協議

仲介為PT. Sandi Genesis Samuel
雇主為韓國 DONG NAM 股份有
限公司
與
HADI MULYONO 先生
共同簽署



f) Crew shall bear round trip expenses for the crew who leaves the vessel by the reason of discipline as long as the crew was not beating/torturing by the Korean crewmembers.

f) 在船員未受韓籍人員毆打/折
磨的情況下，
若船員因紀律因素遭罰離船，則
全組船員負擔該船員來回交通費
用。




Four points of exit

1. Crew members desert their vessels with far reaching consequences;
2. Sent home before completing their contract where they faced severe contractual penalties;
3. Others completed their contract, but their exit could be delayed, and not all outstanding wages are paid;
4. Beginning in 2011, crew members from a number of South Korean FCVs walked off their vessels claiming non-payment of wages and forced labour conditions.

Stringer, C; Whittaker, D.H; Simmons, G. (2016). 'New Zealand's turbulent waters: The use of forced labour in the fishing industry', *Global Networks*, 16(1): 3-24.

REWARD OFFERED
\$1,000



A reward of \$1,000 is offered for information that leads to the whereabouts of:

KISMO PAKISTAN
Date of Birth: 14 September 1982
Nationality: Indonesian
Occupation: Fisherman

This person deserted from his ship F.V. Oyang 70 at the port of Dunedin on Tuesday, June 5, 2007. He was last seen leaving his ship in a taxi at approximately midnight. His work permit issued by NZ Immigration has been revoked and he is now in breach of his NZ Entry Visa.

Any person who can provide information leading to the discovery of the whereabouts of KISMO PAKISTAN should contact:

Pete Dawson,
Fisheries Consultancy (NZ) Ltd,
P.O. Box 43, Lyttelton 8841.
Phone: 021-334-381
Fax: 03-328-9595
E-mail: pete@fishcon.net


This advertisement is authorised by:
Southern Storm Fishing (2007) Ltd,
P.O. Box 31135, Christchurch.

離船的四項困境

1. 船員擅自離船會有影響深遠的後果
2. 在契約到期前遣返回家將面臨巨額契約罰金
3. 其他履行完契約者，離船程序仍可能遭延後，且未償還的工資不會全額支付
4. 自2011年開始，在許多向南韓承包的外國漁船上，憤而離船的船員指控船上有不付工資及強迫勞動的情形

Stringer, C; Whittaker, D.H; Simmons, G. (2016). 'New Zealand's turbulent waters: The use of forced labour in the fishing industry', *Global Networks*, 16(1): 3-24.

REWARD OFFERED
\$1,000



A reward of \$1,000 is offered for information that leads to the whereabouts of:

KISMO PAKISTAN
Date of Birth: 14 September 1982
Nationality: Indonesian
Occupation: Fisherman

This person deserted from his ship F.V. Oyang 70 at the port of Dunedin on Tuesday, June 5, 2007. He was last seen leaving his ship in a taxi at approximately midnight. His work permit issued by NZ Immigration has been revoked and he is now in breach of his NZ Entry Visa.

Any person who can provide information leading to the discovery of the whereabouts of KISMO PAKISTAN should contact:

Pete Dawson,
Fisheries Consultancy (NZ) Ltd,
P.O. Box 43, Lyttelton 8841.
Phone: 021-334-381
Fax: 03-328-9595
E-mail: pete@fishcon.net

This advertisement is authorised by:
Southern Storm Fishing (2007) Ltd,
P.O. Box 31135, Christchurch.

Pressure for change



BUSINESS SCHOOL



Stringer C., Simmons, G. and Coulston, D. (2011). 'Not in New Zealand's waters, surely?: labour and human rights abuses aboard foreign fishing vessels' <http://docs.business.auckland.ac.nz/Doc/11-01-Not-in-New-Zealand-waters-surely-NZAI-Working-Paper-Sept-2011.pdf>.

Stringer C., Hughes, S., Whittaker, D.H., Haworth, N., Simmons, G. (2016). 'Labour standards and regulation in GVCs: The case of the New Zealand fishing industry', *Environment and Planning A*, 48(10): 1910-1927.

施壓尋求改變



BUSINESS SCHOOL



Stringer C., Simmons, G. and Coulston, D. (2011). 'Not in New Zealand's waters, surely?: labour and human rights abuses aboard foreign fishing vessels' <http://docs.business.auckland.ac.nz/Doc/11-01-Not-in-New-Zealand-waters-surely-NZAI-Working-Paper-Sept-2011.pdf>.

Stringer C., Hughes, S., Whittaker, D.H., Haworth, N., Simmons, G. (2016). 'Labour standards and regulation in GVCs: The case of the New Zealand fishing industry', *Environment and Planning A*, 48(10): 1910-1927.

Media



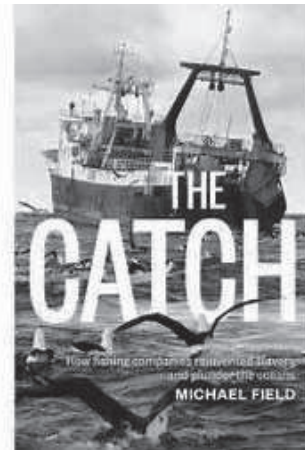
BUSINESS SCHOOL

**Bloomberg Businessweek:
The Fishing Industry's Cruellest Catch**

In the waters off New Zealand, scores of indentured workers are trawling for seafood—and you may be buying it

E. Benjamin Skinner

24 February 2012



媒體



BUSINESS SCHOOL

**彭博商業周刊：
漁業最殘酷的捕撈**

許多勞工在紐西蘭離岸水域受契約所綁而辛苦拖網捕撈 - 你可能會買到這些血汗海鮮

E. Benjamin Skinner

2012年2月24日



US retailers

US
government



BUSINESS SCHOOL

The United States Ambassador-at-Large to Monitor and Combat Trafficking in Persons, Luis C De Baca, at the launch of the TIP Report, 2012 stated:

“We see it in the private sector, where corporate leaders are using their business skills. They’re hearing from consumers who don’t want to buy things tainted by modern slavery. Leaders like CEO Tom Mazzetta. When he read a report about forced labor in the fishing industry, he wasn’t just shocked. He acted. He wrote two letters. The first was to the company he used, until that day, to source calamari. The second was an open letter to all of his customers telling them that his brand was his family, his family name, and he would not taint it or his customers with slavery in his supply chain. We’re inspired by his principled stand.”

<http://test.hrgov.getusinfo.com/2012/06/20/remarks-by-secretary-clinton-and-company-on-the-release-of-the-2012-trafficking-in-persons-report/>

<https://still4hill.com/2012/06/19/video-hillary-clinton-releases-2011-trafficking-in-persons-tip-report/>

美國零售商

美國政府



BUSINESS SCHOOL

負責監控並打擊人口販運的美國無任所大使 Luis C De Baca 在2012年發表的人口販運報告中提到：

「在私部門我們可以看到企業主正利用商業技巧來解決此問題。他們傾聽消費者的心聲，消費者們不想購買被現代奴工問題污染的產品。像是執行長 Tom Mazzetta，他看了漁業強迫勞動的報告後，除了震驚之外，他還付諸行動寫了兩封信。第一封寫給截至當日為止他一直用來為他掌握烏賊貨源的公司。第二封則公開寫給所有的消費者，告訴大家 Mazzetta 集團這個以自己家族名稱命名的品牌是他的家，他決不會讓供應鏈上的奴工問題污染這個家以及消費者。如此有操守的正直舉動深深啟發了我們。」

<http://test.hrgov.getusinfo.com/2012/06/20/remarks-by-secretary-clinton-and-company-on-the-release-of-the-2012-trafficking-in-persons-report/>

<https://still4hill.com/2012/06/19/video-hillary-clinton-releases-2011-trafficking-in-persons-tip-report/>



BUSINESS SCHOOL

New Zealand: regulatory response

A Ministerial Inquiry led to wide ranging regulatory reforms, including:

<p><i>Immigration New Zealand Instructions: Amendment Circular No. 2012/18</i> Amendments to the Immigration New Zealand Operational Manual: Foreign Crew of Fishing Vessels Instructions</p>	<p>Strengthened the immigration requirements for the issuing of work visas and in particular addressed employment contracts; guarantee of crew wages and conditions; wages paid directly to the crew; work and living standards enforced by inter-agency group.</p>
<p><i>Fisheries (Foreign Charter Vessels and other Matters) Amendment Act 2014</i></p>	<p>By 1 May 2016, all fishing vessels must be flagged as New Zealand vessels “to protect the human rights of crews and ensure that New Zealand’s reputation as a responsible and sustainable fishing nation is maintained”.</p>
<p><i>Immigration Amendment Bill (No 2) (enacted May 2015)</i></p>	<p>Exploitation of migrant workers is a serious criminal offence.</p>
<p><i>Organised Crime and Anti-corruption Legislation Bill (enacted October 2015)</i></p>	<p>Brings New Zealand in line with the <i>Protocol to Prevent, Suppress and Punish trafficking in Persons, especially Women and Children (Palermo Protocol)</i>.</p>



BUSINESS SCHOOL

紐西蘭：法規對策

漁業部的調查導致廣泛的法規改革，其中包含：

<p><i>No.2012/18號修正公告</i> 紐西蘭移民作業手冊修正：外國漁船船員指南</p>	<p>強化核發工作簽證的規定，特別提及聘僱契約；保證船員的工資及生活條件；工資必須直接支付給船員；工作及生活規範應由跨部會小組訂定執行。</p>
<p><i>2014年漁業修正法</i> (外國承包漁船及其他事務)</p>	<p>至2016年5月1日前，所有漁船均須掛上旗幟標明為紐西蘭籍「以保障船員人權並確保紐西蘭作為負責、永續之漁業國家的名聲得以維持」。</p>

移民修正草案 (第2號) (於2015年5月頒布)
組織性犯罪及反貪腐法案 (2015年10月頒布)

剝削移工為重大刑事犯罪。
讓紐西蘭法規與《預防、壓制及懲治販運人口 (特別是婦女及兒童) 議定書》(巴勒摩議定書) 一致。

Stringer C., Hughes, S., Whittaker, D.H., Haworth, N., Simmons, G. (2010). *Life on the edge: the New Zealand fishing industry*, Environment and Planning A, 42(1), 101-127.
right to crews and ensure that New Zealand’s reputation as a responsible and sustainable fishing nation is maintained”.



BUSINESS SCHOOL

South Korea: regulatory response

Inter-ministerial investigation	<p>Ministries in charge: Ministry of Land, Transport and Maritime Affairs; Ministry of Foreign Affairs and Trade; Ministry of Food, Agriculture, Forestry and Fisheries; and Ministry of Justice.</p> <p>Also involved the Korean Coast Guard and Ministry of Employment and Labour.</p> <p>9 individuals prosecuted for forgery, fraud, work place molestation, and assault. Two individuals found guilty of document forgery and given suspended sentences.</p>
<i>Seafarers' Act</i>	Amendments to improve employment conditions.
<i>Distant Water Fisheries Development Act</i>	Amendments to improve working conditions and protect the rights of crew.

Stringer C., Hughes, S., Whittaker, D.H., Haworth, N., Simmons, G. (2016). 'Labour standards and regulation in GVCs: The case of the New Zealand fishing industry', *Environment and Planning A*, 48(10): 1910-1927.



BUSINESS SCHOOL

南韓：法規對策

各部會間的調查	<p>負責部門：大韓民國國土交通及海洋事務部、外交通商部、農林水產食物部及法務部，也包含大韓民國海洋警察廳、雇傭勞動部。</p> <p>共9名人員因偽造、詐欺、職場性侵害及傷害罪遭起訴。其中2名被告因偽造文書遭判有罪而施以緩刑。</p>
航海法	新增修正案以改善僱傭環境。
遠洋漁業發展法	新增修正案以改善工作環境並保障船員人權。

Stringer C., Hughes, S., Whittaker, D.H., Haworth, N., Simmons, G. (2016). 'Labour standards and regulation in GVCs: The case of the New Zealand fishing industry', *Environment and Planning A*, 48(10): 1910-1927.

Fisheries crime

- *Oyang 75* during two fishing trips dumped an estimated \$NZ755,000 to \$NZ 1.4 million worth of fish.
- Four vessels forfeited to the Crown under the Fisheries Act 1996:
 - *Melilla 201* vessel sold for \$200,000 and scrapped.
 - *Oyang 75*, *Oyang 77* and *Sur Este 707* released under bond.
- Former crew seeking relief from forfeiture under a Maritime Lien.
- In March 2018, New Zealand's Supreme Court ruled that the fishermen have the right to claim proceeds from the sale of vessels forfeited to the Crown by the Sajo Oyang Corporation. The case is ongoing.

漁業犯罪

- § *Oyang 75* 兩度出航，期間共傾倒了總價約紐幣75萬5千元至140萬元的漁獲。
- § 共四艘漁船依1996年漁業法而遭充公：
 - § 拖網漁船 *Melilla 201* 以20萬元遭售出並報廢。
 - § *Oyang 75*、*Oyang 77* 及 *Sur Este 707* 三艘漁船則在提出擔保後釋放。
- § 前船員們依海事優先權在充公案中尋求救濟。
- § 紐西蘭最高法院於2018年3月判定，*Sajo Oyang* 公司之漁船充公販售，船員有權從拍賣所得中主張收益。全案之程序仍在進行中。



BUSINESS SCHOOL

Returning home

- Sajo Oyang representatives offered former crew cash to withdraw all litigation claims:
 - Some were threatened in order to make them sign a peace agreement.
- Fishers from other vessels, through their lawyers received a financial settlement.
- Most are blacklisted and destitute:
 - “I have applied to many agents, but the answer is the same that because of the action of *Oyang 75* those who have worked in New Zealand in the past are blacklisted”.
 - “I was a good worker ... I went home after completing my 2-year contract. But now I have to suffer the consequences of those who protested”.

RADAR TEGAI

Harian Pertama Kebanggaan Wong Tegal

KAMIS
7 FEBRUARI 2013

PEMBERITAHUAN

Kepada ABK dari PT. IMS yang bekerja di Korea pada Dong Won Fisheries Company F/V Dong Won 701.530. 519 yang bekerja sejak Juni 2009 s/d Mei 2012.

Dapat mengambil sisa gaji yang dikarenakan oleh kesalahan hitung dari Dong Won Fisheries Company.

Untuk informasi pengambilan dapat menghubungi PT. IMS.

Stringer, C. and Kartikasari, A. (2017) Exploited, Blacklisted, Destitute. Samudra Report No. 77, 13-16.



BUSINESS SCHOOL

返家之後

- § Sajo Oyang 公司代表向前船員提供現金以撤銷所有訴訟：
 - § 有些船員甚至遭到代表威脅要簽下和解書。
- § 他船漁民透過律師爭取到財務和解。
- § 多數船員依舊貧困且被列數黑名單：
 - § 「我已經向多位仲介申請工作，但他們的答覆都說，所有在紐西蘭工作過的漁民皆因 *Oyang 75* 一案而被列為黑名單了。」
 - § 「我那時工作得很賣力... 結束了兩年的契約後我終於回到家。然而現在，我卻得因為那些抗議的人承受而這些後果，」

RADAR TEGAI

Harian Pertama Kebanggaan Wong Tegal

KAMIS
7 FEBRUARI 2013

PEMBERITAHUAN

Kepada ABK dari PT. IMS yang bekerja di Korea pada Dong Won Fisheries Company F/V Dong Won 701.530. 519 yang bekerja sejak Juni 2009 s/d Mei 2012.

Dapat mengambil sisa gaji yang dikarenakan oleh kesalahan hitung dari Dong Won Fisheries Company.

Untuk informasi pengambilan dapat menghubungi PT. IMS.

Stringer, C. and Kartikasari, A. (2017) Exploited, Blacklisted, Destitute. Samudra Report No. 77, 13-16.

In conclusion

- Those who engaged in industrial action, helped reshape the working environment for future crew.
- Action by the New Zealand government brought about change.
- To-date, there have been no prosecutions for human trafficking for forced labour, only for environmental offences.
- The New Zealand example illustrates: the importance of various actors working together to effect change; the need for international inter-agency coordination.
- “Documented good practice yielding results in New Zealand, but not replicated elsewhere” (ILO 2016).

And the crew who engaged in industrial action?

Many dream of the opportunity to work in New Zealand again but

“it is a dream that will never come true”

They have no regrets “because it benefited future generations”.

結論

- § 發動產業行動的人幫助改善了未來船員的工作環境。
- § 紐西蘭政府的作為帶來許多改變。
- § 迄今尚無人因強迫勞動或人口販運遭起訴，只有人因違反環境法規起訴。
- § 此樁紐西蘭的案例顯示：重要的是各界參與者必須齊心協力才能推動改革；需要國際跨部門的協調。
- § 「所記載的優良實務做法在紐西蘭奏效，但無法在他處如法炮製」
(ILO 2016)

那麼參與工業行動的船員呢？

許多人還是夢想著能再度有機會在紐西蘭工作，
但「這不過是個永遠無法成真的夢」。

他們並無悔憾，「因為這場行動已造福了後代子孫」。



BUSINESS SCHOOL

For more information, see:

Stringer, C. and Kartikasari, A. (2017). New Zealand: labour, exploited, blacklisted, destitute. *Samudra Report*, (77), 13-16.

Stringer, C., Hughes, S., Whittaker, D.H., Haworth, N. and Simmons, G. (2016). 'Labour standards and regulation in GVCs: The case of the New Zealand fishing industry', *Environment and Planning A*, 48(10): 1910-1927.

Stringer, C., Whittaker, D.H., and Simmons, G. (2016). 'New Zealand's turbulent waters: The use of forced labour in the fishing industry', *Global Networks*, 16(1): 3-24.

Stringer, C. and Simmons, G. (2015). 'Stepping through the looking glass: Researching slavery in New Zealand's fishing industry', *Journal of Management Inquiry*, 24(3): 253-263.

Simmons, G. and Stringer, C. (2014). 'New Zealand's fisheries management system: Forced labour an ignored or overlooked dimension?', *Marine Policy*, 50(Part A): 70-84.

Stringer, C. A., Simmons, G., Coulston, D., & Whittaker, D. H. (2013). Not in New Zealand's waters, surely? Linking labour issues to GPNs. *Journal of Economic Geography*, 14(4), 739-758.

Stringer, C., Simmons, G., and Coulston, D. (2011). 'Not in New Zealand's waters, surely? Labour and human rights abuses aboard foreign fishing vessels', New Zealand Asia Institute Working Paper 11-01.

Please email me: c.stringer@auckland.ac.nz for copies of any of the above



BUSINESS SCHOOL

更多資訊詳見：

Stringer, C. and Kartikasari, A. (2017). New Zealand: labour, exploited, blacklisted, destitute. *Samudra Report*, (77), 13-16.

Stringer, C., Hughes, S., Whittaker, D.H., Haworth, N. and Simmons, G. (2016). 'Labour standards and regulation in GVCs: The case of the New Zealand fishing industry', *Environment and Planning A*, 48(10): 1910-1927.

Stringer, C., Whittaker, D.H., and Simmons, G. (2016). 'New Zealand's turbulent waters: The use of forced labour in the fishing industry', *Global Networks*, 16(1):3-24.

Stringer, C. and Simmons, G. (2015). 'Stepping through the looking glass: Researching slavery in New Zealand's fishing industry', *Journal of Management Inquiry*, 24(3): 253-263.

Simmons, G. and Stringer, C. (2014). 'New Zealand's fisheries management system: Forced labour an ignored or overlooked dimension?', *Marine Policy*, 50(Part A): 70-84.

Stringer, C. A., Simmons, G., Coulston, D., & Whittaker, D. H. (2013). Not in New Zealand's waters, surely? Linking labour issues to GPNs. *Journal of Economic Geography*, 14(4), 739-758.

Stringer, C., Simmons, G., and Coulston, D. (2011). 'Not in New Zealand's waters, surely? Labour and human rights abuses aboard foreign fishing vessels', New Zealand Asia Institute Working Paper 11-01.

欲參閱上述任一文件，請以此信箱聯繫我：c.stringer@auckland.ac.nz



家事勞動力輸出國保護國民之焦點作為 –
由菲律賓防範家事工遭剝削之體制談起

**Actions in Focus by the Exporting Countries of Migrant
Domestic Workers – The Philippine Model on Preventing
Migrant Domestic Workers from Exploitation.**

主講人：Jorge Villamor Tigno

菲律賓大學公共行政及治理學院教授

Speaker : Jorge Villamor Tigno

**National College of Public Administration and Governance
University of Philippines, Diliman**

主講人簡介

Jorge Villamor Tigno

菲律賓大學公共行政及治理學院
教授



學歷

菲律賓大學迪里曼分校國家公共行政管理學院公共行政學博士

博士論文主題：菲律賓公共政策及管理方針 — RA 8042 法案與海外移工之解除管制

菲律賓大學迪里曼分校社會科學與哲學學院（政治學）文學碩士

碩士論文主題：國際移工政治 — 菲律賓對沙烏地阿拉伯之勞工外交政策

菲律賓大學迪里曼分校文理學院政治學學士

經歷

菲律賓大學迪里曼分校社會科學與哲學學院政治學系系主任

菲律賓大學迪里曼分校社會科學與哲學學院政治學系教授

菲律賓大學迪里曼分校社會科學與哲學學院政治學系副教授

菲律賓大學迪里曼分校社會科學與哲學學院政治學系助理教授

菲律賓大學迪里曼分校社會科學與哲學學院政治學系講師

菲律賓移工之友股份有限公司（馬尼拉）執行董事

Brief Introduction of Speaker

Jorge Villamor Tigno



Professor, National College of
Public Administration and Governance,
University of the Philippines, Diliman

Education

Doctor of Public Administration (DPA), National College of Public Administration and Governance (NCPAG), University of the Philippines, Diliman

Dissertation Title: Governance and Public Policy in the Philippines : RA 8042 and the Deregulation of the Overseas Employment Sector

Master of Arts (Political Science), College of Social Sciences and Philosophy (CSSP), University of the Philippines, Diliman

Thesis Title: Politics of International Labor Migration: Philippine Labor Foreign Policy Towards Saudi Arabia (1979-1989)

Bachelor of Arts (Political Science), College of Arts and Sciences (CAS), University of the Philippines, Diliman

Career Experience

Chairperson, Department of Political Science, College of Social Sciences and Philosophy, University of the Philippines, Diliman

Professor, Department of Political Science, College of Social Sciences and Philosophy, University of the Philippines, Diliman

Associate Professor, Department of Political Science, College of Social Sciences and Philosophy, University of the Philippines, Diliman

Assistant Professor, Department of Political Science, College of Social Sciences and Philosophy, University of the Philippines, Diliman

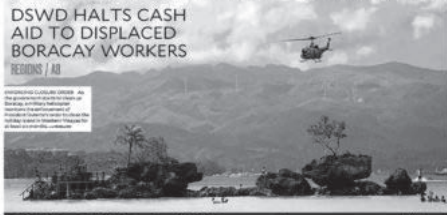
Instructor, Department of Political Science, College of Social Sciences and Philosophy, University of the Philippines, Diliman

Executive Director, Friends of Filipino Migrant Workers, Inc., Manila

The Philippine Model and Experience in Preventing Migrant Domestic Workers from Exploitation and Abuse

**菲律賓家事勞動移工遭受虐待、
剝削事件
防制方式及經驗分享**

PHILIPPINE DAILY INQUIRER April 10, 2018



DSWD HALTS CASH AID TO DISPLACED BORACAY WORKERS

REGIONS / AD
The Department of Social Welfare and Development (DSWD) has stopped providing cash assistance to displaced workers from Boracay island as it looks for a permanent solution to the island's environmental crisis.

PHILIPPINE DAILY INQUIRER

DUTERTE: OFW BAN TO KUWAIT PERMANENT

The President asks all 260,000 overseas Filipino workers in the oil-rich Gulf state to return home, promising to find them jobs here and neighboring countries like China and Japan.

By RALPH EDWIN S. YUANLAWA
President Rodrigo Duterte has ordered all 260,000 overseas Filipino workers in Kuwait to return home by the end of the month, saying the ban is permanent. The president said the ban is permanent because of the crisis over the sector of distressed employers has deepened.

The president said the ban is permanent because of the crisis over the sector of distressed employers has deepened. He said the ban is permanent because of the crisis over the sector of distressed employers has deepened.

What's inside
BSP EXEC: INFRA PROGRAM TO TEMPER CAPITAL OUTFLOWS **Business** 81
HOW CHADIS CAPITALISTS 'SHOOT' COUNTRIES WITH HALAZON MEDIA **News** 46
DAYS SCHEDULED FOR POLICE TO BE DEPLOYED **Police** 42

APRIL INFLATION SEEN ACCELERATING TO 4.6% **Business** / B1
ADVICE TO YOUNG PROFESSIONALS **OPINION** / A12
SPANISH WRITER CELEBRATES PH HISTORY **LIFESTYLE** / B1

Refill revo reloaded in Bulacan town
BULACAN, CALABARZON (PNA) — A "refill revo" (a type of alcohol) has been reloaded in Bulacan town, Calabarzon, after a ban was lifted. The reloaded refill revo is a type of alcohol that is popular in the area.

badmouthing of PH really a confirmation

By ROBERTO TIAGAN
The badmouthing of the Philippines by some Western media outlets is a confirmation of the country's status as a developing nation. It is a reflection of the country's economic and social challenges.

Who posted rescue videos? Kuwait deployment ban now permanent



BY RALPH EDWIN S. YUANLAWA
President Rodrigo Duterte said the temporary ban on the deployment of Filipino workers to Kuwait will be made permanent as the crisis over the sector of distressed employers has deepened.

North Korea vows to shut nuclear test site in May

By RALPH EDWIN S. YUANLAWA
North Korea has vowed to shut down its nuclear test site in May, a move that has been welcomed by the international community. The test site is located in the mountainous region of the country.

What's inside
BSP EXEC: INFRA PROGRAM TO TEMPER CAPITAL OUTFLOWS **Business** 81
HOW CHADIS CAPITALISTS 'SHOOT' COUNTRIES WITH HALAZON MEDIA **News** 46
DAYS SCHEDULED FOR POLICE TO BE DEPLOYED **Police** 42

Refill revo reloaded in Bulacan town
BULACAN, CALABARZON (PNA) — A "refill revo" (a type of alcohol) has been reloaded in Bulacan town, Calabarzon, after a ban was lifted. The reloaded refill revo is a type of alcohol that is popular in the area.

PHILIPPINE DAILY INQUIRER April 10, 2018



DSWD HALTS CASH AID TO DISPLACED BORACAY WORKERS

REGIONS / AD
The Department of Social Welfare and Development (DSWD) has stopped providing cash assistance to displaced workers from Boracay island as it looks for a permanent solution to the island's environmental crisis.

PHILIPPINE DAILY INQUIRER

DUTERTE: OFW BAN TO KUWAIT PERMANENT

The President asks all 260,000 overseas Filipino workers in the oil-rich Gulf state to return home, promising to find them jobs here and neighboring countries like China and Japan.

By RALPH EDWIN S. YUANLAWA
President Rodrigo Duterte has ordered all 260,000 overseas Filipino workers in Kuwait to return home by the end of the month, saying the ban is permanent. The president said the ban is permanent because of the crisis over the sector of distressed employers has deepened.

The president said the ban is permanent because of the crisis over the sector of distressed employers has deepened. He said the ban is permanent because of the crisis over the sector of distressed employers has deepened.

What's inside
BSP EXEC: INFRA PROGRAM TO TEMPER CAPITAL OUTFLOWS **Business** 81
HOW CHADIS CAPITALISTS 'SHOOT' COUNTRIES WITH HALAZON MEDIA **News** 46
DAYS SCHEDULED FOR POLICE TO BE DEPLOYED **Police** 42

APRIL INFLATION SEEN ACCELERATING TO 4.6% **Business** / B1
ADVICE TO YOUNG PROFESSIONALS **OPINION** / A12
SPANISH WRITER CELEBRATES PH HISTORY **LIFESTYLE** / B1

Refill revo reloaded in Bulacan town
BULACAN, CALABARZON (PNA) — A "refill revo" (a type of alcohol) has been reloaded in Bulacan town, Calabarzon, after a ban was lifted. The reloaded refill revo is a type of alcohol that is popular in the area.

badmouthing of PH really a confirmation

By ROBERTO TIAGAN
The badmouthing of the Philippines by some Western media outlets is a confirmation of the country's status as a developing nation. It is a reflection of the country's economic and social challenges.

Who posted rescue videos? Kuwait deployment ban now permanent



BY RALPH EDWIN S. YUANLAWA
President Rodrigo Duterte said the temporary ban on the deployment of Filipino workers to Kuwait will be made permanent as the crisis over the sector of distressed employers has deepened.

North Korea vows to shut nuclear test site in May

By RALPH EDWIN S. YUANLAWA
North Korea has vowed to shut down its nuclear test site in May, a move that has been welcomed by the international community. The test site is located in the mountainous region of the country.

What's inside
BSP EXEC: INFRA PROGRAM TO TEMPER CAPITAL OUTFLOWS **Business** 81
HOW CHADIS CAPITALISTS 'SHOOT' COUNTRIES WITH HALAZON MEDIA **News** 46
DAYS SCHEDULED FOR POLICE TO BE DEPLOYED **Police** 42

Refill revo reloaded in Bulacan town
BULACAN, CALABARZON (PNA) — A "refill revo" (a type of alcohol) has been reloaded in Bulacan town, Calabarzon, after a ban was lifted. The reloaded refill revo is a type of alcohol that is popular in the area.



Flor Contemplacion



Joanna Demafelis



Marylin Restor



Sarah Balabagan



**佛洛爾·康特普萊辛
Flor Contemplacion**



**喬安娜·德瑪菲利斯
Joanna Demafelis**

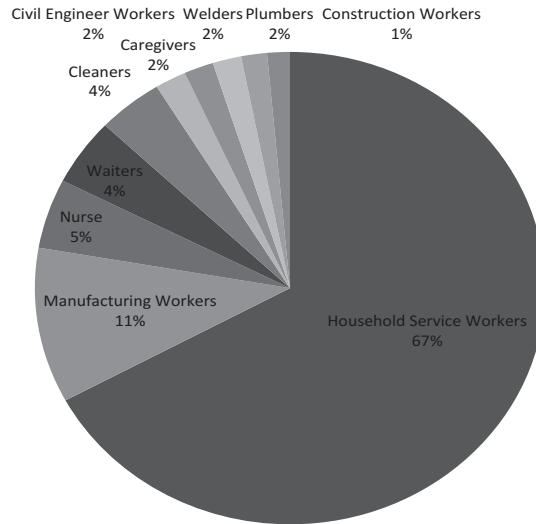


**瑪莉琳·芮斯多
Marylin Restor**



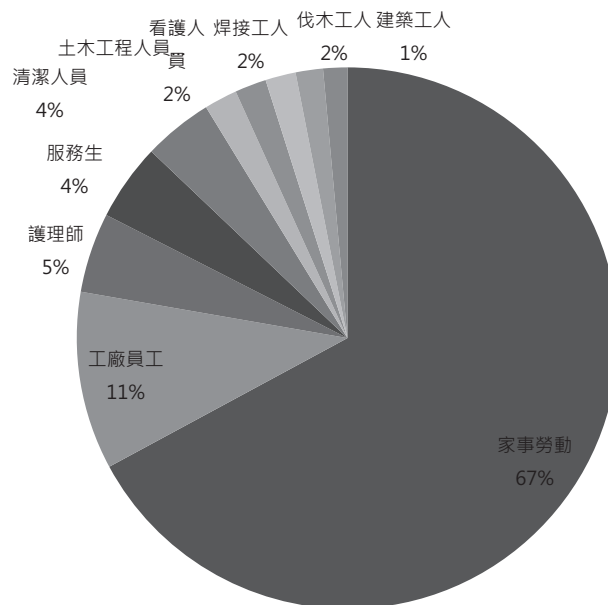
**莎拉·巴拉巴根
Sarah Balabagan**

New Filipino Migrant Workers by Top Ten Occupations in Percent (2016)



Source: Philippine Overseas Employment Administration

菲律賓新移工前十大就業類別 (2016)



資料來源：菲律賓海外就業署 (POEA)

2006/2007 POEA Reform Package

GB Resolution Number 5 (Series of 2006)	Sets the entry-level minimum monthly salary of migrant domestic workers at US\$ 400
GB Resolution Number 6	Prohibited the collection of placement fees from migrant domestic workers
GB Resolution Number 7	Requiring pre-qualification for foreign placement agencies hiring Filipino migrant domestic workers from the Philippine Overseas Labor Office (POLO)
GB Resolution Number 8	Migrant domestic workers are required to secure a certificate for household service workers from the Technical Education and Skills Development Authority (TESDA)
GB Resolution Number 9	Requiring POLO verification of the individual employment contracts of migrant domestic workers as well as the job orders hired through foreign placement agencies or by direct-hire
GB Resolution Number 10	Suspending the issuance of new licenses to agencies recruiting migrant domestic workers
GB Resolution Number 2 (Series of 2007)	Sets the minimum age for migrant domestic workers at 23 years

2006/2007 菲律賓海外就業署改革政策

GB 5號決議文 (2006訂)	規定家事勞動移工每月最低薪資不得低於400美元
GB 6號決議文	禁止向家事勞動移工收取安置費
GB 7號決議文	國外雇用菲籍家事勞動移工之仲介機構，須先通過菲律賓海外勞動處 (POLO) 資格審核
GB 8號決議文	家事勞動移工須先取得菲律賓技術教育及技能發展司 (TESDA) 頒發之居家服務人員認證書
GB 9號決議文	家事勞動移工之僱用合約，以及海外仲介雇用或雇主直接雇用之工作通知書須先經過菲律賓海外勞動處 (POLO) 審核
GB 10號決議文	暫緩發放新執照予家事勞動移工招募仲介機構
GB 2號決議文 (2007年訂)	規定家事勞動移工年齡不得低於23歲

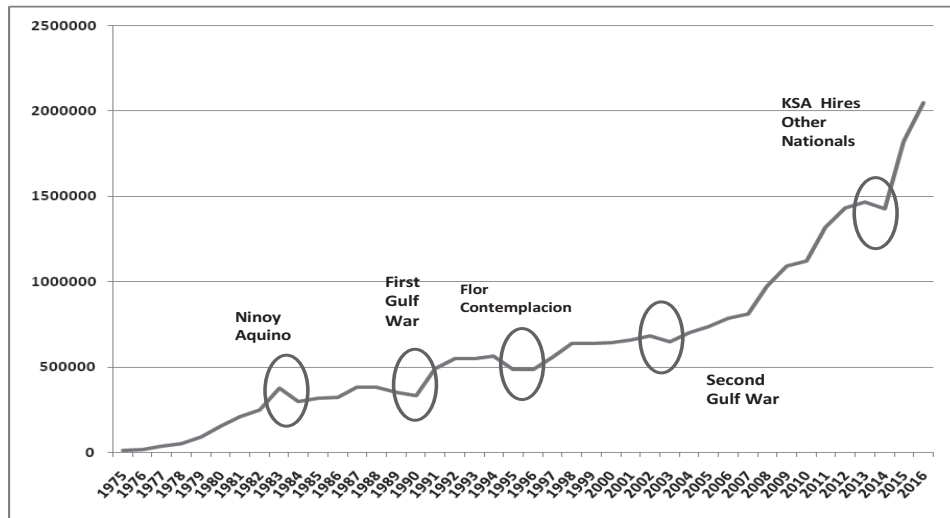
Reforms for Migrant Domestic Workers

- **Mandatory CDEP**
- **Orientations given by OWWA and NGOs**
- **Promoting awareness of rights**
- **Professionalizing migrant domestic workers**
- **Instilling financial literacy**
- **Responding to recruitment violations**

家事勞動移工政策改革

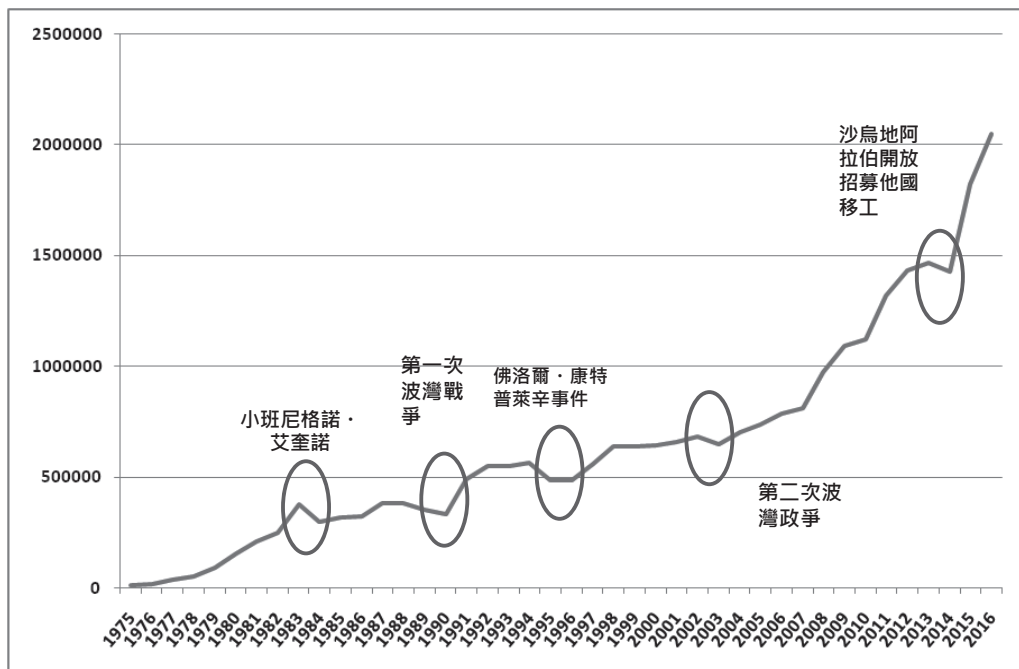
- **強制接受 CDEP 訓練**
- **海外勞工福利處 (OWWA) 及 NGO 提供新進訓練課程**
- **提升權利意識**
- **家事勞動移工專業化**
- **培養基礎金融素養**
- **處理違反雇用規定之案件**

Annual Outflows of Filipino Migrants (1975-2016)



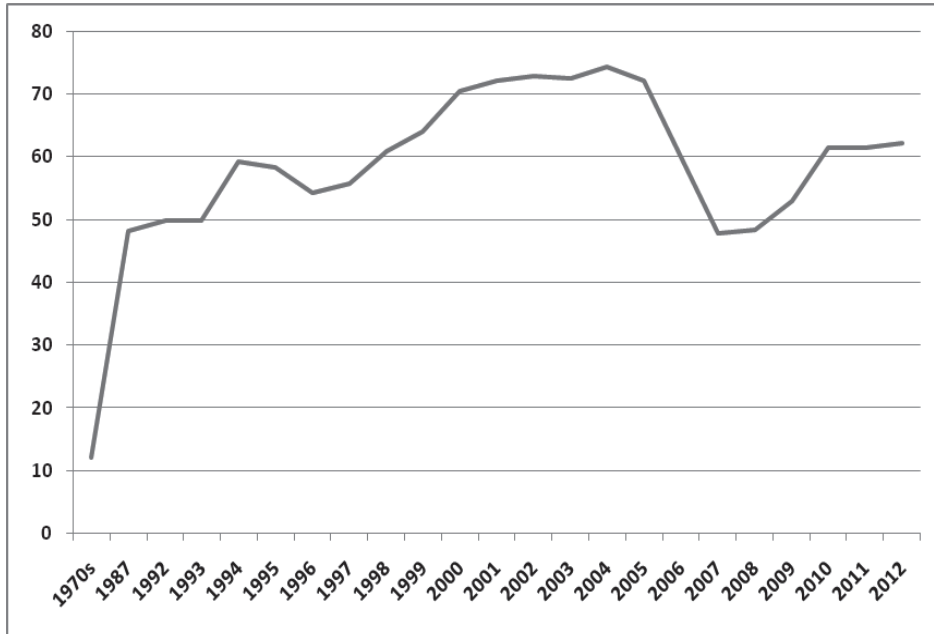
Source: Philippine Overseas Employment Administration

菲律賓逐年外移人口情形 (1975-2016)



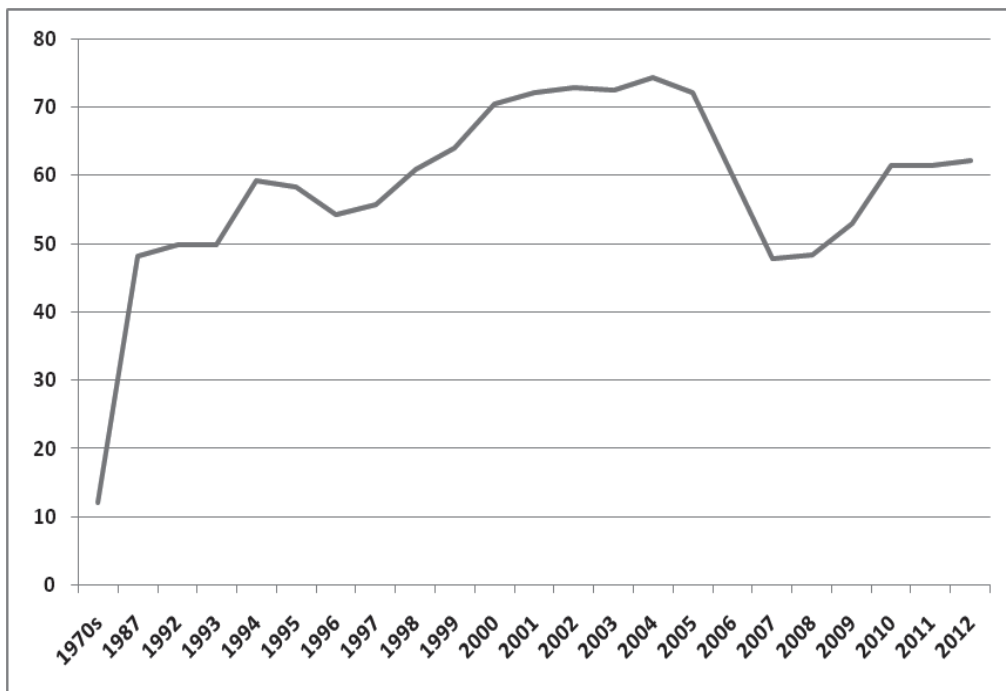
資料來源：菲律賓海外就業署 (POEA)

Percentage of Women Migrants Leaving on New Job Contracts (1970s, 1987, 1993-2015)



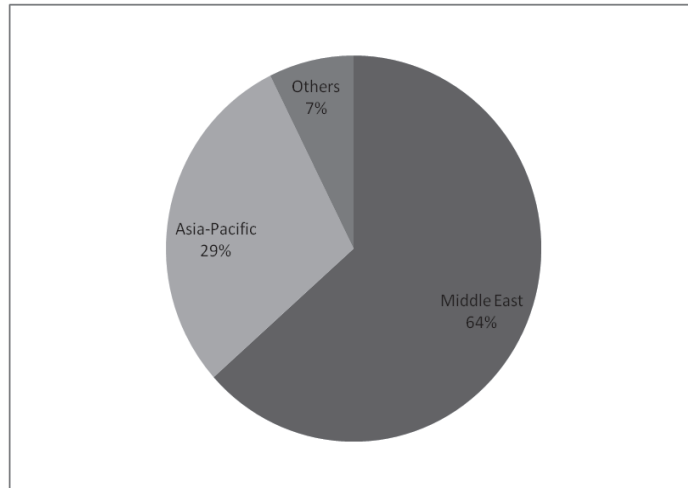
Source: Philippine Overseas Employment Administration

女性移工獲新工作合同離國比例 (1970s, 1987, 1993-2015)



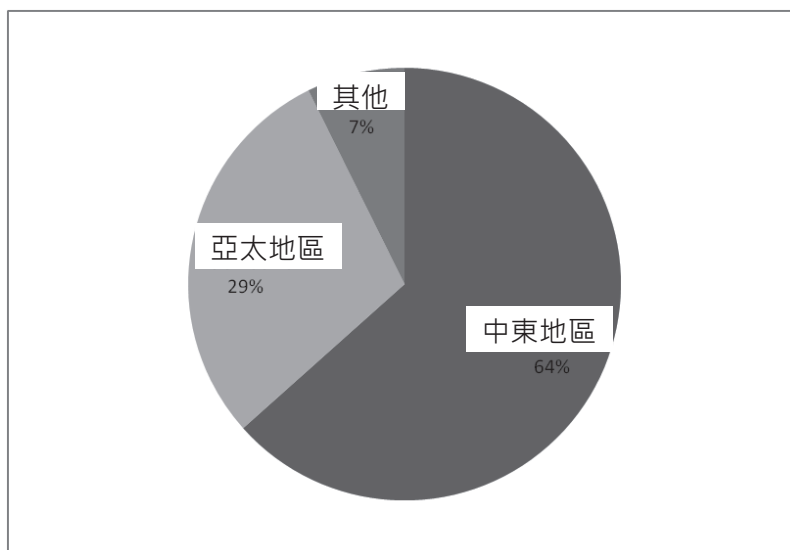
資料來源：菲律賓海外就業署 (POEA)

Filipino Migrant Annual Outflows by Region of Destination in Percent (2016)



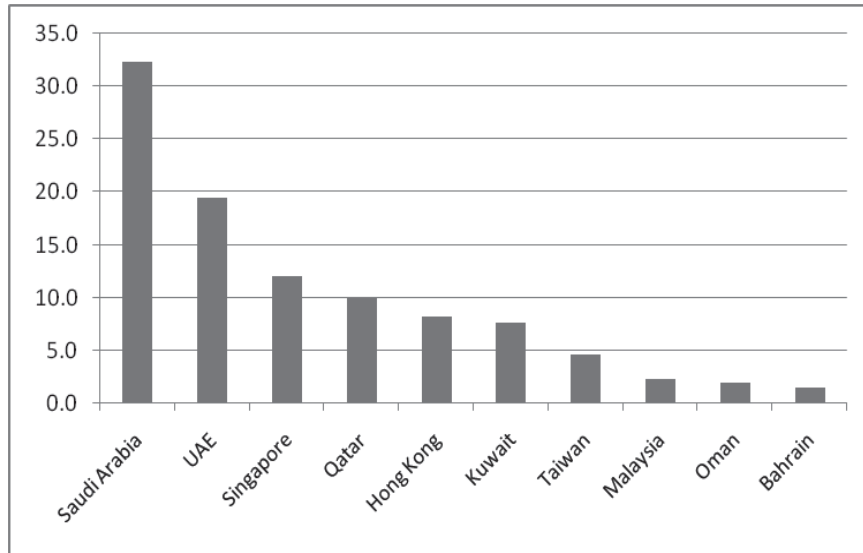
Source: Philippine Overseas Employment Administration

菲律賓移(出)民人口遷徙目的地區分佈 (2016)



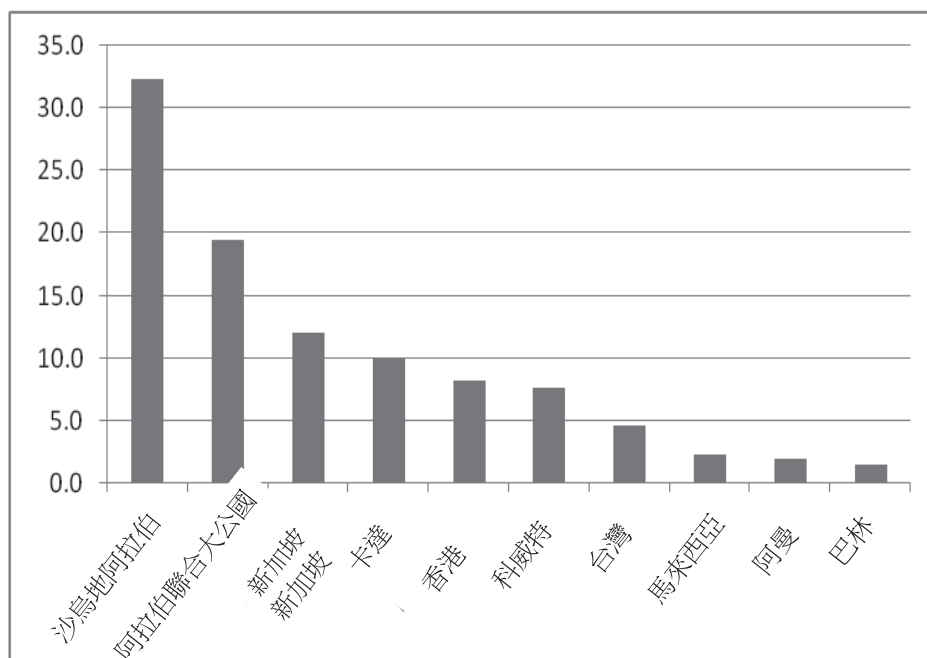
資料來源：菲律賓海外就業署 (POEA)

Top Ten Destinations as Percentage of Total Outflows (2016)



Source: Philippine Overseas Employment Administration

海外移民前十大目的地區所占總數百分比 (2016)



資料來源：菲律賓海外就業署 (POEA)

Migrant Deployment Conditions

- There are existing labor and social laws protecting the rights of migrant workers.
- The country is a signatory to multilateral conventions, declaration or resolutions relating to the protection of migrant workers.
- The country has concluded a bilateral agreement or arrangement with the government protecting the rights of overseas Filipino workers.
- The authorities are is taking positive, concrete measures to protect the rights of migrant workers. (RA 8042 Section 4)

移工開放條件

- 該國需已有勞動及社會法規保障移民工作者之權益
- 該國須曾簽署保障移工權益之多邊公約、宣言或決議
- 該國須與菲律賓政府簽署雙邊協議，保障海外菲律賓工作者之權益
- 該國政府需採取積極、具體之措施保障移工權益（RA 8042 第四節）

Deployment Bans / Restrictions

- Afghanistan
- Burundi
- Chad
- Chechnya
- Cuba
- Haiti
- Iraq
- Libya
- Mali
- Mauritania
- Niger
- North Korea
- Palau
- Palestine
- Somalia
- Sudan
- Syria
- Rwanda
- Ukraine
- Yemen
- Zimbabwe

移工禁止前往、限制前往之國家

- 阿富汗
- 蒲隆地
- 查德
- 車臣
- 古巴
- 海地
- 伊拉克
- 利比亞
- 馬利
- 茅利塔尼亞
- 尼日
- 北韓
- 帛琉
- 巴勒斯坦
- 索馬利雅
- 蘇丹
- 敘利亞
- 盧安達
- 烏克蘭
- 葉門
- 辛巴威

ILO Ratifications – Philippines

- **Forced Labour Convention, 1930 (No. 29)**
- **Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)**
- **Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**
- **Abolition of Forced Labour Convention, 1957 (No. 105)**
- **Worst Forms of Child Labour Convention, 1999 (No. 182)**
- **Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)**
- **Workmen's Compensation (Accidents) Convention, 1925 (No. 17)**
- **Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)**
- **Employment Service Convention, 1948 (No. 88)**
- **Night Work (Women) Convention (Revised), 1948 (No. 89)**
- **Protection of Wages Convention, 1949 (No. 95)**
- **Migration for Employment Convention (Revised), 1949 (No. 97)**
- **Plantations Convention, 1958 (No. 110)**
- **Equality of Treatment (Social Security) Convention, 1962 (No. 118)**
- **Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)**
- **Nursing Personnel Convention, 1977 (No. 149)**
- **Labour Relations (Public Service) Convention, 1978 (No. 151)**
- **Maintenance of Social Security Rights Convention, 1982 (No. 157)**
- **Domestic Workers Convention, 2011 (No. 189)**

菲律賓簽署之國際勞動基準公約

- 禁止強迫勞動公約 1930 (No. 29)
- 結社自由和組織集會權公約 1948 (No. 87)
- 組織與團體協商權公約 1949 (No. 98)
- 廢止強迫勞動公約 1957 (No. 105)
- 最惡劣形式兒童勞動公約 1999 (No. 182)
- 三方面諮商 (國際勞動標準) 公約 1976 (No. 144)
- 工人賠償 (意外事故) 公約 1925 (No. 17)
- 外國工人與本國工人災害賠償應受同等待遇公約 1925 (No. 19)
- 就業服務公約 1948 (No. 88)
- 夜間工作 (婦女) (已修正) 公約 1948 (No. 89)
- 保護工資公約 1949 (No. 95)
- 移民就業 (已修正) 公約 1949 (No. 97)
- 農場公約 1958 (No. 110)
- 同等待遇 (社會安全保障) 1962 (No. 118)
- 移民濫用限制及平等機會與待遇促進公約 1975 (No. 143)
- 護理人員公約 1977 (No. 149)
- 勞動關係 (公共服務) 公約 1978 (No. 151)
- 維持社會安全權利公約 1982 (No. 157)
- 家事勞動者公約 2011 (No. 189)

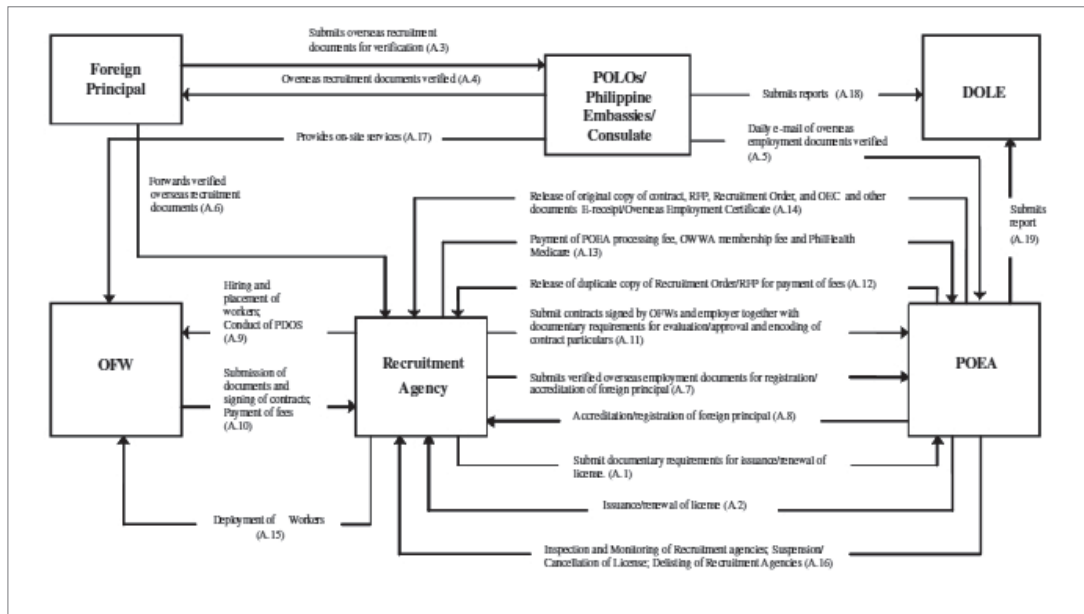
Regional and Global Reform Initiatives

- **1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**
- **1999 Bangkok Declaration**
- **2002 Bali Process**
- **ASEAN Declaration on the Rights of Migrant Workers (2007)**
- **Domestic Workers Act 2017**
- **ASEAN Consensus on the Rights of Migrant Workers (2017)**

國際及區域性改革倡議及脈絡背景

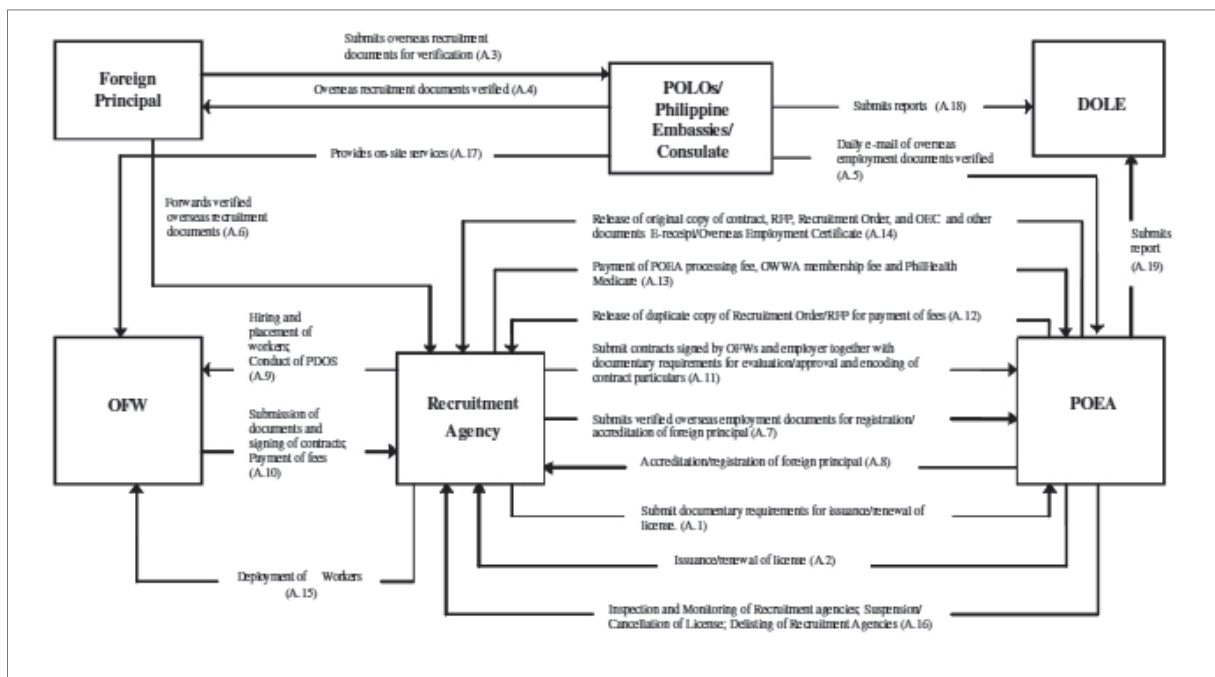
- 1990 保護所有移工及其家庭成員權利國際公約
- 1999 曼谷宣言
- 2002 峇里進程
- 2007 東協保護暨促進移工權益宣言
- 2017 家事勞動者法案
- 2017 東協保護暨促進移工權益共識

Labor Migration Management - Recruitment



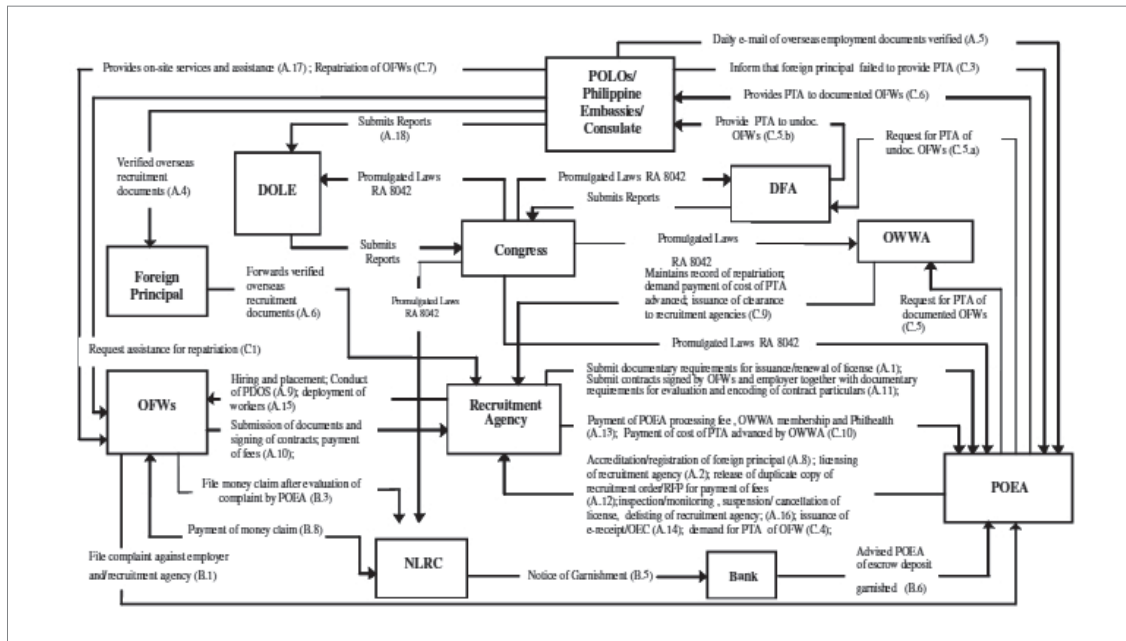
Source: Commission on Audit

勞動移民管理 – 招募流程



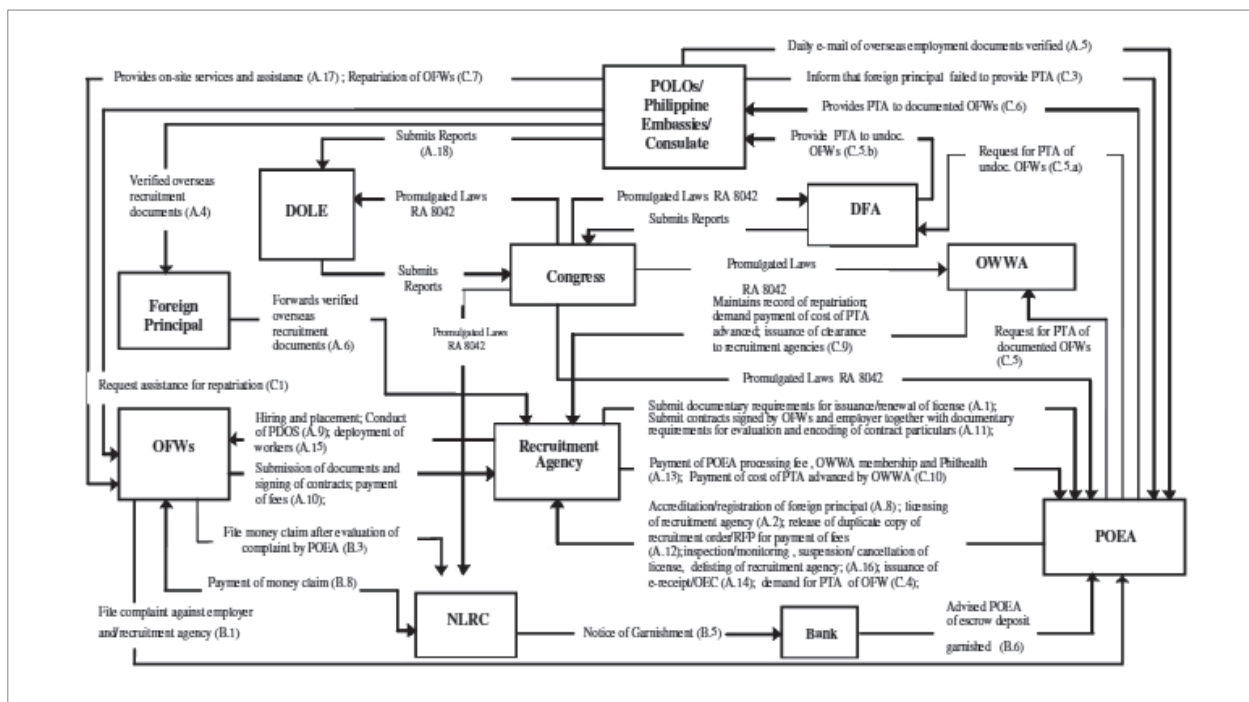
資料來源：菲律賓審計委員會 (COA)

Labor Migration Management – Welfare Promotion



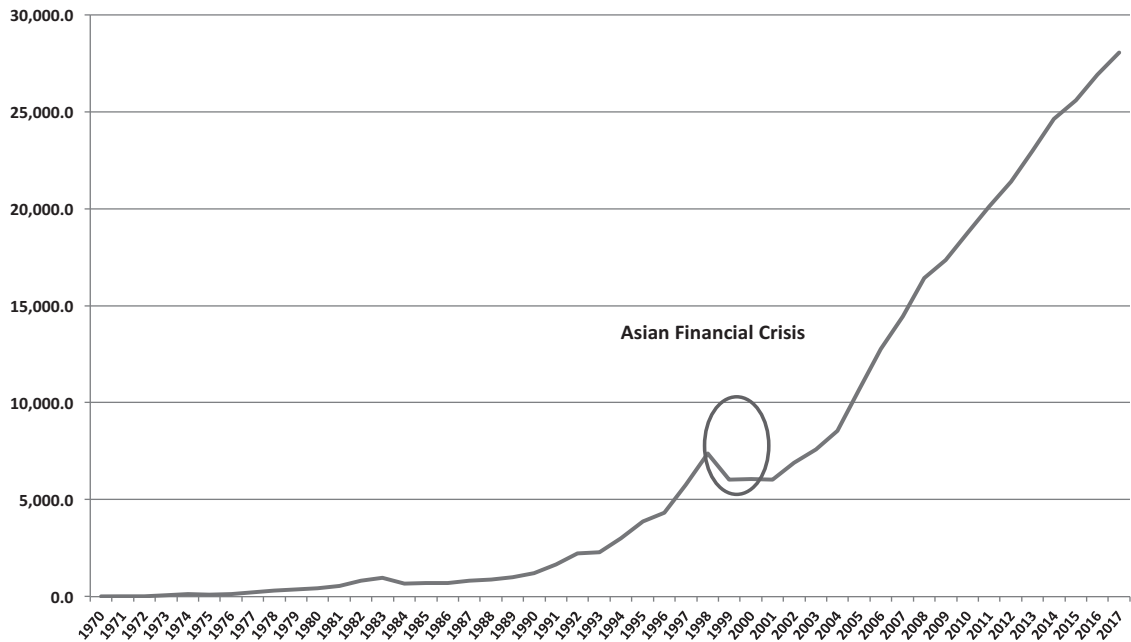
Source: Commission on Audit

勞動移民管理 – 勞工福利提升



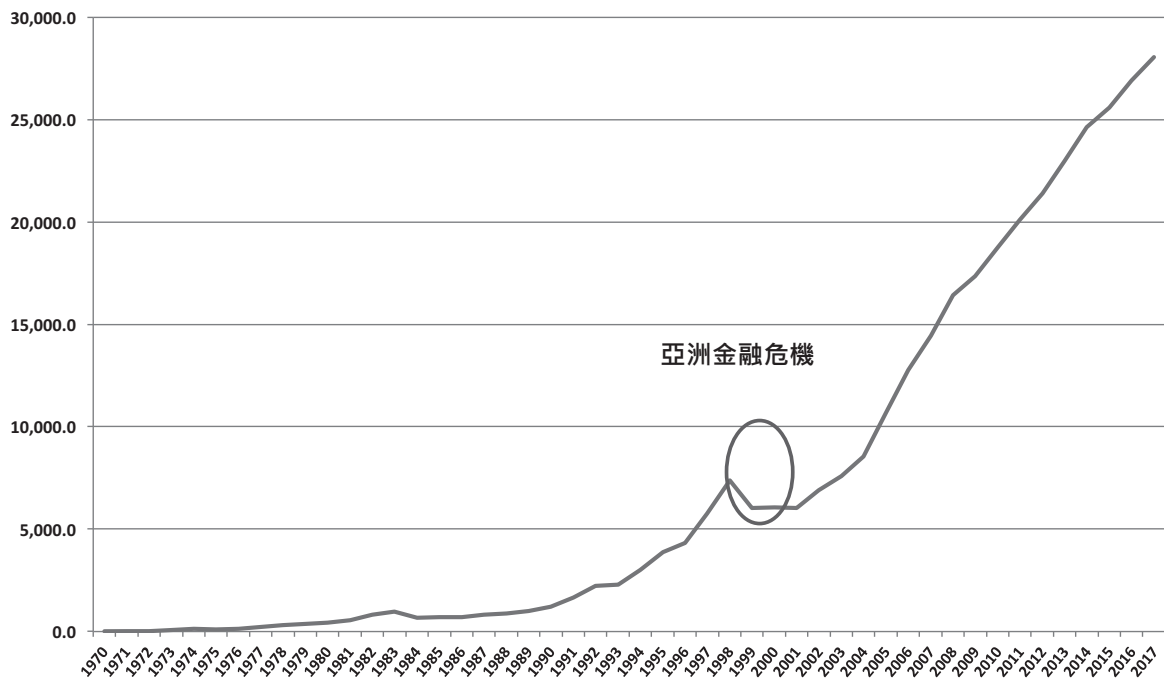
資料來源：菲律賓審計委員會 (COA)

Annual Filipino Migrant Remittances in 000 (1970-2017)



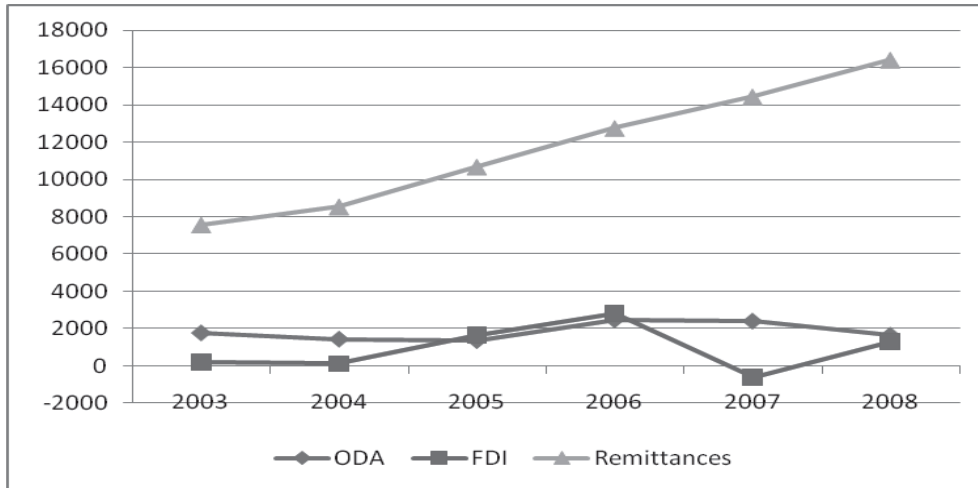
Source: Bangko Sentral ng Pilipinas

菲律賓移民薪資匯回金額變化(以千元為單位) (1970-2017)



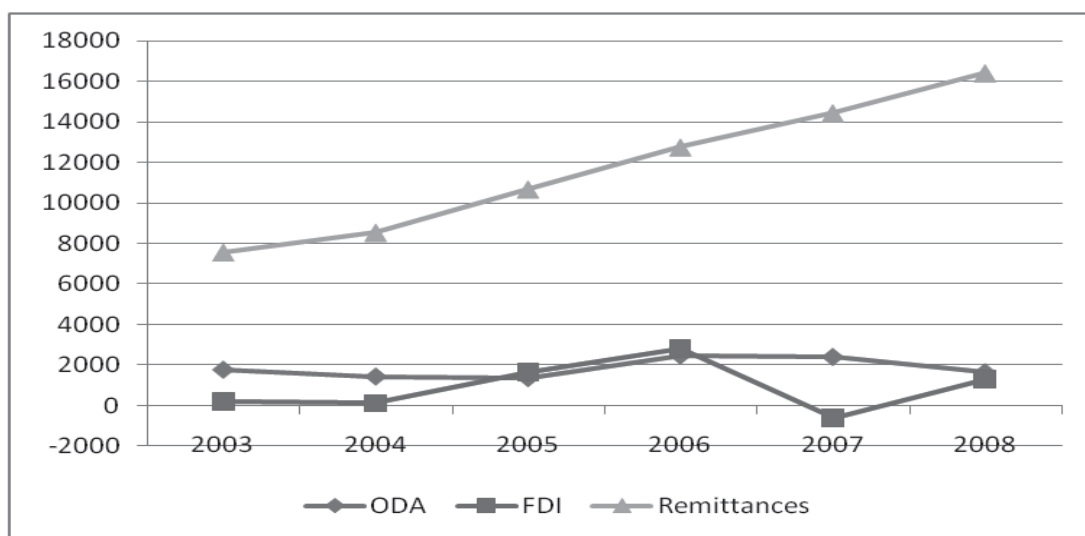
資料來源：菲律賓央行

Philippines FDI, ODA, and Remittances (2003-2008)



Source: Kang 2010, Figure 2.2, p. 19.

菲律賓 FDI、ODA及海外薪資匯回情形 (2003-2008)



官方發展協助款 外國直接投資 匯回款

Caveats, Issues, and Concerns

- There is no one-size-fits-all
- Policy and implementation gaps in reform initiatives
- Unintended consequences – protection leads to restriction
- Victimization narratives for migrant domestic workers
- Different names, same metaphor and stigma

附帶施行限制、議題及關注焦點

- 沒有政策能一體適用所有問題
- 提倡改革時面臨政策與施行面之落差
- 未預期結果 – 保護措施反造成防範
- 將家事勞動工作者受害者化
- 也許說法不同，但背後隱喻及標籤不變

Lessons and Ways Forward in Protecting Migrant Domestic Workers

- Learn from best practices elsewhere
- Government has its limits
- Institute post-arrival briefings
- Expand and improve reintegration programs
- Protection should not just be restrictive
- Foster capabilities of organizations of migrant domestic workers to engage in collective bargaining
- Possible Policy Trajectories
 - Improve skills qualifications of migrant domestic workers
 - Cooperate with other countries that also have migrant domestic workers towards leveraging a more collective bargaining arrangement with receiving countries
 - Continue to negotiate with receiving countries on a bilateral basis
 - Transform the arrangement into an employer-employee relationship
 - Phase out the deployment of migrant domestic workers altogether

家事勞動移工權益保障 – 結語及展望

- 他山之石，可以攻錯
- 政府能力有限
- 確立抵國後說明會制度
- 擴大及改善重新融入計畫
- 保護政策不應該是限制性的
- 培養家事勞動移工組織參與集體談判之能力
- 可能的未來政策方向
 - 提升家事勞動移工專業技術能力
 - 與其他家事勞動移工輸出國合作，增強和勞動移工接收國談判之實力
 - 持續和勞動移工接收國進行雙邊協商
 - 將家事勞動移工及雇用家庭關係轉正為僱主、僱員關係
 - 逐步終止家事勞動移工制度



谢谢!

jorge.tigno@upd.edu.ph

謝謝！

jorge.tigno@upd.edu.ph



臺灣預防境外漁工免於剝削的新紀元

Slavery in New Zealand's Offshore Fisheries: A Multi – Stakeholder Responses

主講人：劉啟超

行政院農業委員會漁業署 簡任技正

Speaker : Chi-Chao Liu

Technical Specialist of Fisheries Agency of the Council of Agriculture Executive Yuan

主講人簡介

劉啟超

行政院農業委員會漁業署

簡任技正

學歷

台灣大學海洋研究所碩士

經歷

台灣省政府農林廳漁業局技士

農委會漁業署技正

農委會漁業署科長

農委會漁業署

Brief Introduction of Speaker

Chi-Chao Liu

Technical Specialist, Fisheries Agency of the Council of Agriculture Executive Yuan

Education

Master's Degree of the Institute of Oceanography, National Taiwan University

Career Experience

Associate Technical Specialist of Agriculture and Forestry Department
Fisheries Bureau of Taiwan Provincial Government

Technical Specialist of Fisheries Agency of the Council of Agriculture
Executive Yuan

Section Chief of Fisheries Agency of the Council of Agriculture Executive
Yuan

Technical Specialist of Fisheries Agency of the Council of Agriculture
Executive Yuan



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

與談人簡介

Sam Ismail

印尼漁工協會秘書長



學歷

印尼雅加達薩希德大學主修飯店管理
包括行銷管理、企業經營管理、策略管理及統計學

經歷

2001-2004 印尼豐田製造廠 維修部門主管
2005-2009 日本餐廳酒吧和燒烤店負責人
2009-2015 非政府組織漁民計畫國際事務
印尼漁工協會秘書長

Brief Introduction of Commentators

Sam Ismail

Chief Executive of Indonesia
Fisherman Foundation



Education

Sahid University, Jakarta, Indonesia Hotel Management Major (full time)
Subject include Marketing management, Business management, Strategic management, Accountance, Statistic.

(Member of Hotel Student Organization,)

STM RESPATI / Technic and Middle Engineering Basic Programs

Career Experience

Toyota manufacture Indonesia (2001 ---- 2004) Chief Improvement

Japanese Restaurant bar & Grill(2005 ---- 2009) Owners

N-G-O programs for fisherman (2009 ---- 2015)International Affair

N-G-O programs Fisherman Federation & Foundation, Chief Executive

與談人簡介

Jade Anderson

學歷

澳洲國立大學應用人類學與
參與性發展碩士、榮獲研究一等獎
迪肯大學國際和社區發展碩士
墨爾本大學藝術學士一等榮譽學士
完成國際文憑課程

經歷

香港司法中心研究總監
香港司法中心反人口販運協調員
香港司法中心研究員
香港 STATT 專案計畫助理（中微子）
拯救兒童（英國）南非計畫國際顧問（學習與影響）
拯救兒童（英國）南非計畫 OVC 項目學習和影響官員
南非社區發展中心首席運營官；代理首席執行官（1月至3月）
南非社區發展中心專案計畫經理
阿富汗媒體政策與民間社會研究所（IMPACS）國際顧問
南非社區發展中心兒童參與和保護協調員
阿富汗婦女網絡（AWN）管理顧問/項目官員（經由澳洲國際志願者組織聯絡）
聯合國澳大利亞區難民專員辦事處（UNHRC）保護專員
印度安奈特殊學校專案官員（志工）

Brief Introduction of Commentators

Jade Anderson

Education

Master of Applied Anthropology and Participatory Development
(Research) First Class Honours, Australian National University
Master of International and Community Development, Deakin University
Bachelor of Arts First Class Honours, University of Melbourne
International Baccalaureate Diploma

Career Experience

Justice Centre Hong Kong, Hong Kong Head of Research
Justice Centre Hong Kong, Hong Kong Anti-Human Trafficking Coordinator
Justice Centre Hong Kong, Hong Kong Researcher
STATT, Hong Kong Programme Assistant (Neutrino)
Save the Children (UK) South Africa Programme, South Africa International Consultant
(Learning & Impact)
Save the Children (UK) South Africa Programme, South Africa OVC Programme Learning &
Impact Officer
Heartbeat, Centre for Community Development, South Africa Chief Operational Officer; acting
CEO (Jan – Mar)
Heartbeat, Centre for Community Development, South Africa Programme Manager
Institute for Media Policy and Civil Society (IMPACS), Afghanistan International Consultant
Heartbeat; Centre for Community Development, South Africa Child Participation and
Protection Coordinator
Afghan Women's Network (AWN), Afghanistan Management Advisor/Programme Officer
(through Australian Volunteers International)
UNHCR Regional Office, Australia Protection Clerk
Karunaii Trust – Annai Special School, India Programme Officer (Volunteer)



第四場

好還要更好 - 被害人保護機制全面探究

Session 4

Better and Better- Victim Protection Mechanisms

主持人簡介

紀惠容

行政院防制人口販運協調會報
委員
勵馨基金會專案執行長



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

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

Brief Introduction of Moderator

Hui-Joung Gi

Committee member of Cabinet
Anti-TIP Coordination Task Force
CEO, The Garden of Hope Foundation



Expertise

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

Career Experience

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



被害人保護及國家轉介機制

Protection Promotion – from the church’s cooperation mechanism

主講人：**Simon Moring**

偵查警司、倫敦警務處 (MPS)

Speaker : Simon Moring

Detective Superintendent Metropolitan Police Service (MPS)

主講人簡介

Simon Moring

偵查警司

倫敦警務處 (MPS)

學歷

電氣與電子工程

經歷

現代奴隸制與綁架、國際小組偵查警司協調管理 MPS 對現代奴隸制和人口販運的因應方式倫敦橋恐攻事件高級鑑定管理和格倫費爾塔 (Grenfell Tower) 火災事件的家庭聯絡主管

負責鑑定大規模死亡人數案件及聯繫死者家屬。

偵查單位總督察 - Trident 調查槍枝和幫派犯罪

偵查總督察 - Sapphire 管理倫敦東北部強姦和嚴重性犯罪案件

兇殺案和重大犯罪偵查指揮

自治市警察

Brief Introduction of Speaker

Simon Moring

Detective Superintendent
Metropolitan Police Service (MPS)

Education

ELECTRICAL & ELECTRONIC ENGINEERING B.ENG(HONS)
Brunel University

Career Experience

DETECTIVE SUPERINTENDENT MODERN SLAVERY & KIDNAP,
INTERNATIONAL UNIT

November 2017 to Present

Coordinating the MPS response to modern slavery and human trafficking

SENIOR IDENTIFICATION MANAGER (LONDON BRIDGE) &
FAMILY LIAISON MANAGER GRENFELL TOWER FIRE

DETECTIVE CHIEF INSPECTOR - TRIDENT

DETECTIVE CHIEF INSPECTOR – SAPPHIRE

HOMICIDE AND MAJOR CRIME COMMAND

BOROUGH POLICE DUTIES



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

人口販運被害人機構化與社區化處遇之
分析比 - 美式風格之人口販運被害人
多元處遇機制

**The Comparison of Institutional Housing Treatment
and Community Housing Treatment for victims**

主講人：**Jean Bruggeman**

美國防制人口販運自由聯盟秘書長

Speaker : Jean Bruggeman

Executive Director of Freedom Network USA

主講人簡介

Jean Bruggeman

美國防制人口販運自由聯盟執行長

學歷

喬治城大學法律中心，華盛頓特區法學博士

經歷

為此擁有 15 年歷史的聯盟，構建組織政策和程序

監督政策，培訓學員，舉辦會議，進行社會服務和委員會的計劃工作

與聯邦機構和政策制定者一起開展宣傳工作，以支持基於人權的防制人口販運方法

增加聯盟的多樣性和提供成員支持

擴大並改善與聯盟中倖存領導者的互動

Brief Introduction of Speaker

Jean Bruggeman

Executive Director of Freedom Network USA

Education

Georgetown University Law Center, Washington DC

Career Experience

Build and improve organizational policies and procedures for this 15+ year old network

Oversee programmatic efforts of the Policy, Freedom Network Training Institute, Conference, Social Service and Membership Committees

Engage in advocacy efforts with federal agencies and policymakers to support the human rights-based approach to human trafficking

Increase diversity of the Network and support provided to members

Expand and improve engagement with Survivor Leaders within the Network



The Comparison of Institutional Housing Treatment and Community Housing Treatment for Victims of Human Trafficking

Jean Bruggeman, Executive Director
Freedom Network USA
jean@freedomnetworkusa.org

人口販運受害者 機構化與社區化安置 之分析比較

Jean Bruggeman, Executive Director
美國防制人口販運自由聯盟 執行長
jean@freedomnetworkusa.org

Freedom Network USA

- ✓ National membership of 57 individuals and organizations
- ✓ Providing services to, or advocating for, trafficking survivors in the US
 - ✓ Serving survivors from all: genders/gender identities, ages, races, national origins, immigration statuses, sexual orientations, types of trafficking
- ✓ Prioritizing self-determination, choice and non-judgmental services and support
- ✓ Addressing root causes to prevent exploitation

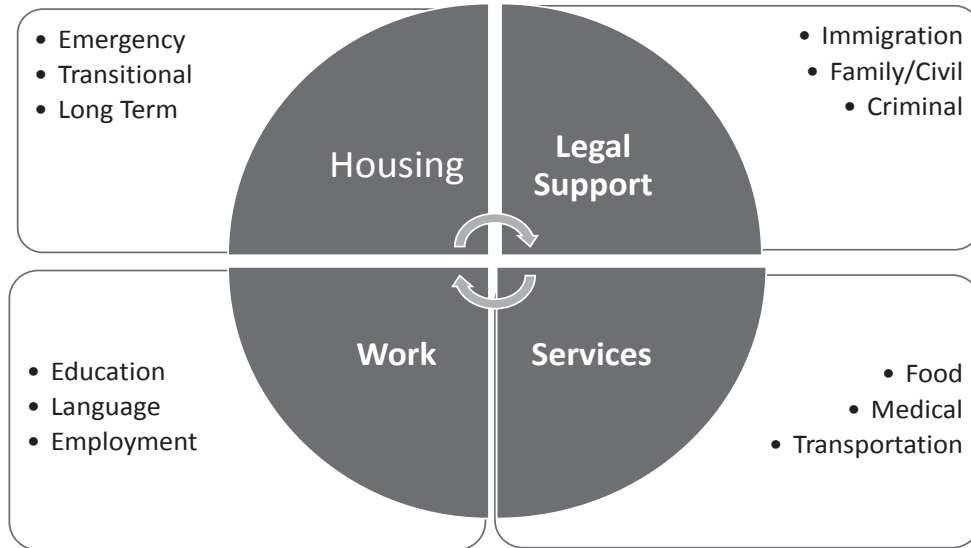


美國防制人口販運自由聯盟

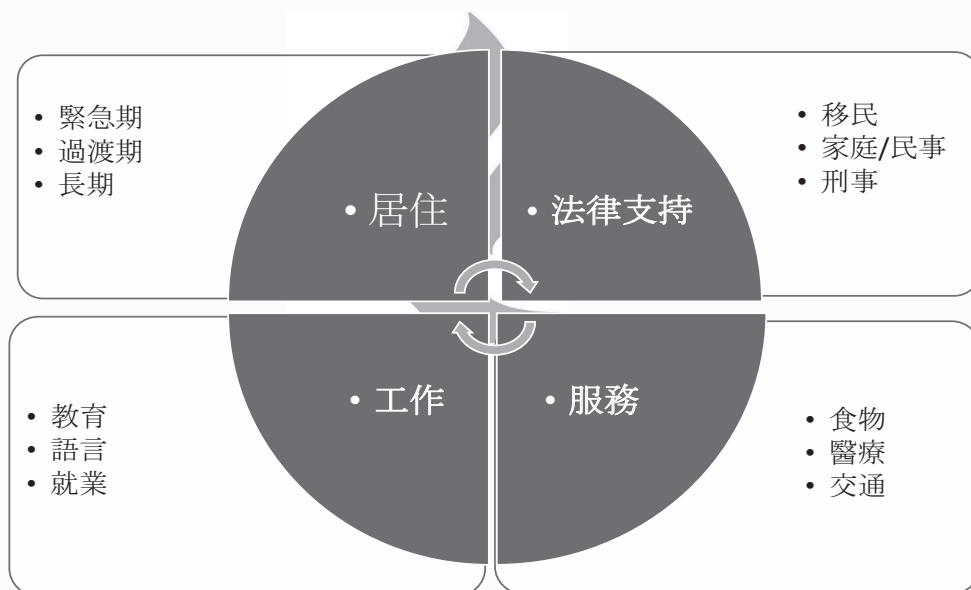
- ✓ 全美57個個人與團體成員所組成
- ✓ 為美國販運受害者提供服務及倡議
 - ✓ 為所有性別、年齡、種族、國籍、移民身分、性別認同等販運類型的受害者服務
- ✓ 優先提供自主、可選擇和非審判性的服務和援助
- ✓ 論述根本原因以防止剝削



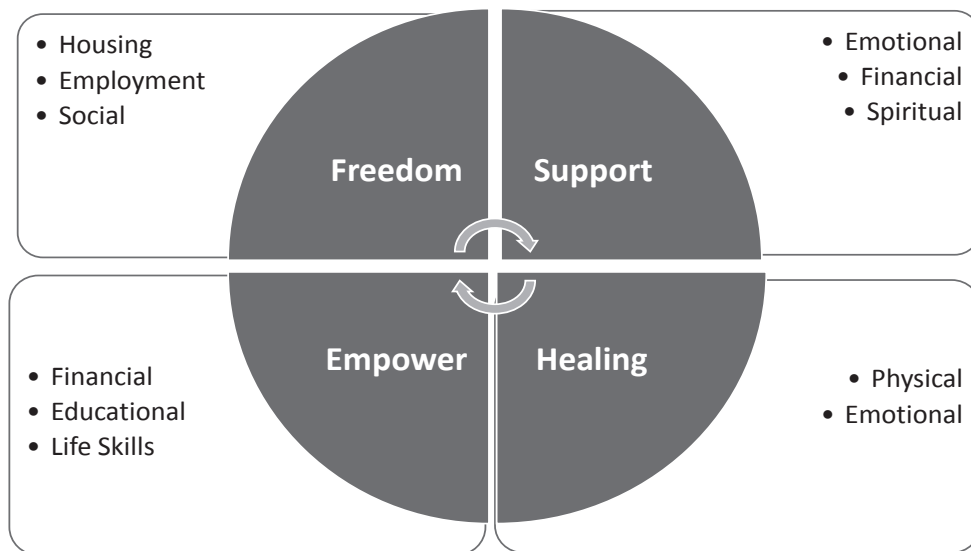
What are the Victims' Needs?



受害者需要甚麼？

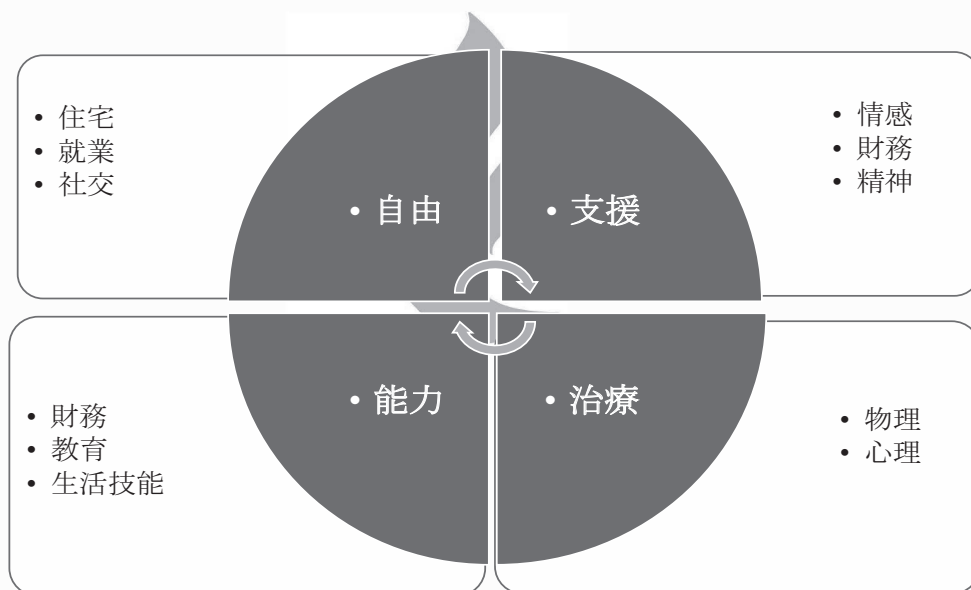


What are the Desired Outcomes?



 Freedom Network USA

所需結果如何？



 Freedom Network USA

Victim-Centered Practice: Trauma-Informed Care

- ✓ Support survivor autonomy in choices large and small
- ✓ Make environment comfortable
- ✓ Follow survivor's lead
- ✓ Acknowledge and celebrate survivors' strength and resilience
- ✓ Avoid strict program requirements



以受害者為中心的執行方法及目標： 了解創傷的照護

- ✓ 支持受害者在各項選擇的自主權
- ✓ 讓周圍環境舒適
- ✓ 理解受害者的感受
- ✓ 肯定並鼓勵受害者的復原能力
- ✓ 避免嚴格的程序要求



Victim Centered Practice: Legal Support

- ✓ Provide full range of legal options: immigration, family law, criminal justice advocacy, civil litigation, public benefits support, etc.
- ✓ Support client autonomy
- ✓ Protect attorney-client privilege
- ✓ Provide victim advocacy during law enforcement interviews
- ✓ Non-judgmental services



以受害者為核心的執行方法及目標： 法律支持

- ✓ 提供全方位的法律選項：移民法，家庭法，刑事司法，民事訴訟，公益支持等。
- ✓ 支持委託人自主權
- ✓ 保護代理人 – 委託人權益
- ✓ 在執法面談中支持受害者
- ✓ 非審判性服務



Victim Centered Practice: Survivor Leadership

- ✓ Engage survivors in program and service design
- ✓ Engage survivors in mentoring
- ✓ Partner with survivors in training and technical assistance efforts
- ✓ Elevate survivor voices
- ✓ Protect survivor privacy and confidentiality



以受害者為中心的執行方法及目標： 受害者自主領導

- ✓ 讓受害者參與服務計劃
- ✓ 讓受害者參與工作規劃
- ✓ 與受害者合作培訓和援助技術工作
- ✓ 讓受害者聲音被大眾聽到
- ✓ 保護受害者的隱私



Considerations: Institutional Housing

Benefits

- ✓ Better data collection
- ✓ Easier to standardize and evaluate programs
- ✓ Able to provide better protection from traffickers
- ✓ Potentially more funding available
- ✓ Potential for better coordination with law enforcement

Challenges

- Impact on survivor autonomy
 - Requirement to assist law enforcement
 - Strict service requirements or limits
 - Limits on employment options
- Impact on confidentiality
 - Survivor may not believe there is any privacy or confidentiality
- Impact on program design
 - Requirements may not be survivor centered



考慮因素：機構安置

優點

- ✓ 更優質的數據收集
- ✓ 評估程序更容易標準化
- ✓ 提供受害者更好的保護
- ✓ 可獲得較多的資金
- ✓ 與執法部門合作良好

挑戰

- 對受害者自主權的影響
 - 要求協助司法
 - 嚴格的服務要求或限制
 - 就業選擇的限制
- 保密方面的影響
 - 受害者可能不相信有隱私或機密
- 對計畫設計的影響
 - 可能不會以受害者為中心



Considerations: Community Housing

Benefits

- ✓ Separation of responsibilities (government/NGO) supports victim-centered work
 - ✓ Survivor autonomy and choice
 - ✓ Survivor confidentiality
 - ✓ Builds trust
- ✓ Flexibility for survivors
 - ✓ Engagement with services
 - ✓ Disclosure of details
- ✓ Easier to integrate into community

Challenges

- Funding always limited
- Law enforcement may not respect the NGO
- Faith-based organizations may limit survivor choices
- Security may be difficult for survivors at very high-risk

考慮因素：社區安置

優點

- ✓ 以受害者為中心的工作，政府和
非政府組織之間的責任明確
 - ✓ 受害者的自治和選擇
 - ✓ 受害者保密
 - ✓ 建立信任
- ✓ 受害者有更多選擇
 - ✓ 參與服務
 - ✓ 揭露細節
- ✓ 更容易融入社會

挑戰

- 資金有限
- 執法部門可能不尊重非政府
組織
- 特定理念的組織可能限制
受害者的選擇
- 高風險的受害者，
可能很難確保其安全

US Housing Models

Institutional

- ✓ Child Welfare System- Abused and Neglected Minors
 - ✓ Group Homes
 - ✓ Foster Care Families
- ✓ Juvenile Justice System- Youth
 - ✓ Jails
 - ✓ Reform Schools
 - ✓ Halfway Houses
 - ✓ Supervised Release- Probation/Parole
- ✓ Government run shelters

Community

- ✓ Emergency Shelters
 - ✓ Domestic Violence
 - ✓ Homeless
 - ✓ Human Trafficking-specific
- ✓ Transitional Housing Programs
 - ✓ Domestic Violence
 - ✓ Homeless
 - ✓ Human Trafficking-specific
- ✓ Permanent Housing
 - ✓ Domestic Violence
 - ✓ Homeless
 - ✓ Human Trafficking-specific



美國安置範例

機構

- ✓ 兒童福利制度 - 被虐待和被忽視的未成年人
 - ✓ 集中住宅
 - ✓ 寄養家庭
- ✓ 少年司法制度 - 青年
 - ✓ 監獄
 - ✓ 矯正學校
 - ✓ 中途之家
 - ✓ 監督釋放 - 緩刑/假釋
- ✓ 政府庇護所

社區

- ✓ 緊急避難所
 - ✓ 家庭暴力
 - ✓ 無家可歸
 - ✓ 明確遭人口販運
- ✓ 過渡性住房計劃
 - ✓ 家庭暴力
 - ✓ 無家可歸
 - ✓ 明確遭人口販運
- ✓ 永久住房
 - ✓ 家庭暴力
 - ✓ 無家可歸
 - ✓ 明確遭人口販運





臺灣安置保護人口販運被害人之得失分析與展望

Protection Promotion – from the church’s cooperation mechanism

主講人：白智芳

婦女救援基金會副執行長

Speaker : Jasmine Bai

Women’s Protection, Anti-Human Trafficking

主講人簡介

白智芳

婦女救援基金會副執行長



學歷

臺灣大學社會工作碩士

慈濟大學社會工作學士

經歷

婦女救援基金會研發部主任，兼任花蓮工作站主任

婦女救援基金會花蓮工作站主任，兼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

Brief Introduction of Speaker

Jasmine Bai

Deputy Executive Officer, Taipei
Women's Rescue Foundation



Education

Master in Social Work, National Taiwan University, January 2012

Bachelor in Social Work, Tzu Chi University, June 2004

Career Experience

Deputy Executive Officer, Taipei Women's Rescue Foundation

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

Director, Hualien Workstation, Taipei Women's Rescue Foundation

Supervisor, Public Policy Sector, Taipei Women's Rescue Foundation

Director, Anti-Trafficking Department, Taipei Women's Rescue
Foundation

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

Social Worker, Anti-Trafficking Department, Taipei Women's Rescue
Foundation

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



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

與談人簡介

坂本新

日本保護人口販運被害人民間
組織燈塔秘書長



經歷

大學畢業後，進入 Sohgo Security Services Co., LTD [ALSOK] 保安公司。

與日本外交部、國土交通部、自衛隊及日本國際協力機構 (JICA) 共同提供國民安全和保障。

1999 年後，針對洪都拉斯、莫斯科和北京之安全和反情報工作，在國外服務近十年。

在國外，因看到嚴重剝削婦女和兒童的舉動，ALSOK 開始為國際非政府組織世界宣明會的日本辦事處籌款。一年之後，開始與日本保護人口販運被害人民間組織燈塔 (lighthouse)：人口販運受害者中心籌款。

目前，與日本保護人口販運被害人民間組織燈塔團隊中其他成員一起管理資金、支持受害者（照顧受害者和懲治販運者），向政府提出制定政策的相關建議以及幫助其提供當地各安全部門需要的資源。

Brief Introduction of Commentators

Arata Sakamoto

Secretary General Center for
Human Trafficking Victims



Career Experience

After graduating University, entrance into the security company: Sohgo Security Services Co., LTD(ALSOK).

Contributed in security matters with Japanese ministries including The Foreign Service, The Ministry of Land and Transportation, The Air and Marine Force, and JICA (Japan International Cooperation Agency).

After 1999, placement abroad for nearly ten years for security and counterintelligence matters in Honduras, Moscow, and Beijing.

While abroad, moved by the dire circumstances exploited women and children face, leaves ALSOK to fundraise for the international NGO World Vision's Japan Office. A year after, fulfills a similar role as the chief of fundraising at Lighthouse: Center for Human Trafficking Victims.

Currently, with other members of the Lighthouse team, contributes in managing funds, supporting victims (immediate care for victims and handling traffickers), making policymaking suggestions to the government, and contributing with local security authorities.



與談人簡介

陳逸玲

台灣展翅協會秘書長

學歷

陽明大學衛生福利研究所碩士

台灣大學社會學系學士

經歷

台灣展翅協會國際專員

台北市女性權益促進會執行秘書 / 秘書長

Brief Introduction of Commentators

Yi-Ling Chen

Secretary General, ECPAT Taiwan

Education

MS, Institute of Health and Welfare Policy, National Yang-Ming University

BA in Sociology, National Taiwan University

Career Experience

International Affairs Officer, ECPAT Taiwan

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

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

Prevention
預防

Protection
保護

Prosecution
查緝起訴

Partnership
夥伴關係

ADVISOR
指導單位



Ministry of the Interior
內政部

HOST
主辦單位



Mainland Affairs Council
大陸委員會



Taiwan
Tourism Bureau, MOTC
交通部觀光局



Ministry of Foreign Affairs
外交部



Fisheries Agency, Council of Agriculture, Executive Yuan
行政院農業委員會漁業署



Ministry of Labor
勞動部



National Immigration Agency
內政部移民署