

# 2018 International Workshop on Strategies for Combating Human Trafficking

2018 年防制人口販運  
國際工作坊

WORKSHOP RECORD  
工作坊實錄

# **2018 年防制人口販運國際工作坊**

## **2018 International Workshop on Strategies for Combating Human Trafficking**





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## 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
<b>第一場</b>	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
<b>第二場</b>	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
<b>第三場</b>	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
<b>第四場</b>	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	<b>New Prevention Approaches – Joint International Prevention and Regional Prevention Mechanisms</b> <b>Moderator : Kao, Hsuan-Ying, Committee Member of Cabinet Anti-TIP Task Force</b>
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	<b>The Tangle Between Offenders and Victims – The Competing Claims over Criminality and Penal Actions in Human Trafficking Cases</b> <b>Moderator : Liu, Shih-Hao, Committee Member of Cabinet Anti-TIP Task Force</b>
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	<b>Supervision Appearance, Exploitation Disappearance – Effective Mechanisms for Preventing Labor Exploitation of the Vulnerable</b> <b>Moderator : Liu Huang, Li-Chuan, Committee Member of Cabinet Anti-TIP Task Force</b>
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	<b>Better and Better – Victim Protection Mechanisms</b> <b>Moderator : Gi, Hui-Joung, Committee Member of Cabinet Anti-TIP Task Force</b>
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





## 貴賓致詞稿 Speech transcript

### 開幕致詞

內政部部長徐國勇

各國駐臺大使、辦事處代表、各國駐臺使領館、辦事處官員、吳玉琴委員、李麗芬委員

國內外非政府組織學者、專家及各機關、團體代表

各位外國貴賓、來自歐、美、日本及東南亞等遠道而來的各國主講人、與談人及外賓

陳副總統

羅政務委員

蔡次長

各部會機關代表

各位女士、先生

各位關心人口販運議題的女士、先生

大家早！

感謝貴賓出席

本人首先代表內政部，感謝各位與會貴賓熱情參與「2018年防制人口販運國際工作坊」，讓我們繼續與國際社會共同攜手合作，打擊人口販運。

期盼人口販運跨國合作零時差

因為地球是平的，現今我們共處於全球化的世界，經由經濟、社會、文化、環境、衛生之全球化，造成人口的遷移，不免帶來遷移相關的犯罪，其中最為嚴重的就是人口販運。我們必須共同努力來防制人口販運及犯罪之發生、人口遷移到新的地方可能因著文化的差異、語言的隔閡、勞動條件及環境差異等因素，使外國人特別容易成為弱勢，進而淪為人口販運的受害人。據統計人口販運之獲利可能僅次於毒品走私或軍火走私，成為排名第3大的犯罪，每年獲利

在 1,000 億以上。人口販運一定要共同防制，且一定是要跨國，因為人流遷移是跨國的，對移動的來源國與目的地國的跨國界合作，以及整個跨區域的合作，是極為重要且不可忽視的。所以，臺灣已經跟 17 個國家簽署合作協定或備忘錄，我們也相信，經由今天國際會議中的研討，我們有緣見到臺灣跟第 18 個國家，甚而第 19 個國家簽署備忘錄。臺灣位居東亞的中心，也是亞太的樞紐，所以在很多地方，外國人對移入臺灣也是充滿了期待，臺灣因此也研擬了新經濟移民法及反歧視法，試圖建造一個更好的環境，使移工進入臺灣後獲得更大的尊重，臺灣也因此的人口販運防制佔有很重要且不容忽視的地位。

在此我要感謝來自 15 個國家、NGO 及 INGO 的學者專家來參加人口販運研討，使得臺灣在防制人口販運的效率上有更好的效果。臺灣在這一方面佔有不可忽視的地位，因為台灣有很多移入的移工。

連續九年成效第一級，但不自滿

美國國務院多年來公布了人口販運問題報告，在「2018 年人口販運問題報告」中，我國已連續九年被評為表現最好的第一級國家。臺灣不會因此而自滿，美方報告中所列建議事項，像這幾年各界關注的漁工和家事工議題，我們都會放在心裡，並立法追蹤及管考。尤其今天國際工作坊特別著重在有關勞動權益保障的問題，「行政院防制人口販運協調會報」會將包括美方給予我們的建議，以及 NGO 與 INGO 提出的批評，予以虛心接受，並在會報中列管與追蹤考核，將問題解決。

再次感謝並預祝大會圓滿

很高興今天有 15 個國家以及眾多專家學者的來到，我再次代表內政部感謝大家，也希望經由長期持續及跨國境的合作，能真正對人口販運的問題有所防制。也相信今日之研討會以及主講人、與談人和所有的貴賓都獲得豐碩的成果，並成為臺灣政府所將追蹤考核的標的，再次感謝大家的參與，大會圓滿成功，研討會也將有很好的結果供全世界參考，謝謝。



## Opening remarks

### Ministry of the Interior Minister Hsu Kuo-yung

Good Morning, ladies and gentlemen. I am honored to be here to attend a remarkable event with

The representatives and ambassadors to Taiwan,

Embassies and consulates officials,

Legislator Wu, Legislator Li

members of government institutions and non-governmental organizations

Scholars, experts in study of human trafficking,

the keynote speakers, panelists and foreign guests from Europe, the United States, Japan and Southeast Asia

Mr. Vice President Chen,

Minister Lo,

Deputy Minister Tsai

And ministerial representatives

On behalf of the Ministry of the interior, I would also like to express my sincere gratitude to all distinguished guests for their participation in the 2018 International Workshop on Strategies for Combating Human Trafficking. Let us continue to work alongside the international community to fight against human trafficking and to implement the idea of human rights governance.

As the world is flat, we all live in an era of globalization. Globalization in terms of economics, social and cultural interactions as well as environmental and sanitation matters have led to human migration and, inevitably along with it, the crimes related to migration of which human trafficking is one of the most severe form. Because of cultural, language barriers, labor conditions and environmental constraints, foreign population are more vulnerable in being treated unfairly, or they may fall prey to and become victims of human trafficking. It is very important for all countries to

strengthen cooperation in the prevention of this crime, for human trafficking is only next to drug trafficking and illegal arms deals in terms of profitability. In fighting human trafficking, the joint efforts on prevention needs to take place across borders because the migration flow occurs across borders. The cross-border cooperation between the country of origin and the country of destination and trans-regional cooperation at large are things too important for us to overlook.

At the present, Taiwan has signed cooperation agreements or memoranda with 17 countries. I have good reason to believe that, through fruitful international interactions as were in this conference, we will soon witness a 18th or and even a 19th country signing MOU with us. As Taiwan is situated in the heartland of Eastern Asia and is a nexus of the entire Asian-Pacific Region, migrating to Taiwan is in the interest of many foreign nationals. That is the reason why Taiwan has to make itself a friendlier environment for potential migrants by mean of working on new economic immigration enactment and anti-discrimination enactment. Migrants will arrive at Taiwan and find it a place that treats them with respect. Taiwan plays an important and indispensable role in the prevention of human trafficking as it is the destination of many migrants. The participation of scholars and NGO experts from over 15 countries in this workshop will also it possible for Taiwan to improve its effectiveness in terms of human trafficking prevention.

This year, the US States Department announced the “Trafficking in Persons Report 2018”. Taiwan has been rated as the Tier 1 country for 9 consecutive years. Although Taiwan ranks as a Tier 1 country, it does not mean that the work of human trafficking prevention has been completed. Whether there are recommendations listed in the US report or the criticisms raised by NGOs and INGOs, these are focal tasks to be tracked and managed in the “Cabinet-level Anti-TIP Task Force”. The concerns of human rights of fishermen and domestic workers are mentioned in every US report in the past three years. These are, particularly the in-depth discussion on the issue of labor rights protection for the vulnerable groups, all subjects for follow-ups be it in the form of legislation or administrative measures.

Again, I would like to express my gratitude to all the academics and NGO experts who come to offer their precious input in this workshop. Prevention of human trafficking not only requires long-term and sustained efforts, but also requires long-term cross-border cooperation. I am confident in every moderators and speakers having fruitful discussions and the recommendations meet with fervent follow-ups by the government. I wish the conference successes from which the world may find enlightenment. Thank you.



## 開幕致詞

政務委員羅秉成

各國駐臺大使、辦事處代表

吳玉琴委員、李麗芬委員

國內外非政府組織學者、專家及各機關、團體代表

陳副總統

內政部徐部長

法務部蔡次長

各部會機關代表

各位女士、先生

大家早

身為行政院防制人口販運協調會報的召集人，很榮幸有機會參加「2018年防制人口販運國際工作坊」與上臺致詞！

人權指標是國際間衡量一個國家是否文明的重要指標，人權保障好與壞是這個國家是否適合居住的重要因素。大家也知道，人口販運就是屬於嚴重違反人權的犯罪行為之一。因此，政府對於防制人口販運工作的成效，即是驗證是否達到人權文明的重要指標。

今年7月中旬，臺灣舉辦5天的「消除對婦女一切形式歧視公約」（CEDAW）國家報告審查會議，已來臺3次的國際審查會議韓籍主席 Ms. Shin 指出，臺灣安排的公約審查制度比聯合國還完善，審查組織與政府對話時間達8小時，臺灣非政府組織更擁有4小時發言時間，皆比聯合國還長。這次會議總共有453位政府官員及NGO組織121人出席，並提出73項建議事項。這是CEDAW的第3次國家報告，另外如身心殘障者權益公約、兒童權利公約及二公約也都提出國家報告。雖然我國不是聯合國會員國，但有關人權各項活動、審查會議及安排，都與國際社會標準接軌，在在顯示臺灣殷切擴大與各國在人權各面向合作的誠意及態度。



我剛提到上週在此舉辦的國家報告審查會議恰與內政部今日辦理的「2018年防制人口販運國際工作坊」存在相互關連，關鍵是「國際」。台灣的人權保障縱使做得再好，不能孤芳自賞，一定還有不足的地方，需要與國際社會對話和合作，不管是定期的國家報告，或是像今天的工作坊的形式。特別是剛才部長提到的毒品或是人口販運問題，不尋求國際合作是無法解決根本問題，這也反映出防制人口販運 4P 策略中「夥伴關係」的重要。

人口販運不僅是人權的議題，也是人道的議題。今年適逢世界人權宣言 70 週年，我在今年 3 月底出席首屆台歐盟人權諮商會議，今天在場的馬澤璉處長也出席該會議，會上歐方關切遠洋漁工的權益保障問題。行政院人權保障推動小組也關心這個議題，甚至陳副總統所主持的總統府人權諮詢委員會亦復如此。我們目前已有相關的遠洋漁業法令規範，重點在如何落實執行問題。我身為行政院防制人口販運協調會報召集人，在會議上會對遠洋漁工權益問題專案列管執行進度。

這 2 天由內政部舉辦的防制人口販運議題中，除了提到漁工奴役問題的他國經驗與探討外，更將由我國行政院農業委員會漁業署就臺灣政府努力預防境外漁工免於剝削的做法提出報告。歡迎遠道來臺各國官方代表及專家學者提供建議及改進之道，讓我們做得更好。

最後，對在座各位長期關注防制人口販運、實際參與保護被害人有關工作的夥伴朋友，致上最高的敬意及感謝。謝謝各位共襄盛舉，並祝大會成功！



## Opening remarks

### Minister without Portfolio Lo Ping-cheng

Good morning, ladies and gentlemen. I am honored to be here to attend a remarkable event with

The representatives and ambassadors to Taiwan

Legislators Ms. Wu and Ms. Li

Members of government institutions and non-governmental organizations

Scholars, experts, and representatives of organizations against human trafficking

Vice President Chen

Minister Hsu

Deputy Minister Tsai

And ministerial representatives

As the convener of the Cabinet-level Anti-TIP Task Force, I am honored to give my opening remarks at the 2018 International Workshop on Strategies for Combating Human Trafficking.

Human right indicators are those important things of the civilized country, and good or bad human right protection is a crucial factor in whether this country is suitable for living. As we all know, human trafficking is a crime that seriously violates human rights. Therefore, a country's achievements in preventing human trafficking is an important indicator of its ability to protect human rights.

Taiwan held a 5-day third National Report on the Review Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in mid-July. Ms. Shin, Korean Chairperson of the Review Committee, has been in Taiwan for 3 times, remarked that Taiwan's review system is more thorough than that of the United Nations, allowing 8 hours of discussion between the reviewing organization and the government, and 4 hours for Taiwan's NGOs, both longer than UN standards, and with 453 attendees from governmental sectors, 121 from NGOs and 73

recommendations were submitted. Also, some other National Reports were issued, like those of Convention on the Rights of Persons with Disabilities, Convention on the Rights of the Child, International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights. Though Taiwan is not a member of the UN, we still adhere to international standards when it comes to events and review conferences regarding human rights.

The Consultation I just mentioned was held at this venue too. This Consultation on human right affairs is closely related to the 2018 International Workshop on Strategies for Combating Human Trafficking held today by the Ministry of the Interior. The key point is International. No matter how excellent works we have just done, there must be something insufficient. We need the dialogue and cooperation with international community, by means of periodic National Report, or workshop like today, especially regarding the problems of drug and human trafficking just mentioned by Minister Hsu. That shows the importance of one of 4p prevention strategies-Partnership.

Human trafficking is not just the issue of human right, but also the issue of humanity. Everybody, especially the vulnerable group, deserves better life. This year will mark the 70th anniversary of the Universal Declaration of Human Rights. I attended The Taiwan EU Human Right Consultation on March, which is the first important human right event held in Taiwan. Ms. Madeleine here also attended that Consultation. European side concerned the rights of offshore fishery workers. The Executive Yuan's Promotion Group for Human Rights also concerns this issue, so does the Presidential Office's Human Rights Advisory Committee chaired by Vice President Chen. We have related Act for Distant Water Fisheries and its sub-law available, the point is how to implement them thoroughly. As the convener of the Cabinet-level Anti-TIP Task Force, I will closely watch out the progress.

This Workshop will provide the experts, scholars, and representatives an opportunity for ample discussion, exchanging of experiences, and obtaining the latest information on preventing human trafficking, especially the offshore fishery workers. The Fishery Agency will present a speech with the topic: A new era for preventing foreign crew members from being exploited starts in Taiwan. Please give us some suggestions after the speech in order to make improvements.

Lastly, I would like to express my greatest thanks and utmost respect to our friends and partners in preventing human trafficking and the protection of victims. I wish the International Workshop every success. Thank you.





## 開幕致詞

### 美國在臺協會 AIT 代理處長谷立言

早安。很榮幸今天能與陳副總統和徐部長一同來到這裡。請容我在此向徐部長獻上祝賀！徐部長被任命擔任這一重要職務，美國非常期待能與您密切合作。

我們也很榮幸地歡迎所有齊心戮力為打擊人口販運而努力工作的各位。尤其重要的是，我們要保護和幫助那些人口販運受害者或潛在受害者，並將那些從強迫勞動和性剝削中獲利的人繩之以法。永遠不要低估各位所付出的價值。

在我任職的這段期間，我很自豪地說，我的第一個任務，就是要向移民署獻上祝賀，六月下旬發表的美國國務院年度人口販運報告中，臺灣評比在“一級”名單之列。

臺灣連續九年被評為“第一級”，這清楚地證明了各位的堅定努力。今年的報告中，全球只有 39 個國家被指定為“一級”，而亞太地區只有六個國家被指定為“一級”，但很少有國家能和臺灣一樣，可以連續九年保持“一級”的地位。

情況並非一直是如此。早年，當我在這裡服務時，人口販運是一項嚴峻的挑戰。如今看到有如此大的改善，著實令人欣慰。打擊人口販運，如今已證明臺灣是美國不可或缺的伙伴，以及居於該地區領導的地位。我們都應該為達成這樣的成就感到自豪。

另一個例子也證明了臺灣的領導力，就是去年 Allison Lee 被選為 2017 年 TIP 報告英雄。李女士是臺灣第一個由外國工人組成並領導的工會「臺灣宜蘭縣漁工職業工會」的聯合創始人和秘書長，並且是加強漁民保護和對人口販運者追究責任的主要代言人。我們相信，李女士和臺灣其他民間社會領導人將繼續發揮重要作用。透過與政府合作以終結販運傷害，並敦促當局對這些努力保持警惕。

目前，全球越來越意識到民間社會在打擊人口販運方面的獨特作用。今年 TIP 報告側重於當地社區積極主動解決人口販運問題的有效方式，以及國家政府如何支持和授權。當地社區受這種令人憎惡的犯罪影響最大，也是反對它的第一道防線。民間社會組織通常由當地社區的代表領導，他們對當地的情況和趨勢有著寶貴的了解。利用這一知識庫，各國政府的工作效率更高。

透過參與和培訓執法部門，宗教領袖、教師、非政府組織工作人員、企業主管和社區，大家警覺性提高並學會迅速識別和解決問題。積極的社群力量增強了我們保護脆弱群體的能力，並削弱了犯罪者滲透、招募和剝削的力道。與非政府組織領導人和企業領導人合作也是政府克服資源限制的一種方式。

正如龐培國務卿最近所說，“我親身經歷過，最接近問題的人往往是解決問題的最佳資源，這就是為什麼國務院優先考慮賦予第一線民間社會領導人權力量。”我們知道這是一個優先事項，臺灣的部份也是如此。

臺灣對於改善培訓、加強受害者支持服務的承諾，給我留下了深刻的印象。透過向受害者提供更多保護，臺灣在以受害者為中心的打擊販運方法上取得大幅進展。去年，臺灣當局確定了 328 名販運活動受害者，比前一年大幅增加，並為他們提供了庇護所和其他服務。

臺灣也展現出了認真、持續起訴販運者的努力。2017 年，當局共起訴了 248 起販運案件，幾乎是 2016 年的兩倍。並將 62 名販運者定罪。在一起此類案件中，高雄檢察官起訴了 19 名涉嫌對 80 多名外國漁民進行強迫勞動的加害人。我們鼓勵臺灣法院對這些罪行判處嚴厲判決，以增強威懾效果。

雖然臺灣採取的措施已造成了巨大的改變，但我們不要忘記，全世界人口販運受害者的人數，估計仍然在數千萬，其中許多人來自印度洋、太平洋地區。每年全世界估計有 80 萬男女和兒童被販運到國際邊境，犯罪分子從這些交易和剝削中獲利約莫 95 億美元。

人口販子往往會掠奪那些尋求更好生活的人，無論是一個被誘騙離開家庭而被困在性奴役中的年輕女孩，或是一個希望以更高的工資來養家糊口、雄心勃勃的男人。

儘管人們越來越意識到這一問題，但全世界的販運受害者估計人數仍然遠遠超過犯下此罪行的人的起訴和定罪數量。去年在東亞和太平洋地區，確定了 1 萬多名受害者，但只有 3,198 名販運者被定罪。西半球地區確定的受害者與被定罪的販運者，比例更為嚴重。

正如“巴勒莫議定書”所建議的那樣，這些數字代表著要求採取更大行動和更有力的對販運者的刑事處罰。在我們提高定罪率之前，濫用和利用人類獲取利潤將仍是一個風險相對較低的事業。



所以我們必須更加努力！美國和臺灣雖都已採取重要措施打擊販運活動，但都還不能夠自滿。舉例來說，在美國，我們必須加大力度解決勞務販運問題，就像我們對待非法性交易一樣嚴肅。

至於臺灣，我們知道重點是，更加積極地調查，並在適當的情況下，起訴在遠洋漁船上濫用、販運勞工。我們很高興地看到，就在今天晚些時候，研討會將舉行一次關於防止在漁業中利用外國工人的會議。

當您們尋找更好的方法來解決這個問題時，組織改革值得考慮。例如，勞動部和漁業署之間的權限分離，使得在極易受到傷害的遠洋水域中，臺灣所屬漁船上的強迫勞動事，預防和懲罰變得更加複雜化。

正如龐培國務卿最近所說，“現代奴隸制度在世界上沒有地位。”促進和保護人權，是臺灣和美國共同的核心承諾。它引導了我們如何看待世界，以及使這個世界成為一個更美好的地方。我們與臺灣站在同一陣線，今天更在此與你們所有人一起，致力於共同目標邁進。最後，我祝福會議圓滿成功，並持續這偉大的工作！

## Opening remarks

Raymond Greene AIT Deputy Director

Good morning. It is an honor to be here today with Vice President Chen (陳) and Minister Hsu (徐), and if I may take this opportunity, please allow me to congratulate Minister Hsu on his recent appointment to this important position. The United States looks forward to working closely with you.

It is also a privilege to welcome all of you who have worked tirelessly to combat trafficking in persons. It is critically important that we protect and help those who are either victims or potential victims of trafficking, and bring to justice those who profit from forced labor and sexual exploitation. Never underestimate the value of the work that you do.

I recently assumed my position here, and I am proud to say that one of my first engagements was to congratulate the National Immigration Agency on Taiwan's "Tier One" ranking in the annual U.S. State Department Trafficking-in-Persons Report, which was released in late June.

Taiwan has been ranked "Tier One" for nine years in a row, which is clear evidence of your determined efforts. Only 39 countries worldwide were designated as "Tier One" in this year's report and only six in the Asia-Pacific region, but few can claim to have sustained "Tier One" status for nine consecutive years as Taiwan has done.

And this wasn't always the case. When I served here earlier in my career, trafficking in persons was a serious challenge. It is gratifying to see upon my return how much the situation has improved. Combatting trafficking is now one of numerous areas in which Taiwan has proven itself to be an indispensable partner for the United States and a leader in the region. We should all take pride in the progress that has been achieved.

Another example of Taiwan's leadership was last year's selection of Allison Lee as a 2017 TIP Report Hero. Ms. Lee is a co-founder and the Secretary General of the Yilan Migrant Fishermen Union, Taiwan's first labor union composed of and led by foreign workers, and is a leading voice in demanding stronger protections for fishing crew members and accountability



for human traffickers. We trust that Ms. Lee and other civil society leaders in Taiwan will continue to play an important role – both by partnering with government to end the scourge of trafficking and by urging the authorities to remain vigilant in these efforts.

In fact, there is growing global recognition of civil society’s unique role in combatting trafficking. This year’s TIP report focuses on effective ways local communities can address human trafficking proactively and on how national governments can support and empower them. Local communities are the most affected by this abhorrent crime and are also the first line of defense against it. Civil society organizations are often led by representatives from local communities who have invaluable knowledge about local conditions and trends. National governments work more effectively when they tap into this knowledge base.

By engaging and training law enforcement, religious leaders, teachers, NGO workers, business executives, and communities, we become more vigilant and learn to identify and address vulnerabilities swiftly. Proactive community-driven measures strengthen our ability to protect our most vulnerable and weaken a criminal’s ability to infiltrate, recruit, and exploit. Working with NGO leaders and business leaders is also a way that governments can overcome resource constraints.

As Secretary Pompeo recently said, “I have experienced firsthand that individuals closest to a problem are often the best resource to solving it, which is why the State Department prioritizes equipping and empowering front-line civil society leaders.” We know this is a priority that Taiwan shares as well.

I am impressed with Taiwan's commitment to improve training and strengthen victim support services. Taiwan has made great strides in its victim-centered approach to fighting trafficking by providing more protections to victims. Last year, Taiwan authorities identified 328 trafficking victims – a significant increase from the previous year – and provided access to shelter and other victim services.

Taiwan has also demonstrated serious and sustained efforts to prosecute traffickers. In 2017, authorities initiated a total of 248 trafficking prosecutions – nearly double the amount in 2016 – and convicted 62 traffickers. In one



such case, Kaohsiung prosecutors indicted 19 individuals for allegedly subjecting over 80 foreign fishermen to forced labor. We encourage Taiwan's courts to hand down tough sentences for these crimes in order to increase the deterrence effect.

While Taiwan has taken measures that have made a huge difference, let us not forget that estimates of the number of victims of human trafficking worldwide remain in the tens of millions, many of whom come from the Indo-Pacific region. Every year an estimated 800,000 men, women, and children are trafficked across international borders worldwide, and criminals make an estimated \$9.5 billion from the sale and exploitation of the victims.

Human traffickers often prey on those who seek a better life – whether it is a young girl lured away from her family only to be trapped in sexual slavery or an ambitious man who hopes to make a better wage to support his family.

Despite increasing awareness of the problem, the estimated number of trafficking victims worldwide still far exceeds the numbers of prosecutions and convictions of those who perpetrate this crime. Last year in the East Asia and Pacific region, more than 10,000 victims were identified, but only 3,198 traffickers were convicted. The ratio of victims identified to traffickers convicted was even worse in the Western Hemisphere region.

These figures represent a call for greater action and a more robust response to punish traffickers with criminal penalties as the Palermo Protocol recommends. The abuse and exploitation of human beings for profit will remain a relatively low-risk enterprise until we raise the conviction rate.

So we must work harder. Both the United States and Taiwan have taken important steps to fight trafficking, but neither of us can afford to be complacent. In the United States, for example, we must increase our efforts to address labor trafficking as seriously as we do sex trafficking.

In Taiwan, we know that you are focused on more vigorously investigating, and where appropriate, prosecuting the owners of Taiwan-owned or -flagged fishing vessels that commit abuse and labor trafficking onboard long haul fishing vessels. We are pleased to see that later today the workshop will feature a session on preventing exploitation of foreign workers in the fishery industry.



Structural reforms are worth considering as you look for better ways to address this problem. The separation of purview between the Ministry of Labor and the Fisheries Agency, for example, complicates efforts to prevent and punish forced labor on Taiwan-flagged and - owned fishing vessels in the highly vulnerable distant water fleet.

As Secretary Pompeo recently said, “Modern slavery has no place in the world.” The promotion and protection of human rights is a core commitment that Taiwan and the United States share. It shapes how we see the world and our roles in making it a better place. We stand by Taiwan's side, and beside all of you here today, committed to moving forward together. In conclusion, let me wish you all a very successful conference. And keep up the great work!

## 開幕致詞

副總統陳建仁

各國駐臺大使、辦事處代表

吳玉琴委員、李麗芬委員

國內外政府機關及非政府組織先進

關心人口販運議題的學者、專家及各機關、團體代表

行政院羅政務委員

內政部徐部長

法務部蔡次長

各部會機關代表

各位女士、先生

大家早！

感謝貴賓共襄盛舉

歡迎各位蒞臨參加「2018年防制人口販運國際工作坊」！

本人就任副總統以來，甚為關注人權各面向議題，去年內政部舉辦10周年國際工作坊，本人前來致詞時，特別感謝所有民間團體與各部會同仁聯繫合作的用心與付出，讓臺灣在這個議題上發光與發熱，很高興大家延續熱情，本人有機會再次來這裡致詞。

人口販運問題是世界各國普遍承認、嚴重危害人權的現代奴役行為，各國都極為重視，臺灣更是高度關切。

蔡總統在2006年擔任行政院副院長任內即頒布「行政院防制人口販運行動計畫」通令中央各部會及各地方政府依據計畫辦理相關防制業務，2007年時，中央更成立「行政院防制人口販運協調會報」作為聯繫平臺，整合各部會資源，全力執行防制人口販運工作，至今已今12年，這段期間不分朝野齊心運作，各部會及民間團隊同仁的用心與付出，相信國人及國際社會都看得到。





## 臺灣需要人口販運防制國際合作

和平、自由、民主及人權是臺灣做為一個現代化國家始終堅持的核心普世價值，身為國際社會一份子，臺灣願意致力在外交與全球性的議題做出貢獻。

徐部長剛剛提到，內政部已經與 17 個國家簽署移民事務及防制人口販運合作的協定或備忘錄，今年即將再與歐洲一個國家簽署合作協定，這就是積極展現我國政府參與全球性新興議題及與國際接軌的決心。

這些務實的作法，像是人道救援、醫療協助、反恐合作、共同打擊人口販運犯罪，都是國際社會安全與秩序維護的重要工作。儘管臺灣的國際處境特殊，但是臺灣在防制人口販運工作與其他刑事案件的努力與成果，絕對是國際不可或缺的夥伴關係。

## 強化國內社會安全網推動 4P 防制工作

蔡總統在 2 年前的就職演說中提到，強化社會安全網是政府必須承擔的事情，我們必須再次強調，人口販運防制工作是強化社會安全網的重要一環，中央各部會、地方政府與民間組織不能遺漏，也不可輕忽。

我國在防制工作重點持續加強人口販運防制，整合各部會資源，採取「4P」面向推動防制人口販運工作，推動人口販運查緝起訴（Prosecution）、被害人安置保護（Protection）、預防宣導（Prevention）及加強國際交流合作之夥伴關係（Partnership）等。2009 年 6 月施行「人口販運防制法」專法，使我國在防制人口販運方面獲得良好成效。

我知道中央與地方都以加強對於被害人的保護服務為主要工作，自 2008 年成立庇護處所以來，這些被害人在臺的安置保護、醫療、膳宿及返國機票等相關費用，都由我國政府編列預算優先支應，並結合民間團體協助服務；同時，這些被害人在庇護期間可以工作，安心在臺協助案件偵辦。為保障被害人權益，落實偵審保護，被害人協助調查人口販運案件時，提供通譯服務，並安排陪同偵訊服務。

至於在查緝起訴等面向，司法警察機關持續起訴及懲罰人口販運罪犯，法務部各地方法院檢察署指定專責檢察官，積極偵辦人口販運案件。我國相關防制整體成效，不僅在美國國務院每年對全球各國進行防制人口販運工作評比讚譽有佳，亦為國際社會有目共睹的事實。

## 為亞太區域和平與穩定盡一份心力

今年6月29日美國國務院發布全球各國防制人口販運工作評比的結果，我國已連續9年獲評為第1級國家，足為亞太地區國家楷模，這證明我國防制人口販運工作，在政府機關與民間團體共同努力下，持續獲得國際肯定。我要藉這個機會感謝各駐臺友人、各部會及民間團體長期的協力合作，讓我國連續多年獲得這項殊榮。未來，我國政府各部門辦理防制人口販運工作，仍應積極因應，與各民間團體、國際組織保持友善合作，繼續為維持第一級國家水準，亞太地區和平及穩定，盡一份心力。

本人在此呼籲世界各國應重視人口販運議題，加強防制作為，支持並響應聯合國7月30日「反人口販運國際日」，落實人權保障，亦期許各國正視我國身為國際社會的一員，並接納成為國際組織會員或參與活動。

最後，再次感謝各位的熱情參與，同時也要預祝今天國際工作坊圓滿成功，大家心想事成。



## Opening remarks

Vice President Chen Chien-jen

Good morning, ladies and gentlemen. I am honored to be here to attend a remarkable event with

The representatives and ambassadors to Taiwan

Legislators Ms. Wu and Ms. Li

Members of government institutions and non-governmental organizations

Scholars, experts, and representatives of organizations against human trafficking

Minister Lo

Minister Hsu

Deputy Minister Tsai

And ministerial representatives

I would like to welcome you to attend the 2018 International Workshop on Strategies for Combating Human Trafficking.

Human right has been an issue of my greatest attention since assuming office as vice president. Last year, I was invited to give an opening speech when the Ministry of the Interior held the 10th anniversary of the International Workshop. There I expressed my deepest gratitude, especially to the NGOs that cooperated with government ministries, as it was their passion and dedication that allowed Taiwan to achieve great progress regarding human right issues. I am pleased that this passion has persevered on to this day, and glad for the opportunity of delivering another opening speech.

Human trafficking is a form of contemporary slavery that is recognized by all countries. It is an exploitative behavior in serious violation of human right, one that is of deep concern of many countries, especially Taiwan.

In 2006, President Tsai, then serving as vice Premier, announced The Action Plan for the Prevention of Trafficking in Persons. The plan requires central and local

governments to implement measures for preventing human trafficking. In 2007, the central government established the Cabinet-level Anti-TIP Task Force to coordinate resources from different departments in a combined effort to further strengthen our forces in the fight against human trafficking. After 12 years of seamless cooperation, I am sure that people, both in Taiwan and in the international community, and see the fruit of our hard work.

Peace, freedom, democracy, and human right are the universal values that Taiwan upholds as a modernized country. As a member of the international community, Taiwan is willing to contribute to foreign and universal affairs.

As Minister Hsu mentioned, the Ministry of the Interior has already signed agreements and MOUs on immigration affairs and human trafficking prevention with 17 countries. This year, Taiwan will be signing a cooperation agreement with a certain country in Europe, another sign of our dedication to emerging universal affairs and responsibilities as a member of the international community.

Practices such as humanitarian aid, medical aid, cooperation on counter terrorism, and cooperation against human trafficking are important for international safety and order. It is true that Taiwan international status is “special”. Yet Taiwan has certainly established itself as an active member of the international community with its achievements and endeavors in preventing human trafficking and other crimes.

Two years ago, in her inaugural address, President Tsai expressed that strengthening social security is a key responsibility of the government. I must reiterate that preventing human trafficking is an important part of strengthening social security, one that the central government, the local governments, and NGOs must treat with the utmost importance.

Taiwan’s efforts will be centered on prevention, integrating resources from departments, and promoting the four Ps: Prosecution, Protection, Prevention, and Partnership. After implementing the Human Trafficking Prevention Act in June 2009, Taiwan has seen great progress in preventing human trafficking.

Our central and local governments place great importance on the protection of victims of human trafficking. Since the establishment of shelters in 2008, the government has set a budget to cover expenses for victims of human trafficking, including costs for shelter, protection, board and lodging, and homebound air tickets.



The government also cooperates with NGOs to provide essential services. To ensure their safety and protect their rights, we will provide escort and interpreting services for human trafficking victims during investigation procedures. Victims are allowed to work in Taiwan so they may assist investigation.

Our law enforcement agencies will continue with the prosecution and punishment of human traffickers. Our district prosecutors' offices will designate dedicated prosecutors to investigate human trafficking cases. Our achievements in preventing human trafficking have not only received a high rating in the Trafficking in Persons Report by the US Department of State, but also garnered acknowledgement and respect from the international community.

The US Department of State Trafficking in Persons Report issued on 29 June has rated Taiwan Tier 1 for nine consecutive years, proving that Taiwan's efforts in preventing human trafficking, with the cooperation of the public and private sectors, have received international recognition. I want to take this opportunity to thank our foreign representatives, our ministries and departments, and our NGOs, as Taiwan would not have received this great honour without your cooperation. Taiwan's government will continue its efforts in preventing human trafficking through actively responding to any situation. We will continue our friendly cooperation with NGOs and international organizations. We will continue to uphold our responsibilities as a Tier 1 country. And we will continue our endeavors in bringing peace and stability to the Asia-Pacific region.

I want to call upon the countries of the world to attach greater importance to the issue of human trafficking, to strengthen their efforts for its prevention, and to support the United Nation's World Day against Trafficking in Persons on 30 July as an act of ensuring the protection of human rights. I also urge the members of the international community to recognize Taiwan as an active actor on the world stage, and support our participation in international organizations and events.

Lastly, I would like to thank you again for your participation in this event, and wish the International Workshop every success. Thank you.



## 閉幕致詞

### 移民署署長楊家駿

謝謝大家熱情的參與，這邊有幾點想要跟大家分享。首先對於議程，我雖然只聽了兩場次諸位的高見，但是同仁都有即時將訊息回應給我，我覺得收穫很多，也激發了我很多想法，其實我有點迫不及待地想跟大家宣布我們未來將怎麼做，但是我認為應該要經過幕僚的評估，所以稍微保留。很抱歉時間這麼趕，甚至沒有機會跟各位交換名片，請接受我誠摯的歉意。

其次，今年場內討論的很熱烈，場外也很熱鬧，對政府也有很多的期許，我相信場外的朋友試著傳達很多的訊息，透過諸位傳達的訊息，希望成為我們的助力，場外的碰撞跟場內的對話都是在和平理性下來進行，所以我覺得這是進步、理性的對話，也是我們大家共同期盼的。

這幾天，『美國國務院年度人口販運報告中，台灣評比在“一級”名單之列』的字眼一直重複地被提出來，其實 AIT 的 Mr.Green 給我評等第一級文件的時候，我一看便知道 minimum standard，值得高興的是我們沒有被降等，但我們還有很多很多進步的空間，有很多很多事情需要去做的，剛剛諸位也提供很多寶貴的意見，評等第一級其實是諸位的期許，絕對不是哪個國家給我們評量。移民署會是一個有使命感的單位，我相信我們都會有共同理想、有共同想要追求的價值。我跟諸位報告，我們有人口販運防制的草案，我們現在全面要修訂，如何進行？那便是跟社會對話！諸位這幾天的高見我們會細嚼慢嚥，我們會把諸位的意見在我們主管會報裡消化，納為我們的行動綱領，因為諸位不辭辛勞為我們獻計，我們絕對不會讓諸位失望！我剛剛講，移民署會是一個有使命感的部會，有使命感的移民署會做好人口販運的防制，這是基本功課。昨天會議有提到，要做好這些事情，要有好的 fundamentally，好的 immigration policy，這些我們都聽到了，我們的 immigration law 現在也在從零開始，重新盤整當中，所以我們的兩個法案要開始跟社會對話，一是人口販運防制法，還有一個就是我們的移民法，我向各位報告，我們不會穿著西裝改西裝，不知道諸位聽不聽得懂這句話，我們會重新做一套西裝，我們也會一直往前邁進，才不會有失各位的期許，請大家拭目以待。



## Closing remarks

### Director General of NIA Jeff J.J. Yang

I would like to thank all of you for coming here. There are a few points I'd like to share with you. First of all, I have only attended two sessions. But thanks to my colleagues for instantly updating me all of your invaluable suggestions, I actually gained so much and was greatly inspired too. To be honest, I can't wait to share with you about how we are going to do in the future. However, as this should be assessed by my staffs first, I could not say too much today. And I am sorry for being in such a hurry. I wasn't even able to exchange the name cards with each one of you. Please accept my sincere apology for this and also not fully participating in all the sessions.

Secondly, we've seen lively discussions in the workshop this year. And, I believe it's also the same outside the workshop. People who have many expectations for the government try to convey their messages through all of you, hoping that you could be their support. No matter it was the collision of thoughts out of this workshop or the dialogue we had in here, they can all proceed with peace and rationality, which is considered a progress. We had collision, dialogues, rationality and then progress. These are what we all look forward to. Another thing is that the word "Tier One" has been mentioned a lot during these days. And I also got the file "Tier One" from American Institute in Taiwan. I checked it at my office and learned that our evaluation result is "standard". I think the only fortunate thing was that we were not downgraded. Getting the result means that there is so much to be improved, and there are so many to be done. Hearing these precious ideas from all of you, I think the real "Tier One" in our heart is not just the evaluation we have received, but the expectation from you. It is your expectation that makes us an agency with a strong sense of commitment to achieve our common ideal and the value we seek after. I want to let you know that currently we have a draft bill on combating human trafficking, while it's not completed yet. We wish to rewrite it thoroughly. And, how are we going to do it? We are going to take account of the public opinions and turn them into a feasible solution and the action plan. Your efforts in providing us thoughts these days are greatly appreciated. We will take time to digest them all and then propose them in the executive board report.

Being an agency with a sense of commitment, NIA holds the basic responsibility to make a good policy for combating human trafficking. Yesterday, We heard that P asked us to lay a good fundamental work for a better immigration policy. Actually we are considering and reformulating the immigration law now. Therefore, starting from this summer vacation, we have opened a dialogue in the public for discussing about the Human Trafficking Prevention Act and the immigration laws. There' s a saying which goes "Altering the suit while wearing it." I' m not sure if you understand its meaning. But instead of altering the suit, we will make a new one, which means that we will revamp the law comprehensively. We will work hard to move forward, and hopefully not to disappoint you all. Please wait and see the results. At the end, I would like to express my thanks to Lisa, who has done so much in the past 11 years. I guess she also wants to deliver her gratitude to all of you. How about let' s invite her to come up and say some words? Thank you.





# 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

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財團法人法律扶助基金會扶助律師

台灣展翅協會副理事長

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**

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## 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



## Setting the record straight: what migration is about

Migration is about people and it is fundamentally about internationalized labour and skills mobility in a globalized world. That mobility is key to sustaining the world of work in the Twenty-First Century: key to the viability of labour markets worldwide, to obtaining return on capital in a globalized economy, and key to development. The very survival of developed economies depends on migration. This is now as true in Taiwan as anywhere.

Migration rejuvenates workforces, maintains viability of agriculture, construction, health care, hotel, restaurant and tourism and other sectors -in Taiwan the fisheries sector as well. Migration meets growing demand for skills, and promotes entrepreneurship in Taiwan as elsewhere. Migrant remittances, transfer of skills, investments, and expanded trade enhance development and well-being in many countries, including here.

There are an estimated 260 million foreign-born people residing today in countries other than where they were born or held original citizenship. However, this figure is a significant undercount as it does not account for short-term, temporary migrants, nor for cross-border traders moving across various countries although remaining legally resident in their home country.

That UN global estimate does account for refugees and asylum/seekers – although not internally displaced persons (IDPs). Current UNHCR figures count 25.3 million refugees (19 million under UNHCR mandate and 5.3 million Palestinians registered by UNRWA, the UN Relief and Works Agency). UNHCR also counts 10 million Stateless People. Refugees and stateless persons comprise about 13 percent of the global migrant population. 55% of the world's refugees come from three countries: Syria (5.5 million), Afghanistan (2.4m), and South Sudan (1.4m).

### Migration and economic activity

Well over 90 percent of migration today –whether on the immediate or admissions reasons of family reunification, immigration, educational studies, or refugee flight—is bound up in employment and economic activity outcomes. ILO calculated that 150 million of the 232 million people –including refugees – living outside their countries of birth or origin in 2013 were economically active — employed, self-employed or otherwise engaged in remunerative activity.

Migration represents growing portions of populations and, particularly, work forces in many countries across Asia, the Americas, the Caribbean, Europe and Eurasia. Foreign born workers comprise 10% to 15% of labour forces in Western European countries and more than 18% in immigration countries of Australia, Canada and the USA, and 40% to 93% of work forces in member States of the Gulf Coordination Council (GCC). It is 10 to 20% across Eurasia (Russian Federation, Caucasus and Central Asia), and a growing proportion in several Asian countries including Hong Kong (SAR), Malaysia, Singapore, Taiwan and Thailand.

The irony is that this occurs as unemployment rises in the 'old industrialized countries'. The dichotomy is twofold: a significant proportion of unemployment is structurally inherent to jobless growth approaches by finance and industrial capital, while technological evolution in the world of work results in many workers left with obsolete skills and experience or simply without skills relevant to employer needs today. This is coupled with education and training lagging behind evolving economic and labour market needs, both in numbers trained and in content of training.

### **Mobility, Development and Sustaining Development**

Economic activity does not occur without capital, labour power and skills/technology coming together.

Development today will not advance without integrating the material and human resources, capital, technological capacities and larger markets across groups of states that only combined together can obtain: 1) breadth of resources, 2) scale of production and 3) size of markets that assure viability in a highly competitive globalized world economy. Integration will not thrive without regulated international freedom of movement of goods, services, capital, technology and labour at all skills levels.

Development is the catchword for discussion of migration. Development is often simplistically equated with growth of GDP --increased economic growth measured by domestic production of goods and services. However, a more adequate understanding of development is:the elaboration of productive means, forces, capacities and output that provide goods, services, technology and knowledge to meet human needs for sustenance and well being. Development comprises building the material means for: extraction and transformation of resources; for production of goods, services and technology; for constructing infrastructure required for producing, transporting and



distributing resources, goods, and services; for reproducing capital and labour; and for providing human welfare/well-being in terms of housing, nutrition, healthcare, transportation, education, and culture in its broad sense.

Freer movement of persons has long been recognized as a key pillar of economic integration and development, particularly in Regional Economic Integration processes (commonly referred to as Regional Economic Communities -RECs). Free movement of persons is the means to ensure availability of skills and labour where needed to spur investment and economic development by drawing on the full breadth and diversity of professional and technical competencies as well as labour power. Common terms that shape perceptions –South-North and South-South-- do not accurately convey the reality that most migration is taking place within regions – not between. 52% to over 60% of migration originating in Africa, Asia and Europe remains within those regions. Much migration today takes place within the twelve Regional Economic Communities that have formal regimes of free circulation of persons that involve a total of over 100 countries. 80% of migration originating in West Africa goes to other member states of the ECOWAS, the proportion is similar in the Eurasia Economic Union. It is 50-60% for the European Union, Mercosur and the SADC --Southern Africa Development Community region.

### **Economic importance of migration**

Recent figures indicate that the annual flow of remittances is more than 500 billion US dollars . Some estimates exceed \$600 billion. That is considerably larger than total annual overseas development assistance (ODA - “foreign aid”) and larger than total foreign direct investment (FDI). But remittances generally comprise less than 20% of migrant earnings.

A more comprehensive measure of value of economic activity by migrants to host countries may be at least 3 trillion dollars, measured by an extrapolation of aggregate direct earnings. That does not indicate the value added or created by migrants’ labour not returned to workers in remuneration or benefits but that adds to the worth of employers, private and public, in formal and informal sectors. Furthermore, migrants contribute to health of national social security systems, in some cases without ever obtaining benefits or use of their contributions. The acknowledged subsidy that undocumented migrant workers provide to the US Social Security system is estimated to be near 50 billion dollars over the last 5 years.

Remaining un-measured is the value of training and social reproduction cost transfers made by migrants moving usually from less to more developed countries. In aggregate terms, that represents a sort of foreign aid primarily from South to North. Assuming that each migrant with tertiary education represents \$40,000 in cost of usually State-financed higher education, migration of 100,000 skilled workers represents an aggregate transfer of educational investment equivalent to 4 billion US dollars. This figure is indicative, no significant research on costings and aggregate values has been done.

### **Greater mobility anticipated**

Within 15 years, the majority of world's countries and populations will be in serious work force decline. Germany loses 6 million members of its work force over the next twelve years, Italy 3 million; the Russian Federation has lost 12 million since 2000, with currently a rate of reduction of 1 million workers per year in its domestic labour force. The Japanese labour force will have shrunk by 37% in 2040 from what it was in 1990. A recent study says that Switzerland will need 400,000 additional workers by 2030. China's work force may decline as many as 100 million people by 2050.

Some 140 of 224 recognized countries and political territories are at or well below zero population growth fertility rates . That is here and now in Taiwan and across much of Asia. Examples from regions, starting with Africa: Botswana, Libya, Mauritius, Morocco, Seychelles, South Africa and Tunisia. Americas: Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, El Salvador, Mexico, Nicaragua, Paraguay, Peru, Uruguay, USA, plus nearly all Caribbean states. All EU member countries. Eurasia: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russian Federation, Ukraine, Uzbekistan. Middle East: Bahrain, Iran, Lebanon, Qatar and soon Saudi Arabia.

Over coming years, all of these countries face increasing departures from the work force uncompensated by decreasing numbers of youth entrants. This means increasingly intense global competition for the most crucial economic resource of all today, trained skills at all levels. The likely consequence for many countries will be even greater drain of skilled and educated human resources. It also means looming crises for contributory-based social security systems as declining work force numbers face increasing numbers of retired workers.





Pressures for labour displacement and emigration from countries North and South remain intense; in some situations they have significantly intensified in the last five years. Particularly in Africa as well as Afghanistan, India and Pakistan, the main factor remains the absence of jobs and decent work in countries with growing youth populations.

Job creation remains consistently flat while youthful populations are increasing, adding millions of new workers each year to labour markets in which new jobs created only match numbers of jobs lost. Significant population growth is expected to continue over the next three decades across sub-Saharan Africa and certain Asian countries, with fertility rates and global population growth decreasing by mid-century. A major consequence will be millions more youth reaching working age with no prospects for employment and many with no training or qualifications to meet employer needs.

Meanwhile, financial crises and austerity measures that devastated national economies as well as social protection systems even in Europe have resulted in youth unemployment rates reaching 50% in several countries. Although now declining to 20-30%. New waves of emigration, especially of young skilled workers, continue to depart from Greece, Italy, Portugal and Spain.

### **Skills and training constraints**

No country today can form or train the entire range and number of evolving skills needed to perform the ever more complex work performed on its territory. This drives a constantly increasing, international mobility of skills, competences, and labour at all skill levels.

The skills crisis is critical. A forecasting study by the McKinsey Global Institute estimated that the global shortage of high skilled and trained technical skills is projected to reach 85 million by 2020. 38- 40 million skilled workers with tertiary education will be lacking, especially in developed countries. Another 45 million will be missing with needed technical, vocational and scientific skills, particularly in developing countries. This when today employers and their associations around the world complain that they cannot fill one in three jobs on offer with the needed level of skills.

It is widely observed that educational systems in many countries are producing graduates with inappropriate, inadequate, or obsolete skills and knowledge. At the same time, educational, vocational and technical training systems are not accessible to many youth seeking employable skills.

The development cost is huge, skills are absent where they are needed to spur investment and support economic and infrastructure development. Impediments to mobility and absence of recognition of skills and experience compound the lack of training for current and future needs.

### **Convergence and contention between economic actors**

Capital, managed today mostly by private sector employers and labour represented by worker trade unions, are incontestably the core actors of economic activity. They are the operational pillars for advancing –or simply maintaining-- development. They are the primary beneficiaries of liberalizing international circulation of capital, goods, services, technology and labour. They most immediately suffer the losses engendered by restrictions on circulation –whether of capital or people. And they are the proponents and beneficiaries of free circulation of persons. Participation of these actors, referred to as the social partners, is thus essential in any process addressing migration.

However, migration is a key terrain of contention between capital and labour: between the employers/private sector versus workers/especially organized unions. It is where the division of wealth is fought out-- how much of what is generated is returned to capital versus how much goes to working people as remuneration and to and populations as public services. Migrants are also vectors of contention over conditions of work and investment in safety and health protections versus lowering costs to obtain higher returns on capital.

Migration poses the question of whether working people remain organized to defend their interests. Migrant workers are key to whether and how workers freely associate and organize to collectively bargain for fair remuneration and decent work conditions.

In the context of promoting mobility and freer circulation of people –of labour, 'social dialogue' among the social partners is especially important to facilitate agreement on common positions and cooperation across their diverging interests.



This to find workable approaches that engage both employers and workers and to bring to bear the strength of a common front to ensure that government and parliamentary approaches take full account of their role and perspectives. That is ultimately essential to making mobility work to advance integration and development.

## **Exploitation versus Protection**

Exploitative conditions commonly experienced by migrants are structurally driven. For many enterprises in many countries, for entire economic sectors, low cost foreign labour is the only ticket to survival. Labour-dependent agriculture would not be viable in Europe nor in North America --nor could a part of the population afford to eat-- without cheap immigrant labour. What about Taiwan?

An excerpt from the executive summary of a report on the UK sums up treatment of many migrants, consistent with data from other developed, industrialized countries:

“Migrants, especially those from outside the EU15 who have limited access to social security provisions, face the paradoxical position of being welcomed by businesses and the state due to their high flexibility and minimal utilisation of the welfare state on the one hand, whilst facing increasing unease and hostility from anti-immigrant groups, the same state that welcomes them, and large numbers of the general public on the other.

The highly unregulated and flexible economy has allowed many migrants to easily find work and businesses to remain competitive whilst simultaneously creating the conditions for widespread exploitation and producing divisions amongst workers, both between (native) born/migrant and between different groupings of labour migrants.”

Health, home care and schooling for children and care for populations of ageing people increasingly depend on migrants in all regions as do hotel, restaurant and tourist sectors.

Global competition, free trade, and the race to the bottom phenomena push against costs of labour and provision of social services; they challenge the very social function of States. Keeping some migrants cheap, docile, flexible and removable without social costs-- becomes not just highly desirable. It becomes imperative to keep jobs at home and economies afloat, no matter what those jobs are and who is doing them. Despite rhetoric about controlling migration, migrant workers often fall

into or remain in irregular situations, tolerated because they provide cheap, flexible labour needed to sustain enterprises, employment and competitiveness.

Attention to protection of human and labour rights and of decent work is thus an essential pillar of any approach to international labour mobility. That means especially the national application of international labour standards, their domestication to all workplaces formal or informal especially those where migrants are employed, and their enforcement by effective labour inspection. This is indeed a particular and primordial concern for Taiwan.

### **Social Protection**

Effective social security systems provide income security, prevent and reduce poverty and inequality, and promote social inclusion and dignity. Social security enhances productivity and employability and supports sustainable economic development, contributing to decent living conditions for all and making extension of social security coverage for migrants vital to workers, the economy and society.

Although migrant workers contribute to the economies of both destination and origin countries, they are not usually taken account of in national social security schemes. Migrants often lose entitlement to social security benefits in their country of origin due to absence. They face restrictive conditions or non-access to social security in the country of employment. Even when they can contribute in host countries, their contributions and benefits often are not portable to origin countries.

Migrants are today unwitting players in a global redefinition of social protection: who is responsible for it, who is covered and with what benefits. The intent in international law is universal coverage, as laid out in ILO Convention 102 on social security. The ILO and UN have now established the notion of a social protection floor as a universal expectation. But assertions abound that social protection for migrants is today a question of finding a median between two “extremes,” one being full coverage, the other none at all.

In contrast, progressively extending social security to migrant workers is imperative to ensure welfare and social cohesion across any country such as Taiwan. However, it can only be achieved with political will to obtain necessary legislative acts, administrative mechanisms and practical measures.



## **Gender Specificity**

The feminization of migration is not about the gender proportions of migration. Female participation has been above 45% for decades and is nearly 49% today . The difference is that today most if not nearly all women migrants are economically active. They often migrate on their own rather than as dependants. This is generally true in all regions, notably across Asia.

In a context of stratification of employment and segmentation of labour markets, women migrants hold particular appeal for employers as they are sought after for 'women's work' that, not coincidentally, is usually low paid and unprotected: domestic work, healthcare, agriculture, hotel and restaurant, semi-skilled manufacturing in export processing zones. Common across these sectors is that while some workplaces may be highly socialized they are not organized, meaning no unions or associations for mutual defence and solidarity, nor any bargaining power to press for decent work conditions.

Women and girl migrants face high risks of sexual and gender based exploitation as well as violence, both in the migration process and in destination countries. Adoption of ILO Convention 189 on Decent Work for Domestic Workers has brought attention to a sector of activity almost entirely comprised of women workers.

Attention to the risks faced by migrant domestic women workers should be a springboard to highlight the generalized lack of effective protection faced by women migrant workers in agriculture, in textile sweatshops, in services and elsewhere. Testimony abounds of women working in these sectors subject to exploitative working conditions, sexual harassment, unprotected exposure to dangerous pesticides or chemicals, and other risks, in Morocco as well.

## **The clear and present danger of xenophobia**

As burning concern is the recognized generalized rise in both discriminatory practices and of racist, xenophobic behaviour against migrants. Hostility towards migrants is being manifested worldwide; Reported incidents in all regions suggest increasing intensity: shootings of migrant workers at or near workplaces, individual or mob attacks on and killings of migrants, and police round-ups as well as mass detention of migrants in what can only be characterised as concentration camps. In some situations of domestic unrest and civil conflict, foreigners have been explicitly targeted with sometimes deadly hostility.

The concern is aggravated by the absence, with one or two exceptions, of vigorous responses by governments to anticipate, discourage, prevent manifestations of racist and xenophobic hostility against foreigners, and to prosecute perpetrators. It is further aggravated by discourse and action by some governments that engage in public brutality and violent repression against migrants.

Social cohesion can only be maintained by deliberate legal, institutional and practical measures. Demonstrable proof is that in a few countries where discrimination and xenophobia have been vigorously discouraged by government and civil society, there have been few or no racist killings of migrants nor burnings of businesses, homes or places of worship of foreigners and where anti-immigrant politicians and political parties have gained no traction.

### **The governance framework**

Despite the considerable academic literature and discourse to the contrary, there is indeed a comprehensive international framework for governance of migration. Much of it is designed to support good governance and administration at the national level, where most responsibilities and issues lie.

This framework comprises a broad set of complementary international legal standards in several areas of law. It comprises supportive mandates and responsibilities in a range of international and regional agencies and organizations. It also includes globally applicable policy recommendations elaborated in formal, authoritative international conferences over the last two decades.

The legal framework is provided by 1) the nine main Human Rights Conventions; 2) all up-to-date International Labour Standards; 3) the 1951 Convention and 1967 Protocol on the Status of Refugees, 4) the Vienna Convention on Consular Relations; and 5) the two Protocols on trafficking in persons and smuggling of migrants to the Convention against transnational organized crime.

At the core of the global legal regime for migration governance are three complementary, sequential instruments on international migration: ILO Convention 97 on Migration for Employment (1949), ILO Convention 143 on migrant workers (Supplementary Provisions) of 1975, and the 1990 International Convention on the Protection of All Migrant Workers and Members of Their Families (ICRMW). All three contain norms for governance and administration of migration and for



international dialogue and cooperation as well as specific standards recognizing and protecting the rights of migrants.

Protection of migrants –and prevention of trafficking-- cannot be realized nor enforced without recognition and enforcement of their human and labour rights in national law and practice. Ratification of these instruments is the essential foundation for national law, policy and practice. In reality, 89 countries have ratified at least one of these three instruments, including 28 in Africa and nearly all countries in Central and South America and several in Asia.

Fitting for a large global population present in many countries, the international institutional structure mirrors the multitude of concerns of governing large populations. More than 20 specialized international institutions address migration in their mandates, competencies and activity, whether labour and employment, health, security, development, education, human rights, criminal justice, etc. No single migration agency could possibly address the range of concerns of governing populations, each requiring specialized knowledge, law, competencies and functions.

### **Smuggling and Trafficking**

Smuggling of migrants and trafficking in human beings are largely the consequence of non-functional mobility regimes in globalized labour and skills supply and demand for deregulated markets.

Trafficking –and smuggling exists because there is need-demand for labour – particularly for cheap unprotected labour (such as in Taiwan fishing industry)-- where at same time there is no effective labour protection or inspection, allowing exploitation of labour with impunity.

When circulation is freer, when employer access to labour and job-seeker access to jobs is unrestricted, --but abuse of workers is controlled-- smuggling and trafficking all but disappear. Which is the case within most RECs. A dramatic example is that trafficking to Western Europe literally disappeared overnight in 2001 when visa restrictions were dropped for nationals of ten accession countries for entry into the EU. People –young women in particular-- from one day to next no longer had to seek “travel agents” and passers to get to Western Europe. In many cases, those agents and passers put their women –and men--clients into exploitative situations, and in doing so met the definition of trafficking.

Smuggling is a more complex issue, especially in today's world of civil warfare, military conflicts, dictatorships and widespread violations of human rights. For many people in refugee and refugee-like situation, there is no escape except to pay for services to get away, and to get around military checkpoints and armed warfare. Many smugglers have nothing to do with trafficking, And many people smuggled across borders would be dead if they hadn't had help in transiting to safe haven.

In not a few countries employers desperate for the labour they need to stay in business recur to –discretely-- allowing undocumented labour to arrive for work. It's a touch choice: do you close your business, go bankrupt –and contribute to your country's economic stagnation? Or do you allow for needed labour and skills to get to you 'without inspection'? That includes 'legitimate' employers who provide decent work and pay, not only those who use restrictive policies to exploit workers who live in fear of apprehension so they can't complain and don't join unions to defend rights and decent work.

### **Restructuring Governance: redefining a new regime for labour?**

The governance structure for migration –as well as ideology and practice of governance of migration – is changing in both old and new immigration countries. The locus of migration governance in immigration/migrant receiving States over previous decades was generally in labour and employment ministries. This designation reflected the primacy of needs to regulate labour markets and protect workers as well as oversee employment relations and social dialogue. Those ministries retained vital competences in labour market administration, in supporting and mediating negotiation between social partners, and in taking account of interests of the key migration actors: employers –public and private –and unions –the latter representing workers both native and migrants. Those ministries also supervised the vital regulatory and administrative functions of labour inspection and social security.

Security and control institutions of States now widely predominate in managing migration and controlling migrants. Ministries of interior or home affairs now hold lead responsibilities on migration in many countries in all regions. Consolidation of home affairs' lead responsibility for migration is coincident with a broad redefinition of conditions for labour. The treatment imposed on a substantial migrant component of work forces can and does influence treatment of the work force more broadly. Administration of increasing foreign components of work forces by control institutions has consequences in shifting emphasis of law enforcement regarding work



from labour standards to immigration enforcement and in imposing policing solutions to labour conflicts at the expense of social dialogue.

Coincidentally, enhanced and generalized border and movement control measures within regional economic community spaces have large implications in impeding and slowing mobility as well as raising costs -- contrary to facilitating free and flexible movement of labour and skills. The plethora of control posts along land routes across Africa, each with obligatory inspections and payment of 'fees,' does not facilitate circulation of goods, services, or people.

Movement control measures also undermine exercise of freedom of association rights in internationalized labour markets and employer chains. Tightened control on movement facilitates tightened control on workers and work forces, restricting realization of rights to change employers or workplaces to escape exploitative, oppressive conditions --or to organize across sectors, industries and production chains that are increasingly organized across borders.

Meanwhile, advocates of expanded 'circular migration' (a generic misnomer for short term, temporary, and seasonal migration regimes) characterize it as the solution to both employment needs and to protecting 'national cohesion and cultural integrity' of nation states needing foreign labour. Many contemporary temporary migration regimes in fact offer explicitly restricted labour rights, notably exclusion of freedom of association, while permitting reduced application of labour standards.

### **The 'price of rights'**

A justificatory discourse associated with these initiatives posits that the level of rights protections for migrants is negotiable. The terminology of rights versus numbers and the price of rights is used to show the advantages of trade-offs where wider access by migrant workers to higher wage labour markets would be obtained by accepting reductions in application of labour rights. The argument that lowering wages instigates creation of more jobs is not infrequently invoked.

A fundamental premise in this discourse --and often in policy initiatives-- is that foreigners are not equal, nor are they equally entitled to protection or inclusion under law or ideology of the nation State. In practical terms, the notion of limiting rights of migrants presumes incentivizing greater migrant access to labour markets in higher income countries, and consequently, greater "development gains" through more jobs

created at lower wages and more remittances returned to migrant origin countries.

Anchoring discourse and program on a development starting point facilitates a rights versus development discourse. The rights versus numbers argument explicitly poses that less rights for migrant workers will generate more employment in higher income situations and thus more development.. Setting development as the main reference point in a deregulatory environment easily permits posing equality of treatment as a constraining conditionality. Development discussion anchored in economic indicators risks perceiving migrants as agents of development rather than first and foremost human beings, regardless of utility to development.

## **National Governance and Policy**

All of the above considerations must be addressed to have coherent and effective migration policy –which must also be coherent in law, policy and practice to prevent trafficking.

Unfortunately, the Global Compact on Migration doesn't offer what's really needed. It enhances the opposite: deregulation, absence of legal rights protections, and emphasis on the very control and restrictive measures that provide fertile ground for trafficking.

A starting point for a coherent policy and practice framework is identifying the real challenges and problems, and defining law and practice to resolve these, individually and together. The following points lay out what are generally common challenges everywhere, most would apply to Taiwan.

### **15 key law, policy and practical challenges for governance of migration**

1. Lack of legal protection, non-recognition of migrants; non-recognition of rights under law.
2. Utilitarian instrumentalization of migrants and migration subordinating human rights
3. Criminalization of migrants
4. Prevalence of sub-standard, abusive employment relations and conditions of work
5. Increasing xenophobic hostility and violence against migrants
6. Systematic/structural discrimination and exploitation of migrant women



7. Suppression of migrant worker organization and participation
8. Lack of health care and OSH; denial of health rights.
9. Absence of access to social protection and social security for many migrants, non-portability.
10. Family disruption and decomposition (adult migrants working abroad; children 'at home',
11. Increasing gaps between skills needs and the numbers and types 'produced' locally (in Taiwan)
12. Restrictive migration/immigration regimes unrelated to economic and labour force realities
13. Absence of explicit, comprehensive national policy frameworks on migration
14. Concentration of migration management responsibilities in security and policing institutions.
15. Absence of policy and administrative responsibility by labour and social protection institutions.

### **An Agenda for Action**

An agenda comprising policy lines, political demands and practical actions for a rights-based approach to governance of migration derives from the review above. Its elements evolve from World Conferences in 1994, 1995 and 2001, the Plan of Action on Migrant Workers adopted by the International Labour Conference in 2004, and the ILO Multilateral Framework for Labour Migration

1. Full recognition and legal protection of all migrants
  - a) Promoting ratification and full implementation of the legal migration governance standards recognizing and protecting migrants: the ICRMW, ILO C-97, ILO C-143 and ILO C-189.
  - b) Promoting and assisting in regularization of migrants in unauthorized situations.
2. Rights and people based discourse
  - a) Identify migrants as rights-holders first and foremost
  - b) Call for respect for four freedoms for all migrants: Freedom of choice; freedom of movement; freedom to remain; freedom of association and participation. Normative references: UDHR, ICPCR, ICESCR, ICRMW, regional conventions and protocols.

3. Decriminalization of migrants, refugees, and migration:
  - a) De-criminalization/non-criminalization of immigration law and infractions to it
  - b) Non-detention/ending detention of migrants for non-criminal offences
  - c) Treatment of minors according to best interests of the child
  - d) Repeal of generalized migrant/traveller identify control, surveillance and restriction measures Normative references: UDHR, ICRMW, Regional treaties and executive decisions, eg ASEAN.
4. Decent Work for all migrants: Vigorous enforcement of labour standards
  - a) Adoption and application of International Labour Standards, particularly to places and conditions where migrants are working.
  - b) Extend labour inspection to and in sectors and workplaces where migrants concentrated.
  - c) Fully 'fire-walling' labour inspection from immigration control.

References: All International Labour Standards, particularly ILO C-81 (labour inspection), ILO C-129 (labour inspection in agriculture), ILO CEACR -Committee of Experts on Application of Conventions and Recommendations- rulings.

#### 5. Stop Xenophobia, racism and discrimination against migrants

- a) Repeal discriminatory legislation; reinforce non-discrimination/equality of treatment in practice
- b) Define and implement national action plans against racism, xenophobia, discrimination
- c) Denounce and repudiate any and all acts of xenophobic violence.
- d) Demand anti-racist, anti-xenophobia political discourse, media reporting and school curricula.

Normative references: ICERD, ILO C-111 (discrimination in employment, occupation), ICRMW, also 2001 Durban Declaration and Program of Action.

#### 6. Support freedom of association participation of migrants in unions and associations

- a) Advocate for legislation ensuring freedom of associations rights for migrants
- b) Support migrant organizing in unions, by unions
- c) Conduct outreach to engage migrants in unions, associations, CSOs where they live and work.





Normative references: ILO C-87 (freedom of association), ILO C-98 (collective bargaining rights), ICPCR, rulings of ILO Committee on Freedom of Association

#### 7. Gender-specific migration legislation and policy

- a) Ensure equality of rights, opportunities and protection for all migrant women and girls
- b) Obtain gender specific policy, measures and practices recognizing gender-based risks and ensuring equality in outcomes as well as intent.

Normative references: CEDAW, ILO C-100 (equal remuneration), treaty body recommendations

#### 8. Health for all migrants (health is a right for all).

- a) Full access by migrants to health prevention and care services and facilities
- b) Elaboration of national public health and OSH policy on health for migrants
- c) Monitor occupational safety and health (OSH) protection for migrants in all workplaces Normative references: UDHR, ICESCR, ILO C-155, 161, 187 on OSH plus over 30 other International Labour Standards on specific branches or specific risks

#### 9. Social Security for migrants

- a) Unilateral measures to extend social security coverage and portability to migrants in both origin and employment countries
- b) Incorporate and harmonize social security access in regional integration spaces.
- c) Wider ratification and implementation of ILO C-102 (social security) C-118 ( portability) Normative references: UDHR, ICESCR, ILO C-102, C-118; regional instruments on social security.

#### 10. Family Unity and family support

- a) Pro ide family unity provisions in immigration and migration regimes
- b) Ensure immigration law facilitates family reunification
- c) Measures to sustain socialization & education for children and adolescents remaining at home.

Normative references: UDHR, CRC, CEDAW Policy administration agenda

11. Overcoming skills shortages; training youth for employment

- a) Reform, renovation and expansion of technical and vocational education and training
- b) Harmonize qualifications and training standards
- c) Implement circulation regimes, reduce barriers to labour and skills movement Normative references: UNESCO Conventions; international occupational classifications.

12. Establishing National policy frameworks on migration, in consultation across government and with social partners and civil society

- a) Obtain commitment to establish a (labour) migration policy framework/document
- b) Organize a fully consultative input and elaboration process
- c) Involve concerned government ministries/agencies/authorities at relevant levels, including legislators, social partners, and relevant civil society and migrant organizations.
- d) Address comprehensively concerns, issues, and challenges of international migration
- e) Designate responsibilities among stakeholders
- f) Propose implementation planning and time-lines
- g) Obtain endorsement of policy frameworks by stakeholders
- h) Expect approval and adoption at the highest level of government

Normative references: ILO Multilateral Framework on Labour Migration (non-binding); the African Strategic Migration Policy Framework; formal policies adopted by States in various regions

13. Consolidate migration policy and administrative responsibility, capacity and coordination by labour institutions

- a) Assign labour migration governance responsibilities to labour/employment ministries
- b) Designate focal points or units in labour institutions on labour migration/mobility
- c) Encourage engagement of social partner organizations
- d) Training and capacity building for labour institutions and social partners.



- e) Tripartite policy consultation and coordination at national, regional and continental levels

Normative references: ILO C-143 (involvement of social partners in migration policy); ILO C-144 (Convention on Tripartite Consultations) and ILO C-150 (labour administration)

14. Obtain gender & age disaggregated data on migrant characteristics, situations, conditions.

- a) Adoption/utilization of international labour migration database indicators
- b) Application of international statistical standards to obtaining data on labour migration
- c) Establishing data sharing and coordination among national institutions concerned
- d) Interfacing data with relevant international labour market and labour migration databases
- e) Supporting provision of competencies, training, and appropriate hardware & software

References: International Labour Statistics Standards; UN guidelines on international migration statistics

History tells that migration has always been an essential ingredient of development and human welfare. It is all the more so today, in every region of the world. However, unless regulated by appropriate laws and policies, migration entails high costs in violations of rights of persons, in social disruption, in reduced productivity, and in lost opportunities for development. Migration must be governed under the rule of law with the involvement of key stakeholders across government, in parliaments, social partners, civil society, and migrants themselves.





## 前提：何謂移民議題

移民是人民的議題。基本上是目前全世界國際勞動力與技術的流動。這個流動性是維持世界在 21 世紀持續運轉的關鍵因素：全球勞動力市場的存續，在全球化經濟下獲取資本利得及發展的主要關鍵。已開發經濟體的生存必須仰賴移民遷徙。這在台灣或其他地方都是一樣的。

移民可使勞動人口年輕化，維持農業，建築業，醫療照護，飯店，餐飲，觀光及其他產業存續。在台灣，尤其是漁業。移民可以滿足對技術需求增長，促進台灣及其他地區民眾的創業精神。移民的金流，技術交流，投資，及擴大貿易需求，對於當地的正向發展都有貢獻，包括台灣本地。

目前全球預估有 2.6 億人居住在他們非原生國籍地。此數據嚴重低估了實際情況，因為這並不包括短期或臨時的移民遷徙，還有跨境交易商人。這些人仍在他們本國維持合法的居民權。

但這項聯合國統計的確包括了難民及庇護尋求者，但不包括國內流離失所者 (IDP)。目前聯合國難民組織統計 2530 萬難民 (其中 1900 萬名登記在聯合國難民組織中，530 萬名巴勒斯坦人登記在聯合國難民救濟及工程局 UNRWA) 有 1000 萬無國籍人士。難民加上無國籍人士大約佔了全球移民 13% 人口數。全球難民人數中有 55% 來自三個國家，分別是敘利亞 550 萬人，阿富汗 240 萬人，還有南蘇丹 140 萬人。

## 移民遷徙與經濟活動

超過 90% 的移民，無論是基於家庭團聚允許，合法遷移，教育，或難民潮因素，都有就業或是參與經濟活動。ILO 統計，2013 年，在 2.32 億名異地居住人口中，有 1.5 億是經濟活躍的，也就是說就業中，自營生意，或是參與其他經濟產出的活動。

移民在許多亞洲，美洲，加勒比海，歐洲及歐亞大陸國家都代表了人口中的一個成長部分，特別是人力資源。海外出生的工作者在西歐國家是勞動人口的 15%，在移民顯著國家如澳洲，加拿大，美國，甚至超過了 18%。在海灣合作委員會 GCC 會員國中，更代表了 40 到 93% 的勞動力人口。在歐亞大陸國家包括俄羅斯聯邦，高加索地區，和中亞，則代表了 10 到 20%。還有幾個亞洲國家包括香港，馬來西亞，新加坡，台灣和泰國，比例持續增長中。

諷刺的是，這個發展趨勢在成熟工業發展國家中正在面臨失業潮問題。這是雙面性的：失業率很大的一部分來自於潛在結構性因素，尤其在金融與工業

資本領域，工作機會數量本來就刻意偏向零成長策略。科技的發展更導致很多勞動者的工作技能被時代淘汰，不符合需求，導致雇主無法繼續使用。再加上教育和訓練落後於經濟的發展及就業市場需求。這短缺包括了人口數量跟教育訓練的不足。

### 流動性，發展及持續性發展

經濟活動沒有資本，人力及技術 / 科技的配合無法發生。今日的發展如果沒有整合人力資源，資本，科技則無法獲得進步。跨區域性會員國家，較大的市場相互結合可以得到：1) 寬廣的資源，2) 大規模生產，和 3) 市場規模，以確保高度全球化競爭的經濟利益。缺乏完善管理的國際化商品，服務，資本，科技，在各層級勞動力自由流通前提下，將無法蓬勃發展。

開發是移民遷徙的重要主題。通常被簡化為 GDP 的成長比例，也就是以國內生產商品跟服務計算的經濟成長。但一個更為充足的理解應該是：

提供產品，服務，科技及知識以滿足人類生活進步所需求之有效方式。發展包含了建設物質上的條件，達到開發及轉化資源；生產產品，服務及科技；建設必要的基礎設施以利生產，運輸，物流各項資源；貨品及服務；複製資本及勞動力；提供人類福利的目的。並呈現於居家條件，營養，醫療照護，交通，教育及廣義的文化。

自由的移動，一向被視為經濟整合與發展的重要基石，特別是在區域性經濟整合過程中（通稱為區域經濟共同體 REC' s）。移動的自由，是確保技術與勞動力充足的手段。投資及經濟發展除了必須仰賴吸引完整及全面的專業及技術人員參與之外，更需要充足的勞動力資源。通常，南到北，和南到南並無法正確的說明移民遷徙的真實情況。實際的情況是遷徙多是區域內發生，而非區域之間。52% 甚至高於 60% 的遷徙源自非洲，亞洲，及歐洲，通常維持在該區域之內。事實上，今日多數的移民遷徙發生在 12 個區域經濟共同體內。在這些經濟共同體內有正式的自由流通法規，而參與在內的國家超過 100 個。源自西非的移民遷徙中，80% 移動到 ECOWAS 西非國家經濟共同體中的其他會員國。這個比例類似於歐亞經濟聯盟。在歐盟，南方共同市場，南部非洲發展共同體，這個比例則是 50 到 60%。





## 移民遷徙的經濟重要性

近期研究顯示，每年匯款的金額超過了 5000 億美元。有一些研究顯示甚至超越了 6000 億美元。這已經明顯超越了年度 ODA 海外發展援助金額的總數，更超越了海外直接投資 (FDI) 金額的總數。但這個匯款金流數量僅僅代表了移民者收入數字的不過兩成。

移民對其就業國家的經濟活動價值可能不少於 3 兆美元。這是依據其直接收入的總合推算而來。這還不包括移民所創造的非貨幣附加價值，這樣的價值提升可能反映在雇主，私人或是政府，正式及非正式領域。除此之外，移民對國家社會安全系統做出貢獻，許多甚至從未使用任何福利或從系統中取得利益回報。美國社會安全局預計，在過去五年中，已經從無紀錄的移民中獲取了將近 500 億美元的挹注。

其他無法計量的價值包括訓練及社會成本，尤其是從較落後國家遷徙到較先進國家的情況。從另一個角度，這也代表了一種海外援助，主要是從南方到北方。假設每個移民者都擁有高等教育資格，在通常一個州立高等教育下的成本應為 4 萬美元。十萬名技術移民者就代表了約 40 億美元的教育投資的總合移轉。這僅是個意象式數據，在成本及價值上目前還沒有正式的研究。

## 預期將來有更高的流動性

在未來 15 年內，世界上多數國家及其人口將會面臨嚴重的勞動力衰退。德國在未來 12 年將損失 600 萬人的勞動力。義大利 300 萬人。俄羅斯自 2000 年以來已經損失 1200 萬人，目前更處於每年國內勞動力衰減 100 萬人的速度中。日本比起 1990 的數據，到了 2040 年將縮減 37% 的就業人口。最近的研究顯示，瑞士在 2030 年之前必須增加 40 萬個就業人口。而中國的勞動力資源在 2050 年更可能減少高達 1 億人口。

全球 224 個主權國家或政治特區中，大約 140 個目前處於零或是低於零的人口成長現象。在台灣及多數亞洲國家也是一樣。舉區域性例子而言，從非洲開始：波札那，利比亞，毛里求斯，摩洛哥，塞舌爾，南非和突尼西亞。美洲：阿根廷，巴西，加拿大，智利，哥倫比亞，哥斯大黎加，薩爾瓦多，墨西哥，尼加拉瓜，巴拉圭，祕魯，烏拉圭，美國，加上鄰近的加勒比海島國。整個歐盟會員國。中亞大陸：亞美尼亞，亞塞拜然，白俄羅斯，喬治亞，摩爾多瓦，俄羅斯，烏克蘭，烏茲別克。中東：巴林，伊朗，黎巴嫩，卡達及沙烏地阿拉伯。

在未來幾年內，這些國家都將面臨勞動力嚴重流失。這樣的流失無法弭平，因為缺乏年輕人口進入勞動市場。這也意味著未來重要的經濟資源，也就是人



力資源及各層級的技術訓練人才，將面臨嚴峻的全球性競爭。可能的結果是，某些國家將面臨比現在更嚴重的技術人才及高端人力資源的流失。這也表示基於繳費制度的社會福利系統即將面臨進逼的危機，因為勞動力的衰減必須對上成長數量的退休人群。

在過去五年內，來自勞動力轉移及人口外流造成的壓力持續高漲。這個壓力持續惡化！特別是在非洲和阿富汗，印度，巴基斯坦等地。主要的原因仍是因為這些國家有成長的青年人口，但卻無法提供工作機會及優質的工作條件。

就業市場的需求表現一如往常般平常，但是年輕人口卻在成長，每年增加數以百萬計的新人力投入市場。新創工作的數量僅能彌補失去的工作機會。在未來的三十年內，撒哈拉以南的各個非洲國家及一些特定的亞洲國家，人口成長將明顯的持續。生育率及全球人口成長，到本世紀中期將會開始衰退。很可能的一個重要結論將會是，更多數以百萬計的，到達工作年齡的年輕人沒有辦法找到工作，也缺乏必要的訓練或是工作技能來符合雇主的需求。

在此同時，包括在歐洲幾個國家，重創全國經濟和社會福利系統的金融危機和縮減開支方案導致年輕人失業率高達 50%。雖然現況已有改善 20 到 30%，但新一波人口流失，正持續在希臘，義大利，葡萄牙跟西班牙上演中，尤其是年輕技術工作者。

### 技術及訓練限制條件

時至今日，沒有一個國家可以完整訓練所有各層級的技術，尤其是越來越複雜、技術層次需求高的工作。這也促成了高技術層次、能力及勞動力的國際性移動需求。

技術危機很迫切。麥肯錫全球研究所的一份預測性研究預估顯示：全球高端技術及專業訓練技術人才的短缺數量，將在 2020 年達到 8500 萬之數。3800~4000 萬高等教育人力資源將從缺，特別是在已開發國家。另外，在開發中國家，技術性、科學類工作中將有 4500 萬的缺口。現今的雇主跟他們相關單位抱怨，每三個公布的職缺中會有一個無法找到符合所需技術層次的人選。

觀察顯示，很多國家的教育系統，無法教育出符合時宜或具足夠職能的畢業生。在此同時，教育性，技職性，技術性訓練系統，也未能普及到提供相對的資源，讓他們能夠取得足夠的職能。

發展的成本很昂貴。鼓勵投資、經濟支持、基礎建設的發展所需的技術也缺乏。移動上的阻礙、技術缺乏、與經驗的認可，更加劇了現在跟未來訓練的匱乏。



## 經濟因素的趨同和爭論

在今天，資方，大多數是由私人機構管理代表。勞方，由產業工會代表。這兩者是無可爭議的經濟活動核心成員。他們是進步，或僅是維護，發展的執行基礎。他們是自由國際資本、產品、服務、科技與勞動力流通的主要受益者。如果遇到流通上的限制，無論是資本經濟或人員，他們都會立刻受到損害。因此，針對人員的自由流通，他們也是主要倡議者跟受益者。是這場遊戲的參與者，或稱之為社會夥伴，也因此是所有移民遷徙議題程序上的重要成員。

但移民是勞資之間爭論的關鍵：雇主 / 私營，對上勞方 / 特別是工會組織。這也是財富分配爭奪的區塊。產出的利益應該有多少歸於資方所有，多少該以工資呈現、歸勞方所有，或是歸於整體社會人口成為公共服務性質。移民還是爭論的載體，爭論議題包括工作環境條件和職業安全及健康保護方面的投資，對降低成本提升資本的回報率。

移民呈現出一個問題。勞動工作者是否維持組織化來捍衛他們的自身利益。移民工作者是重要關鍵，是否勞方成員應該可以、或如何自由的連結為組織，為他們的工資及良好的工作條件，達到集體協商的功能。

在促進更自由的移動及勞動力流通的議題下，社會夥伴之間的”社會對話”在促成共同立場或是不同利益結構下合作協議尤其重要。在勞資之間找到雙方認可的方案，達成共識，並確保政府或議會可以扮演好適當的角色，是讓移動可以成功進化整合及發展的終極重點。

## 掠奪與保護

移民共同經歷的掠奪性情況是結構因素造成的。對於許多國家的許多企業來說，甚至整個經濟區塊，低成本的外國勞動力是唯一生存的要件。極度勞力密集的農業在歐洲，北美洲將無法生存。如果沒有低廉的移工，可能部份的人口將無力負擔糧食採購。台灣的情況如何？

一份英國報告的結論中節錄總結了對許多移民的對待，這也與其他已開發工業國家的數據相符：

-- “移民，特別是來自於歐盟 15 國以外者，僅有有限的社會安全保障。面臨矛盾的立場。因為他們高度的彈性及最低限量使用到政府福利資源，一方面他們受到企業及政府的歡迎，但在另一方面，他們面臨高度來自於反移民團體的不安與敵意。一方面政府歡迎他們，但多數民眾則反之。

高度未管制及彈性的經濟可以讓許多移民很容易找到工作或是保有經營生意的競爭力，但同時也創造了一個廣泛性的掠奪環境並導致勞動者之間的分歧，無論是在本土勞動者和外來移民者之間，或是不同族群的移民勞動者之間。”

各區域的健康及居家照護，孩童教育，銀髮照護都越來越依賴移民。其他產業包括旅館，餐飲，觀光產業也是一樣。

全球競爭，自由貿易，還有底層爭奪現象都不利於勞動成本及社會服務的提供；這些因素挑戰一個國家基本社會功能。維持著某些移民的低價勞動力，溫順服從，彈性，沒有社會成本的可移除性，這些變成了不只是高度的需要，它變成了將工作機會保留在本國並維持經濟正常運作的基本要件。不管這些工作機會是甚麼，或是誰來做。不管輿論對於控制移民遷徙的高談闊論，移工常常會掉入或持續保持在一個不正常的環境或情況之中。這是可以被允許接受的，因為他們提供了廉價彈性的勞動力，來維持企業生存、就業機會、及競爭力。

關注保護人道與勞工權利及優質工作條件，成為任何國際勞動力流動方案的重要基石。這意味著國際勞動力標準在各國被採用，國內民情調整，在所有工作場所，正式或非正式，特別是移民遷徙者大量被雇用的場所，有效率的勞動檢查及執行，這肯定是台灣特別及原始的關注點。

## 社會保護

有效的社會安全保障系統提供收入安全，預防並降低貧窮及不平等狀況，促進社會的包容及尊嚴。社會安全提升生產力及可雇用性，並支持延續性經濟發展，為全民貢獻優質生活條件，並延伸必要的社會安全保障給移民，保障工作者，經濟和社會。

雖然移民對原生國家及就業國家的經濟有所貢獻，但他們通常得不到國家的社會安全保障福利。由於他們不在原生國家，通常他們的社會福利會被取消。他們面臨有限的或是根本無法取得就業國家福利。即使當他們可以在就業國貢獻，他們的貢獻值及福利通常都無法攜帶或複製回到原生國。

今日，移民是全球重新定義社會保護的參與者：誰需要負責，誰有受到保護，還有是什麼樣的福利。國際法規的目的是全面性的覆蓋，如同在勞工組織公約 102 關於社會安全的宣告。勞工組織公約和聯合國已經建立了社會保障底線的概念。但明確肯定的是針對移民遷徙者的社會保護議題是如何在兩個極端之間找到平衡，一邊是完整的全保障，另一邊則是零保障。





對比之下，在任何國家，像是台灣，逐步分階段式的提供社會安全給移民遷徙勞動者是確保社會福利及社會融合很重要的考量。但這只能憑藉政治意志來達成，促成必要的法規立法，行政機制及實際的執行方案。

### 性別特異性

數十年來，女性移民都在 45% 以上，今天這個數據將近 49%。差別在於今日，大多數，幾乎全部，女性移民經濟力活躍。他們通常能自主遷徙，而非成為他人的依附。在各區域皆是如此，特別是亞洲。

在就業分級和勞動市場分割的範圍內，雇主對女性工作者有高度需求。恰巧這通常也是比較低費用及不受保障的：家政服務，醫療照護，農業，飯店餐飲，出口加工區的半技術性生產製造。這些領域的共通性是，雖然這些工作場所可能具備高度的社會性，但通常管理不完善，也沒有工會或是協會組織來保障他們的共同利益，更沒有集體協商的能力來推動優質的工作條件。

女性和女童移民面對高度的性騷擾及性別基礎的掠奪還有暴力風險。這分別在遷徙過程中和在就業國家中存在。國際勞工組織公約 189 通過關於家政服務優質工作條件，引起大眾對一個幾乎全是女性工作者的產業帶來關注。

關注從事家政服務的女性移民面臨的風險應該成為一個跳板，來凸顯一般女性移民常缺乏有效保護機制的問題。這些包括農業，血汗紡織工廠，服務業等等。在這些產業的女性工作者的證詞比比皆是，他們必須面對掠奪式工作環境，性騷擾，未受保護接觸有毒害的殺蟲劑或化工品，及其他風險。在摩洛哥也是。

### 排外主義的明顯且立即的風險

普遍升高的歧視行為，種族歧視，和不利於移民的排外主義行為，是一個迫切的憂慮。針對移民的敵意正在全球蔓延。各地區傳出的報導案件顯示：在工作場所或附近射殺移民勞工，個別或是集體搶劫或攻擊，殺害移民，警方圍捕及對移民大數量監控，可被比為集中營。在某些特定國內動亂及內亂情況下，外國人曾被惡意鎖定成為目標。

除了一兩個特例，政府有強力介入避免種族歧視及排外行為發生並嚴懲犯行者之外，通常當地政府的不作為更加深此一擔憂。甚至有一些政府在公開演講或行動中執行對移民殘暴行為或是暴力鎮壓，這也讓整個情況更加地雪上加霜。

社會融合只能透過刻意的合法，及現實的手段來維護。明顯的證明就是，在某些政府與公民社會積極打擊歧視跟排外主義行為，幾乎沒有種族歧視殺戮，也沒有燒毀店鋪，房舍，外國人宗教祭拜場所等事件。以反移民為主要訴求的政治人物及政黨也沒有得到任何支持。

## 管理架構

雖然有大量的學術文獻及演講持反對意見，國際之間確實存有一個完整的，針對移民的管理框架。大部分的框架是被設計來支持國家層級的良好治理與行政管理。這也是多數的責任及議題的主管層級。

此一架構由廣泛的互補性國際法規標準組成，跨足數個法律專業領域。它涵蓋跨領域的國際及區域性機關與組織中的支持性任務與責任。在過去的二十年間，透過正式及權威性的國際會議詳盡的闡述，它還包括了全球適用的政策推薦。

法律架構是由以下為基礎：1) 九大人權公約；2) 全部即時更新的國際勞工標準；3) 1951 年關於難民地位公約及該公約的 1967 年議定書；4) 維也納領事關係公約；5) 聯合國打擊跨國有組織犯罪公約中關於人口販售及移民走私的兩大協議。

在全球移民管理法規的核心中涵蓋國際移民遷徙的三大互補性，連貫性的工具：國際勞工組織公約 97 關於就業移民 (1949)，1975 年國際勞工組織公約 143 關於移民工作者 (補充規定)，1990 年“保護所有移動勞工及其家庭成員權利國際公約”(ICRMW)。此三者皆包含了移民的管理與行政準則及國際對話與合作，還有明確的認知標準，保護移民的權利。

沒有國家法規與執法性來保護其人權及勞動權，移民的保護及人口走私的預防無法實現或執行。這些工具的批准是國家法律，政策，與實踐的基本基石。事實上，89 個國家已經批准了至少三個裡面的一個工具，包括 28 個國家在非洲，還有幾乎所有的中美洲，南美洲國家，及數個亞洲國家。

許多國家人口眾多，國際組織必須要能充分反映管理大量人口的多樣性。超過 20 個專業國際組織專門關注移民的任務，能力與活動。包括勞動及就業，健康，安全，發展，教育，人權，形式司法權等等。沒有一個單獨的國際移民組織有可能全面地關注到所有管理人口的議題。每個議題都需要該組織具備有專業的知識，法律，能力，及功能性。

## 走私與人口販運

人口走私及販運主要是源自於全球化勞動力及技能供應移動性失能的結果。人口走私及販運存在，是因為市場有勞動力的需求，特別是廉價，沒有受到保護的勞動力（例如在台灣的漁業）。同時，因為缺乏有效的勞工保護或是勞動檢查機制，造成雇主剝削卻不需要受到懲罰的情況。

當雇主找尋勞動力的管道與求職者接觸到雇主的機會是不受限制的，且對勞工的迫害是受管控的，人口走私及販售自然會消失。這也是在多數區域性經濟共同體內常見的情況。一個比較戲劇化的範例就是，人口販售走私到西歐，幾乎在2001某日完全停止。當時是因為十個加入成員國的國民，申請進入歐盟國家的簽證限制完全在同一時間被解除，民眾，特別是年輕女性，在一天之內，不再需要透過任何仲介的安排，即可進入西歐。之前，那些仲介，是將他們的客戶，無論男女，置於一個受到剝削的情境下，也因此符合人口販售的定義。

走私是一個比較複雜的議題，特別是在今日世界中，到處都是內戰衝突，軍事衝突，獨裁政權，及廣泛的人權侵犯行為。對於許多身為難民或是類似難民處境的民眾而言，除了付出費用得以遠離或是避開軍隊的查緝點及戰事之外，別無其他逃避之道。許多走私者其實並無販售人口的問題。而且很多人如果不是經過這些人的幫助得以逃出，他們很可能已經早已身亡。

在某些為數不少的國家，雇主因為迫切需要勞動力以維持生意，多次接收非法勞工為其工作。這是一個敏感的選擇：你是要關閉你的企業，宣告破產，成為造成你的國家經濟停滯的一分子？或是你允許在沒有監督的情況下，接受迫切需要的勞動力及技術？這難題對象不光是那些利用限制性條款，剝削身處於隨時可能被逮捕的恐懼中，因此無法抱怨或加入工會爭取權益的工人，也涵蓋了合法的，甚至提供了優質的工作與薪資的雇主。

## 管理結構重整：重新定義一個新的勞工制度？

移民的治理架構，以及移民的管理實踐與思維，正在舊的跟新的移民國家中改變。過去數十年之間，管理移民的主管單位在移民及新住民國家中通常是由勞動和就業相關部門負責。這個架構反映了管制勞動力市場的原始需求，及保護雇員。同時兼顧監督雇傭關係以滿足社會對話需求。那些機構部門保留了重要的能力處理勞動力市場的行政執行，支持及與社會夥伴們協商溝通，並負責維護關鍵移民參與者的利益：包括雇主，政府及民間私人，和工會。後者代表著包括本地人與外來的工作者。那些部門同時監督著重要的管理法規及行政執行功能，包括勞動檢查及社會安全。



國家安全及管控單位現在普遍主導管理移民相關議題並控制移民。各區域的許多國家現在都是由內政部或是內政單位負責主導移民事務。這個國內事務的整合與廣泛性重新定義勞工制度正是不謀而合。對人力資源中一大部分由移民組成的政策，可以且將會更加廣泛的影響整體勞動力。透過控制法人組織，增加勞動力中海外部分的執行，將會導致執法重點的改變。這些改變，從勞工標準到移民法規的執法，甚至犧牲社會對話，引進警力支援，解決勞資糾紛抗爭。

巧合的是，在區域經濟共同體內，加強及普及邊境移動控制提供了大量的暗示，遏阻及降低移動性並提高成本，這恰是不利於加速自由及彈性的勞動力與技術的流通。過多的檢查崗哨遍佈非洲陸路通道，每個崗哨都有必要的強制檢查及付費機制，這對於加速流通產品，服務，及人流毫無助益。

限制流通的政策同時也對行使國際性勞動力市場及雇主鏈之間自由連結的權利造成了傷害。嚴格的移動管理機制也加速了更嚴謹的工作者及勞動力管理控制，限制了改變雇主或工作環境以避免剝削及高壓控制情況權利之落實，或是組織橫跨區域，產業，及跨邊境生產供應鏈的權利。

同時，擴張型”循環移民遷徙”倡導者（一般用詞不當描述短期，臨時，和季節性的遷徙制度）賦予它為針對需要外國勞動力來解決國內雇主需求及保障”國家融合及文化誠信”的方案。許多的現代臨時遷徙制度政權實際上是正提供高度明確的限制性勞工權益，特別值得注意的是排除自由連結，同時允許接受降低的勞動力標準規範。

## 權利的代價

一個與這些主題相關的辯解發現，移民權利保護的層次是可以商量的。權利對上數字與權利的代價這個術語被用於顯示權衡的優點。透過接受降低的勞工權益，可以交換到使更廣泛的移民者得到高一點工資的機會。此一爭論，經由降低工資換取創造更多工作機會其實常常會被提出討論。

通常發生在政策倡議階段，這話語的基本前提，是外國人與本國人並不同等，他們也不應受到同等的保護或法律及當地國家理念的包容。現實的來說，限制移民權利的概念建立在一個，利誘更多移民到高收入國家勞動力市場，之後可以創造”發展紅利”透過較低工資創造更多工作機會，並且更多的海外資金可以回到移民遷徙者的祖國。

權利與數字爭議明確表述了越少量的移民權益將會產出更多的就業機會及更高的收入環境。將發展設定為主要的參考依據將指向一個去管制化的環境，





因此更容易允許設定平等對待為一限制性條件。鑑於經濟數據的發展討論將是冒著一個認知上的風險，也就是認定移民為發展的媒介者，而非以人類看待之，無論他們對發展的成效如何。

## 國家治理及政策

以上所有的考量都必須被充分檢討才能達成融洽且有效的移民政策。這也必須符合法律，政策及實踐以避免人口販售。

不幸的是全球移民契約並不能完全提供現實所需、反而強化了反向：放鬆管制，法律權利保障不存在，強調更高度的控制及限制方案，反而造就了人口販售的有利環境。

一個適合的政策及整體架構的實踐是真正的挑戰及問題，並且定義法規與實施方案以期個別或是整體性的解決這些問題。以下重點列出常見的挑戰，多數都適用於台灣。

十五條有關於移民治理關鍵的法規、政策、以及挑戰

1. 缺乏法律保護以及不承認移民身分；法律不承認移民之權利
2. 移民遭功利主義的工具化且人權受到欺壓
3. 移民罪犯化
4. 不合標準且含有虐待性質的勞資關係與就業環境
5. 對移民逐漸增多的排外主義、敵意、甚至是暴力行為
6. 對女性移民的系歧視和剝削
7. 壓抑限制移民加入並參與工會組織
8. 工作場所缺乏衛生保健和健康安全；否決享有健康權利
9. 大部分的移民缺乏社會保護及社會保障；缺乏可移植性或複製性
10. 家庭破裂以及瓦解（成年的移民在國外工作；未成年者留在家鄉）
11. 職能技術需求產生落差以及在當地（台灣）的數量和種類逐漸拉大差距
12. 受限的移民遷徙和移民制度與經濟和勞動力的現實面無法產生連結
13. 缺乏明確和全面的國家移民政策
14. 過度集中的移民管理責任全都落在國家安全和警務機構
15. 勞動和社會保護機構缺乏政策和行政責任

## 行動議程

這個議程包含了治理移民之政策路線、政治需求、和實際行動。它的元素是從 1994, 1995, 2001 年的世界會議衍生、2004 年被國際勞工大會所採用、關於移民工人的行動計劃、以及國際勞工組織的移民勞工之多面向架構所進化而來。

1. 完全承認移民之身份並且提供法律保護
  - a) 推動核准及全面實施移民合法治理標準以承認並且保護移民者 :ICRMW, ILO C-97, ILO C-143 and ILO C-189
  - b) 推動和輔助移民在未經授權的情況下正規化
2. 論述中說明的權利與人
  - a) 最一開始就將移民定義為擁有權利的人
  - b) 倡導尊重移民的四樣自由：選擇自由；行動自由；去留自由；結社參與自由
3. 將移民、難民、和移民遷徙合法化
  - a) 合法化移民法規和違規點
  - b) 停止移民因非刑事犯罪而被拘留
  - c) 對待未成年移民以他們的最佳利益為優先
  - d) 廢除一般移民遷徙者 / 遊客之識別管理、監控系統、以及限制措施
4. 移民之合適工作：積極執行勞動力標準
  - a) 採納並應用國際勞工組織標準，特別在移民的就業場所以及工作環境
  - b) 拓展勞動檢查到移民所集中在的行業以及就業場所
  - c) 對來自移民監管單位的勞動檢查設立完整的防火牆
5. 停止對於移民的排外主義、種族主義、歧視
  - a) 廢除帶有歧視之立法；加強非歧視 / 平等待遇的實踐
  - b) 定義並實施國家級行動計畫以抵抗種族歧視主義、排外主義、歧視
  - c) 聲討並否定任何有關於排外主義之暴力行為
  - d) 要求鼓勵反對種族歧視主義和反排外主義之政治論述、媒體報導、以及納入



## 學校教學課程

6. 支持移民參與工會組織和相關協會以及結社自由
  - a) 倡議立法，確實保障移民結社自由之權利
  - b) 支持移民在工會組織中結盟
  - c) 舉辦對外推廣活動讓移民在工會組織、協會、以及其所在居住地和就業地的公民社會組織互相交流
7. 特定性別之移民立法、法規、與政策
  - a) 確保所有女性移民之安全及平等權利和機會
  - b) 取得特定於性別之政策、措施、以及確保平等結果和意圖之做法
8. 移民之身體健康（身體健康是每個人所擁有的權利）
  - a) 移民將擁有健康預防及護理服務和完整的設施使用權限
  - b) 為移民詳盡闡述公共衛生以及工作場所健康與安全之政策
  - c) 在所有職場為移民監控工作場所健康與安全
9. 移民之社會保障
  - a) 擴展社會保障包括的範圍以及對移民者在原生國家和就業國家的可移動性之單方面措施
  - b) 區域性整合空間合併並統一社會保障之管道
  - c) 國際勞工組織公約 102（社會保障）和 118（可移植性）廣度的批准和實施
10. 家族團結和家庭支持
  - a) 提供家族團結相關的移民和遷徙政策
  - b) 確保移民法律促進家庭團聚
  - c) 維持社會化和待在家中的兒童與青年之教育措施
11. 克服技能短缺；訓練青年以為未來雇用
  - a) 改革並加強技術與專業之教育和訓練
  - b) 統一合格條件和訓練標準
  - c) 執行流通制度，降低勞動力與技術的移轉門檻
12. 與跨政府部門、社會夥伴、和公民社會團體徵詢後，建立國家移民遷徙政策架構
  - a) 建立勞動力遷徙政策架構 / 文件之承諾
  - b) 組織完整諮詢和發展的過程

- c) 鼓勵相關政府部門 / 機構參與，包括立法者、社會夥伴、和其他相應之公民社會和移民遷徙團體組織
  - d) 發表完整國際遷徙之顧慮、議題、挑戰
  - e) 指派責任給相關參與者
  - f) 提議履行之規劃和時間表
  - g) 獲取相關參與者政策架構之支持背書
  - h) 期望最高層政府之贊同與採納
13. 鞏固移民政策和行政責任以及協調勞動機構容納和合作
- a) 分別指派勞動移民治理責任給勞動和就業部會
  - b) 指定關注點及勞動機構單位關注有關於勞動力遷徙 / 移動性
  - c) 鼓勵社會夥伴和組織之參與
  - d) 給予勞動機構和社會夥伴適當的訓練和能力建設
  - e) 國家層級、區域、以及洲際三方面政策諮詢協調和合作
14. 蒐集不同性別和年齡有關移民遷徙之特徵、情況、條件等分散性資訊。
- a) 採用國際勞動移民之資料庫指數
  - b) 運用國際統計標準以獲取勞動力遷徙之數據
  - c) 建立相關國家級機構之間的數據交流和協調機制
  - d) 將數據與相關國際勞動力市場和勞動力遷徙之資料庫平台相互分享
  - e) 支援能力訓練以及硬體和軟體規定

從歷史上來看，移民一直都是人文發展和人類福祉的一項重要組成。在今天這個時代，移民在世界的每一個角落更顯重要。但是，當移民沒有被適當的法規和政策所管理時，移民將會帶來很高的負面代價，例如侵害到個人權利、擾亂社會、降低生產效率、甚至是喪失人文發展的重要機會。移民必須被法律所管理，而政府也需要積極與關鍵參與者，包括議會、社會夥伴、公民社會、以及移民者們保持密切的合作。



# 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**

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**Speaker : Wen-Chih “Billy” Huang**

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## The Diversities and Uniformities of Anti Human Trafficking System of Forced Labor in Asia

Dr. Wen-Chih "Billy" Huang & Kuan-Ting, Liu  
Department of Border Police,



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## 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



1

# Agenda

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

2

## 第一章

聯合國公約和非政府組織（NGO）章程

## 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

2



PART ONE

## **GENERAL INFORMATION: UN CONVENTIONS & NGO RULES**

3



## **第一章**

## **聯合國公約和非政府組織 (NGO) 章程**

3



## Definition

### (Human Trafficking – Forced Labor)

#### ILO's Forced Labour Convention, 1930 (No. 29)

##### 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;

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## 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；

4

## 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.

5

## 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。

5

# Rules

## (For domestics workers)

### The Convention on the Elimination of all Forms of Discrimination Against Women, CEDAW, 1979

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.

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## 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。

6





## Definition

### (Human Trafficking - Forced Labor)

#### 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.

7

## 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；

7

## Definition

### (Human Trafficking – Forced Labor)

- (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.**

8

## 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。

8



# HUMAN TRAFFICKING IS

## THE ACT OF

Recruitment  
Transport  
Transfer  
Harbouring  
Receipt of  
persons

## BY THE MEANS OF

Threat or use of force  
Coercion  
Abduction  
Fraud  
Deception  
Abuse of power or  
vulnerability  
Giving payments or benefits

## FOR THE PURPOSE OF

Exploitation, including:  
Prostitution of others  
Sexual exploitation  
Forced labour  
Slavery or similar practices  
Removal of organs  
Other types of exploitation

9

# 人口販運 是

## 下列行為

招募  
運輸  
遷移  
藏匿  
買賣

## 下列手段

武力脅迫  
高壓強制  
綁架挾持  
詐欺  
蒙騙  
濫用權力  
施予利益

## 下列目的

剝削，包含：  
賣淫服務  
性剝削  
強迫勞動  
奴隸制或類似制度  
器官摘除  
其他種類之剝削

9

## The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

- United Nations multilateral treaty governing the protection of migrant workers and families. Signed on 18 December 1990, it entered into force on 1 July 2003 after the threshold of 20 ratifying States was reached in March 2003. **The Committee on Migrant Workers (CMW)** monitors implementation of the convention, and is one of the seven UN-linked human rights treaty bodies.
- The primary objective of the Convention is to **foster respect for migrants' human rights**. Migrants are not only workers, they are also human beings. The Convention does not create new rights for migrants but aims at guaranteeing equality of treatment, and the same conditions of work, including temporary work, for mi



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## 保護所有國際移工及其家庭成員權利 國際公約

- 該公約於1990年12月18日簽署，於2003年3月達到20個簽署國的門檻後，於2003年7月1日生效。由國際移工委員會（CMW）負責監察該公約的執行情況，是聯合國七個人權條約機構中的其中之一。
- 公約的主要目標是促進對移居者人權的尊重。移居者不僅是工人，也是人。公約不為移居者創造新的權利，旨在保障移居者的平等待遇和相同的工作條件，包括臨時工作的條件。



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## Definition

### (Human Trafficking – Forced Labor)

#### 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.

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## 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。

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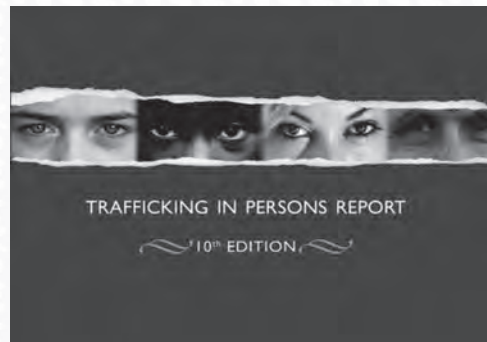
## Definition (Human Trafficking – Forced Labor)

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 pro-active 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.



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## 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。



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## Definition

### (Human Trafficking – Forced Labor)

- 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.

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## 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。

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## Detecting Situations of Forced Labor

- How does forced labor manifest in practice?
- What are some common risk indicators, clues, signs, red flags that point to the possible existence of forced labor?

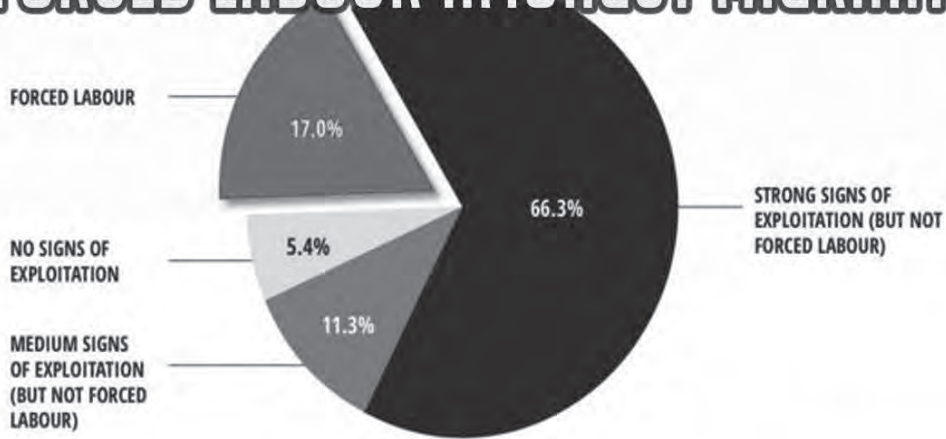
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## 強迫勞動情況的檢視

- 強迫勞動如何被發現？
- 有哪些普遍的風險指標、線索、跡象、危機信號能夠證明強迫勞動可能存在？

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# HONG KONG REPORT SHOWS PREVALENCE OF FORCED LABOUR AMONGST MIGRANTS



## Spot the Signs

Victims of labour exploitation may

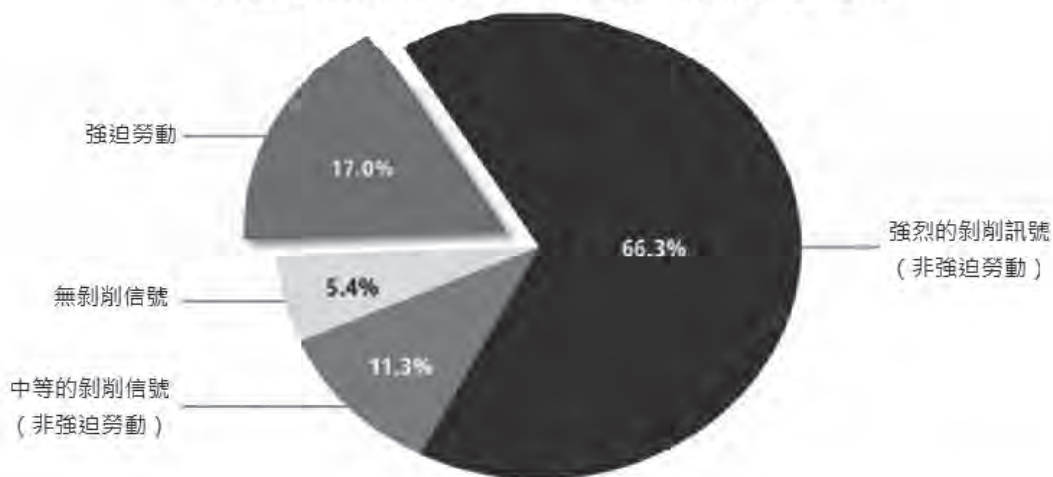
- have no contract
- work excessively long hours over long periods
- not have any days off

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Gangmasters & Labour Abuse Authority

Spot the signs? Call us on 0800 432 0804 or email: [intelligence@gla.gsi.gov.uk](mailto:intelligence@gla.gsi.gov.uk)

## 香港報導顯示移工中強迫勞動之普及率



## 發現跡象

勞力剝削的受害者可能會

- 沒有契約保障
- 長期工作超時
- 沒有任何假日

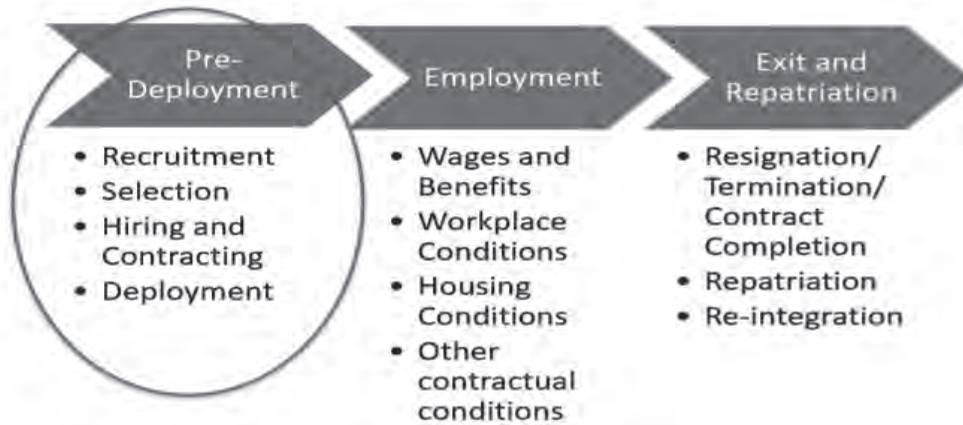
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Gangmasters & Labour Abuse Authority

發現跡象？請撥打 0800 432 0804 或Email至：[intelligence@gla.gsi.gov.uk](mailto:intelligence@gla.gsi.gov.uk)

# The Labor Broker System

The foreign worker's risk to debt bondage and forced labor starts before they reach the workplace, before they even get a job.



Labor brokers act as middlemen in recruitment and hiring, facilitating a connection between potential workers and their eventual employers. The current labor broker system facilitates situations where workers subsidize the cost of labor migration ...

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## 勞務經紀人制度

外國工人債務奴役與強迫勞動的風險，  
在他們到達工作場所，甚至找到工作之前，早已開始。



勞務經紀人在招聘和僱用上充當中間人，促進潛在工人與最終雇主之間的聯繫。目前的勞務經紀人制度有助於工人補貼勞務移民的成本.....

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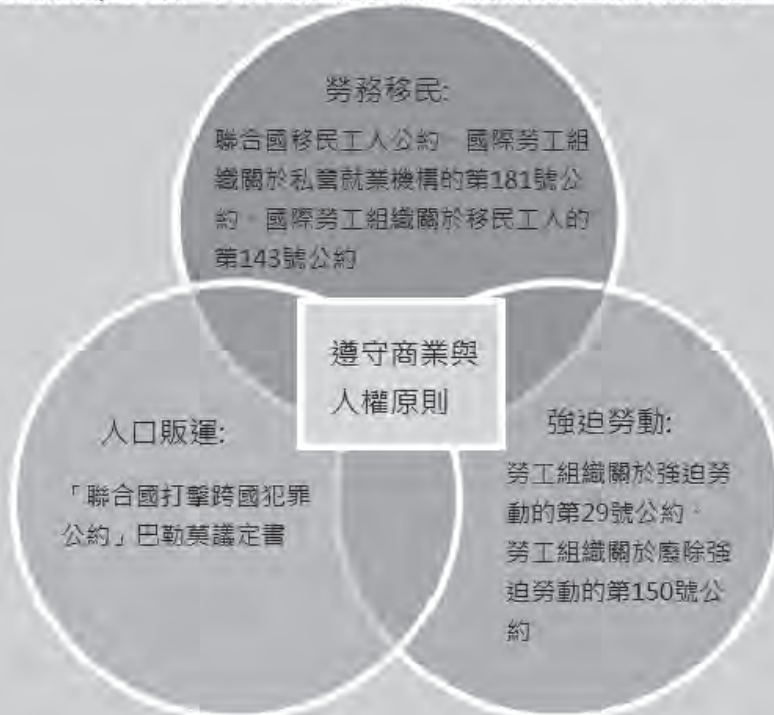
**Key International Policy Instruments on Forced Labor, Trafficking and Migration**



Policy on labor brokers sits at the intersecting issues of labor migration, trafficking in persons, and forced labor. An analysis of the policy context reveals that while key documents address each of these issues, **no single document is sufficient.**

17

**有關強迫勞動、人口販運及勞務移民的關鍵國際政策文書**



勞務經紀人政策涉及勞務移民、人口販運和強迫勞動等交叉問題。對政策背景的分析表明，雖然關鍵文件解決了這些問題，但沒有任何一個單獨的文件就足夠了。

17



## DEBT BONDAGE

In 2016, an estimated **16 million** people were in forced labour.

**51%** ... of these men and women were in debt bondage. 

For adults forced to work in:



**AGRICULTURE,  
DOMESTIC WORK or  
MANUFACTURING,**

this proportion was above **70%** (ILO.org)

With your help, INTELLIGENCE-LED PREVENTION helps to combat modern slavery all over the world.

Know what to look for. Visit [www.stophetraffik.org](http://www.stophetraffik.org)

18



## 債務束縛

2016年，估計有 **1600萬** 的人口

受困於強迫勞動之中。

**51%** ... 比例的人們受困於債務的束縛。

這些被迫勞動的人們遍布於：



**農業  
家政業  
製造業**

比例超過 **70%** (ILO.org)

藉由您的協助， INTELLIGENCE-LED PREVENTION 在世界各地打擊現代奴隸制度。

知道要找什麼，請參觀 [www.stophetraffik.org](http://www.stophetraffik.org)

18



## No. of Months that FMWs Work to Pay for the Cost of the Job

### Bangladesh



### India



### Nepal



### Pakistan



### Philippines



19

## 幾個月來FMWs的工作成本

### 孟加拉



### 印度



### 尼泊爾



### 巴基斯坦



### 菲律賓



19

## The Result



- Deception about the nature of work/ deceptive recruitment
- Recruitment linked to debt
- No freedom to resign
- Degrading Living Conditions



- Confiscation of Original Identity Docs
- Financial Penalties
- Imposition of Worse/Further Deterioration in Working Conditions
- Exclusion from Future Employment or Overtime
- Dismissal

## 結果



- 關於工作性質的詐欺/欺騙性招募
- 與債務相關的招聘
- 沒有辭職的自由
- 降低生活條件



- 沒收原始身分證明文件
- 財政懲罰
- 更重的負擔徵收
- 工作環境的惡化
- 未來就業排除或是加班
- 解雇



Worksite Practices:  
Challenges and Issues

- No minimum wage law/low contractual wages
- Withholding of passports/original identity documents
- Punitive fines
- Poor Living Conditions
- Penalties for pre-termination of contracts

21

工作現況：問題和挑戰

- 沒有最低工資法保障/低約定工資
- 扣留護照/原始身份證件
- 懲罰性罰款
- 生活條件差
- 對合約提前終止的處罰

21

## Model 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.

22

## 離開 (EXIT) 和發聲 (VOICE) 模型

- Albert O. Hirschman的「離開和發聲」模型是一個可以理解某種形式的工作如何成為人口販運的有用工具。
- 根據所提出的例子，根據這個模型，不滿的客戶會選擇離開他們現有的公司或企業，重新進入市場尋找更好的工作。另一種選擇是以某種方式表達他們的不滿，但是這個選項更為複雜混亂，因為它包含了太多變數及表現形式。
- 雖然此範例最初適用於商業模式，但後來Hirschman發現，此模型適用於任何數量的非經濟組織和市場情況。例如，這種模型適用於討論員工在各種勞動力市場中的行為。對工作條件或雇主的商業行為不滿意的工人，應該有渠道來表達其不滿。理想情況下，不滿意的員工可以通過離職，並在其他地方尋找新工作來表達他們的不滿。或者，在採取尋找其他地方就業的激烈步驟前，應該有一些方法能讓員工表明他們對雇主的不滿。這兩種選擇，都為員工提供了一些能夠影響他們自己的就業條款和實踐的能力。

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## Model 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.

23

## 離開 (EXIT) 和發聲 (VOICE) 模型

- 由於人口販運是關於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，當他不滿意工作條件或情況時，卻無法「離開」 (EXIT) 。同樣，他也無法「發聲」 (VOICE) ，通過任何方式表達她的不滿，以影響他的雇主的行為。該工人便無法控制自己的就業條件和工作情況。

23



## Model 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.**

24

## 離開 (EXIT) 和發聲 (VOICE) 模型

- 移工沒有「離開 (EXIT) 和發聲 (VOICE)」的選擇，是強迫勞動與人口販運的徵兆，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檢查時，發現到，婦女很少有選擇權，也幾乎沒有得以改變這樣的制度的討價還價的能力，。

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## Best Practices of Exit-Voice Model

Exit	Voice
Employer pays recruitment costs / No fees or deposits to workers – supplier/agent reimbursement	Labor agent screening/due diligence
Direct employment where possible	Pre-departure briefing & contract of employment execution
No identity document retention	Post-arrival orientation
No restrictions on freedom of movement	Grievance mechanisms
Migrant Worker Employment Standards	Robust Management Systems & Implementation

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## 「離開-發聲」模型的最佳實踐

離開	發聲
雇主支付招聘費用/ 工人沒有應付費 用或押金——由供應商/代理商償款	勞工代理商的保護/專業性審查
盡可能直接就業	行前簡報和工作執行合約
沒有身份證件的扣留	達成後的方向定位
沒有對行動自由的限制	申訴機制
移民工人就業標準	強大的管理系統和實施

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PART TWO

## COUNTRY VARIABLES:

DOMESTIC WORKING ENVIRONMENT & EXPLOITATION

26



## 第二章

亞洲四國：家事工勞動環境和剝削

26

**在台移工人數統計表 (單位:人) (2018年2月底止)**

國籍/ 行業別	印尼	馬來西亞	菲律賓	美國	越南	合計
產業移工 (農漁業、製造業、礦業)	66,290	1	118,320	60,095	179,748	424,454 (62.7%)
社福移工 (看護工及家庭幫傭)	192,922	-	31,439	524	27,536	252,421 (37.3%)
總計	259,212	1	149,759	60,619	207,284	676,875 (100%)

資料來源：勞動部勞動統計查詢網。

**在台移工人數統計表 (單位:人) (2018年2月底止)**

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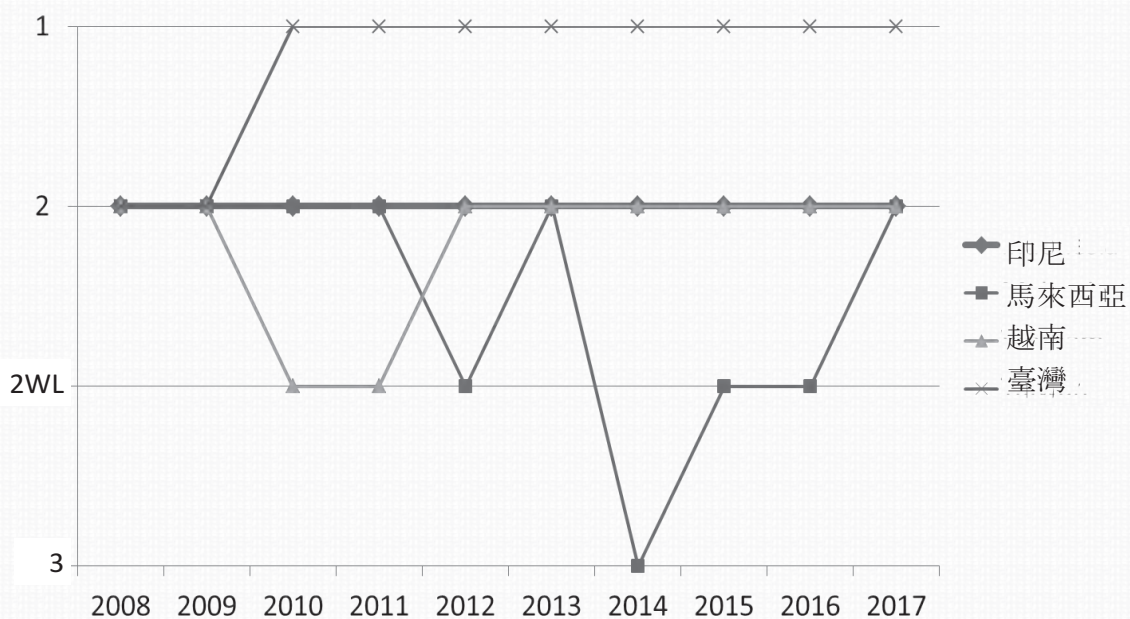


## Slavery Index of Four Countries, Global Slavery Report

	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

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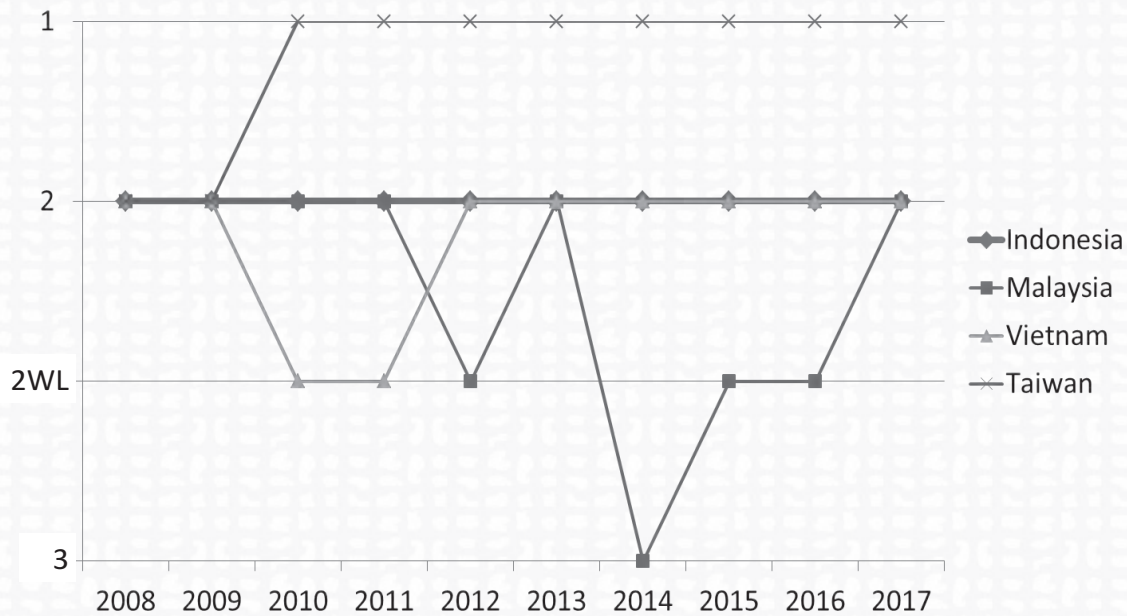
## 2008-2017美國國務院TIP報告 亞洲四國評等一覽表



28



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



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## 四國奴隸指標 (2017全球奴隸報告)

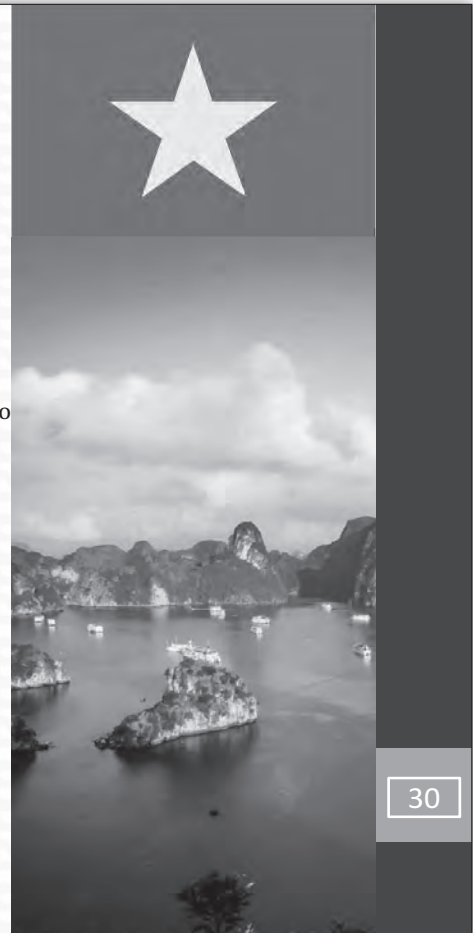
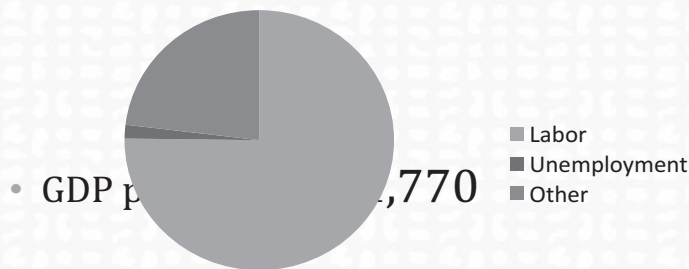
	馬來西亞	越南	印尼	臺灣
公民權利和政治權利國際公約 經濟、社會和文化權利國際公約	有	有	有	有 (已制定施行法)
移工委員會/聯合國人權高級專員辦事處	有	有	有	無
人口	30,331,000	91,519,000	257,564,000	23,416,640
現代奴役估計人數	128,800(0.425%)	139,300(0.152%)	736,100(0.29%)	53,600(0.228%)
政府回應評級	CCC	B	B	CCC

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# Vietnam

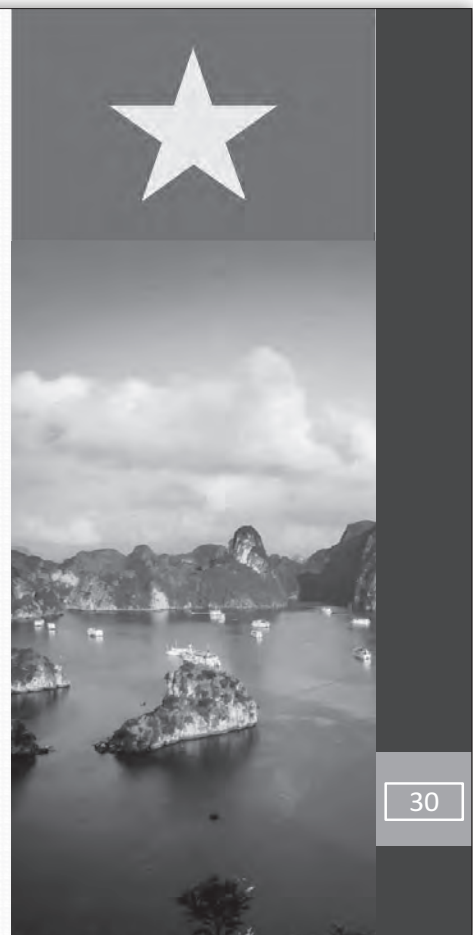
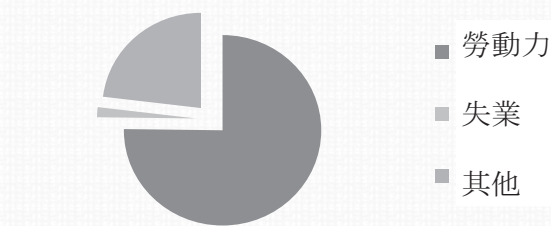
## Demographic variables

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



# 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%）



## 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
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# 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).

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# 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，販運案件和受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。

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## 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, <b>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.</b></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 <b>it administered fines and suspended the licenses of some companies that used forced labor.</b></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. <b>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</b></p>
2017	<p>1. <b>The government issued guidelines to relevant ministries and provincial authorities on the 2016-2020 national anti-trafficking action plan to address forced labor</b>, improve victim services, and implement the revised anti-trafficking penal code.</p> <p>2. <b>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.</b></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 <b>because the government has not yet issued necessary guidance to law enforcement personnel.</b></p> <p>2.Although workers have the legal right to take cases to court, in practice few have the resources to do so, and <b>there is no known record of a Vietnamese labor trafficking victim successfully achieving compensation in court.</b></p>
2014	<p>1.The Government of Vietnam sustained law enforcement efforts to combat the transnational sex trafficking of Vietnamese women and girls <b>but made minimal progress in prosecuting labor trafficking offenses.</b></p> <p><b>2.Contract disputes</b> 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, <b>inconsistencies in data collected</b> on anti-trafficking law enforcement and victim identification data persisted.</p> <p><b>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.</b></p>
2016	<p>1.<b>Labor trafficking provisions in the 2012 anti-trafficking law have not been applied in prosecutions due to a lack of awareness.</b></p> <p>2.In November 2015, the National Assembly passed a new penal code included articles 150- 151 on human trafficking, <b>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 .</b></p>
2017	<p>1.<b>The 2012 anti-trafficking law expanded articles 119 and 120 of the penal code to define and criminalize sex and labor trafficking;</b> however, these laws do not prohibit all forms of trafficking, and <b>no one has ever been prosecuted under the labor trafficking provisions of the 2012 anti-trafficking law.</b></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>

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## 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>

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## Vietnam Anti-Trafficking Strategies: Protection

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|------|---|
| 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><b>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.</b></p>  |
| 2014 | <p>1. The Vietnamese government continued efforts to protect victims subjected to transnational sex trafficking, <b>but efforts to identify, and provide protection to, labor trafficking victims or domestic victims remained inadequate.</b></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><b>2. Protection services varied by location but generally included legal aid, counseling, shelter, vocational training, healthcare, and financial allowance.</b></p>   |
| 2016 | <p><b>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.</b></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><b>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.</b></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>  |

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## 越南 防制人口販運策略：保護

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|------|---|
| 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>   |

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## 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.

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## 越南：政策建議

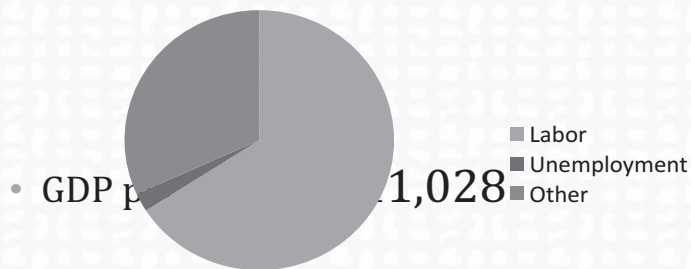
- 加強監督勞力招聘公司，並實施禁止徵收招聘費的規定。
- 加強培訓官員執行刑法修正案的能力，調查強制勞役和器官販運案件。
- 允許獨立調查越南吸毒者，不再在政府經營的康復中心接受強迫勞動。
- 落實幫助弱勢群體被害人的政策，如移工、性交易者、童工，並進行相關官員培訓。
- 促進販運被害人重返社會的方案；致力減少兒童性交易的反販運工作。

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# Malaysia

## Demographic variables

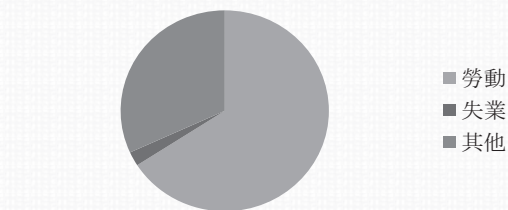
- Population: 32,042,458 (2018 Jan)
- Labor population: 21,853,000(68.2%)
- Unemployment rate: 3.4% (2.3% of all population)



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# 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



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## 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.”**

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## 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。

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# 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><b>2. Existing agreements with Indonesia and the Philippines reportedly provide some protections for domestic workers from these countries.</b></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><b>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.</b></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><b>2. Employment law continued to exclude domestic workers from a number of protections, including the country's minimum wage.</b></p>
2017	<p>1. The deputy prime minister approved an updated <b>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.</b></p> <p>2. The government did not demonstrate efforts to reduce demand for commercial sex. <b>The government provided anti-trafficking training for its diplomatic personnel and its troops prior to their deployment abroad on international peacekeeping missions.</b></p>

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## 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>

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## 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>

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## 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>

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## Malaysia Anti-Trafficking Strategies: Protection

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| 2013 | <p>1. Modest improvements made in the previous year were not equaled this year and <b>overall victim protection efforts continued to negatively affect victims.</b></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. <b>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.</b></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. <b>The majority of the victims were Indonesian nationals, followed by Vietnamese and Filipino citizens.</b> The number of victims subjected to sex or labor trafficking was unclear.</p> <p>2. <b>NGOs and government officials report labor trafficking was far more common than sex trafficking in Malaysia.</b> 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. <b>Officials initiated labor trafficking investigations after labor inspections and workers' reports of non-payment of wages.</b></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>   |

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## 馬來西亞 防制人口販運策略：保護

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|------|---|
| 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>                      |

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## 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.

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## 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。

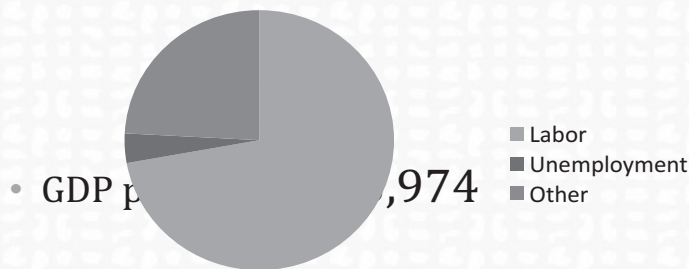
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# Indonesia

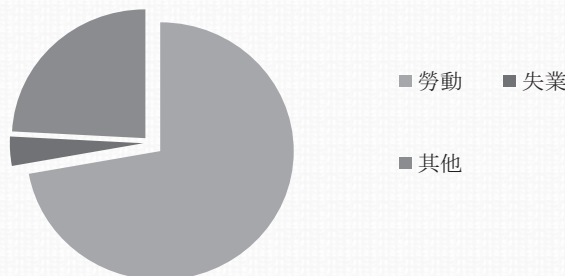
## Demographic variables

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



# 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.

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# 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）。

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# 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.

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# 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。

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## 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. <b>The government also added 17 civil service inspectors within the Agency for the Placement and Protection of Overseas Workers to investigate trafficking cases.</b></p>  |
| 2014 | <p>1. The Indonesian government made some progress in preventing human trafficking, <b>particularly through issuing additional guidelines for the oversight of labor migrants and the registered recruiters and licensed recruiting agencies sending them abroad.</b></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. <b>The government continued efforts to monitor outbound Indonesian workers and protect them from fraudulent recruitment and human trafficking through improving data collection.</b></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. <b>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,</b></p> |
| 2017 | <p>1. <b>Insufficient funding and lack of coordination within and between local taskforces and with the national taskforce at times impeded anti-trafficking efforts.</b></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 <b>endemic corruption among members of Indonesian security forces and government officials remained an impediment to increased effectiveness in anti-trafficking law enforcement efforts.</b></p>
2014	<p>1. The common practice of extrajudicial mediation hampered successful prosecutions, as <b>victims whose families received out-of-court settlements from traffickers were usually unwilling to participate in official law enforcement proceedings.</b></p> <p>2. The number of new referrals accepted for prosecution is unknown, <b>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.</b></p>
2015	<p>1. The government continued to <b>lack a system for comprehensive reporting on anti-trafficking law enforcement data</b>, resulting in inaccuracies and inconsistencies across systems.</p> <p>2. <b>The Indonesian National Police opened 305 trafficking investigations, but more than 200 were closed with no further prosecutorial action.</b></p>
2016	<p>1. Officials <b>reported ineffective coordination among police, prosecutors, and judges</b> hindered the government's ability to investigate, prosecute, and convict traffickers, especially when cases involved numerous jurisdictions, including other countries.</p> <p>2. <b>Extrajudicial mediation impeded successful prosecutions</b>, 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 <b>regulation expanding the courts' ability to prosecute corporations for complicity in trafficking.</b></p> <p>2. Despite these trends of corrupt officials, <b>the government initiated prosecutions against only two low-level officials for complicity in trafficking offenses.</b></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	<ol style="list-style-type: none"><li>1.The Indonesian government continued its provision and coordination of modest and uneven efforts to protect victims of trafficking during the year.</li><li>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.</li></ol>
2014	<ol style="list-style-type: none"><li>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.</li><li>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.</li></ol>
2015	<ol style="list-style-type: none"><li>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.</li><li>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.</li></ol>
2016	<ol style="list-style-type: none"><li>1.The government sustained inadequate victim identification efforts and moderate efforts to protect trafficking victims.</li><li>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.</li></ol>
2017	<ol style="list-style-type: none"><li>1.Officials did not collect comprehensive data on victims identified, but disparate government entities sometimes reported their own statistics.</li><li>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.</li></ol>

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## 印尼 防制人口販運策略：保護

2013	<ol style="list-style-type: none"><li>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。</li><li>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。</li></ol>
2014	<ol style="list-style-type: none"><li>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。</li><li>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。</li></ol>
2015	<ol style="list-style-type: none"><li>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。</li><li>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。</li></ol>
2016	<ol style="list-style-type: none"><li>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。</li><li>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。</li></ol>
2017	<ol style="list-style-type: none"><li>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。</li><li>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。</li></ol>

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## 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

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## 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。

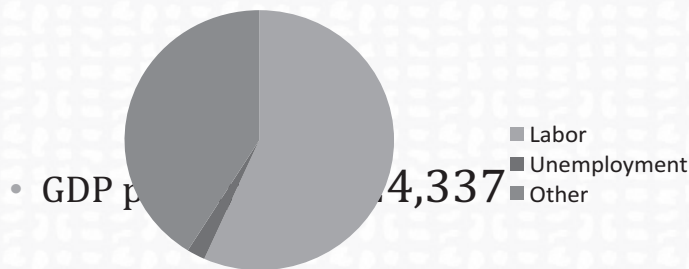
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# Taiwan

## Demographic variables

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



# 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.

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## 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。

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# Taiwan

## Working environment and exploitation

- Legal Definition of Labor Trafficking
- Labor trafficking Condition

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

**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.

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# 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。

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## 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"> <li>1. During the year, Taiwan authorities trained more than 11,000 law enforcement officers, prosecutors, and judges through various workshops, seminars, and conferences.</li> <li>2. HTPCA prohibits forced prostitution and labor and prescribes penalties of up to seven years' imprisonment.</li> </ol>  |
| 2014 | <ol style="list-style-type: none"> <li>1. NGOs reported some traffickers successfully appealed their cases because victims were not in Taiwan to testify against the traffickers.</li> <li>2. HTPCA prohibits forced prostitution and labor and prescribes penalties of up to seven years' imprisonment.</li> </ol>   |
| 2015 | <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>  |
| 2016 | <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> |
| 2017 | <ol style="list-style-type: none"> <li>1. Traffickers convicted under the HTPCA received lighter sentences than defendants convicted under the CYSTPA and other sections of the criminal code.</li> <li>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.</li> </ol>   |

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## 臺灣 防制人口販運策略：查緝起訴

- |      |   |
|------|---|
| 2013 | <ol style="list-style-type: none"> <li>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。</li> <li>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。</li> </ol>                                      |
| 2014 | <ol style="list-style-type: none"> <li>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。</li> <li>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</li> </ol>   |
| 2015 | <ol style="list-style-type: none"> <li>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。</li> <li>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。</li> </ol>                        |
| 2016 | <ol style="list-style-type: none"> <li>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。</li> <li>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。</li> </ol> |
| 2017 | <ol style="list-style-type: none"> <li>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。</li> <li>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。</li> </ol> |

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## Taiwan Anti-Trafficking Strategies: Protection

2013	<p>1. Authorities continued to employ systematic procedures to proactively identify and assist victims of trafficking. <b>Among the 390 victims were 80 victims whom authorities identified via joint screening mechanisms with NGOs, after the initial screenings by frontline officers.</b></p> <p>2. While the HTPCA provides that human trafficking victims can receive immunity for crimes committed as a result of being trafficked, <b>NGOs reported trafficking victims occasionally were treated as criminals.</b></p>
2014	<p>1. <b>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.</b></p> <p>2. Taiwan authorities also reported employing social workers and interpreters to accompany victims during court proceedings.</p>
2015	<p>1. Authorities encouraged victims to participate in investigations against their traffickers by offering temporary residence and work permits.</p> <p>2. <b>Authorities made available permanent residence visas to foreign trafficking victims who faced retribution or hardship if they returned to their country of origin.</b></p>
2016	<p>1. <b>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.</b></p> <p>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.</p>
2017	<p>1. <b>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.</b></p> <p>2. <b>NIA operated three shelters. The Ministry of Labor (MOL) subsidized an additional 25 shelters and a 24-hour hotline that trafficking victims could access.</b></p>

## Taiwan 反販運戰略：保護

2013	<p>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。</p> <p>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。</p>
2014	<p>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。</p> <p>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。</p>
2015	<p>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。</p> <p>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。</p>
2016	<p>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。</p> <p>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。</p>
2017	<p>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。</p> <p>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。</p>



## 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.

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## 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。

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PART THREE

**DISCUSSIONS & POLICY  
RECOMMENDATIONS**

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第三章

討論和政策建議

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## ROUTINE ACTIVITY THEORY



**Routine activity theory** is a sub-field of crime opportunity theory that focuses on situations of crimes.

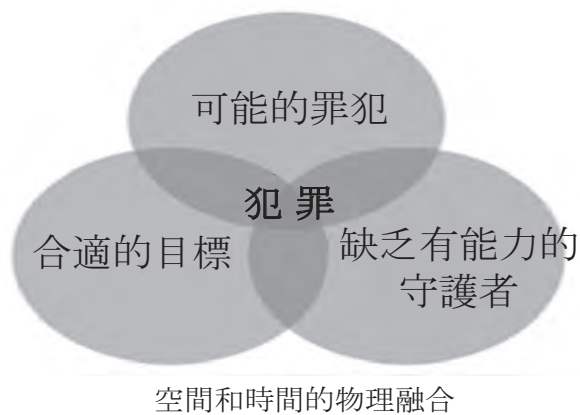
It was first proposed by **Marcus Felson and Lawrence E. Cohen** in their explanation of crime rate change in the United States 1947 - 1974.

**The theory has been extensively applied** and has become one of the most cited theories in criminology.

Unlike criminological theories of criminality, routine activity theory studies **crime as an event, closely relates crime to its environment and emphasize its ecological process.**

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## 常規活動理論



常規活動理論是犯罪機會理論的一個子領域，側重於犯罪情境。這是**Marcus Felson**和**Lawrence E. Cohen**在1947年至1974年對美國犯罪率變化解釋中首次提出。該理論得到了廣泛應用，並已成為犯罪學中被引用最多的理論之一。與犯罪學的犯罪學理論不同，常規活動理論將犯罪視為一種事件，將犯罪與其環境緊密聯繫起來，並強調其生態過程。

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# Prosecution - A likely Offender

## Diversities

- Require a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense (Indonesia, Vietnam)
- Interagency law enforcement task force
- Anti-Trafficking Court (Malaysia only)
- Inconsistent Data Collection (Indonesia & Vietnam)
- Prosecute Corruption government officials (no case in Indonesia )

## Uniformities

- Anti-Trafficking Laws
- Criminalized all forms of trafficking of adults
- Sufficient stringent
- Special Force

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# 起訴 - 可能的罪犯

## • 多樣性

- 要求展示武力、欺詐或脅迫以構成兒童性交易犯罪（印度尼西亞，越南）
- 機構間執法專責小組
- 反販運法庭（僅限馬來西亞）
- 數據收集不一致（印度尼西亞和越南）
- 起訴腐敗政府官員（在印度尼西亞沒有案例）

## 一致性

- 反販運法
- 將所有形式的成年人販運定為刑事犯罪
- 足夠嚴格
- 特殊武力

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# Protection – A suitable Target

## Diversities

- 24 Hours hotline
- Sheltering & Transference
- Domestic Workers' Protection
- Fishermen' Protection
- Inconsistent Data Collection (Indonesia & Vietnam)
- Overseas Crisis Center Complaint System (Indonesia)
- Diplomatic Personnel Training
- Legal Alternatives

## Uniformities

- Trafficking Victims Identification procedure
- Services to victims on the aspects of legal assistance, medical treatment, psychological counseling, housing, vocational training, low-rate loans
- Criminalize & repatriate trafficking victims

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# 保護 - 一個合適的目標

## 多樣性

- 24小時熱線
- 庇護與轉移
- 家政工人保護
- 漁民保護
- 數據收集不一致（印度尼西亞和越南）
- 海外危機中心投訴系統（印度尼西亞）
- 外交人員培訓
- 法律選擇

## 一致性

- 販運受害者身份識別程序
- 向受害者提供法律援助，醫療、心理諮詢、住房、職業培訓、低息貸款方面的服務
- 協助販運受害者刑事案件和幫助遣返

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# Prevention - Capable Guardian

## Diversities

- Government task force
- Central-local government partnership
- Recruitment policy
- Victim vulnerable position avoidance strategies
- Results of Prevention Strategies

## Uniformities

- International Cooperation
- Diplomatic Personnel Training
- Victimization Prevention of overseas fishermen and domestic workers

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# 預防 - 有能力的守護者

## 多樣性

- 政府專責小組
- 中央 - 地方政府夥伴關係
- 招聘政策
- 受害者易受傷害的避免策略
- 預防策略的結果

## 一致性

- 國際合作
- 外交人員培訓
- 海外漁民和家庭工人的受害者預防

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## Taiwanese fishing boat detained under UN Work in Fishing Convention



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台灣漁船因「聯合國漁業公約」被拘留



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**Thank you for your  
listening!  
Q & A**

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**謝謝聆聽  
問答時間**

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## 與談人簡介

### 高佩珊 博士

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#### 學歷

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#### 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

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





## 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

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

11：20～12：20

與談人：

1. 政治大學副教授翁燕菁
2. 中央警察大學副教授高佩珊

### 雙向交流

亞洲國家防制人口販運體制之相異性與一致化探討

我國、馬來西亞、印尼、越南人口販運的定義：

1. 1930 國際勞工組織強迫勞動公約
2. 消除對婦女形式歧視公約 (CEDAW)
3. 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赫兒童行為的補充議定書 (2000 年)
4. 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)」
5. 美國聯邦法的定義非常清楚：「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是被迫勞動的農場工人」

Hong Kong report：17%force labor, 5.4% no signs of exploitation

The labor broker system：pre-deployment-----employment-----exit and repatriation Recruitment, Selection, Hiring, contracting and Deployment

Key international policy instruments on forced labor, trafficking and migration

Debt bondage：Bangladesh, India, Nepal, Pakistan, Philippines

The result：involuntariness indicators + penalty indicators=forced labor

Challenges and issues:No minimum wage law/low contractual wages → easy to exploit.

Model of Exit and voice : Albert O. Hirschman 的「離開和發聲」是區別工作與人口販運的有效工具。舉例而言，不滿意的勞工會選擇離開現有的企業或公司，重新進入市場尋找更適合的工作，而不滿意的勞工也可以透過發聲的方式來表達不滿。但是移工沒有「離開和發聲」的選擇，是強制勞動和人口販運的徵兆，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。

Slavery index of four countries, global slavery report , Routine activity theory, A likely offender, A suitable target, The absence of a capable guardian ( what role does the government play?) Combine the three components above=CRIME, NEWS : Taiwanese fishing boat detained under UN work in fishing convention ( detained by South Africa )

要創造更友善的環境讓移工可以發聲 “Hope is a good thing.”

現實面來上講，我國本來就很需要外來的勞力，但是我國卻不願意承認，只認為我國是需要短期的勞力而已。通常那些非法移工來到我國都不是拿旅遊簽證，但是有些非法移工剛開始來到我國其實是合法移工，但是被僱主虐待等等理由才會逃跑，變成非法移工，移工需要「機構」才能夠存活，因為移工單獨的力量不夠大，其實移工之間並沒有很複雜的犯罪網絡系統，彼此之間聯絡方式非常簡單，就是用通訊軟體（例如 Line）這些移工是來補充我國不足的人力（或是我國人民不願意做的工作），但是移工因為是非法，就算被僱主虐待或是發生其他情況，也不敢跟有關單位報告，甚至看到執法機關就會逃跑。在漁業中，許多雇主其實很依賴這些移工，因為要培養好的捕魚人才必須花上好幾年，但是在培養好人才之後其實並沒有辦法把這些移工留下來，因為我國對於移工的政策並不友善，移工沒有辦法受到好的教育、醫療等等，也無法安置其家人，所以雇主常常只能眼睜睜看著人才流失。在打擊這些移民犯罪之前，應該要先瞭解移工的生活，其實移工才是需要幫助的族群，我國目前有移工組織、公會，但是對移工的保護仍不足夠，移工真的需要的是「永久居留證」。移工其實不是罪犯，就起訴這些移工之前，應該要先想辦法拯救這些移工，甚至很多移工都覺得自己是被害人。我國應該要向各國展示決心，表現我國保護移工的意願，畢竟我國的經濟基礎也奠基於這些移工的貢獻（特別是在漁業部分，移工的存在是不可或缺的元素）美國的移工非常多，很多人都抱著 american dream 來到美國。但是美國人民對於移工的態度有的支持有的反對，反對者認為移民會帶來很多法律、衛生等問題。移民對於國土安全確實會有影響，川普的移民政策就非常保守，移民與經濟之間的關係：有些本地人民會覺得移民是來本地搶工作，但如果仔細閱讀資料會發現，其實這些移民與本地人民的工作



性質根本不同。在歐盟，許多國家在選舉期間都會採取「反對移民」的態度，而這會讓候選人贏得選舉，西、北歐與東、南歐的對立情況很嚴重。雖然我國現在並非聯合國成員，但是我國仍能對於人口販運議題有所貢獻

綜合討論時間：

- Q. 漁業署針對 ILO 的漁船被扣押這件事剛開始是否認有違反 ILO 的公約，但是漁業署對於到底是否違反或是應該如何咎責都沒有說明，是否應成立調查小組來查明真相？
- A. ILO 沒有提供該漁船的名稱，但是在漁船被扣押之後，南非政府認為我國漁船違反 ILO 這件事其實並不明確，我國已經將兩公約本土化（通過我國的立法機關承認），證據應該要被更仔細的檢視，讓這些證據能夠回到我國被檢察官檢視。如果雇主無法提供良好的勞工環境，就不可能會有好的收益，國際公約必須要被本國承認才能在本國適用，在國際的管轄權而言，南非的機關才能夠起訴該案件。重要的是要將這些公約能夠「本土化」，如果勞工並非在我國架構下被聘僱就不會受到勞基法的保護，此時就會形成保護的漏洞，南非有關轄權，但是我國的漁業署可以利用勞工檢查（labor inspection）的力量來介入案件的調查，如果可以改善這些勞工的勞動環境、衛生健康條件等等，其實根本就不需要針對勞工的 presecution，而是要加諸 sanction 在雇主身上，讓雇主可以去改善勞工的各種條件。我國的政府可以學習印尼的政府，所以在本案中我國政府應該要積極與南非政府溝通、協調與合作。
- Q. Global combat 可能無法帶來太大的功效，為何這次南非政府要特別找我國麻煩？
- A. 對於監管人口販運這件事並沒有太大的幫助，甚至是幫倒忙，更重要的是我國應該要適用更多的協議（例如反歧視等等），我國政府嘗試要做更多，但常常被排除於國際組織之外，如果能夠聯合起來，我國可以有更多的貢獻。
- A. The scene definition is from Victims of Trafficking and Violence Protection Act of 2000. It is the most complete one. Inside the UN convention, the sub paragraphs you saw in b, c, and d. are very important. The topic I want to share with us is about that I get a trafficking in Persons Report.

## Forced Labor

1. whether they can control their own movement

2. whether they have choices or not

A lots of migrant workers, they are persuaded by the broker and cause debt bondage.

Model of Exit and Voice, Instrumental to identify victims, Indonesia, Malaysia, Vietnam, Thailand send most workers to Taiwan. The number increase very dramatically. We past ICCPR etc. We also pass the law. Taiwan rank Tier 1 in 2018.

The ranking means how much efforts we need to put in the future. In 2016, Vietnam has a MOU. to sign with many countries. It will be good for protection. To conclude, if you regard human trafficking as a crime, you can look up the chart in Routine Activity Theory. Several countries have anti-trafficking laws, but they never use. To reduce human trafficking, one is to reduce the offender and two is increase the risk of doing trafficking. South Africa use UN Work in Fishing Convention to do human trafficking.

We would like to do better in the future.





## 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

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#### 專長

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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  
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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**





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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

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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.



# 當人口販運被害人成為被告 WHEN THE VICTIMS OF HUMAN TRAFFICKING BECOME THE ACCUSED.

法律扶助基金會 專職律師  
朱芳君

Legal Aid Foundation Resident Attorney  
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## 被害人因被販運而涉犯刑法之常見類型

Common scenarios where the victims of human trafficking run into criminal laws

### 偽造文書

#### Forgery of documents

- 如遭販運而辦理假結婚來台，涉犯刑法偽造文書之規定。If the human trafficking into Taiwan is by means of fake marriages, then it's a violation of criminal laws pertaining to documentation forgery.

### 妨害風化

#### Offenses Against Sexual Morality

- 因被販運從事性交易，遭以社會秩序維護法第80條裁處罰鍰。If the human trafficking results in sexual transactions, the victim is subject to fines imposed by Article 80 of the Social Order Maintenance Act.

### 非法入國、工作

#### Illegal entry or violation of employment services laws

- 非法入國(入出國移民法第74條) Illegal entry (Article 74 of Immigration Act)
- 非法工作(就業服務法第43條、第56條) Illegal employment (Article 43 and 56 of the Employment Services Act)



## 人口販運防制法對於被害人之減輕、免責規定

Reduction of sentence or exemption rules for victims of human trafficking stipulated in the Human Trafficking Prevention Act

### ■ 人口販運防制法第29條

#### Human Trafficking Prevention Act, Article 29

人口販運被害人因被販運而觸犯其他刑罰或行政罰規定者，得減輕或免除其責任。

Victims of human trafficking violating rules and regulation of laws or executive orders, as a result of being trafficked, may be entitled to reduction of penalty or exemption of such legal responsibilities.



## 案例1

## Case Study 1

- 被害人為柬埔寨籍，不識字

Victim is from Cambodia origin and illiterate.

- 經牛頭告知可安排來台工作

Was informed by agent of job opportunities in Taiwan

- 加害人於2004年8月利用假結婚方式使被害人入境，並於入境後直接帶至雇主家中工作

Offender arranged for victim's entry into Taiwan in August 2004 by way of fake marriage. Upon entry, victim was taken directly to the employer's home to work.

- 每日工作15小時，於遭查獲前，工作6年半從未休假

Working 15 hours a day, and prior to the arrest, victim never had any day off for six and a half years.

- 薪資：第一年每月4820元、第二年每月6000元、第三年每月9000元、第四年每月12000元、第五年每月15000元、第六年每月18000元

Monthly salary for the first year was 4820NTD, 6,000NTD for the second year, 9,000NTD for the third year, 12,000NTD for the fourth year, 15,000NTD for the fifth year, and 18,000NTD for the sixth year.

- 旅行文件遭仲介扣留

Travel documents were withheld by the agent.

- 被告知：不得在無人陪伴之狀況下出門，否則會被警察抓走

Victim was informed not to leave the house without being accompanied by others, or she will be arrested by the police.



## 案例1(續) Case Study 1 (continued)



## 案例1(續) Case Study 1 (Continued)

- 人口販運罪名部分，因取得賠償，同意與雇主和解，雇主獲緩起訴。仲介遭通緝多年，似已出境。

For human trafficking portion, because compensation was received, settlement with employer was reached.

Employer received deferred prosecution. The agent was wanted for many years and was suspected to have left Taiwan.



## 案例1(續) Case study 1 (continued)

- 不起訴處分書認定：

### Non-prosecution decision recognizes:

- 使公務員登載不實之結婚事項於戶籍謄本上

Making public servants record false marriage items on the official household registration.

- 以不實戶籍謄本向我國駐越南台北經濟文化辦事處申辦來台簽證

Applying for visa entry using false household registration copy to Taipei Economic and Cultural Office in Vietnam.

- 超過追訴期，應為不起訴處分

Expiration of statues of limitation should result in non-prosecution



## 案例2 Case Study 2

- 被害人A為印尼籍

Victim A is of Indonesian citizenship

- 曾以真名來台工作，返國後因欲再來台工作但無法前來

Had worked with real name in Taiwan before, but was not approved for working in Taiwan again after returning to his country.

- 印尼仲介稱可用B名義辦理假結婚來台。嗣A以用B之名義於印尼辦理結婚後再來台，並在台辦理結婚登記；但A在台之「配偶」未能配合，無法取得居留證。

Agent in Indonesia advised that A can use B's name to come to Taiwan by means of fake marriage. After A uses B's name to register for marriage in Indonesia and he can come to Taiwan to register for marriage; but A's "spouse" in Taiwan wasn't cooperative, hence A was not able to obtain the residence approval.

- A之台灣仲介稱可以C之名義在台工作。後因該台灣仲介涉嫌販運人口案件遭警方查獲

A's agent in Taiwan claimed A can work under C's name in Taiwan, but this case was discovered by police when the Taiwan agent was allegedly involved in human trafficking offenses.



## 案例2(續) Case study 2 (continued)

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- A遭地檢署傳訊，被控偽造文書罪及違反未經許可入國規定（入出國及移民法第74條）。台灣仲介要求A以C之名義應訊，因C係刑事犯罪被害人，檢察官予以緩起訴處分。

A was summoned for interrogation by District Prosecutors Office and was subsequently accused of forgery of documentation and entry into Taiwan without permission (Article 74 of Immigration Act). Taiwan agent requested that A answer interrogation in C's name because C is the victim of criminal laws, District Attorney should grant deferred prosecution.

- 但A返國前二日，C本人遭查獲，檢方發現A係冒C之名應訊，就冒名應訊部分，以偽造文書罪名加以偵查、起訴。

However, two days prior to A's return, C himself was arrested, and the prosecutor realized that A was using C's identity. For the part of testifying under false identity, A was investigated and prosecuted under the crime forgery of documentation.



## 案例2(續) Case study 2 (continued)

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- 判決結果（人口販運防制法尚未施行）：

Verdict (before the Human Trafficking Prevention Act was instituted)

一審：有期徒刑三月

The first instance: imprisonment three months

二審：有期徒刑三月，緩刑兩年

The second instance: imprisonment three months, probation two years.



## 案例3 Case study 3

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- 被害人為印尼籍

Victim is of Indonesian citizenship

- 2000年經仲介協助來台工作，當時16歲。來台後始知仲介於文件上提高年齡歲數，以符合台灣引進外籍勞工的最低法定年齡之規定。

Came to Taiwan for employment through agent's aid at 16 years old and after arrival, realized that the agent had purposely falsify the age on documentation in order to comply with the minimum age requirement under Taiwan's foreign labor regulation.

- 第二次來台擔任看護：

Came to Taiwan to work as care taker for the second time:

- 每日工作17.5小時

Worked daily 17.5 hours.

- 雇主限制其不得外出、不得請假

Employer restricted leaving the household and cannot take time off.

- 不得與配偶會面

Was not allowed to meet the spouse.

- 護照及存摺均遭扣留。

Passport and savings book were withheld.

- 被迫從事餵食糖水等行為

Was forced to feed sugar water amongst other work.



## 案例3(續)

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- 遭追訴偽造、變造護照

Was prosecuted for forging and modifying the passport

- 遭雇主提告過失傷害、業務登載不實

Was sued by the employer for negligent damage and publishing false information of business duties.

- 雇主被控人口販運部分不起訴

The employer accused of human trafficking is not to prosecuted.

- 被害人被控過失傷害部分遭判刑2年

The victim accused of negligent offenses of causing bodily harm is sentenced for two years.



## 案例4 Case study 4

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- 被害人為越南籍。原生家庭經營賣米零售業，因經營不善，負債累累。

Victim is of Vietnam citizenship. Original family was in the business of rice retailing and due to mismanagement, was deeply in debt.

- 經友人介紹，2005年假結婚來台。入境前曾與台灣仲介簽定合約，約定每月薪資新台幣10000元。

Through introduction of friends, victim came to Taiwan by means of fake marriage in 2005. A contract was signed prior to entry with Taiwan agent committing to monthly salary of 10,000NTD.

- 入台後仲介安排工作，工作半年僅取得台幣29000元，向仲介催討薪資遭到毆打及性侵。在同鄉幫忙下逃離仲介住處，逃離時無任何身份證明文件。

Upon entry to Taiwan, the agent arranged for work but in six months, victim earned only 29,000NTD. Victim was raped and beaten after trying to ask for the pay. Victim escaped the agent's residence with help from other Vietnamese friends, but had no identity documents with her.

- 2009年與台籍男友交往並懷孕。欲生產時至婦產科，男友辦理入院登記時登載他人姓名，被害人事後才知情。

Victim dated a Taiwanese boyfriend and became pregnant in 2009. When she went into labor at the clinic, the boyfriend used other people's name for registration, and the victim found out afterwards.

- 生產後，婦產科告知須有身分證明證件才能帶走小孩，被害人與男友計畫先行離開，再設法返回接走小孩。

After the delivery of baby, clinic informed that they must have proof of identity before the baby can be released. Victim and her boyfriend decided to leave first and come back for the baby later.



## 案例4(續) Case study 4 (continued)

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- 檢察官以涉犯遺棄、偽造文書加以調查。

District attorney investigated the case under alleged offenses of desertion and forgery of documentation.

- 最終被害人均獲不起訴。

Eventually the victim received non-prosecution.



## 案例5 Case study 5

- 移工遭勞力剝削：Labor exploitation of immigrants
  - 遭控制行動 restricted freedom
  - 超時工作、無法休假 excessive working hours and no time off
  - 被要求做看護老人以外之工作 required to do other works in addition to caring for the elderly
  - 被照顧者失智且身形魁梧，排拒肢體接觸，移工經常遭老人抓傷（老人已經轉換多次雇主） The person under care suffered from dementia, has big physique, and resisted bodily contact. Immigrant worker was often scratched by the elderly. (The elderly had changed care takers many times)
- 離開原雇主後遭提告侵占、傷害，均不起訴。  
After leaving the employer, the worker was accused of offenses of criminal conversion and offenses of causing bodily harm. Both charges were dropped without prosecution.



## 看護工經常遭提告類型

Common accusation imposed on care workers





## 小結 summary

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- 因販運而成為被告，若能說明清楚被販運之情境，可獲較有利之處分或判決。

When accused as a result of human trafficking, if one can describe clearly the situation and conditions, one can receive favorable results or legal decisions.

- 亟需律師協助。

Legal professional help is very much needed.

- 被害人若為外籍，無論在台多長時間，必須有適格通譯配合。

If the victim is of foreign nationality, no matter how long he is in Taiwan, he must receive qualified translator assistance.

- 確實符合被害人母語 Qualified victim's mother tongue language.
- 司法雙語能力良好 Excellent bilingual judicial capacity.
- 立場公正 Impartial stance.



## 當人口販運被害人成為加害人

WHEN HUMAN TRAFFICKING VICTIM BECOMES THE OFFENDER

## 如何辨識出兼具加害者身分之人

How to recognize the victim who also acts as an offender

- 部分被害人工作一段時間後遭洗腦，或與加害集團成員交往，成為招攬其他被害人之人

Some victims, after working for some time become brainwashed, or get involved in relationships with members of the offending group, can become a soliciting party for other victims.

- 庇護所便於作證，不受收容期間之箝制

Detention shelter, in order to testify, is not limited by the time of detention.



## 法律扶助基金會 在協助人口販運被害人上的角色

Legal Aid Foundation's Role in assisting the victims of human trafficking

## 受扶助人不分國籍

## Legal aid has no limitation on nationality

- 法律扶助法第十四條第一項第一款：

Legal Aid Act, Article 14, Clause 1, Item 1:

合法居住於中華民國境內之人民均適用之。Applies to any person legally residing in Republic of China  
另非中華民國國民符合下列情形之一者，亦適用之：Also applies to those non-ROC citizen who fit any of the following conditions:

- 1 因不可歸責於己之事由而喪失居留權。Lost residence right not because of his own faults or responsibilities.
- 2 人口販運案件之被害人或疑似被害人。Victim or suspected victim of human trafficking incidences.
- 3 非居住於中華民國境內之人民，對於他人曾因同一事實受基金會扶助後死亡，依中華民國法律得行使權利。Non-resident of Republic of China, had been aided by foundation because of the same incidence with a third party who passes away afterwards, can enjoy the rights according to laws of Republic of China.
- 4 非居住於中華民國境內之人民，對於他人因職業災害死亡，依中華民國法律得行使權利。Non-resident of Republic of China, for others died of occupational hazards, can enjoy the rights according to laws of Republic of China.
- 5 其他經基金會決議。Others, according to Foundation's resolutions.



## 法律扶助種類 Types of legal aid



法律諮詢 Legal advising



調解、和解之代理 Mediation or settlement representation



法律文件撰擬 Drafting of legal documents



訴訟、非訟、仲裁及其他事件之代理、辯護或輔佐  
Representation, defense, or support for litigation, non-litigious, arbitration, and other events



其他法律事務上必要之服務及費用 Other legally related services and fees



其他經基金會決議之事項 Other items as resolved by the Foundation

## 對於外籍人士之法律扶助 Legal aid for foreign nationals

- 法律扶助法修正前，本會對外籍人士之扶助，僅限於申請時仍合法居住台灣地區之人民。

Prior to the modification of the Legal Aid Act, aid offered to foreign nationals by this Foundation is limited to those who are legal residents of Taiwan at the time of application.

- 2015年7月1日修法後，擴大扶助範圍，除合法居住台灣地區人民外，亦增加因不可歸責於己而喪失居留權者、人口販運案件的被害人及符合特定原因之非居住於中華民國境內之人民。

After the modification of the Act on July 1, 2015, the scope of aid has been expanded. In addition to those who are legal residents of Taiwan, people who lost their residency rights not due to their own fault, victims of human trafficking incidences, and non-residents who fit particularly criteria can apply for aid.

- 近五年間(2013-17)，累計有8,682位外籍人士符合標準獲得扶助。

In the past 5 years, from 2013 to 2017, an accumulated 8,682 qualified foreign nationals have received support.



法律扶助基金會  
Legal Aid Foundation

### 參與人口販運防制法之立法、修法

## Getting involved in the legislation and modifications of Human Trafficking Prevention Act

- 參與推動人口販運防制法立法聯盟，於2008年提出民間版草案

Participated in the promotion of Legislating Alliance of Human Trafficking Prevention Act, and offered the first civilian draft version in 2008.

- 2009年在官方及民間共同推動下，人口販運防制法通過

Through joint efforts with government and civilian organizations, Human Trafficking Prevention Act was passed in 2009.

- 持續參與民間人口販運防制監督聯盟

Continue to participate in the civilian Supervision Alliance for Human Trafficking Prevention.

法律扶助基金會  
Legal Aid Foundation

## 持志集團-印籍看護工苛扣薪資案

Chi-Zhi Group – Case study for Indonesian care worker deferred salary

- 受害人為印尼籍看護工，於2008年間來台灣工作，遭台灣仲介苛扣薪水，受害人數多達5,000餘人，金額逾新台幣2億餘元。

Victims are mostly care workers of Indonesian nationals who came to work in Taiwan during 2008. Their salaries were severely deducted and withheld by Taiwan agent. Victims count exceeded 5,000 people and the amount over 200 million NTD.

- 於2016年間，苗栗地檢署委託本會成立扶助專案，協助受害人對被告提起民事訴訟追討損失。迄至2017年底，本會計尋獲受害人347人，並由法扶會律師代理受害人向被告提起訴訟。被告乃同意和解，並提出總計新台幣3600餘萬的賠償金由法扶會協助發還被害人，受害人的損失將獲得賠償。

In 2016, Miaoli District Attorneys Office commissioned this Foundation to establish Aid Project to help the victims seek civil damage law suits against the accused. Till the end of 2017, we have found 347 victims and filed law suit on their behalf. The accused had agreed to settlement and proposed total compensation in excess of 36 million NTD to be disbursed to the victims. The victims' losses will be compensated.



法律扶助基金會  
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法律扶助基金會  
Legal Aid Foundation

## 菲籍移工重利案

Case of usury against Philippines immigrant workers

- 菲律賓仲介公司與融資公司，貸款給欲來台灣工作之菲籍移工，違法超收高額利息(年息48%以上)。若移工未還款，則由在台灣合作之公司持移工簽立之本票，加計違約金、遲延利息等，強制執行移工之薪資；受害移工達數百人，遍佈全台。

Philippine agent and finance company offered loans to Philippine immigrants who want to work in Taiwan and collect exorbitant interest in excess of 48% per annum. If the immigrant work does not repay, their Taiwan partner company will use the immigrant's signed check, added with liquidated damage and late payment interests, to force compulsory collection of their wages. Victim counts in the hundreds and throughout Taiwan.

- 法扶會指派律師代理受害移工向持票人提起確認本票債權不存在之訴或債務人異議之訴等。於2017年度共准予扶助279件，多數案件仍在地方法院審理，勝敗均有；有部份案件已與持票人達成和解。

Legal Aid Foundation designated lawyers to represent the victims and filed law suit on various grounds including the debt represented by the signed checks do not in fact exist or maintaining disputes. In 2017, approved aid cases count 279. Most cases are still under process in district courts with some wins and losses. Some cases have already reached settlement with check holders.



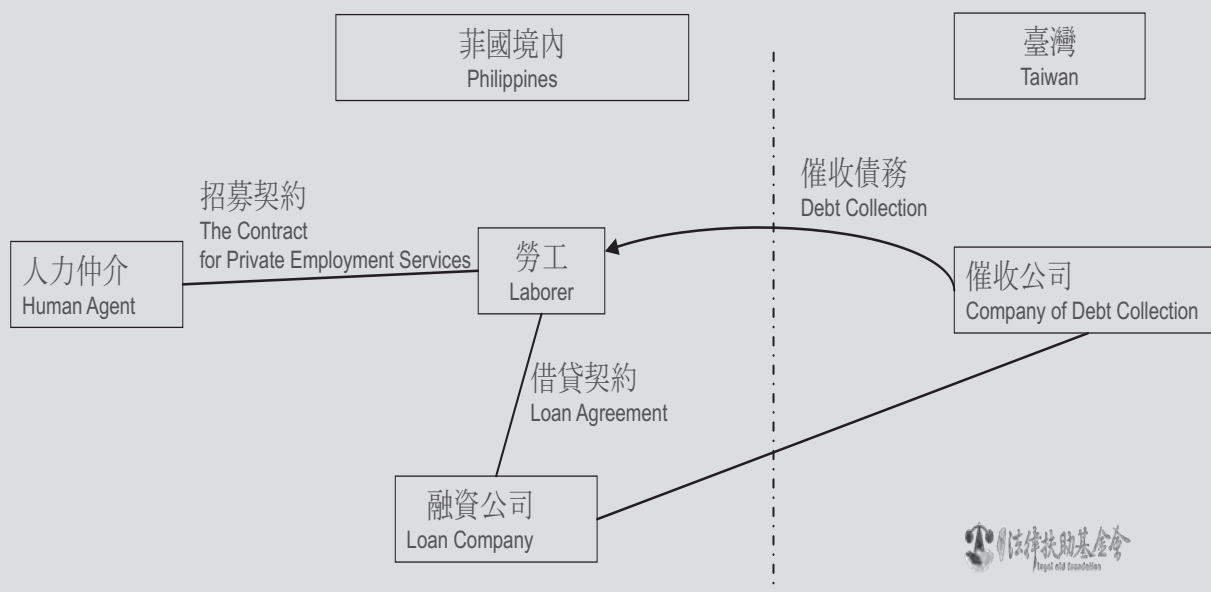
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Legal Aid Foundation

法律扶助基金會  
Legal Aid Foundation



# 菲律賓移工重利剝削案模式

model of Exorbitant Usury of Filipino in Taiwan



## 菲律賓移工重利剝削案

Case of Exorbitant Usury of Filipino in Taiwan

- 為來台工作，菲國人力仲介要求仲介費、手續費....等費用，若移工無法支付，則引介至融資公司，借款來台  
To work in Taiwan, Philippines human agent asks the worker for fees, such as agent fee, processing fee, etc. If the worker couldn't pay for it, they'll introduce them to loan company for debt.
- 以匯差剝削移工，再巧立名目要求利息、手續費  
Exploiting migrant workers by means of exchange rate, and then making interest and handling fees.
- 若移工來台後不付款，聲請本票裁定並強制執行  
If the worker does not pay after coming to Taiwan, the promissory note is required to be decided and enforced.



# 繳款單

Debit Note

姓名 | Name: [Redacted]  
 序號 | Reference No.: 1000051R  
 匯款帳號 | Bank Account No.: [Redacted]

Convenience Store Info (7-Eleven, Family Mart, Hi-Life, O.K.)

**繳款單 Pay/Deposit Slip** 請於限期內 憑此單付款 Pay On Time Your Credit Standing is Protected.

憑單 (Customer's copy)

請務必準時繳款，務必與匯款單所印之繳款日期(小白單)，並請向此單號，妥善得標以備查詢。  
 (Please make your payment on or before due date at any location of the convenience stores below:  
 1) 7-Eleven 2) Family Mart 3) Hi-Life 4) O.K.  
 2. Please keep both the payment slip of the convenience store and this receipt carefully for payment records.

序號 | Reference No.:

項目 Item	繳款日 Due Date	金額 Amount	收妥戳記 Pay Stamp
繳款期數: 第 1 期 Installment: 1	2018/01/10	NT\$ 6,000	

Second sheet (For Convenience Store)  
 應存儲蓄繳款專用票 (7-11, 全家, 萊爾蘇, OK)

便利商店收訖戳記

第一段條碼  
 第二段條碼  
 第三段條碼

請認準  
 除要存儲繳款，請認準收妥戳記與單號後再繳款。  
 繳款日期: 2018/01/10  
 期數: 第 1 期 / 共 1 期  
 合約編號: 1000051R  
 繳款金額: NTS 6,000

SHR\_06W

法律扶助基金會  
Legal Aid Foundation

# 本票

Promissory Notes

本票 PROMISSORY NOTE (Note No.: 1000051R)

憑票支付 無條件支付  
 For value received, the undersigned hereby promises to pay unconditionally on demand (Amount: NTD 115,830)  
 並約定如下事項: And agrees with the following:

- 一、此本票為持票人拒絕提供其種類之擔保之通知。  
 (I promise proceeds and notes under Article 919 of negotiable instrument Act is waived.)
- 二、此本票之利息自發票日起按固定利率，按每月結算支付。  
 2. Interest is payable at the fixed rate of 10% per annum from the issue date, and shall be paid on a monthly basis.
- 三、結清之金額自到期日起，按每日百分之二計算。  
 3. Default penalty is penalty at 0.2% per annum shall be imposed on any unpaid amount from the due date.
- 四、付款地點: 桃園市。
- 五、本本票應依中華民國法律為準據法。  
 5. This promissory note shall be governed by the law of Republic of China.

發票人 Maker: [Redacted] (簽名 Signature/Thumb Mark)  
 護照號碼 Passport No.: EB4297910  
 地址 Address: [Redacted]  
 日期 Date: 09-03-2015

本人謹在此本票時，已完全瞭解本票內容，並瞭解本依約如期付款時，該本票在中華民國境內，依中華民國法律所可發生之法律效果。  
 By the time I signed up this promissory note, I am fully understand the content of this promissory note, and also aware that it shall be valid money according to agreement, the by this promissory within the boundary of Republic of China, there shall have related legal situation according to the law of Republic of China.

發票人 Maker: [Redacted] 見證人 Witness: [Redacted]

票面金額交付: 或其推定人: [Redacted] (簽章 drop and signature)  
 地址 Address: [Redacted]  
 日期 Date: [Redacted]

註: 本本票係以中文及英文作成，如中文與英文內容不一致時，以中文為準。  
 Note: This Promissory Note is in both Chinese and English. In the event of any discrepancy between the Chinese and English texts hereof, the Chinese text shall prevail.

20150901

法律扶助基金會  
Legal Aid Foundation





感謝聆聽 THANKS FOR LISTENING







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

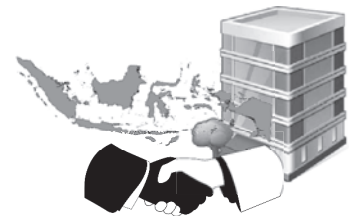
### National Cooperation

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

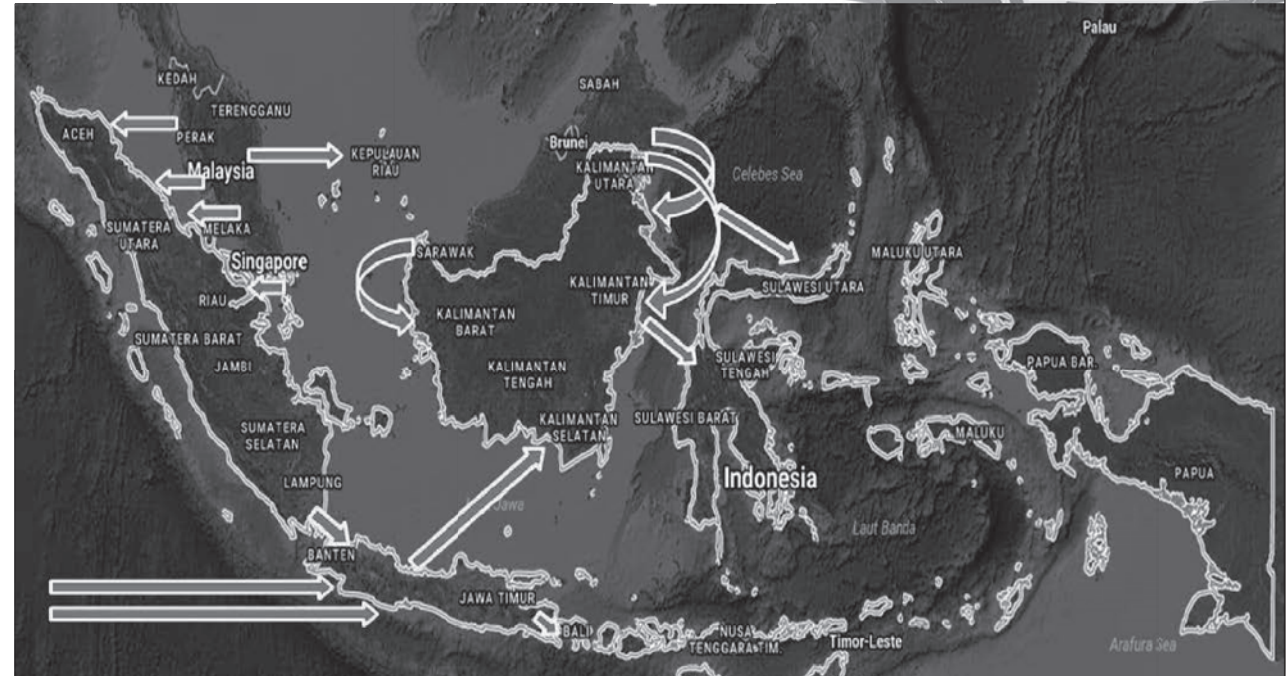




# Indonesia's effort to interdict narcotics Cooperation with Other Agencies



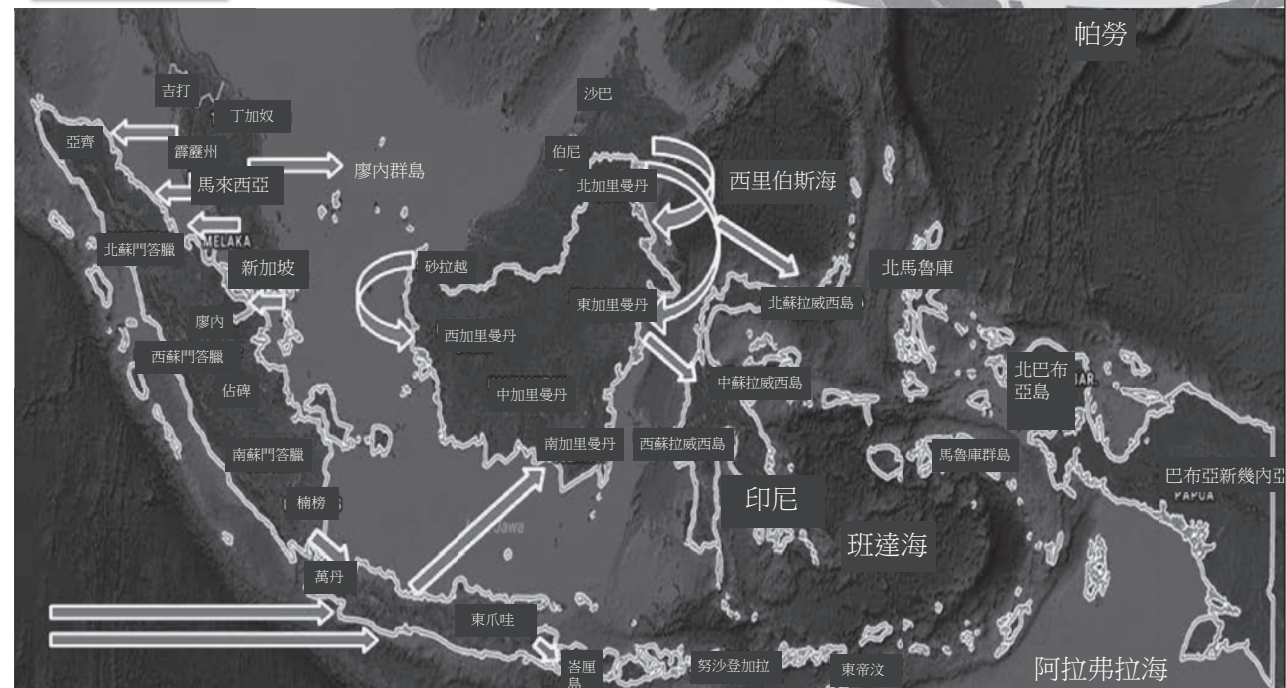
## International Cooperation



# 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**

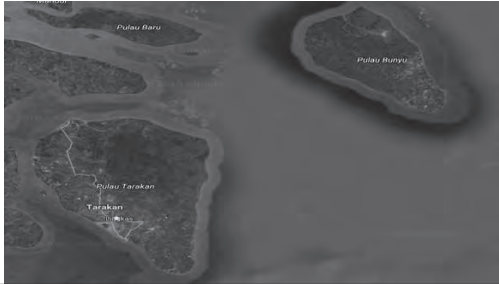
**在沿海和邊境地區生活的居民缺乏教育和政府之關注**

**03**

**相關單位合作成效不甚理想**



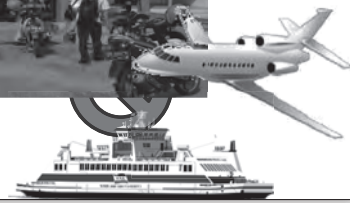
## Indonesia's effort to interdict narcotics Strengthening Interdiction Control



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



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



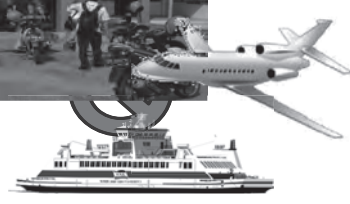
## 印尼緝毒局行動



與相關單位交換並分享有關緝毒的數據和信息

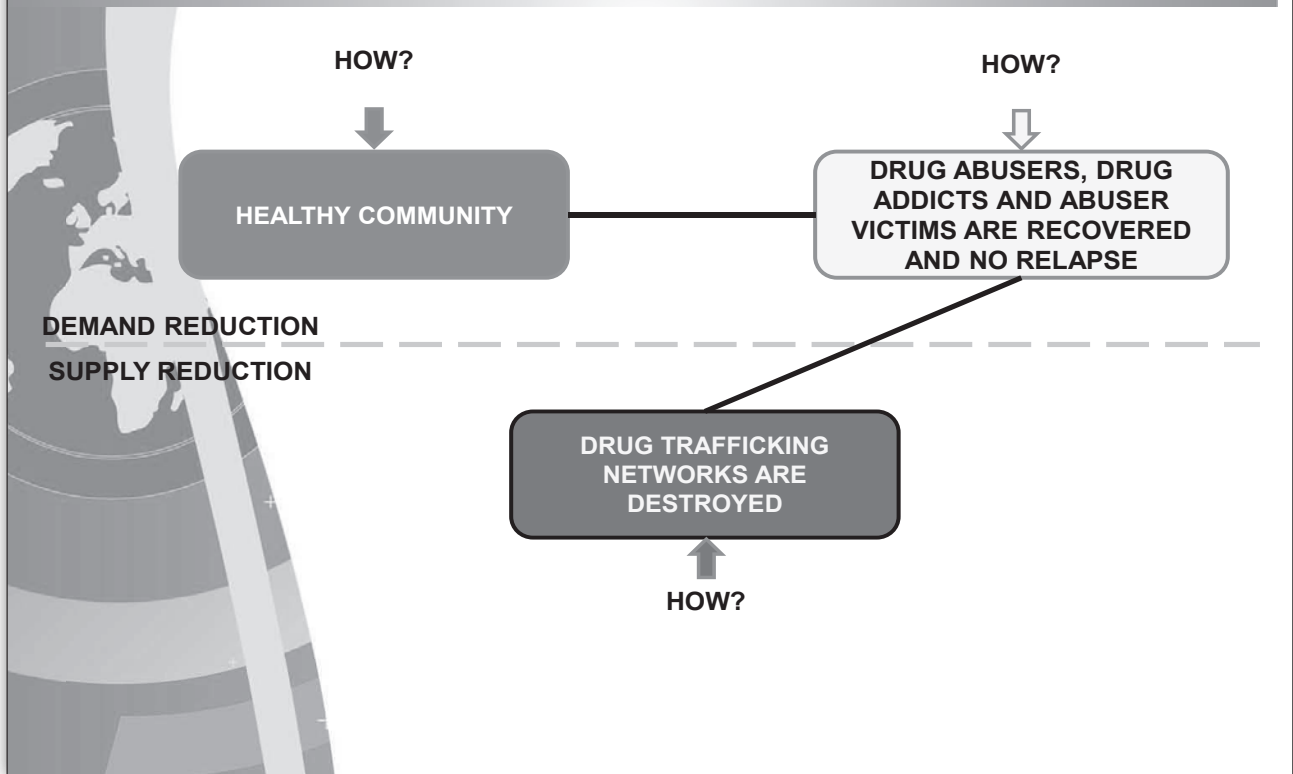


監控官方港口（國家以及非正式港口線路）

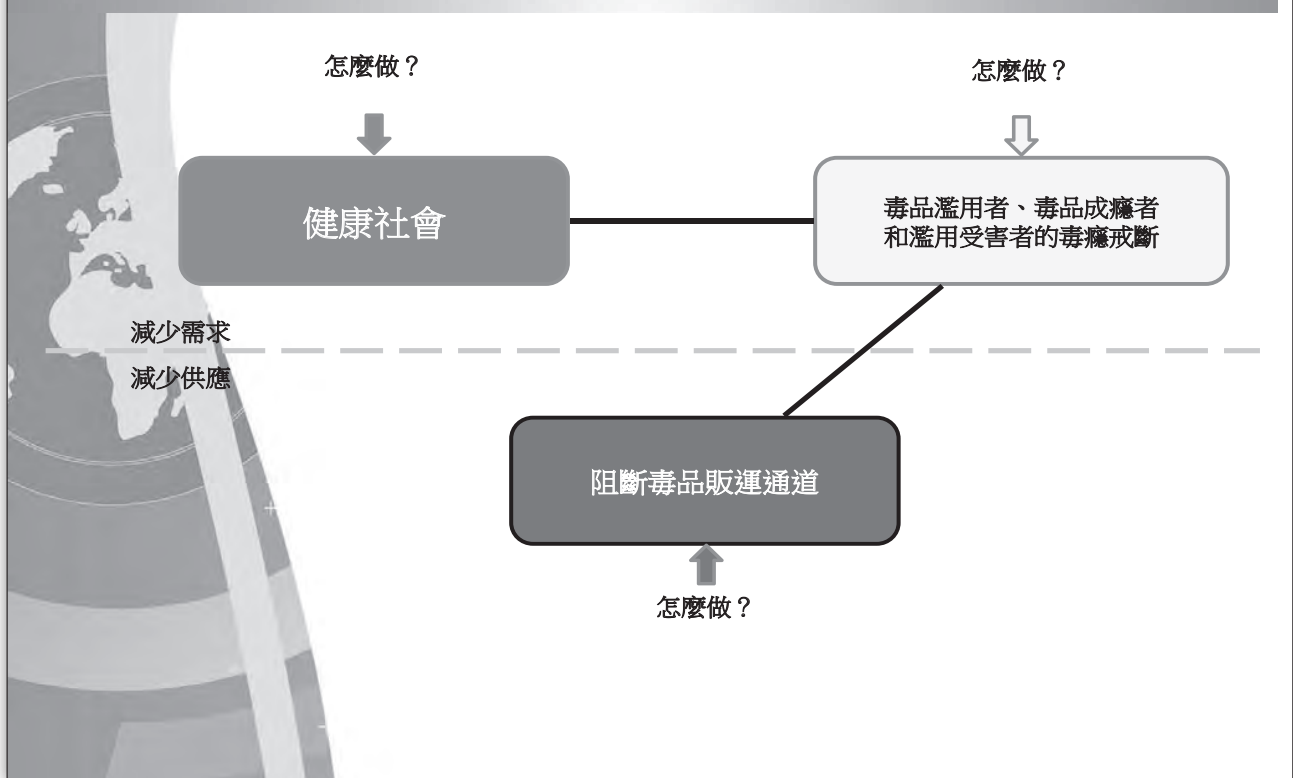




### A COMPREHENSIVE, INTEGRATED AND BALANCED APPROACH TO ADDRESSING THE WORLD DRUG PROBLEM



### 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



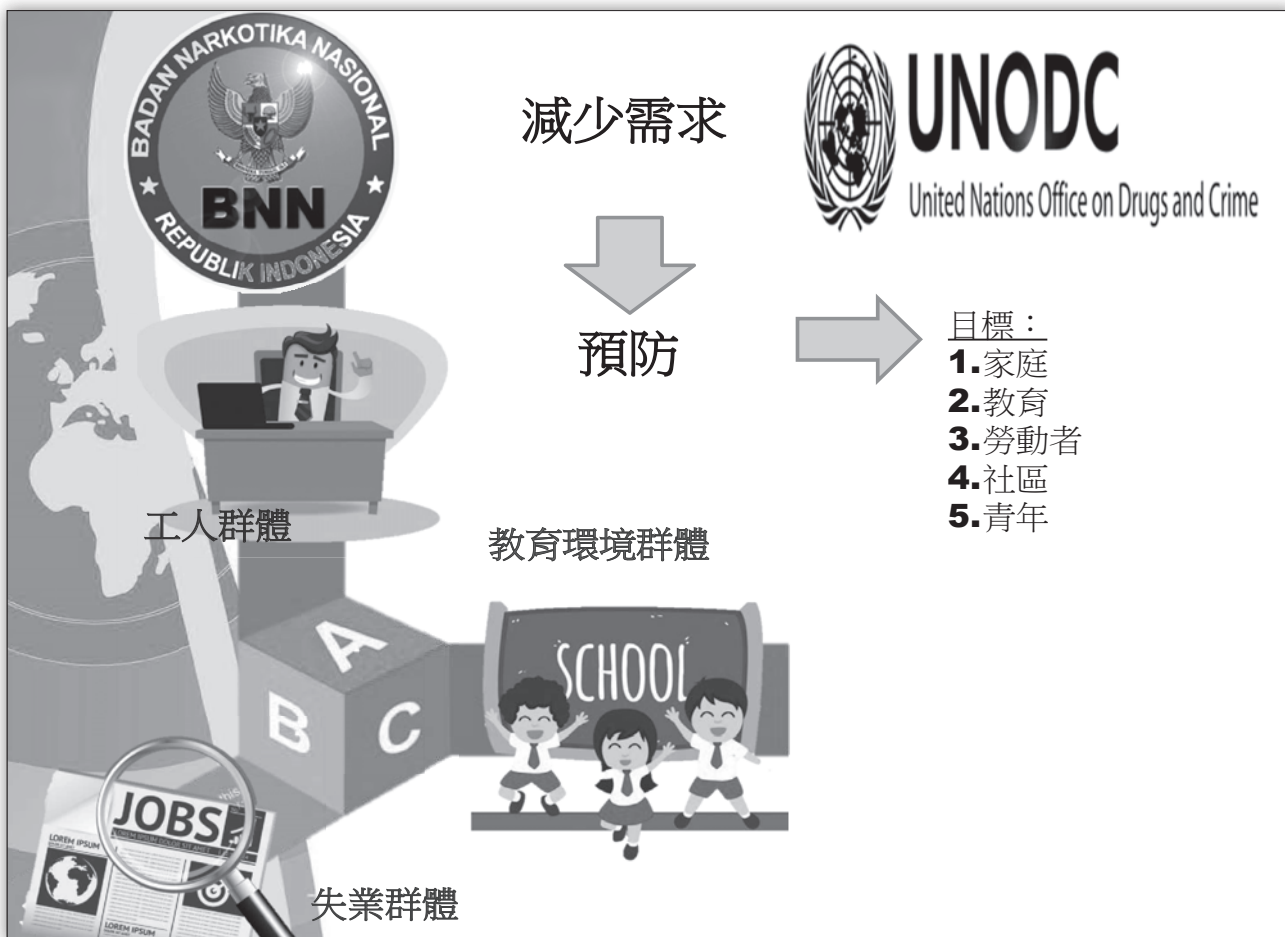
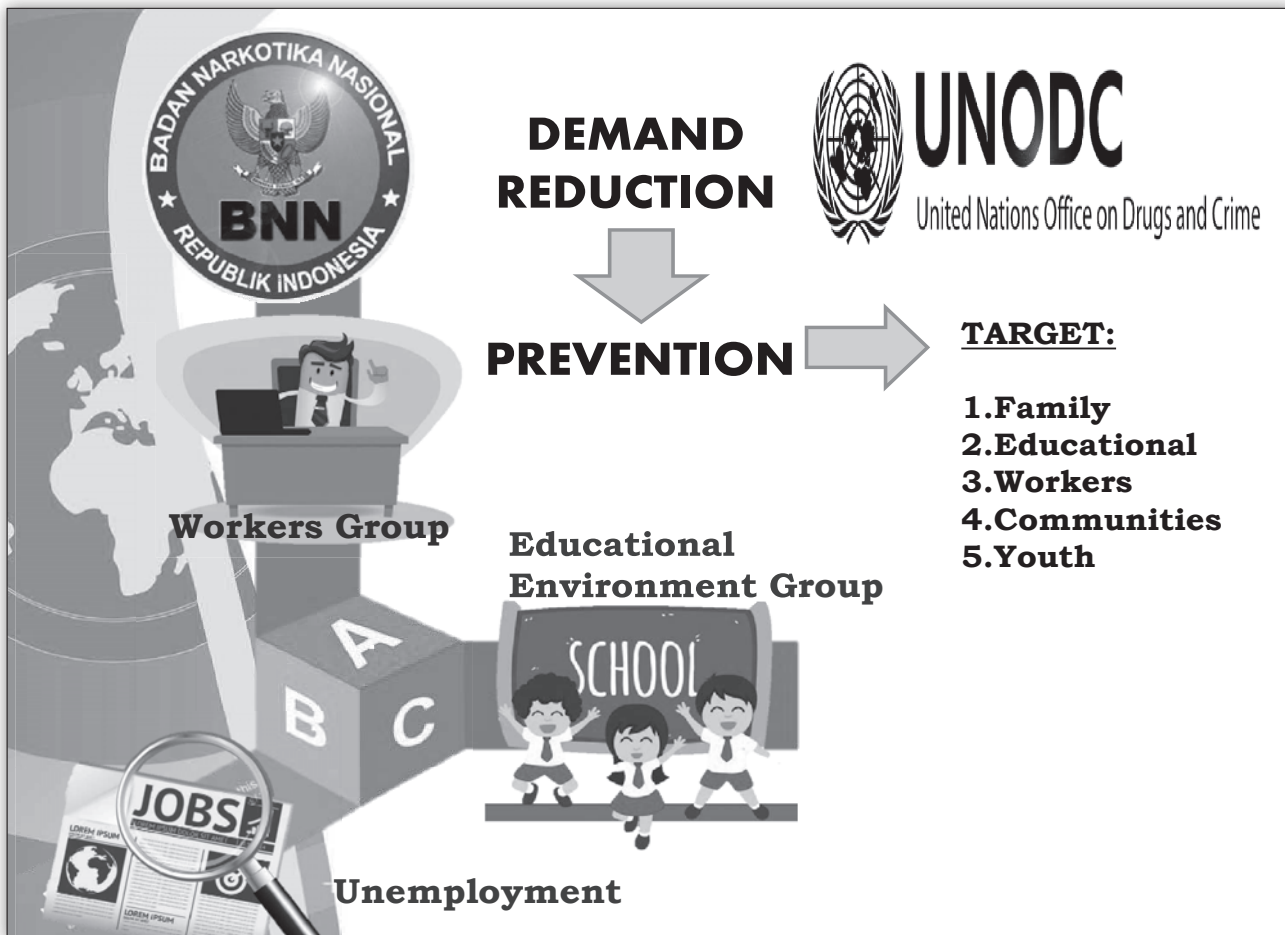
## 減少供應



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。







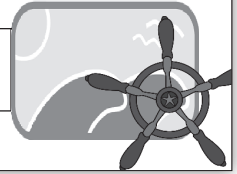
## What we do to the people live in border line at the outer line of Indonesia?



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



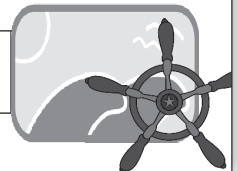
## 我們提供印尼邊境人民的協助



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



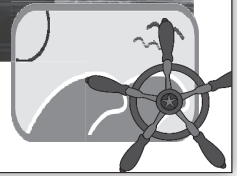
## What we do to the people live in coast line at the outer line of Indonesia?



**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**



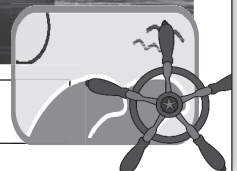
## 我們提供印尼邊境人民的幫助



**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](mailto:dep.cegah@bnn.go.id)



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# Thank You

**National Narcotics Board  
Republic of Indonesia**  
[www.bnn.go.id](http://www.bnn.go.id)



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



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## 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

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

15：50～17：00

與談人：

1. 比利時 Payoke 庇護中心主任 Mr. Klaus Vanhoutte

2. 中華警政研究學會副理事長章光明

### 雙向交流

#### 與談時間（一）

在比利時有三個官方 shelter，如果有潛在受害人會被馬上送往 shelter，每年大約有 100 至 250 人左右會被送到 shelter。這些 shelter 的專業化程度非常高，因為只有特定種類的受害人才會被送到這些 shelter。只要是有可能接觸到受害人的角色（例如聯邦警察、檢察官…），就只會專責在人口販運的工作，而且是圍繞著 shelter 在運作。如果是非法移民，會馬上得到「暫時居留証（45 天）」，另外也會得到醫療照顧、金錢支援等等，而且受害人在向警察陳述案情之前，會先經過 shelter 的人員的專業評估，得到 shelter 人員的許可之後，才會允許警察向被害人問話。若被認定是人口販運的情形，會再得到「暫時居留証（3 個月）」，而且不論被害人被刑事起訴任何罪名，都不會被追訴，如果已經起訴之後才認定是人口販運的情形，法院也會將這個納入最後的判決考量。比利時有許多奈及利亞來的受害人，不論這些奈及利亞人是拿假的簽證或是根本不拿簽證就入境，其實起訴這些犯罪並沒有實質的意義，因為重要的是這些被害人背後的「犯罪網絡」→抓大魚，不要抓小魚。比利時花很長的時間才成立這樣以被害人為主的系統：所有組織都要放棄 priority，凡事都要以被害人為優先，圍繞著被害人成立整個系統，所以對於很多政府組織而言並不容易。法律扶助也會被提供給被害人。

### 與談時間（二）

我國試圖解決人口販運的問題，例如致力於改善外籍移工的 broker-dealer 之間的問題。全球治理（global governance）這件事很重要。在處理公共議題時，乍看之下是法律議題，但其實重要的是「基礎設施」是否健全，在 network 當中重要的是 coordination，不能只靠政府機構，也要依靠民間、社會資源，來達成目標，通譯與志工也是很重要的環節！公共治理，除橫向部門外，也有縱向的層面，包括國際、國家、地方的層次，例如草根問題（印尼的漁工時而是漁民，時而是農民）。

### 與談時間（三）

比利時如果被認為是被害人，就不必背負刑責，至於被害人的刑事案件其實並不是人口販運的重要議題，我國反而集中在處理比較枝微末節的議題。庇護所或許可以考慮引進我國。

### 與談時間（四）

印尼有超過 300 個不同的種族（tribes），所以針對不同族群要有不同的處理，因此並非易事。印尼的 NGO 非常活躍。

歐洲面臨難民潮問題，對於歐盟而言非常棘手，德國面臨大挑戰，原本德國願意接收大批難民，後來卻要重新檢討難民政策，難民政策應該怎麼辦，過家應該如何因應？

因為中根公約。不可能解決問題，因為難民潮的問題是源自於其原生國家，可以做的只有對難民提供幫助

Do we prosecute those victims?

Today we are working in the NGO, and funded by the government, which is really important. During that time, actually there is no ox for victims. They get financial, legal and medical support. They can also stay in one shelter.No matter where the victims come from? Or no matter which kind of event the victims engage in? We can start out jobs.It serves very little purpose to prosecute those people violate the immigration law.The majority of money will go to the shelter. We work on the individual basic to every victim.Language is the most important thing for immigration.

Two goal:

- 1.taking care of victim
- 2.investigation



If a victim walk to our place, we need to do an assessment first. We won't tell the police. We are not afraid of the police. It depend on the relation of the trust by observing the attitude. The legal support is the majority of a case. The fact a person won't be a question following the investigation process. Accusation of assault from labors usually shows up the result that it is human trafficking. We sincerely hope Taiwan government can catch the international movement. The second paper was public from Indonesia. Geography and demography are important attributions.

Indonesia is dedicated in improving NGO to prevent the drug problems. Indonesia have developed a procedure to identify vulnerable groups. I want to share two points with all the audience.

#### 1. infrastructure

Human trafficking seems categorize to legal region. However, infrastructure is also important. How the government can contribute to the public? As what I have mentioned, the coordinator of government. For example, the shelters for accepting victims and the translators to help victim speak in the way that others can understand.

2. Globalize (cross region) This kind of lessons are already set in Taiwan's University.

3. cooperate with local governments. International —> National —> Local (Three levels)

#### Bilateral Exchange

If people are recognized as victims, they won't be accused as 偽造文等罪。 This is very good. When victims want to go back to their countries, they sometimes find that they are restricted by some accusation. Also, to construct a sound and complete shelter is important. We hope we can make some changes in the future. However, the difficulty in Taiwan is that many employer exploited their employee. It is hard for the office to charge all the employers. We need to work hard in the aspect that not to treat workers as products.

Q. Opinions about refugee crisis? German refused to accept refugee crisis.

A. There are huge refugees close to Turkey. I don't know how many people are there. I think we need to change economic fundamentally of the countries that refugee comes from.

Q. Concerning to Reduction of supply of drugs, there are Indonesia fisherman recruited that on the boat in Taiwan, can you share any experience with us?

A. Indonesia is too big, and fisherman have some relations with human trafficking.

Q. Can immigration agency give some opinions?

A. Fisheries Department declare new legislation about offshore fishing.

Nowadays fisher' s working and living condition is getting better and better.





## 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**



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## 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

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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) 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.

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## Pressure for change



BUSINESS SCHOOL



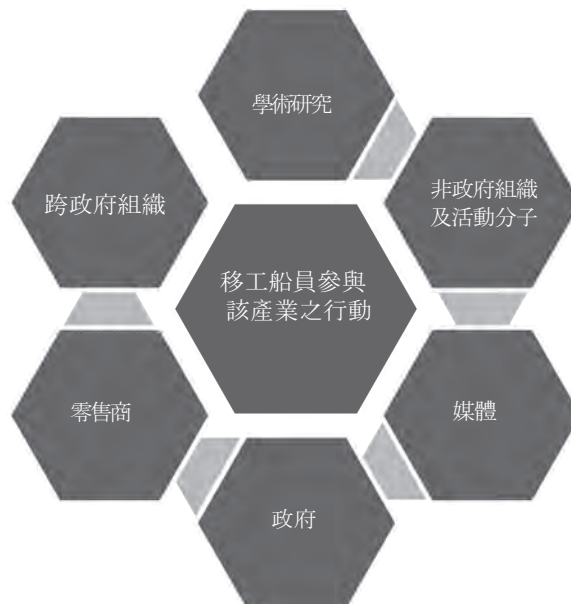
Stringer C., Simmons, G. and Coulston, D. (2011). 'Not in New Zealand's waters, surely?: labour and human rights abuses aboard foreign fishing vessels' <http://docs.business.auckland.ac.nz/Doc/11-01-Not-in-New-Zealand-waters-surely-NZAI-Working-Paper-Sept-2011.pdf>.

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



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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>.

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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:

<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	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.
<i>Fisheries (Foreign Charter Vessels and other Matters) Amendment Act 2014</i>	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”.
<i>Immigration Amendment Bill (No 2) (enacted May 2015)</i>	Exploitation of migrant workers is a serious criminal offence.
<i>Organised Crime and Anti-corruption Legislation Bill (enacted October 2015)</i>	Brings New Zealand in line with the <i>Protocol to Prevent, Suppress and Punish trafficking in Persons, especially Women and Children (Palermo Protocol)</i> .



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：

<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	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。
<i>2014年漁業修正法</i> (外國承包漁船及其他事務)	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」。

移民修正草案 (第2號) (於2015年5月頒布)

剝削移工為重大刑事犯罪。

組織性犯罪及反貪腐法案 (2015年10月頒布)

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 water: 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 Tegai

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，」

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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](mailto: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.

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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

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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

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菲律賓移工之友股份有限公司（馬尼拉）執行董事

## Brief Introduction of Speaker

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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**

DSWD HALTS CASH AID TO DISPLACED BORACAY WORKERS

PHILIPPINE DAILY INQUIRER

N. KOREA VOWS TO CLOSE NUKE TEST SITE IN MAY

# DUTERTE: OFW BAN TO KUWAIT PERMANENT

The President asks all 26,000 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.

**What's inside**  
 Labor groups expect more layoffs  
 Bishops condemn priest's murder  
 Stars #SpeakUp on sex abuse  
 Game 1: Curry-less GS rips New Orleans

APRIL INFLATION SEEN ACCELERATING TO 4.0%  
 ADVICE TO YOUNG PROFESSIONALS  
 SPANISH WRITER CELEBRATES PH HISTORY

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badmouthing of PH really a confirmation

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**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**

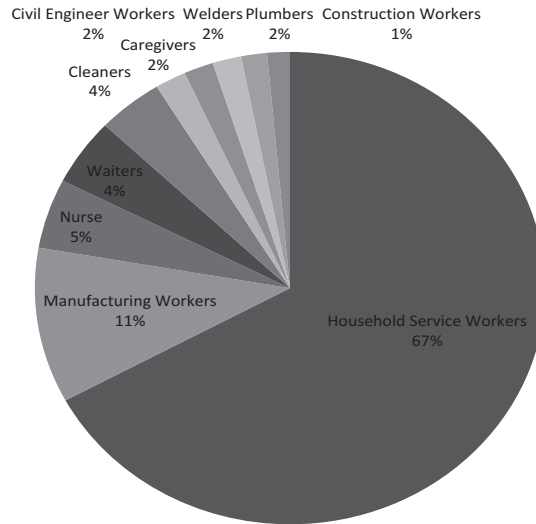


**瑪莉琳·芮斯多  
Marylin Restor**



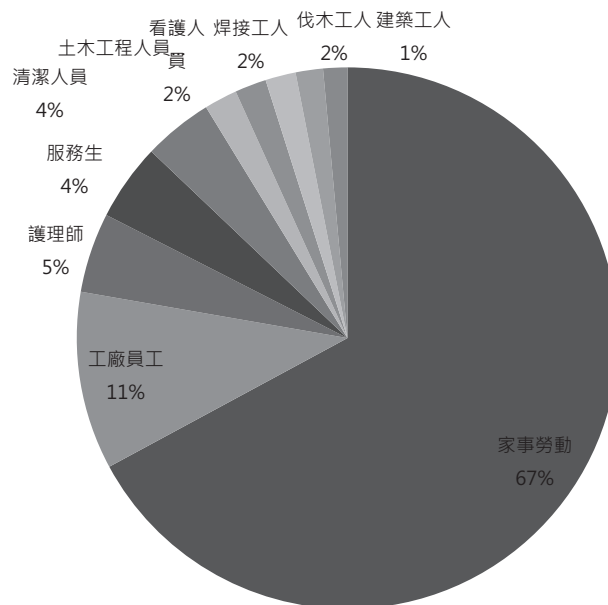
**莎拉·巴拉巴根  
Sarah Balabagan**

## 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



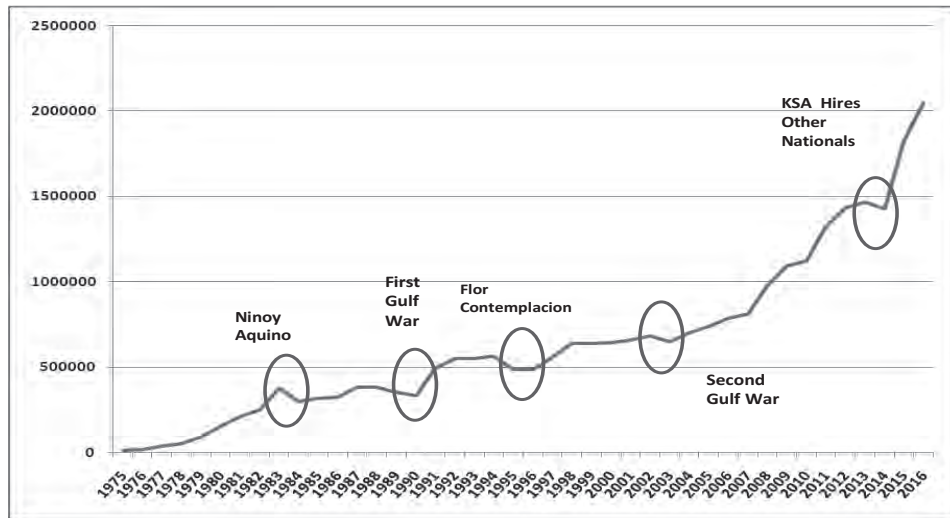
## Reforms for Migrant Domestic Workers

- **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

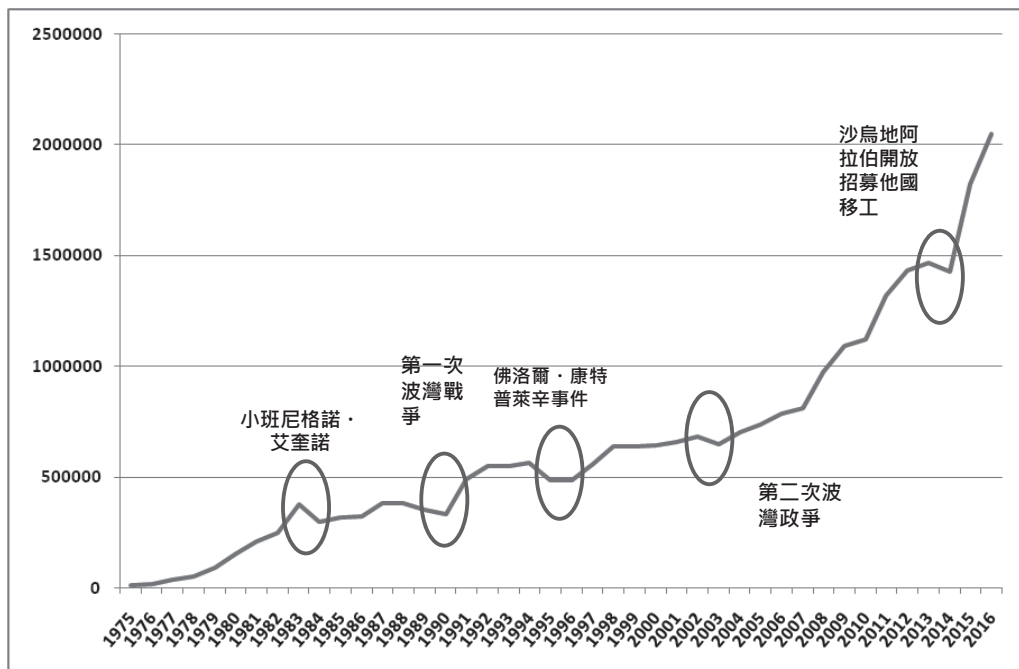
- **強制接受 CDEP 訓練**
- **海外勞工福利處 ( OWWA ) 及 NGO 提供新進訓練課程**
- **提升權利意識**
- **家事勞動移工專業化**
- **培養基礎金融素養**
- **處理違反雇用規定之案件**

### Annual Outflows of Filipino Migrants (1975-2016)



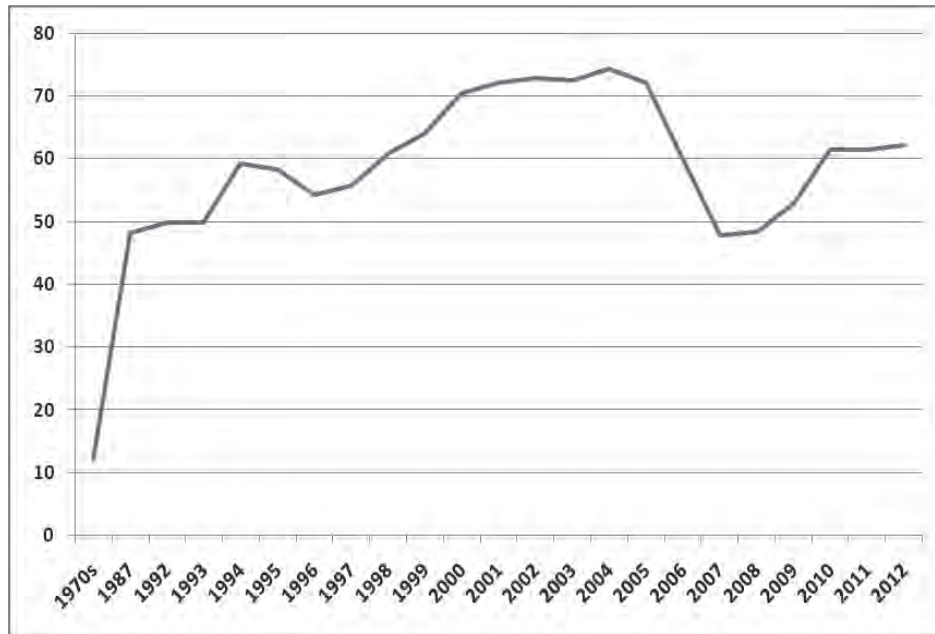
Source: Philippine Overseas Employment Administration

### 菲律賓逐年外移人口情形 (1975-2016)



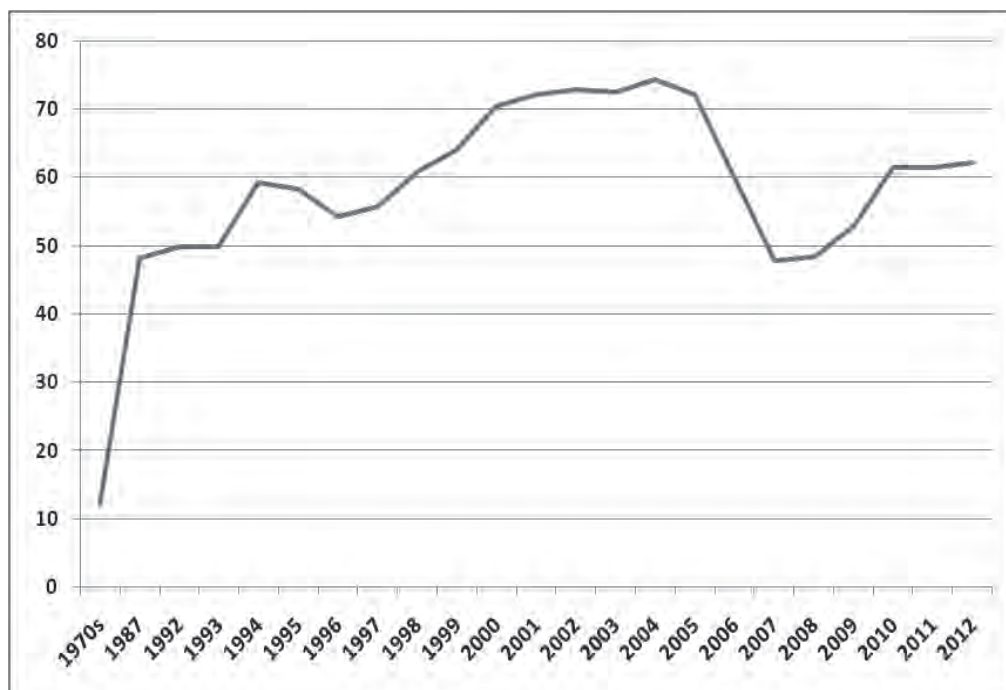
資料來源：菲律賓海外就業署 (POEA)

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



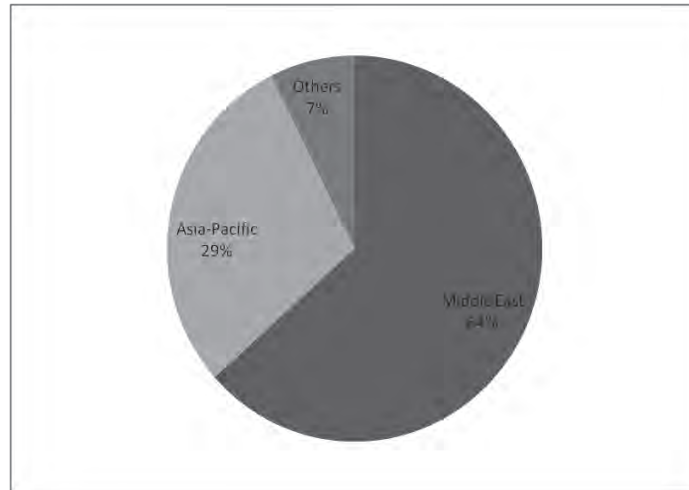
Source: Philippine Overseas Employment Administration

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



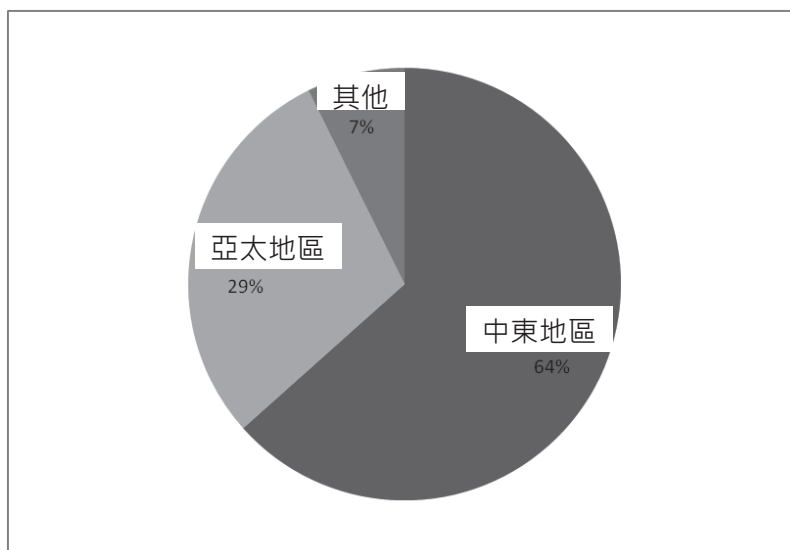
資料來源：菲律賓海外就業署 ( POEA )

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



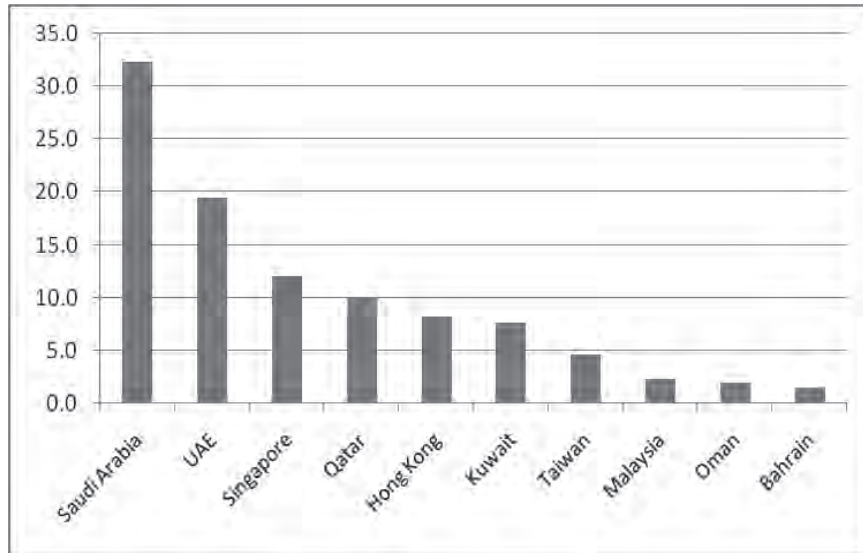
Source: Philippine Overseas Employment Administration

## 菲律賓移(出)民人口遷徙目的地區分佈 (2016)



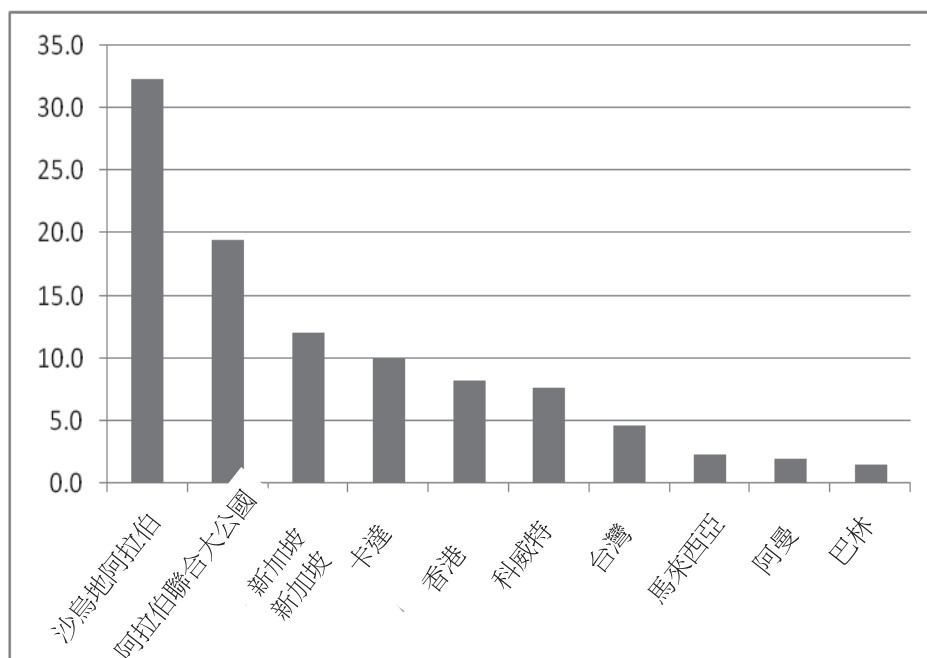
資料來源：菲律賓海外就業署 (POEA)

### 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 )

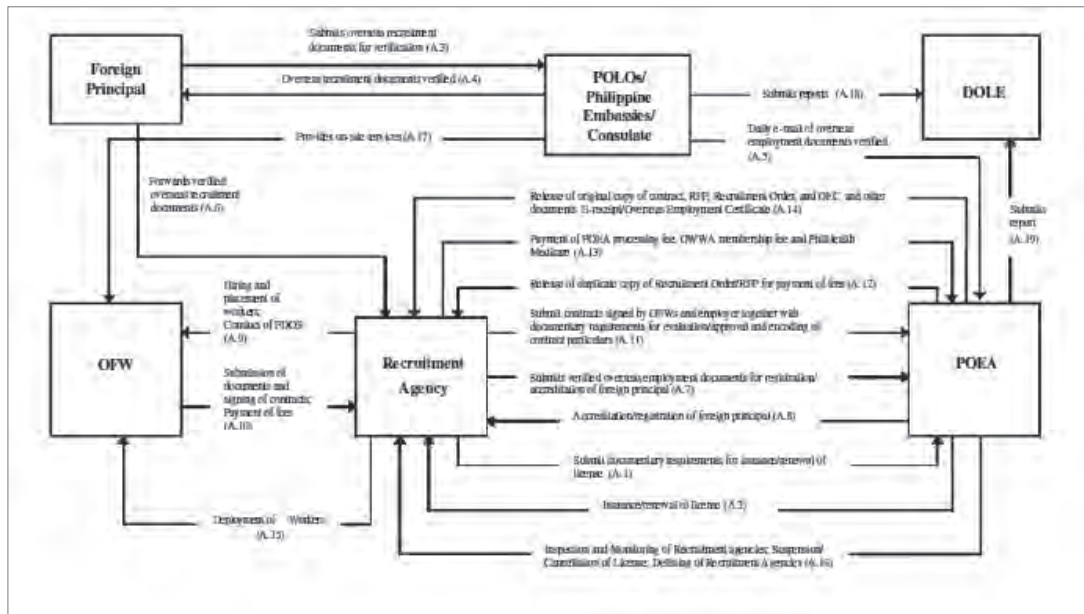
## **Regional and Global Reform Initiatives**

- **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**

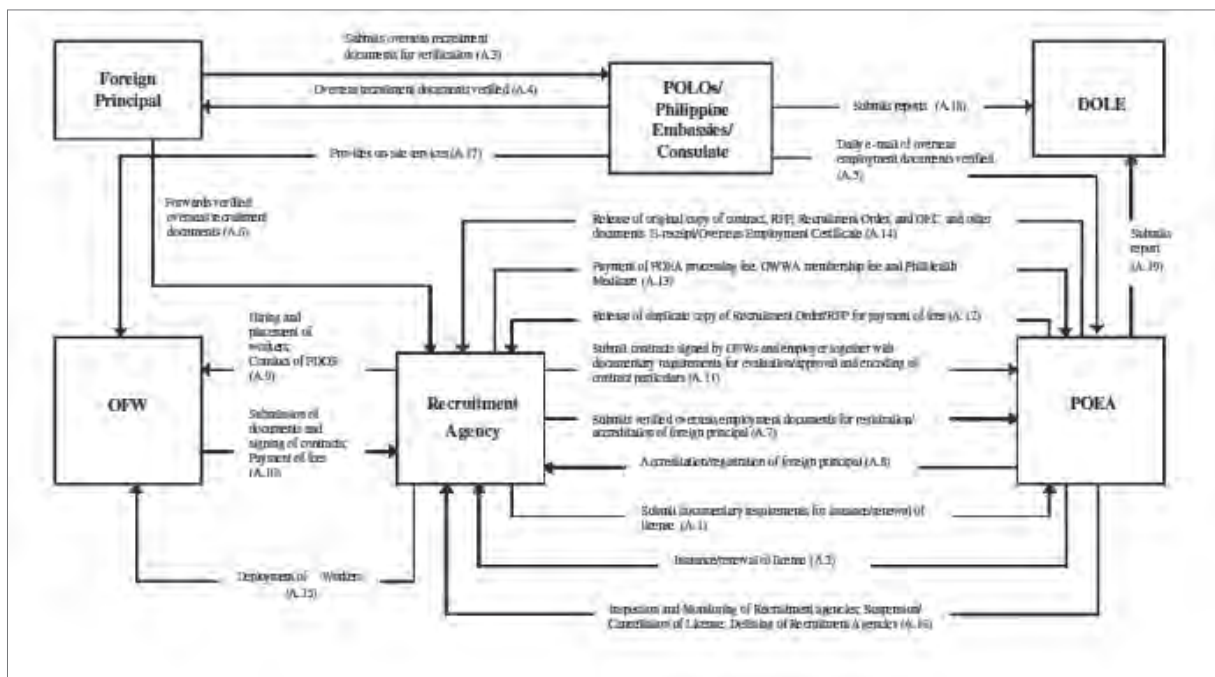
- 1990 保護所有移工及其家庭成員權利國際公約
- 1999 曼谷宣言
- 2002 峇里進程
- 2007 東協保護暨促進移工權益宣言
- 2017 家事勞動者法案
- 2017 東協保護暨促進移工權益共識

## Labor Migration Management - Recruitment



Source: Commission on Audit

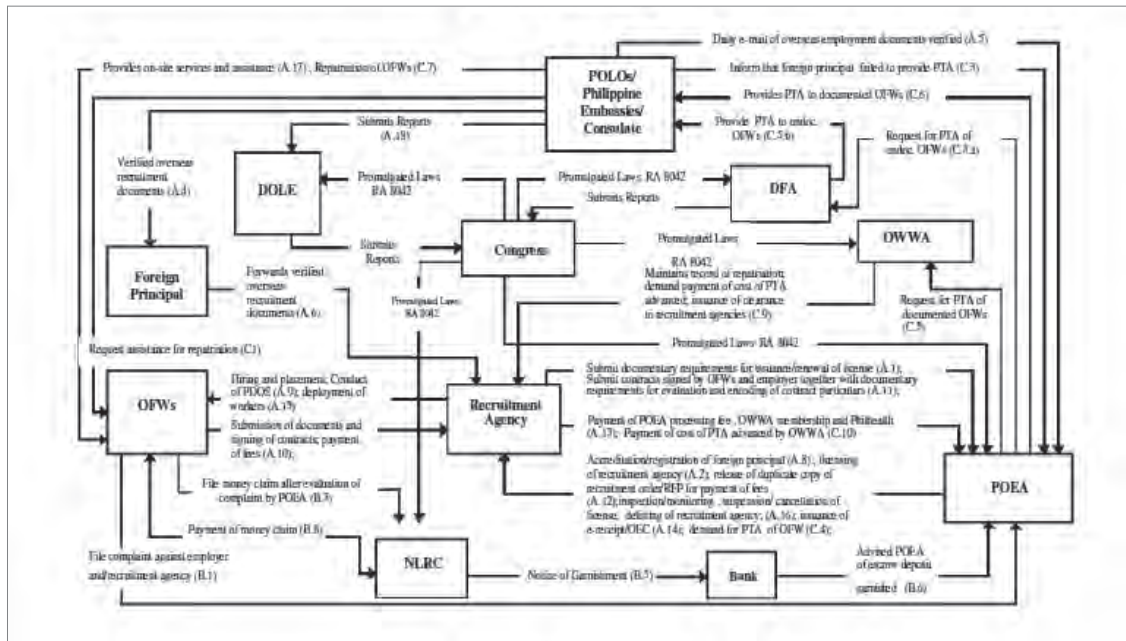
## 勞動移民管理 – 招募流程



資料來源：菲律賓審計委員會 (COA)

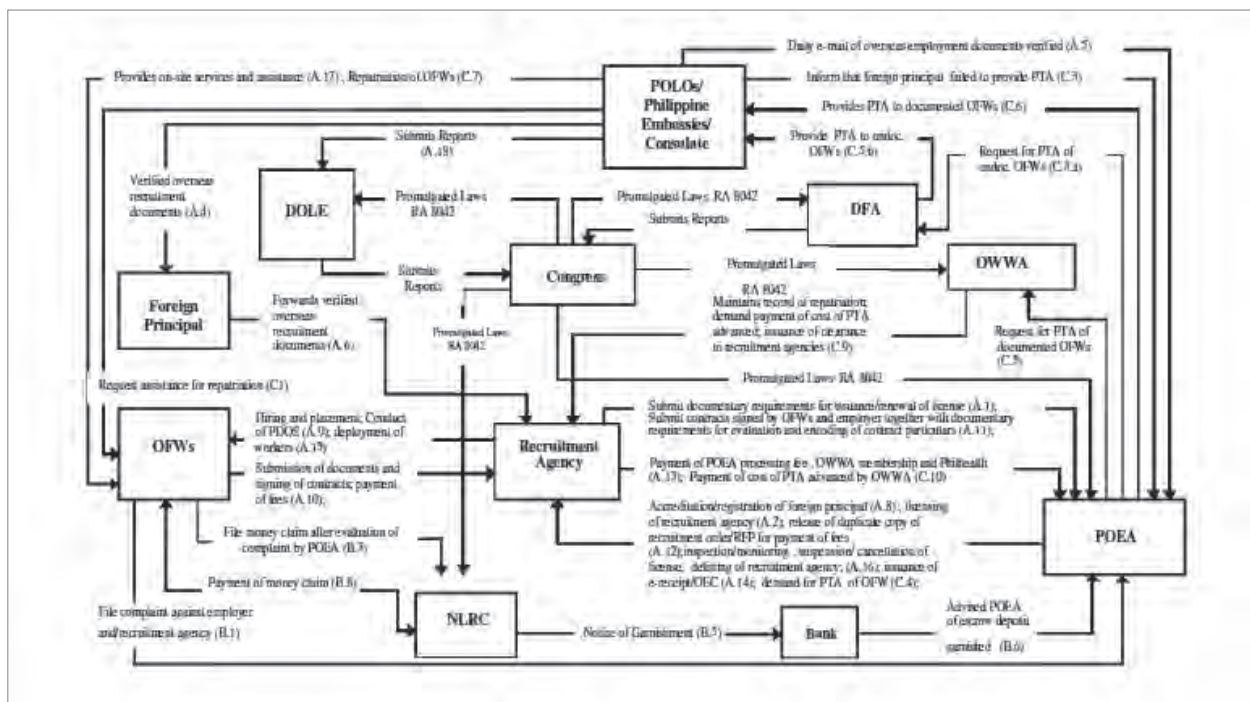


## Labor Migration Management – Welfare Promotion



Source: Commission on Audit

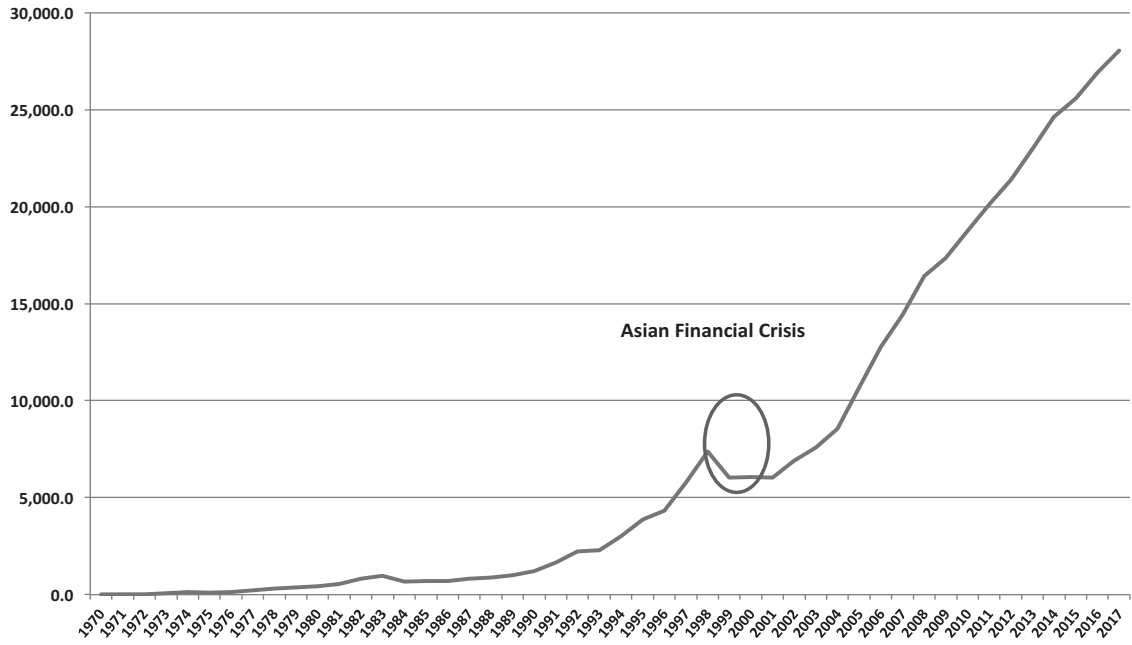
## 勞動移民管理 – 勞工福利提升



資料來源：菲律賓審計委員會 (COA)

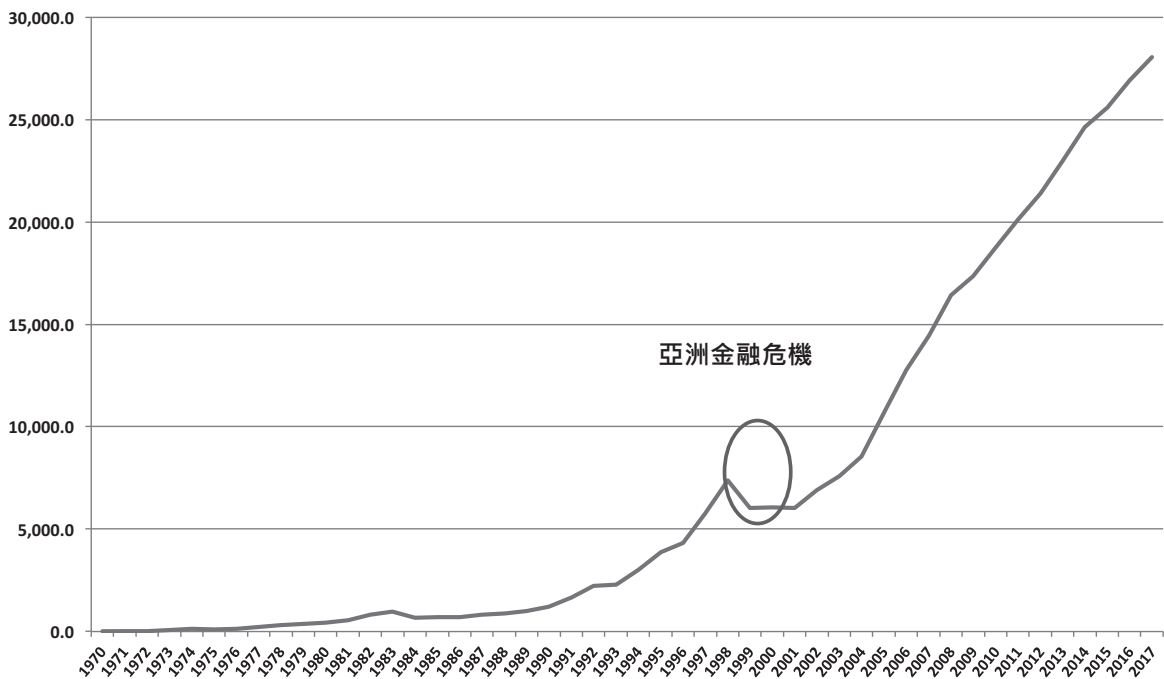


## Annual Filipino Migrant Remittances in 000 (1970-2017)



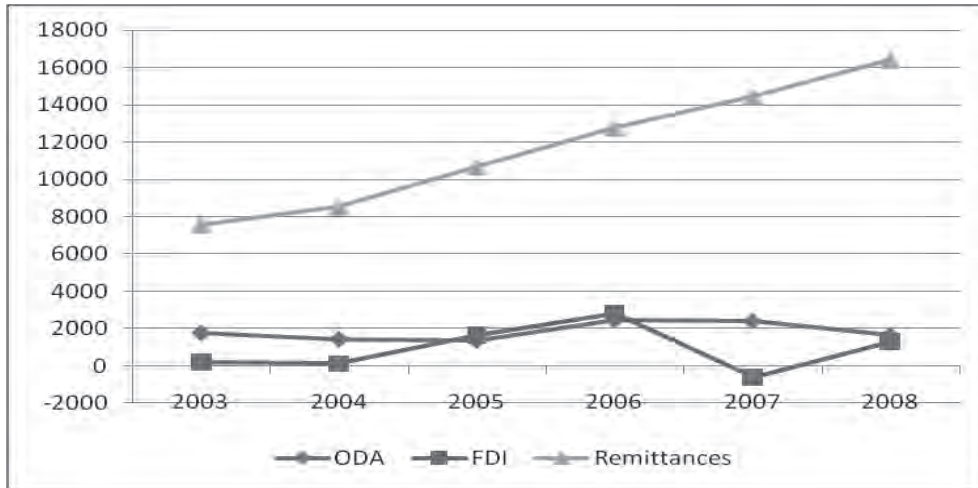
Source: Bangko Sentral ng Pilipinas

## 菲律賓移民薪資匯回金額變化(以千元為單位) (1970-2017)



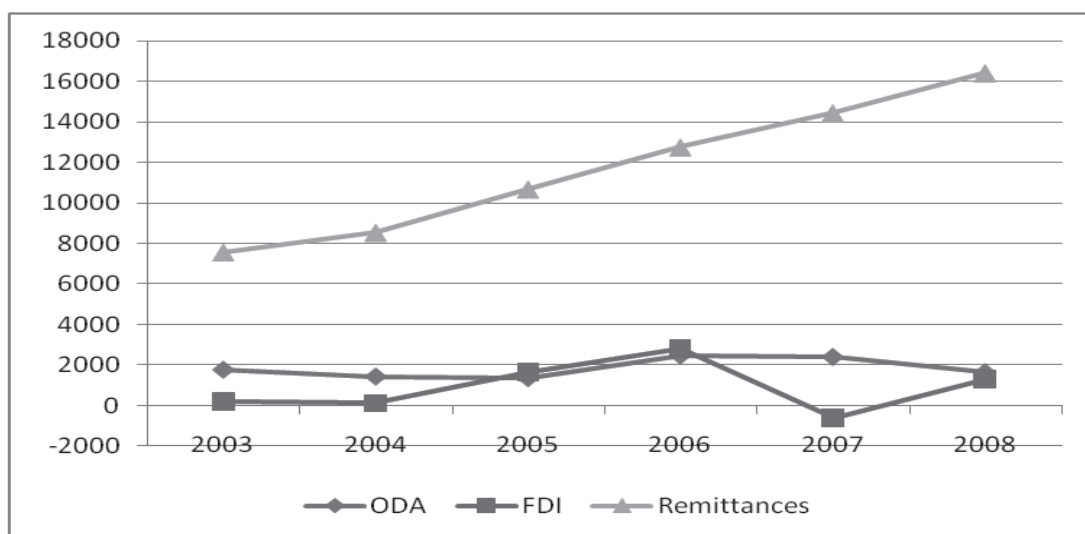
資料來源：菲律賓央行

## 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!

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謝謝！

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## 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**



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## 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



# 2018年防制人口販運國際工作坊

## 2018 International Workshop for Combating Human Trafficking

### 臺灣預防境外漁工免於剝削的新紀元

A new era for preventing foreign crew members from being exploited starts in Taiwan

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

2018年7月26日  
26 July 2018



## 外籍漁工許可及管理之法律依據

Legal bases for permission and management of the employment of foreign crew members

境內僱用外籍漁工

Foreign crew members employed domestically

- 依「就業服務法」及其子法規範。

In accordance with "Employment Service Act" and its sub-laws



境外僱用外籍漁工

Foreign crew members employed overseas

- 依「遠洋漁業條例」及其子法規範。

In accordance with "Act for Distant Water Fisheries" and its sub-laws



## 外籍漁工權益保障所被關注之問題

Issues concerning rights and benefits of foreign crew members



薪資 Wages

保險 Insurance

工作時間 Working hours

生活品質 Living conditions

仲介機制 Employment Agents

## 強化保障之境外僱用外籍漁工權益：

Actions taken to strengthen protection of rights and benefits of foreign crew members employed overseas

### 法規制度面的改善調整

Legal aspect

#### 1. 完善及提高境外外籍船員之權益保障法規

Improve and advance relevant laws and legislations on the protection of rights and benefits of foreign crew members

#### 2. 防堵遠洋漁船涉及人口販運

Deter and prevent the distant water fishing vessels from getting involved in human trafficking



## 強化保障之境外僱用外籍漁工權益：

## Actions taken to strengthen protection of rights and benefits of foreign crew members employed overseas

## 執行面-1 Implementation aspect

## 1. 強制建立定型契約納入僱用範圍

Obligate the use of standardized contract

## 2. 提高境外僱用外籍漁工生活管理標準

Raise the criteria of living management for foreign crew members employed overseas

## 3. 設置申訴專線、落實外籍船員權益宣導作業

Set up complaint hotlines and publicize the rights and benefits of foreign crew members

## 4. 加強查察工作，落實法規執行

Reinforce investigation to ensure the fulfillment of relevant laws and regulations



## 強化保障之境外僱用外籍漁工權益：

## Actions taken to strengthen protection of rights and benefits of foreign crew members employed overseas

## 執行面-2 Implementation aspect

## 5. 辦理仲介機構評鑑，藉以獎優汰劣

Conduct annual review on employment agents to select the superiors and eliminate the inferiors

## 6. 建立海上傷病救援通訊諮商

Establish at-sea telemedicine consultation mechanism

## 7. 與地方政府分工共治

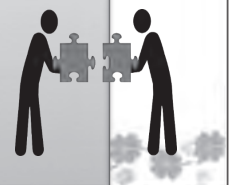
Cooperate with local governments to carry out the respective duties

## 8. 強化打擊人口販運

Strengthen measures to combat human trafficking

## 9. 推動各項關懷照護措施

Push for a series of caring and assistance measures



## 法規制度面的改善調整-1 Legal aspect

### 完善及提高境外外籍船員之權益保障法規

Improve and advance relevant law and legislations on the protection of rights and benefits of foreign crew members

- 早期管理依據漁業法下之「漁船船主在國外僱用外籍船員應行遵守及注意事項」，法律授權不明確且保障較不足。
- 行政院農業委員會依據「遠洋漁業條例」授權，於2017年1月20日公告實施「境外僱用非我國籍船員許可及管理辦法」，提高境外僱用外籍船員的工資、工時、保險、生活等待遇。

In the earlier times, the management was based on the "Directions for Fisheries Operators to Employ Foreign Crew Members Overseas", which is an administrative orders promulgated under of Fisheries Act without due authorization.

- To improve the situation, the Council of Agriculture, Executive Yuan promulgated and implemented "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members" under the explicit authorization of "Act for Distant Water Fisheries" on 20 January 2017, aiming at improving wages, working hours, insurance and living conditions of foreign crew members.

## 法規調整重點-1 Key points of the amendments to relevant laws and regulations

項目 Item	舊法規 Past	新法規 Current
法規 Laws and regulations	「漁業法」、「漁船船主在國外僱用外籍船員應遵守及注意事項」 "Fisheries Act" and "Directions for Fisheries Operators to Employ Foreign Crew Members Overseas" 法律授權不明確、保障不足 Inexplicit legal authorization and insufficient protection	「遠洋漁業條例」、「境外僱用非我國籍船員許可及管理辦法」(2018年1月20日發布實施) "Act for Distant Water Fisheries" and "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members" 明確的法律授權、保障較高 Explicit legal authorization and better protection
工資 Wages	雙方議定 Reached by bilateral agreement	每月工資不得低於450美金 Minimum monthly wage is set as 450 US Dollars
工資給付方式 Payment methods	未規定 No relevant provisions	以直接給付給船員為原則，不得預扣賠償或保證金費用 Direct payment to crew member is the principle. Any beforehand deduction of compensation or guarantee bond is not allowed.
保險 Insurance	意外險50萬 Accident insurance of 500 thousand New Taiwan Dollars	除意外險外，增加一般身故保險金額不得低於新臺幣100萬元，並增加醫療險 Besides accident insurance, life insurance of no less than one million New Taiwan Dollars and medical insurance are required.



## 法規調整重點-2 Key points of the amendments to relevant laws and regulations

項目 Item	舊法規 Past	新法規 Current
船主應遵守事項 Provisions that fisheries operators shall comply	分散於契約及規定 Scattered over the contract and regulations	明確規定並要求提供船員 申訴之便利條件 All requirements are explicitly stipulated in the regulations and it is required to provide crew members with convenient conditions of complaint-filing
仲介管理 Management on employment agents	1.公司或自然人皆可從事 Both company and natural person can engage in agent business.  2.無保證金制度 No guarantee bond system  3.評鑑機制較鬆 Looser review mechanism	1. 仲介機構許可制：排除以自然人身份從事仲介 Permission system for agents: excluding natural person from engaging in agent business 2. 仲介保證金制：150萬~500萬元 Guarantee bond system: 1.5 million to 5 million New Taiwan Dollars 3. 強化評鑑機制：評鑑不良者可勒令停業 Strengthening annual review mechanism: agent with poor performance in the review may be subject to revocation of permission
罰則 Penalties	1.仲介無；2.船主(長)違規處收照或罰款3萬~15萬元 1.No penalty will be imposed on the illicit agents. 2.Any fisheries operator committing infringement will be subject to suspension of license or a fine of 30 thousand to 150 thousand New Taiwan Dollars.	1. 仲介未經許可罰400萬~2,000萬、違規罰100萬~500萬元 Any agent without permission will be subject to 4 million to 20 million New Taiwan Dollars. In case of committing infringement, any agent will be subject to one million to five million New Taiwan Dollars.  2. 船主(長)違規處收照或罰款5萬~25萬元。 Any fishery operator committing infringement will be subject to suspension of license or a penalty of 50 thousand to 250 thousand New Taiwan Dollars.

## 法規制度面的改善調整-2 Legal aspect

### 防堵遠洋漁船涉及人口販運

Deter and prevent the distant water fishing vessels from getting involved in human trafficking

- 農委會於2015年9月14日訂定「我國境外僱用外來船員之遠洋漁船涉嫌違反人口販運防制法爭議訊息受理通報及後續處理標準作業程序」，倘有漁船主(船員)涉及人口販運案件，將依法移送法辦。  
The Council of Agriculture promulgated the "Standard Operating Procedures for Reporting and Processing Cases of Foreign Crew Members Employed Overseas Onboard Distant Water Fishing Vessels Suspicious of Violating Human Trafficking Prevention Act" on 14 September 2015. In the event that any fisheries operator (crew members) gets involved in human trafficking, the competent authority shall transfer the case to judicial authority for further investigation and prosecution.



## 執行面-1 Implementation aspect

### 強制建立定型契約納入僱用規範 Obligate the use of standardized contract

- 強制船員、經營者及仲介三方依前述辦法彼此簽訂契約。船員與經營者定型契約，規範船員最低薪資(每月450美元)、一般身故險最低額度(100萬元新臺幣)、新增醫療保險、每日休息時間(至少10小時)、每月休息日數(至少4日)，並明確規範船主應遵守事項等。

Obligate the three parties (crew member/fisheries operator/agent) to sign standardized contracts mutually in accordance with the aforementioned Regulations. The standardized contract stipulate the minimum wage of crew members (450 US Dollars per month), minimum insured amount of life insurance (one million New Taiwan Dollars), medical insurance, daily rest time (at least 10 hours), monthly rest days (at least four days), and concrete items that fisheries operator shall comply.



## 執行面-2 Implementation aspect

### 提高境外僱用外籍漁工生活管理標準 Raise the criteria of living management for foreign crew members employed overseas

- 2017年5月起，要求漁船僱用外籍船員，船上居住環境應符合「生活照顧服務計畫書」之標準，船主申請僱用時自評，了解最低標準。  
Starting from May 2017, the competent authority has required the living conditions onboard any fishing vessels with foreign crew members shall meet with the criteria set forth in the "Foreign Workers Living/Caring Service Plan". Fisheries operator shall therefore self-evaluate to understand the minimum standard, when applying for employment.



## 執行面-3 Implementation aspect

### 設置申訴專線，落實漁工權益宣導作業

#### Set up complaint hotlines and publicize the rights and benefits of crew members

- 若遭遇勞資爭議、不當對待或人身侵害等情形，可透過1955勞工申訴諮詢專線（國外可撥打：+886-2-8073-3141）、我國駐外館處、我國觀察員及駐外專員等提出申訴。  
In the event of facing labor dispute, mistreatment or physical abuses, the crew member can file complaint through reaching out to 1955 Complaint Filing and Consultant Hotline for Labors (dial +886-2-8073-3141 for international calls), overseas missions, national observers and fishery officers stationed abroad.
- 制發放船員權益小卡，利用各種活動、教育訓練課程宣傳與外籍船員工作夥伴關係，俾其瞭解自身權益及申訴管道。  
Preparation and distribution of educational cards highlighting rights and benefits of foreign crew members: the competent authority seizes every chances and occasions to promote the concept of working partnership with foreign crew members so as to allow them to understand their rights and benefits and complaint-filing channels.



## 執行面-4 Implementation aspect

### 加強查察工作，落實法規執行

#### Enhance the investigation to ensure the fulfillment of relevant laws and regulations

- 自2017年起以問卷訪查船員，瞭解經營者及仲介是否確實遵守管理辦法之相關規定。  
Questionnaires are used to interview with foreign crew members since 2017 for the purpose of learning whether the fisheries operators and agents comply with relevant laws and regulations.
- 2018年增聘6名外籍漁工訪查員、增派6名駐外漁業專員，強化國內外港口訪查能力。新增公海登檢時進行訪查  
Six dedicated investigators have been recruited and six more fishery officers have been dispatched to station abroad in 2018, aiming at fortifying the investigation capacity. The task of interviewing foreign crew members has also been included in the mission of high seas boarding and inspection.
- 對有違規疑義，專案調查確定後依規定處罰。  
For any suspicion of in violation against the relevant laws and regulations, it will be further investigated on a case-by-case basis. Once the infringement is verified, the competent authority will penalize the violator accordingly.
- 2018年度預計完成訪查遠洋漁船80艘、外籍船員450名以上。  
At least 80 distant water fishing vessels will be surveyed and 450 foreign crew members will be interviewed in 2018.

## 執行面-5、6 Implementation aspect

### 辦理仲介機構評鑑，藉以獎優汰劣

Conduct annual review on agents to select the superiors and eliminate the inferiors

- 2018年5月起依「境外僱用非我國籍船員仲介機構服務品質評鑑作業要點」輔導仲介進行試評鑑，2019年起正式評鑑，屆時將對不良仲介進行核處。  
Annual review has been conducted on a trial basis in accordance with “Directions for the Annual Review on the Employment Agents Authorized to Conduct Overseas Employment of Foreign Crew Members” since May 2018. Such review will be formally carried out from the year of 2019, hence any violation will be subject to punishment then.

### 建立海上傷病救援通訊諮商

Establish at-sea telemedicine consultation mechanism

- 已建立「漁船船員海上傷病申請救援通訊諮詢機制」，提供遠端醫療諮詢，協助評估海上船員病情。  
“At-sea telemedicine consultation mechanism for crew members onboard fishing vessels” has been established. Such mechanism provides telemedicine consultation, assisting in evaluating patient’ s condition.



## 106年1月至107年5月 遠洋漁船海上傷病救援通訊諮商案件統計

Statistics of at-sea telemedicine consultation (from January 2017 to May 2018)

月份 Month	件數 Cases
2017年2月 February 2017	1
2017年3月 March 2017	3
2017年4月 April 2017	3
2017年5月 May 2017	3
2017年6月 June 2017	4
2017年7月 July 2017	3
2017年8月 August 2017	0
2017年9月 September 2017	1
2017年10月 October 2017	2
2017年11月 November 2017	1
2017年12月 December 2017	0
2017年合計 Subtotal for 2017	21件
2018年1月 January 2018	0
2018年2月 February 2018	1
2018年3月 March 2018	2
2018年4月 April 2018	2
2018年5月 May 2018	1
2018年前5月合計 Subtotal for the first five months of 2018	6件



## 執行面-7、8 Implementation aspect

### 與地方政府分工

#### Cooperate with local governments to carry out the respective duties

- 2017年6月起，委託宜蘭縣政府、屏東縣政府、高雄市政府等辦理船員僱用登錄管理，地方政府就近了解外籍船員進港及掌握陸上安置狀況，一但發生事件，可即時協調處理。  
Since June 2017, the competent authority has commissioned Yilan County Government, Pingtung County Government and Kaohsiung City Government to undertake the registry management of the employment of crew members. These local governments have accesses to the information about the in-port foreign crew members and accommodation arrangement, therefore prompt coordination can be arranged in case of any emergent circumstances.

### 強化打擊人口販運

#### Strengthen measures to combat human trafficking

- 我國人因經營遠洋漁船涉及人口販運案件者，將依人口販運防制法移送法辦。  
Any national getting involved in human trafficking case through the operation of distant water fishing vessel will be subject to prosecution in accordance with Human Trafficking Prevention Act.



## 執行面-9 Implementation aspect

### 推動各項關懷照護措施 Push for a series of caring and assistance measures

健康休憩中心Recreational Center



個人電腦空間Computer area



外語廣播Broadcast in foreign languages



按摩活動Massage event



健康檢查活動Health examination



剪髮活動Haircut event





## 增加外籍船員生活娛樂

Organize gathering and provide entertainment for foreign crew members



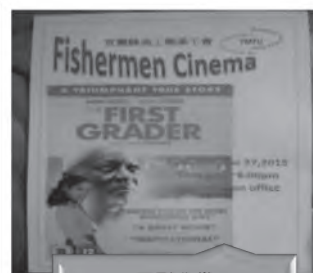
團體活動  
Group activity



聖誕節活動  
Christmas celebration



生活救助  
Living allowance



電影欣賞  
Film-watching



火災演練  
Fire-drill

10

## 未來後續推動方向-1 Future prospect

### 持續檢討法令，完善漁工權益保障

Review relevant laws and regulations periodically to fulfill the protection of rights and benefits of crew members

- 持續檢討相關法規，以更完善漁工權益保障。  
Review relevant laws and regulations periodically to fulfill the protection of rights and benefits of crew members
- 委託專家學者，透過研究相關法規與措施，研擬更完善可行的法規或機制。  
Commission experts and scholars to draft more applicable and appropriate legislation or mechanism through researching on relevant

### 持續加強宣導

Strengthen the guidance and education

- 持續宣導作為俾漁船業者遵守規範，並宣導外籍船員權益與雇主夥伴關係。  
Strengthen the guidance and education for fisheries operators to ensure their compliance, and advocate rights and benefits of foreign crew members and the concept of working partnership



## 未來後續推動方向-2 Future prospect

### 確保落實遵守相關法令

#### Enforcement and compliance of relevant laws and regulations

- 強化執行船員訪查。  
Fortify the investigation
- 漁民違反前述法令將依規定處置，以利落實保障外籍船員之權益。  
Violator will be subject to punishment pursuant to the aforementioned laws and regulations to ensure the protection of rights and benefits of foreign crew members

### 持續營造和諧友善環境設施

#### Create friendly environment

- 將持續於屏東、蘇澳等地區建置外籍船員休憩場所。  
Establish more recreational centers for foreign crew members such as in Pingtung and Suao.



# 敬請指教

Thanks for your attention and welcome your comments

行政院農業委員會  
COUNCIL OF AGRICULTURE, EXECUTIVE YUAN

健康 效率 永續經營









## 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

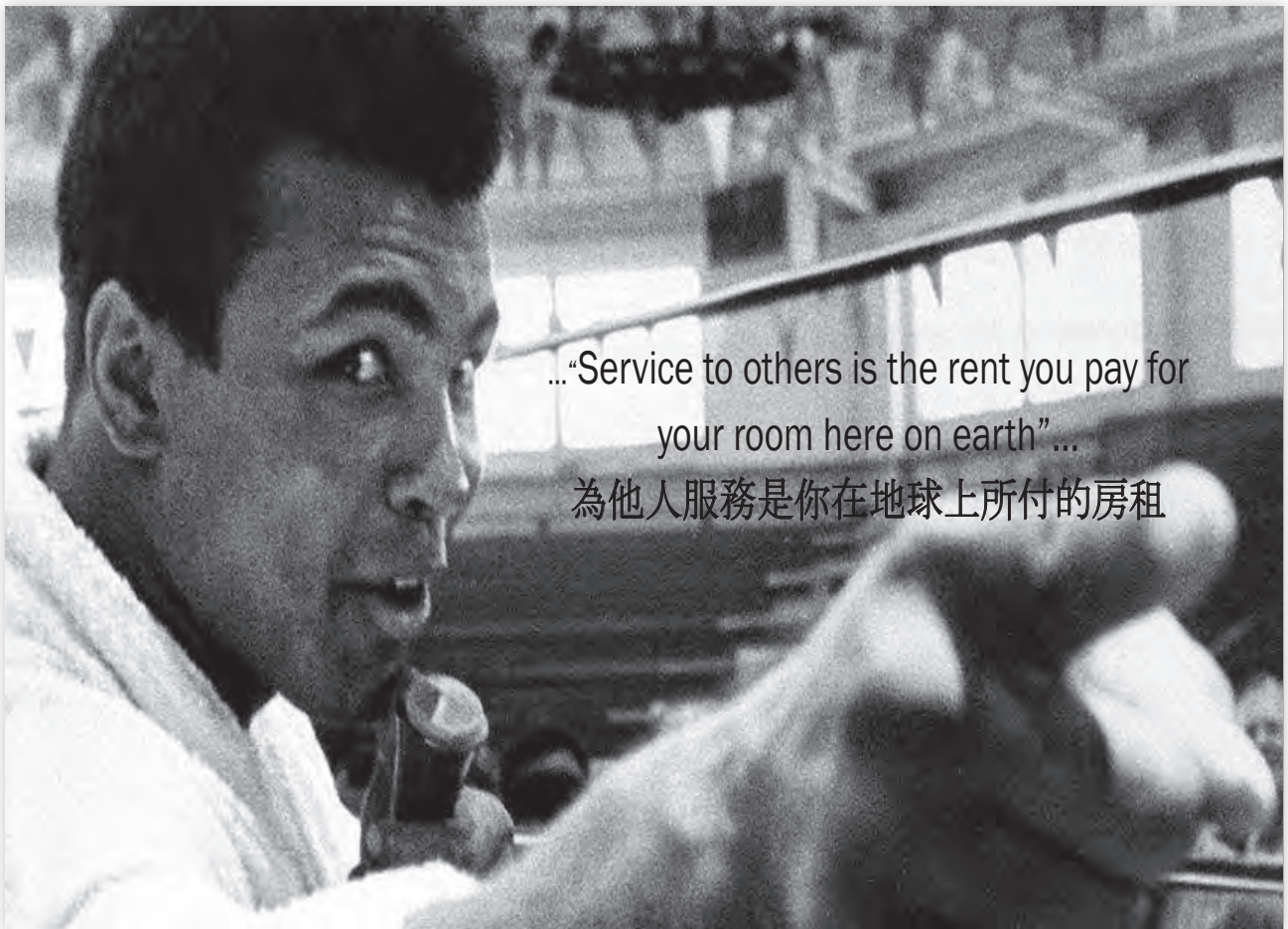
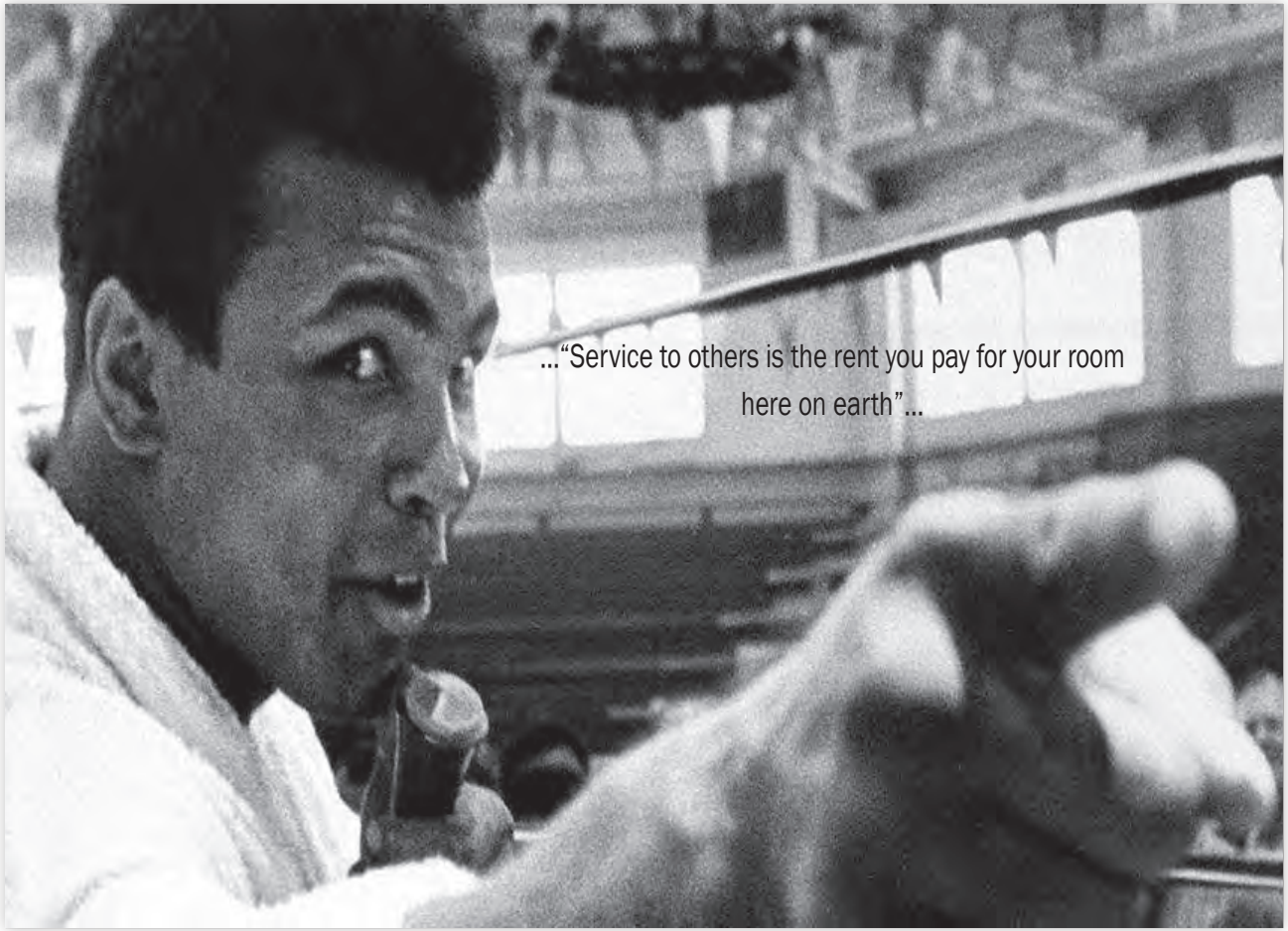
### **Career Experience**

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







## INTEGRATED ON-LINE DATA GATHERING AND SCREENING SYSTEM

DATA COLLECTION AS MEANS FOR PROTECTION AND CONTROL IN THE EMPLOYMENT OF  
INDONESIAN FISHERMEN WORKING ON BOARD OF INTERNATIONAL FISHING VESSELS.



## 線上資料蒐集和驗證系統

資料收集是保護在國際漁船上工作的印尼漁工





## PROBLEM OVERVIEW

1

- ▶ INDONESIAN MIGRANT WORKERS CONSIST OF; DOMESTIC HELPER, ELDERLY NURSES, INDUSTRIAL WORKERS, SEAFARERS AND FISHERMEN.
- ▶ OFF SHORE FISHERMEN HAS HIGHER WORKING RISKS WITH SMALLER SALARY.
- ▶ OFF SHORE FISHERMEN WORKING ON BOARD INTERNATIONAL VESSELS HAVE LITTLE TO NO BASIC TRAINING OR DEBRIEFING.
- ▶ OFF SHORE FISHERMEN LEAVING FOR INTERNATIONAL WATERS HAVE LITTLE TO NO LEGAL STANDING CAUSED BY LACK OF FORMAL DOCUMENTATION.
- ▶ INDONESIAN OFF SHORE FISHERMEN HAVE THE HIGHEST PROBLEMATIC CASES COMPARED TO OTHER MIGRANT WORKERS.



## PROBLEM OVERVIEW

1

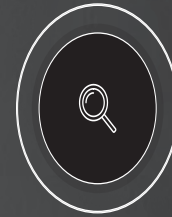
- ▶ 印尼移工包含了：家庭幫傭、老年看護、工廠工人和漁工。
- ▶ 近海漁民有很高的工作風險，卻只有較低的工資。
- ▶ 在國際漁船工作的近海漁工幾乎沒有基本的訓練或工作說明。
- ▶ 近海漁民因缺少正式的文件，所以離開國際水域幾乎沒有任何的法律保障。
- ▶ 印尼漁工和其他移工相比，問題最嚴重。



## MIGRANT WORKERS HEALTH PREDICAMENT

2

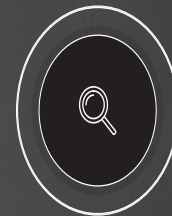
- ▶ DISPARITIES IN PREVALENCE LEVELS OF INFECTIOUS DISEASES BETWEEN NATIONS MAKES NATIONAL DISEASE CONTROL AND ELIMINATION EXTREMELY DIFFICULT.
- ▶ MIGRANT WORKERS USING FORGED HEALTH DOCUMENTS AND TRAVEL WITH THEIR CONDITIONS ARE VULNERABLE TO DISTRIBUTE DISEASES EITHER FROM OR TO THEIR COUNTY OF ORIGIN.
- ▶ SOME COUNTRIES PERFORMS HEALTH ASSESSMENTS FOR LEGAL MIGRANT WORKERS TO PREVENT SPREAD OF COMMUNICABLE DISEASE. BUT SUCH ASSESSEMENTS ARE INEFFECTIVE IF HEALTH DOCUMENTS CAN BE FORGED.
- ▶ MIGRATION ASSOCIATED CHANGES IN GLOBAL INFECTIOUS DISEASE EPIDEMIC WILL HAVE AN IMMEDIATE AND DIRECT IMPLICATION. HENCE THE NEED FOR ACCURATE AND VERIFIABLE REFERENCE.
- ▶ NON COMMUNICABLE DISEASE (CARDIOVASCULAR, DIABETES, HYPERTENSION, ETC) ARE COMMON CAUSE OF MIGRANT WORKER'S MORTALITY.



## 移民勞工的健康困境

2

1. 各國傳染性疾病預防水平的差異，使疾病更加難以控制與消除。
2. 移民工人利用偽造的健康文件在國際間移動容易傳播疾病。
3. 一些國家會對合格的移民工人進行健康評估以預防疾病的傳播。但有些健康文件可以被偽造，所以這些評估並不準確
4. 移民對全球傳染性疾病流行的相關變化會有直接或間接的影響。因此，需要準確和可靠的參考。
5. 非傳染性疾病（心血管疾病、糖尿病、高血壓等），是造成移民勞工死亡最常見的原因。





## INTEGRATED DATA GATHERING AND VERIFICATION SYSTEM

3

- ▶ IMPORTANCE TO IMPLEMENT A MUCH MORE INTEGRATED RECRUITMENT AND VERIFICATION ARRANGEMENTS.
- ▶ EVERY STAKEHOLDER MUST BE WILLING TO PROVIDE CRUCIAL DATA TO BE MADE AVAILABLE FOR ALL STAKEHOLDER.
- ▶ AVAILABLE DATA CAN BE USED TO VERIFY DOCUMENTS BY GENERATING CODES THAT CAN BE EMBEDDED.
- ▶ USING SIMPLE INTERFACE TO BE ECONOMICAL AND EASY TO IMPLEMENT.
- ▶ MODULARITY WILL ENSURE ADDITIONAL FEATURES TO BE ADDED LATER ON WHEN NEEDED.



## 資料收集和驗證系統

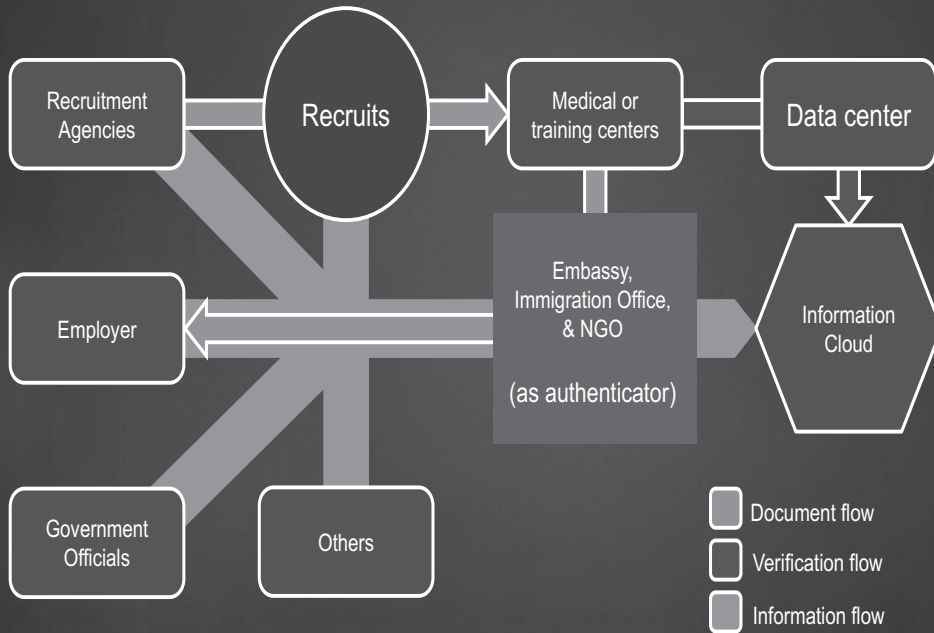
3

- ▶ 執行更一致性招募和驗證的重要性。
- ▶ 每個利益相關者必須願意提供所有對利益相關者有用的重要資料。
- ▶ 有用的資料可以透過輸入的代碼來驗證。
- ▶ 利用簡單的界面易於操作。
- ▶ 模組化將確保以後有需要時可以再添加額外的功能。



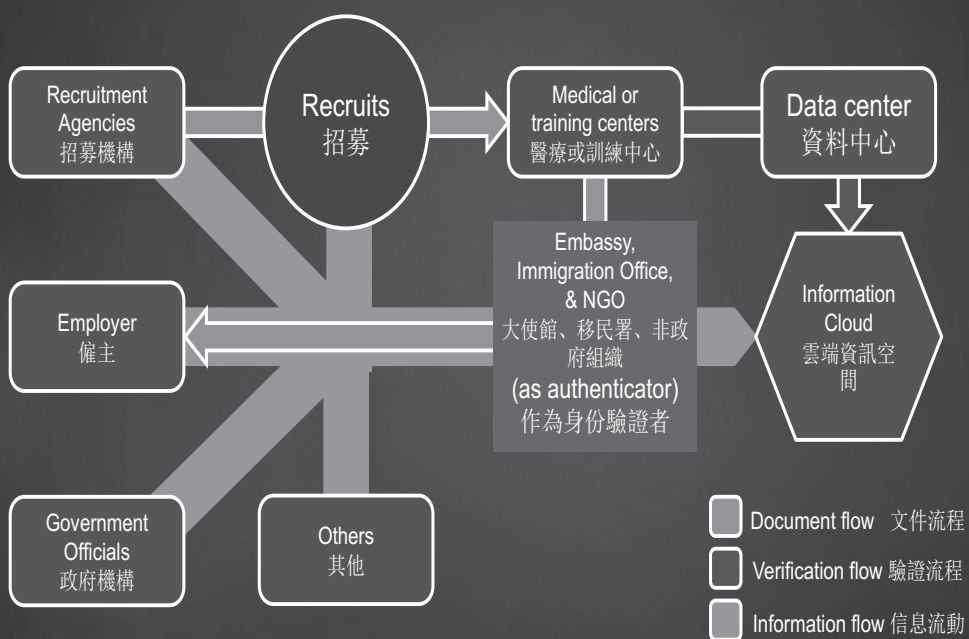
# INTEGRATED DATA GATHERING AND VERIFICATION SYSTEM

4



# 資料收集和驗證系統

4







## INTEGRATED DATA GATHERING AND VERIFICATION SYSTEM

5

- ▶ PROPOSED MODULS:
  - MEDICAL SCREENING AND VACCINATION MODULES
  - TRAINING CERTIFICATION MODULES
  - WORKING EXPERIENCE AND KPI INFORMATION
  - RECRUITMENT AGENCY'S EMPLOYMENT PROGRAM INFORMATION
  - GEOLOCATION INFORMATION
- ▶ ECOURAGE NEW POLICIES BASED ON THE AVAILABLE DATA.
- ▶ DIRECT SHARED INFORMATION WHILE SIMULTANIOUSLY AVOIDING RED TAPES.



## 資料收集和驗證系統

5

- ▶ 推薦模組：
  - 醫療篩檢和疫苗接種模組
  - 培訓認證模組
  - 工作經驗和關鍵績效指標信息
  - 招募機構的就業項目信息
  - 地理位置信息
- ▶ 可用數據鼓勵新政策。
- ▶ 共享信息，避免繁文縟節。





6

THANK YOU FOR YOUR ATTENTION

6

THANK YOU FOR YOUR ATTENTION  
謝謝您的聆聽



## 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)



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## COMING CLEAN

#HKcomingclean

The prevalence of forced labour and human trafficking for the purpose of forced labour amongst migrant domestic workers in Hong Kong

March 2016

Photo: Cheong Yee Sang 2016



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## COMING CLEAN

#HKcomingclean

**強制勞役和人口販運**  
在香港家事勞動移工的盛行率

Photo: Cheong Yee Sang 2016

## What We Do

### Founded over 10 years ago, Justice Centre Hong Kong:

- Provides legal assistance to refugees and trafficking victims in Hong Kong
- Provides rehabilitation and social services for traumatised claimants
- Produces authoritative research and engages in evidence-based dialogue to advocate for legislative and policy reform

#### Our vision

We envision Hong Kong as a fair and inclusive society where even the most marginalised enjoy fundamental rights and access to justice.

#### Our mission

We enable our clients to access their rights through legal and psychosocial support, policy, advocacy and research. We strive to strengthen the rule of law in Hong Kong.

2

## 工作現況

### 香港正義中心成立已超過十年：

- 建立權威研究且實證討論，以倡導立法和政策改革
- 在香港提供難民及人口販運受害者合法協助
- 提供創傷復原和社會服務

#### 我們的理念

我們認為香港是一個公平且有包容心的社會，最少數的人也應享有同樣的基本權利及正義

#### 我們的目標

我們讓人民在法律、心理、政策上、有權獲得支持，同時也在香港爭取更完善的法律制度。

2





## Human Trafficking in HK

### US Trafficking in Persons Report: TIER 2 WATCH LIST WHY?

- Hong Kong's laws do not criminalise all forms of trafficking. Hong Kong has legislation to prosecute individuals who take individuals into or out of Hong Kong for the purposes of prostitution but it does not capture human trafficking as it is defined internationally.
- Hong Kong law provides for protection from slavery, forced labour, servitude and compulsory labour through the Bill of Rights Ordinance but there are no criminal offences against forced labour, servitude or compulsory labour.
- Cases of trafficking for the purpose of forced labour or labour exploitation prosecuted under lesser offences (sentences insufficient to deter trafficking) or not prosecuted at all.
- Hong Kong policies do not adequately address the vulnerabilities for migrant domestic workers.

3

## 香港人口販運現況

### 美國人口販運問題報告：二級觀察名單 為什麼？

- 香港的法律未將所有形式的販運定義為犯罪。香港已立法，將起訴以賣淫為目的移入、移出的個人，但未如國際間一樣將之定義為『人口販運』。
- 香港通過人權法案條例 ( Bill of Rights Ordinance ) 讓人民免受奴役、強制勞役等，但這些皆不被列入刑事犯罪。
- 以強制勞役及勞動剝削為目的的人口販運案件，受到較輕的處罰 ( 不明確或者無法阻止販運的法條 ) 甚至完全不被起訴。
- 香港的政策無法充分解決外籍家庭傭傭的法律漏洞。

3

## “BAD APPLES” OR “THE TIP OF THE ICEBURG”



Photo Credit: Xyza Cruz Bacani

Justice. This is also what I want for others.

I am not the only one. There are many more like me out there. Many women migrant workers like me also suffer in Hong Kong and I hope that you can also attend to them, help them.

While I know that people are generally good, it is the policies and laws that put us, especially migrant domestic workers, in bad situations.

We can only have justice if no one is treated badly or like a slave here in Hong Kong or anywhere.

Statement of Erwiana Sulistyaningsih on the sentencing of her former employer  
27 February 2015

## 「壞掉的蘋果」或「冰山一角」



Photo Credit: Xyza Cruz Bacani

正義，我希望每一個人都可以擁有。

我知道有很多跟我一樣的女性移民勞工在香港受盡折磨。我希望你們可以找到她們，並幫助她們。

我清楚地知道大部分的人都是好人，我認為讓我們受苦的是政策和法律問題。

在香港、或任何地方，沒有人被惡劣或奴隸一般的對待，是我們最期待的正義。

自Erwiana Sulistyaningsih 提告前僱者時的說詞  
2015年2月27日

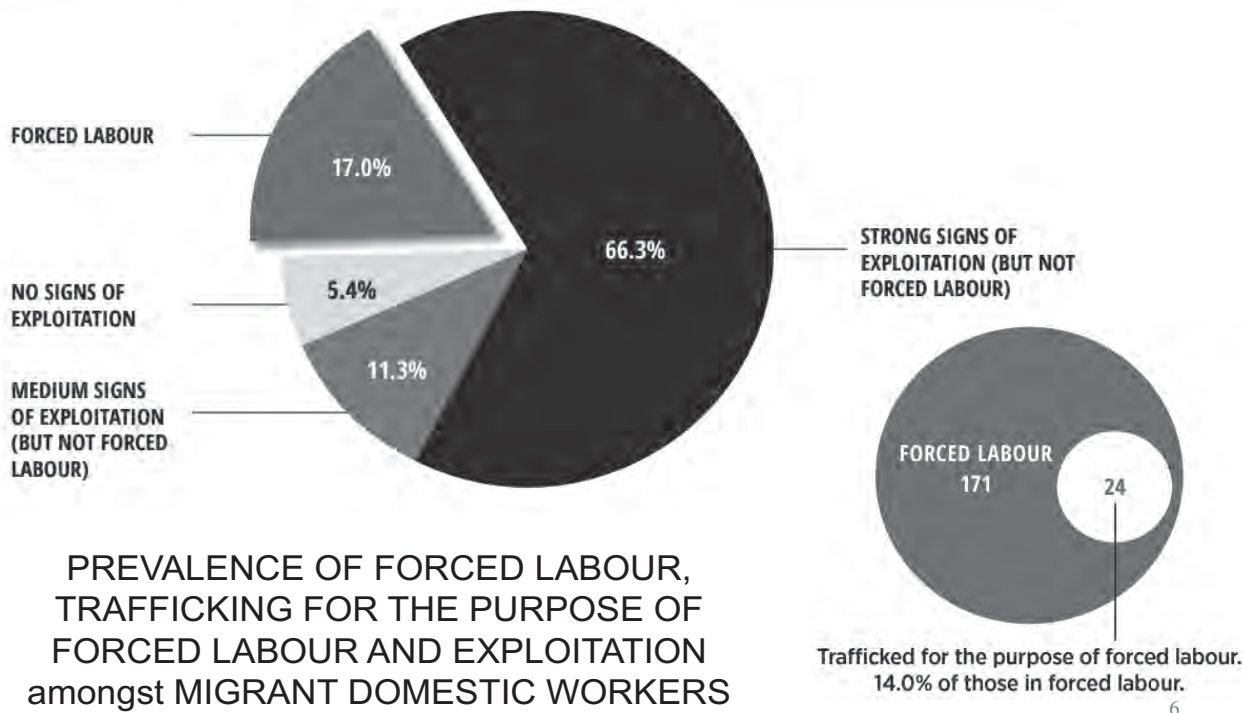
COUNTRIES OF  
ORIGIN OF  
SURVEY  
RESPONDENTS

	<b>Philippines</b>	51%	506
	<b>Indonesia</b>	46%	464
	<b>Others</b>	3%	
	Thailand		5
	India		4
	Sri Lanka		6
	Nepal		14
	Bangladesh		2
	Myanmar		2
	<b>Total</b>	100%	1003

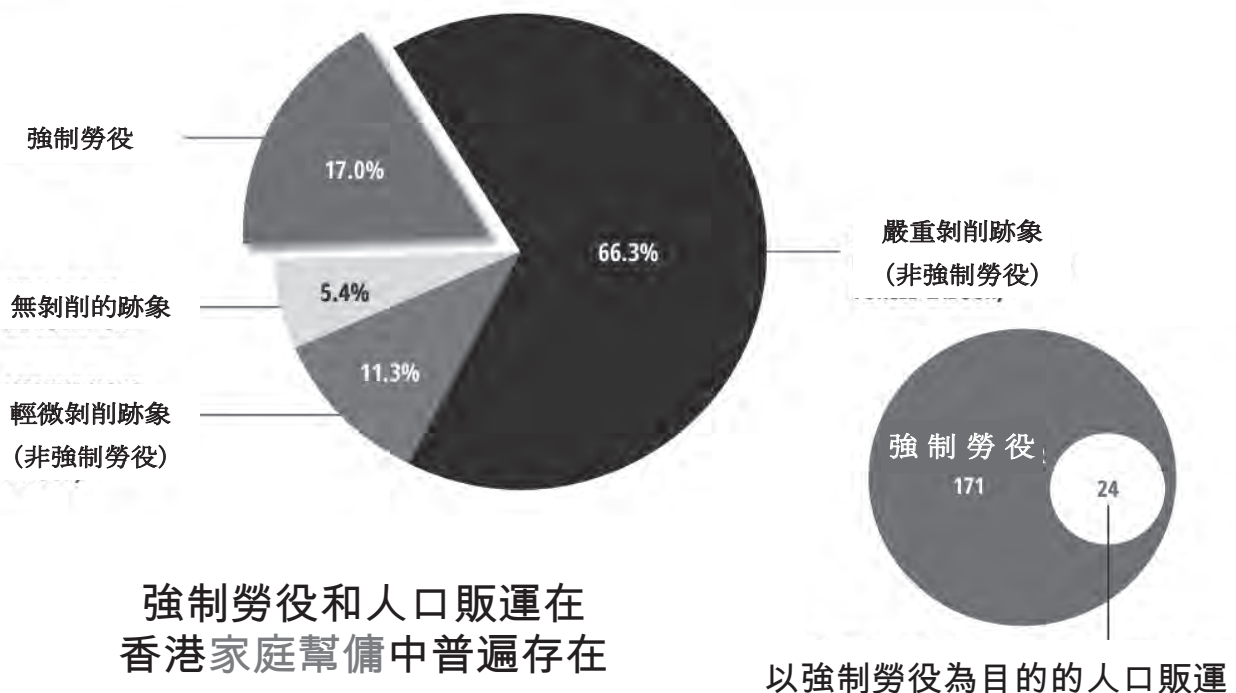
 調查對象的  
原籍國

	<b>菲律賓</b>	51%	506
	<b>印尼</b>	46%	464
	<b>其他</b>	3%	
	<b>泰國</b>		5
	<b>印度</b>		4
	<b>斯里蘭卡</b>		6
	<b>尼泊爾</b>		14
	<b>孟加拉國</b>		2
	<b>緬甸</b>		2
	<b>總和</b>	100%	1003

# Trafficking Situation in HK



# 香港人口販運現況





## WHAT MAKES SOMEONE VULNERABLE?

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MDWS WITH **EXCESSIVE** DEBT ARE  
**6 TIMES MORE**  
LIKELY THAN THOSE WITH LOWER DEBT LEVELS  
TO BE IN FORCED LABOUR

THOSE IN FORCED LABOUR  
HAD A MEAN MONTHLY  
REPAYMENT DEBT OF  
**HK\$1,278**

THOSE NOT IN FORCED LABOUR  
HAVE A MEAN MONTHLY  
REPAYMENT OF DEBT OF  
**HK\$322**

MDWS FROM **INDONESIA** ARE  
**70.5%** MORE LIKELY THAN  
NON-INDONESIANS TO BE IN  
A SITUATION OF FORCED LABOUR

MDWS ON THEIR FIRST CONTRACT  
ARE **2.7 TIMES MORE LIKELY**  
THAN THOSE WITH PREVIOUS  
WORKING EXPERIENCE IN HONG KONG

MDWS YOUNGER THAN 30  
ARE **52.8%** MORE LIKELY  
THAN THOSE OLDER THAN 30  
MDWS YOUNGER THAN 24  
ARE **15 TIMES MORE LIKELY**  
THAN THOSE OLDER THAN 24

OF THOSE IN FORCED LABOUR  
96% HAD ATTAINED A SECONDARY  
SCHOOL EDUCATION OR HIGHER  
28% HAD ATTENDED COLLEGE  
OR UNIVERSITY AND 4% HAD  
ATTENDED ONLY ELEMENTARY SCHOOL

MDWS WHO SECURED THEIR  
CONTRACT OUTSIDE OF HONG KONG  
ARE **15.4% MORE LIKELY** THAN  
THOSE WHO SECURED THEIR  
CONTRACT IN HONG KONG

62% HAD SECURED THEIR CONTRACT  
IN THEIR HOME COUNTRY  
44.4% WERE ON THEIR FIRST  
CONTRACT IN HONG KONG  
37.4% HAD WORKED AS A  
MDW IN OTHER COUNTRIES

## 成為弱勢的原因 ?

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PROTECTING FORCED MIGRANTS' RIGHTS

背負**高度**債務的家庭幫傭成  
為強制勞役受害的機率，是背  
負中低債務者的**六倍**

強制勞役受害者每個月平均必  
須償還**1,278港幣**  
的債務

非強制勞役者每個月平均  
償還**322港幣**的債  
務

來自印尼的家庭幫傭成為強  
制勞役受害者的機率比非印  
尼家傭多出**70.5%**

新移民成為強制勞役受害者  
的機率是有移民經驗者的  
**2.7倍**

30歲以下的家庭幫傭成為強制  
勞役受害者的機率比30歲以上  
的多**52.8%**  
24歲以下的家庭幫傭成為強制  
勞役受害者的機率是24歲以上  
的**15倍**

強制勞役受害者中，  
96%受過中等或以上的教育，  
28%上過大學，  
4%只上過小學。

在國外有擔保借款合約的家庭  
幫傭比在香港有擔保借款合約  
的家庭幫傭成為強制勞役受害  
者的機率多**15.4%**

**62%**的家庭幫傭在自己的國  
家有擔保借款合約，**44.4%**  
的移民家傭在香港簽署第一個  
擔保借款合約。37.4%的人在  
其他國家工作。



## Changes Since Coming Clean

### 2017 Code of Practice for Employment Agencies

- Recent report shows that 148 registered employment agencies (10%) were not complying with key aspects of Code of Practice.
- Of those MDWs interviewed, 56% still paying illegal agency fees.

### 2018 Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers in Hong Kong

- the absence of a definition or offence of human trafficking or forced labour;
- inadequate prosecution;
- inadequate victim identification and protection;
- the absence of time frames for new actions;
- the absence of human trafficking screening at the Labour Tribunal; and
- the limited publication of data.

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## Coming Clean後的改變

### 2017年職業介紹所行為守則

- 最近報告顯示，148個（10%）已註冊的職業介紹內容，不符合行為守則。
- 在受訪的家庭幫傭中，56%還在支付不合法的代理費用。

### 2018年打擊販運人口行為計劃，加強對在香港外籍家庭幫傭的保護

- 缺乏販運人口或強迫勞役罪行的定義；
- 起訴案件不足；
- 受害者身份識別和保護不足；
- 新行動缺乏時間規劃；
- 勞資審裁處缺乏人口販運的篩查；
- 數據公佈有限

8



# CONCLUSION



# 綜合討論





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

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

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

11：20～12：20

與談人：

1. 印尼漁工協會秘書長 Sam Ismail
2. 香港正義中心研究主任 Jade Anderson

雙向交流

早期於2002年，我國政府掌握漁船在境外雇用外籍船員之資訊，因此制定「漁船船主在國外僱用外籍船員應行遵守及注意事項」。工資部分，新法規以不得低於450美金為最低標準。給付方式亦規定必須直接給付給船員。保險方面，除了意外險外，增加一般身故保險金額不得低於新台幣100萬元，並增加醫療險。2017年5月起，要求漁船應符合「生活照顧服務計畫書」之標準。

申訴諮詢專線：1995（境內）

886-2-8073-3141（境外）

近兩年，約收到40多件以上之外籍船員申訴案件。自去年2017起，我國發展以問卷訪查，瞭解漁船經營者或仲介是否有遵守法規之情形。今年2018年更增聘了六名的訪查員，及特聘幾名翻譯人員，還同時派駐駐外專業的漁業專員至幾個國家。

執行結果：訪查了超過130個哨次，超過400個外籍船員。對於涉嫌違規之情形，不得依據單方面之自白或指控即得證實該漁船確屬違規，仍必須經過調查始能裁定。希望今年能夠在訪查80艘遠洋漁船及450名外籍船員。推動各項關懷照護措施 ex. 外語廣播、健康檢查及文康休閒活動。未來將持續檢討法令，以完善對漁工之保障。還要持續加強宣導。持續強化訪查船員。



Justice Centre Hong Kong

Hong Kong is on TIER 2 Watch LIST from US report. Hong Kong government always respond that it is a bad employment, bad apples when some labour events occur. And, NGO or public will be very angry to Hong Kong Governments. How prevalent forced labors is in Hong Kong? We try to ask the labors who are not given a day off. We have roughly over 50% forced labors come from Philippines. Trafficking Situation in Hong Kong. Only 5.4% seems no sign of labor exploitation. What makes someone vulnerable? Ex. with excessive debt are 6 times more Changes

2017 Code of Practice for Employment Agencies

2018 Action to tackle human trafficking is planning

Panel Discussion

Q. Concerning to Debt bondage, why is the situation upside down?

Q. Is there any possible plan for Taiwan's brokers to work together under the supervision of the governments?

Q. 台灣有新的仲介制度，有人在國外被判人口販運的罪刑，但回到台灣後，卻依然在名單上可以進行仲介之工作？

Q. 有一艘船上的漁工得到傳染疾病，竟將船員丟下船，是否了解此情況？

Q. ILO One AA is already enforced. I would like to ask the leaders of Taiwan should they catch up or not?

Small mark: Selling jobs in fact is employees who buy the work. The agency need to find some illegal to help migrants leave their countries, if those migrants do not get legal visa, and the agency will cost much higher than normal.

我國有去配合國際公約增訂法規，例如愛爾蘭公約，最低年齡為 18 歲 或原則上要休息十小時等。

台灣法治並非我國人於外國被判決有罪，不代表在我國也有罪，應依我國法制程序進行。對於仲介的評鑑制度是全面公開的，有相關要點應一併注意，以追求公平正義。傳染病問題是發生在外國籍船上。對於船員落海，若原因不明，都會移送司法警察單位，就落海原因進行進一步的確認。





## 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



# Simon Moring

## Detective Superintendent

Modern Slavery and Kidnap Unit

Metropolitan Police Service  
New Scotland Yard  
London  
England



METROPOLITAN  
POLICE



# Simon Moring

刑事警察大隊長

## 現代奴隸與綁架

英國倫敦大都會警察局



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# Victim Care & National Referral Mechanism



# 受害者保護 & 國家轉介機制







## Morecambe Bay Disaster 2004



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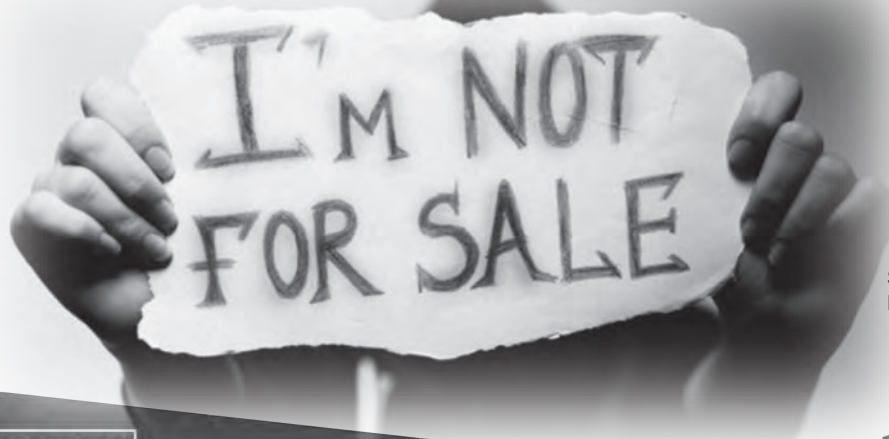
## 2004年 莫克姆海灣 拾貝慘案



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YARD

**It is estimated that there are  
13000 people living in  
slavery in the UK**



Source:  
Home Office



**據估計，英國約有13,000人生活在  
奴隸制度下**



Source:  
Home Office





**modern  
slavery  
helpline**

**08000 121 700**



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POLICE**

NEW  
SCOTLAND  
YARD



**現代奴隸  
救助  
專線**

**08000 121 700**



**METROPOLITAN  
POLICE**

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SCOTLAND  
YARD

## **Council of Europe Convention on Action Against Trafficking in Human Beings**

**Ratified by the UK on the 17 December 2008**

**Came into force 1 April 2009**

The UK has adopted a National Referral Mechanism to help identify individuals who may be victims of trafficking and provide appropriate protection and support.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



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## **歐洲理事會採取行動打擊人口販運公約**

**英國於2008年12月17日通過  
2009年生效**

英國採用一套國家轉介機制 協助辨別可能的受害者並提供適當的保護及協助。

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CONSEIL DE L'EUROPE



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## National Referral Mechanism

- Accommodation and material assistance.
- Medical treatment and care
- Counselling and emotional support
- Advice on immigration and legal rights and services
- Advice on the criminal justice system
- Guidance on education, training, and employment
- 45-day reflection period when you cannot be removed
- 1 year residence permit if cooperating with the police



## 國家轉介機制

- 住宿及物質協助
- 藥物治療及照護
- 諮商及情緒支持
- 移民及合法權利服務諮詢
- 刑事司法系統諮詢
- 教育、訓練及就業引導
- 考慮期45天
- 與警方合作期間的1年居留權





## 45 Day Reflection Period

If accepted onto the NRM victims are given a period of 45 days to reflect and consider what action they wish to take.

During this period they will have a right to **remain** in the UK.



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## 45 Day Reflection Period

若同意進入國家轉介機制，受害者得到45天考慮期，思考他們希望採取的下一步行動。

在這段期間內，他們有權留在英國。



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## **The person completing the referral form is known as the first responder**

There is a prescribed list of first responders including,

Police

Local Authorities

Local Safeguarding Children's Board

Designated Non Government Organisation experts

Charities

National Crime Agency (NCA)

UK Visa & Immigration

Statutory Qualified Health Providers



## **完成轉介過程的人員稱為第一線人員**

第一線人員包含

警察

地方相關部門

地方兒童保護委員會

指定非政府組織專家

慈善機構

國家打擊犯罪調查局

英國簽證與移民局

法定合格醫療機構



## What Happens Next?

### Co-operating With Police Enquiries

The victim may be granted discretionary leave to remain in the UK for one year to allow them to co-operate fully in any police investigation and subsequent prosecution.

The period of discretionary leave can be extended if required.

### Wishes to Return Home

If they are from outside the European Economic Area, the victim can receive help and financial assistance to return home through the UK Border Agency Assisted Voluntary Return of Irregular Migrants (AVRIM) process.

If they are an EEA national MSHTU will put them in touch with their embassy and any relevant Non-Governmental Organisations who may be able to help.



## 接下來會發生？

### 與警方合作

受害者得到英國1年酌情居留許可，使他們能夠配合警方調查與起訴。  
若有需要，能延長酌情居留許可的期間。

### 回家的心願

若來自非歐洲經濟區，受害者能透過英國邊境管理局協助非正規移民自願返國程序得到幫助與財務協助。

若來自歐洲經濟區，現代奴隸人口販運小組會讓他們與大使館及任何能提供幫助的非政府組織聯絡。





## What if the Referred Person is Not Considered to be a victim?

If at any stage the referred person is confirmed not to be a victim then they will be referred to the appropriate law enforcement agency – UK Border Agency or the relevant Police force.

Dependant on the referred person's personal circumstances, UKBA may consider a grant of discretionary leave to remain in the UK.

It is up to the law enforcement agency to decide whether they consider the referred person to have made a fraudulent claim and whether they wish to pursue a prosecution.



## 如果被轉介者不被認為是受害者？

若任何階段，被轉介者被確認非受害者，他們會被交給對應的執法機構－英國邊境管理局或者相關警察隊。

根據不同被轉介者的情況，英國邊境管理局會考慮給予酌情居留許可。

由執法單位裁定被轉介者是否涉嫌詐欺及是否起訴。



## Statistics

- 5145 potential victims were submitted to the NRM in 2017 an increase of 35% (33% of all referrals are received by the Metropolitan Police)
- These victims were from 116 different nationalities
- 2118 of these victims were children
- The most common exploitation was labour exploitation



## 統計數據

- 2017年，5,145位潛在受害者被呈報到國家轉介機制，成長35%（所有案子中被倫敦大都會警察局承接的有33%）
- 這些受害者來自116個不同的國家
- 其中2,118名受害者為兒童
- 最常發生的剝削行為是勞力剝削







## Bakhita House

Bakhita House was established in June 2015 to provide women escaping human trafficking with sanctuary and support



## 柏姬達庇護所

柏姬達庇護所成立於2015年6月，提供逃脫人口販運的女性庇護與協助。



## Language Support



Victims referred into the NRM in 2017 represented 116 nationalities



## Language Support



2017年進入國家轉介機制的受害者來自116個國家。





## Achieving Best Evidence

Victims of Human trafficking may record their evidence rather than appearing in court.



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## 獲得最佳證據

人口販運的受害者能錄下他們的證詞，而不需出席法庭。



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## Evidence and Cross Examination via Video Link



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SCOTLAND  
YARD

## 透過影片連結的證據與交叉詢問



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SCOTLAND  
YARD



## NRM Reforms

### Increased Victim Support

Confirmed victims will now have 45 days to access move on support (an increase from 14 days)

Government-funded 'places of safety' will be created so that adult victims leaving immediate situations of exploitation can be given assistance and advice for up to 3 days before deciding on whether to enter the NRM.

Single expert unit replacing the 2 competent authorities

Digital NRM form replacing current paper based system



## 國家轉介機制改革

### 增進受害者支援

已被確認的受害者會獲得45天協助(從14天增加)

建立公辦的“安全中心”，使脫離剝削的成年受害者能在3天內決定是否進入國家轉介程序並在其間獲得幫助及建議

由一位專家取代2個主管當局

國家轉介機制電子化取代紙本





## Contact

email: [simon.moring@met.police.uk](mailto:simon.moring@met.police.uk)



## 聯絡

email: [simon.moring@met.police.uk](mailto:simon.moring@met.police.uk)





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](mailto: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](mailto: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



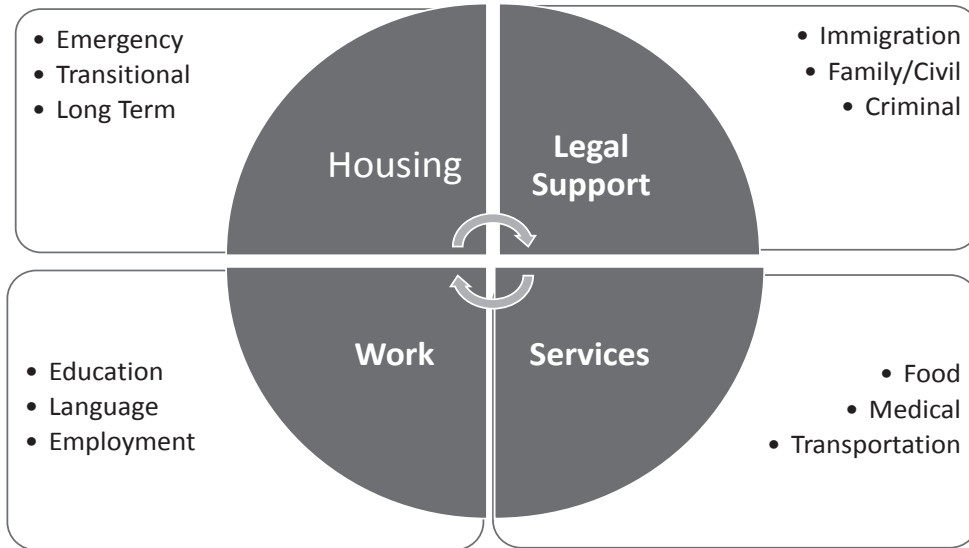
## 美國防制人口販運自由聯盟

- ✓ 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

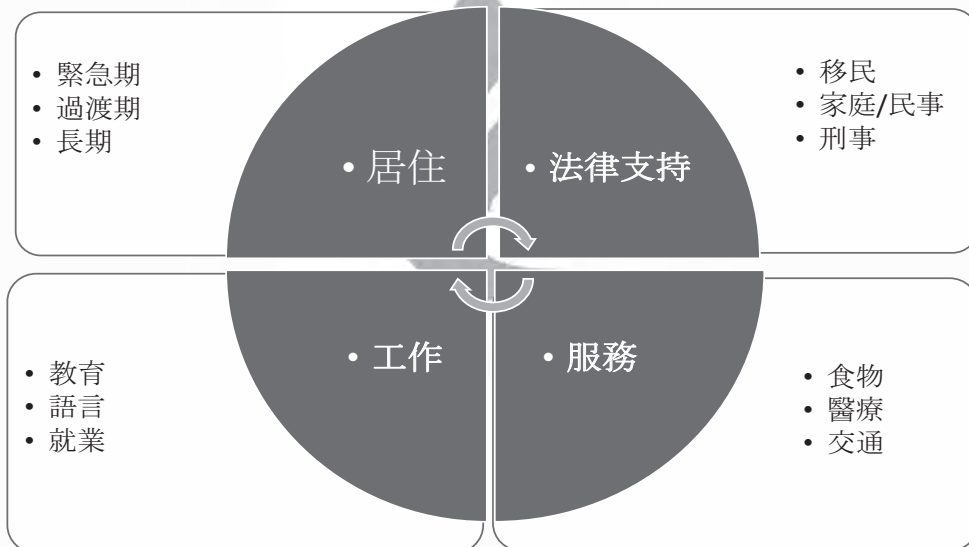




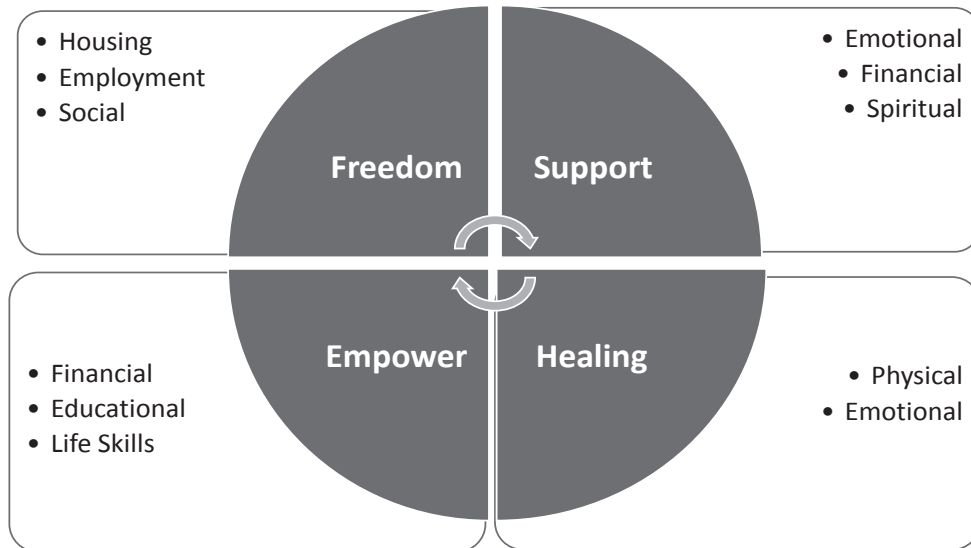
# What are the Victims' Needs?



# 受害者需要甚麼？

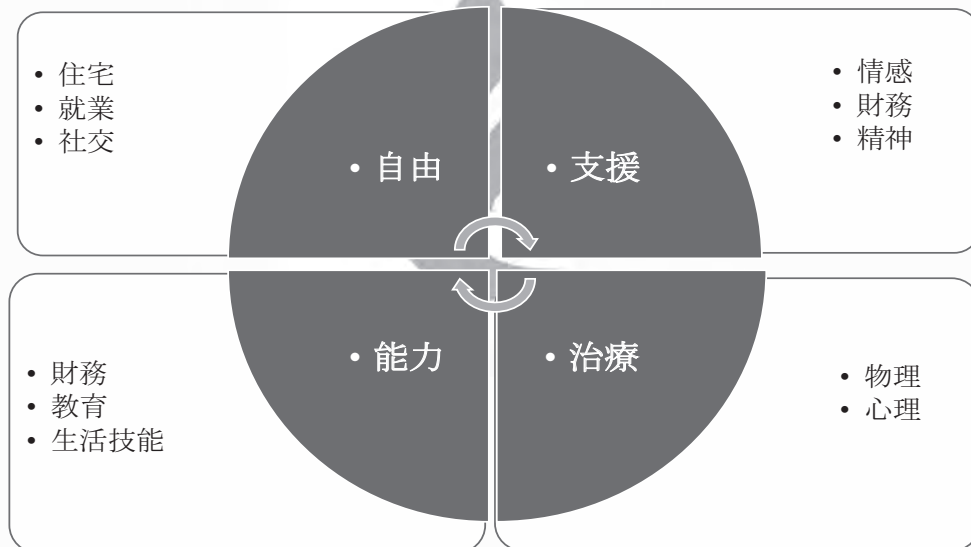


## What are the Desired Outcomes?



 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

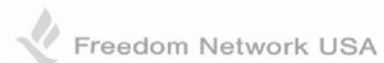
- ✓ 支持受害者在各項選擇的自主權
- ✓ 讓周圍環境舒適
- ✓ 理解受害者的感受
- ✓ 肯定並鼓勵受害者的復原能力
- ✓ 避免嚴格的程序要求





## 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





# Retrospect and Prospect of Protecting Human Trafficking Victims in Taiwan



婦女救援基金會  
Taipei Women's Rescue Foundation

Jasmine Bai, Deputy  
Chief Executive Officer

2018.7.26

# 販運被害人安置保護 台灣經驗分享與展望



婦女救援基金會  
Taipei Women's Rescue Foundation

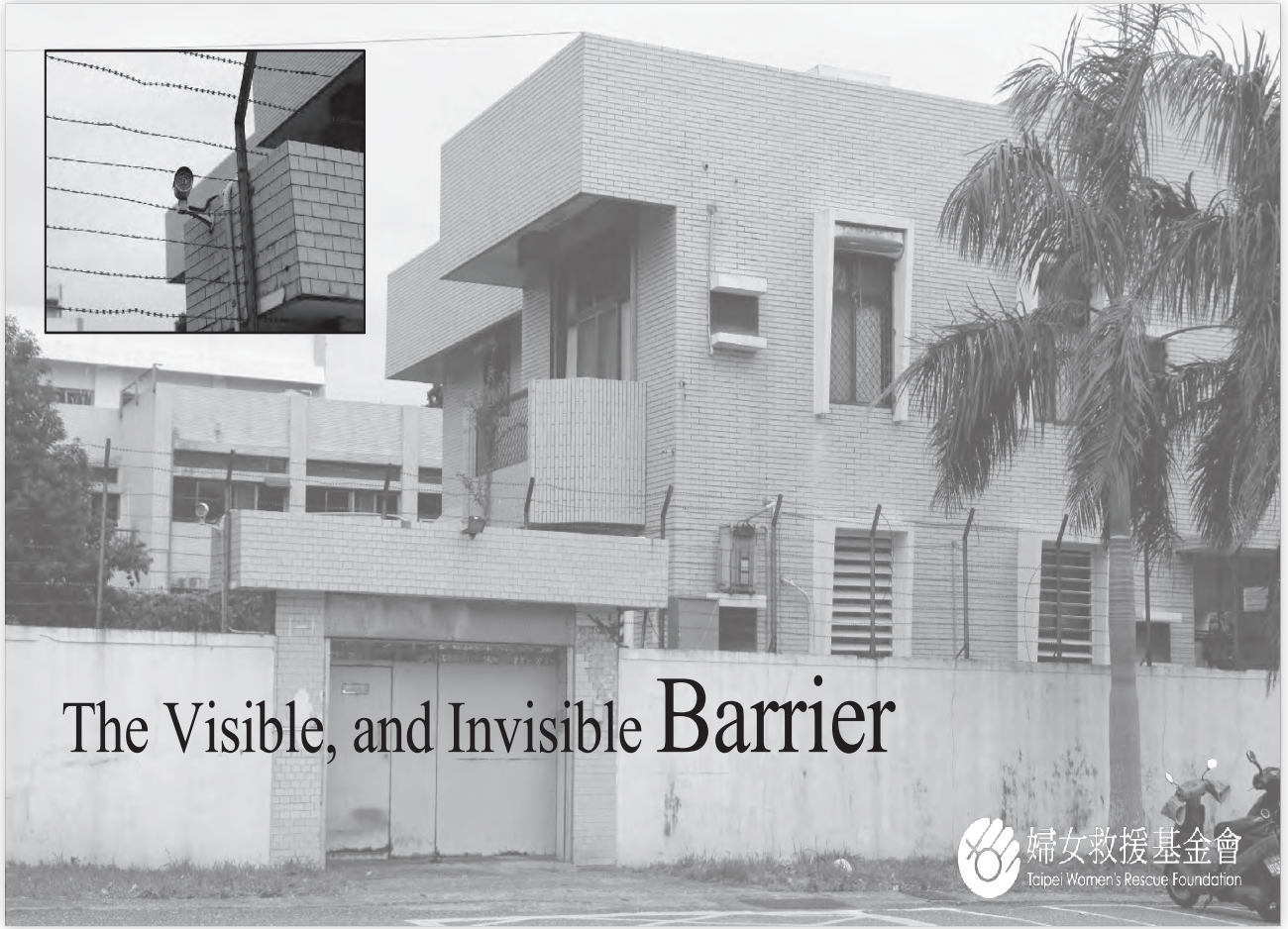
副執行長 白智芳

2018.7.26









# The Visible, and Invisible Barrier

 婦女救援基金會  
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# 看得見.與看不見的圍籬

 婦女救援基金會  
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## Different Categories of Taiwan resettlement protection shelter



### Mixed

- Largest number in Taiwan
- No specific object



### Specific

- The one and only in Taiwan
- No gender restriction



### Community

- Focus on the future



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## 台灣安置保護庇護所類型



### 混合型

- 全台數量最多
- 安置對象多元



### 專門型

- 全台唯一
- 男女兼收



### 社區型

- 未來展望



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## Hua-Lien Resettlement Protection Shelter

National Immigration Agency has subcontracted with TWRF to run the shelter since March 2009 to 2014. The shelter can accommodate 10-20 residents.



## 花蓮庇護所

自2009年-2014年  
內政部入出國及移民署委託  
婦女救援基金會辦理  
安置人數10-20名

National Immigration Agency has subcontracted with TWRF to run the shelter since March 2009 to 2014. The shelter can accommodate 10-20 residents.





## Purposes

- Provide a human-centered and culturally-sensitive environment for the victims to be emotionally stabilized
- Offer a thorough case management and resources referral to assist the victims in their recovery and reintegration, increasing the sense of self-control.
- Lower the risk of being re-trafficked through the multifaceted services.



## 花蓮庇護所服務目 Purposes

- 提供人性化、具文化敏感度的安置環境，以協助被害人身心穩定
- 提供入住個案完整的保護管理服務，並連結各項資源，以協助其身心復原與生活重建，提昇個案生活自主權
- 透過服務降低個案未來再度被販運的風險

- Provide a human-centered and culturally-sensitive environment for the victims to be emotionally stabilized
- Offer a thorough case management and resources referral to assist the victims in their recovery and reintegration, increasing the sense of self-control.
- Lower the risk of being re-trafficked through the multifaceted services.





## 「BIG TREE HOME」 -Transitional residence

Held in 2009 by Taipei Women's Rescue Foundation In the residential area in New Taipei City

Convenient transportation near the MRT station

Arranged for 6-8 people



## 大樹家園-過渡性住宅

2009年婦女救援基金會自行試辦

位於新北市住商混合區

鄰近捷運站交通便利

安置人數6-8人



## Purposes

- Especially provided for the victim in a rather a stable status, and are able to manage their everyday living individually.
- Continuously provide case protection management services as well as necessary resources.
- Counseling for employment



## 大樹家園服務目 Purposes

- 提供狀態穩定，進入獨立自主階段的被害人回歸社區生活的選擇
- 持續提供入住個案保護管理服務，並連結各項資源
- 輔導媒合個案就業







Empowerment

Physical and mental recovery

Prevent re-trafficking

Reconstruction of social interaction and trust

Rebuild their lives and sense of control

Planning of future

Training and empowerment of individuals

Growth group

Family-style Environment

Least management

Community participation

Job hunt

Vocational training

Role models

Self-advocacy

Personal adventure



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增權  
Empowerment

身心復原

Physical and mental recovery

預防再被販運

Prevent re-trafficking

重建人際互動  
與信任感

Reconstruction of social interaction and trust

重建  
生活掌控感

Rebuild their lives and sense of control

規劃  
未來生活  
Planning of future

培養並增強  
個人能力  
Training and empowerment of individuals

成長  
團體  
Growth group

家庭式  
生活  
Family-style Environment

低度家  
園規範  
Least management

家園事  
務參與  
Community participation

就業  
媒合  
Job hunt

職業  
訓練  
Vocational training

角色  
示範  
Role models

自我  
倡議  
Self-advocacy

探索  
學習  
Personal adventure



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Shelter staff attitude

Environmental security

Demand being heard and resolved



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庇護所工作人員態度

環境安全感

需求被聽見與解決



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Taipei Women's Rescue Foundation



## Reflection on Resettlement and Protection Experiences

- Balance between group and individual is required
- Listening and accompanying is a kind of knowledge
- Understand and appreciate the difference
- Maximize the “Safe Zone” between each other



婦女救援基金會  
Taipei Women's Rescue Foundation



## 安置保護經驗下的反思

- 團體生活與個別性需求的平衡點
- 傾聽與陪伴是一門學問
- 接納欣賞差異
- 擴大彼此的安全領域(Safe Zone)



婦女救援基金會  
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## Challenges on Resettlement and Protection Experiences



### General

- Differentiation of topic will challenge the workers capability
- The difference between group and individual
- Expectation verses reality



### Specific

- Funding verses protected victims
- Protection for specific gender
- Difficulties in group cases



## 台灣安置保護面臨之挑戰



### 混合型

- 議題多元挑戰人力專業
- 團體生活與個別差異
- 補助項目與實際需求落差



### 專門型

- 營運成本v.s安置人數
- 單一性別安置的困境
- 集團性案件處遇不易





## Cooperation Between Private and Public Departments

- Simplified administrative work
- Favorable Cross-departmental communication
- Funding and resources
- Flexibility



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## 公私部門合作關鍵

- 行政作業化繁為簡
- 跨部門溝通積極性與順暢度
- 經費與資源
- 變通與彈性的可能



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## Challenges or Restrictions in Taiwan

- Victims are unwilling to stay and give evidence
- The impact on the victims' identity due to judicial proceedings
- The limited choices for the victim



## 台灣面臨的限制與挑戰

- 被害人缺乏長期停留作證的意願
- 司法訴訟結果對被害人身份的影響
- 被害人缺乏安置外的其他選擇







## Human Trafficking Prevention Law Revise

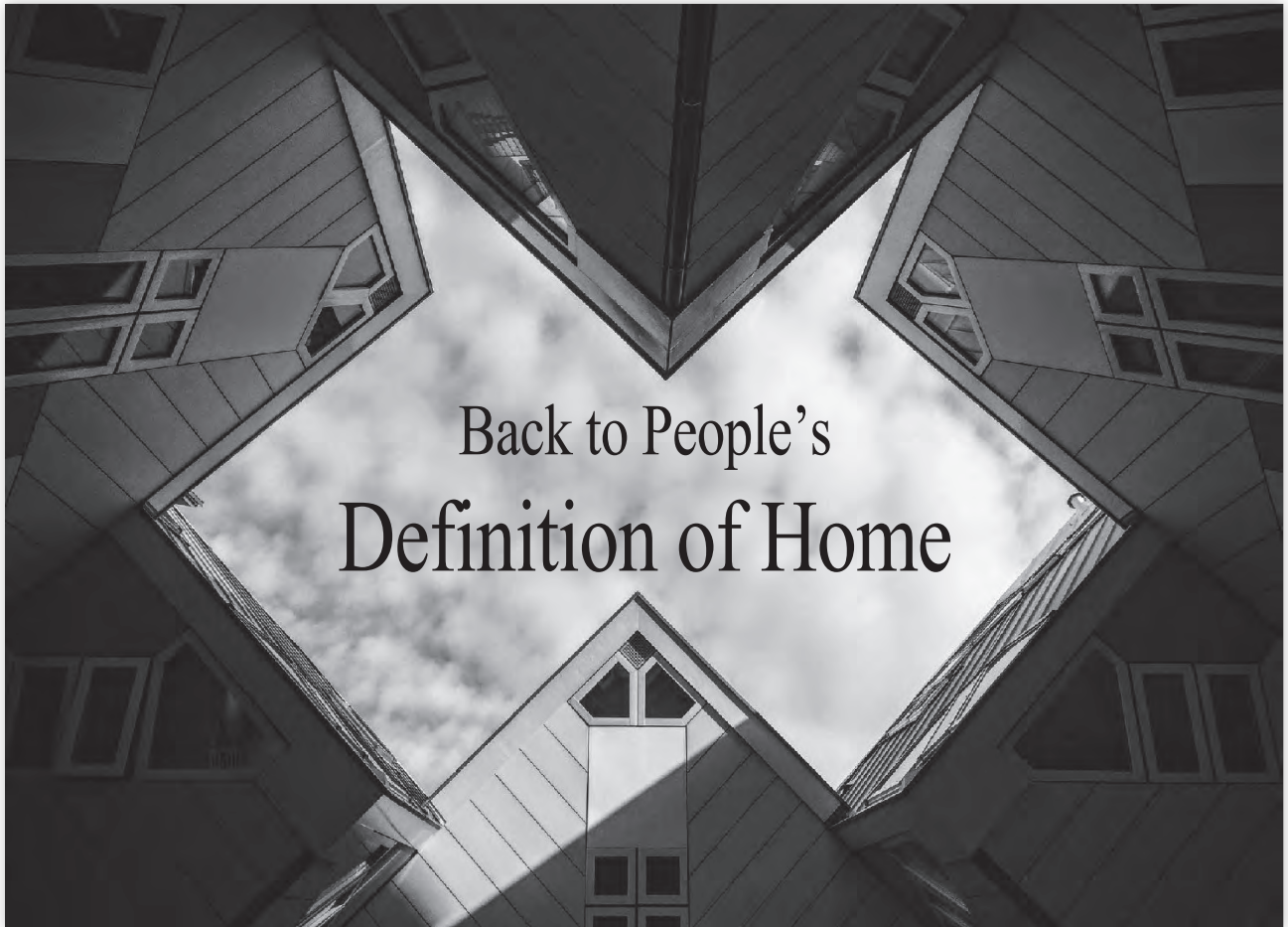
- Decoupling Victim Identification and Judicial Litigation
- Extend the residence period of the victim
- Victim increases the choice other than resettlement in the shelter



## 人口販運防制法修法方向

- 被害人身份鑑別脫鉤與司法訴訟脫鉤
- 被害人居留期限延長
- 被害人安置保護增加庇護所外的選擇





Back to People's  
Definition of Home



回到人對家的想像



Please advise

[jasminebai@twrf.org.tw](mailto:jasminebai@twrf.org.tw)



敬請指教

[jasminebai@twrf.org.tw](mailto:jasminebai@twrf.org.tw)





## 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.

人身取引被害者サポートセンター  
Lighthouse



## 『The Current Human Trafficking Situation in Japan』



Lighthouse: Center for Human Trafficking Victims  
Secretary General: Arata Sakamoto

特定非営利活動法人  
人身取引被害者サポートセンター ライトハウス  
事務局長 坂本 新

人身取引被害者サポートセンター  
Lighthouse



## 『人口販運在日本的現況』



日本NGO組織燈塔（lighthouse）  
秘書長：坂本 新

## Organization Overview

### Lighthouse: Center for Human Trafficking Victims

Start Date : August 2004

Increase Awareness, Change Laws

Mission Statement :

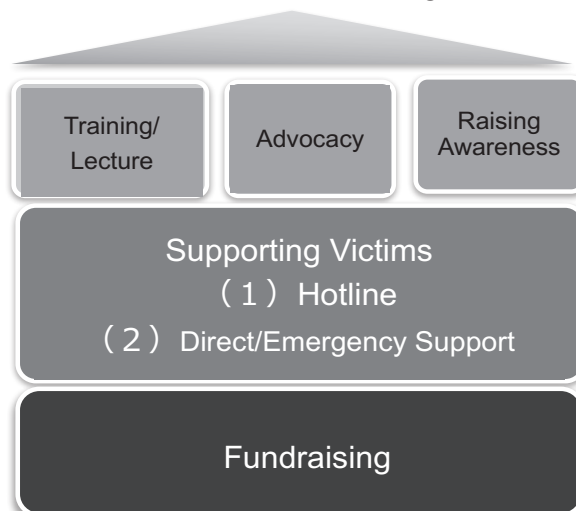
「Realizing a Society without  
Human Trafficking」

Office Location : Tokyo

Target: Japan (All prefectures)

Pillars : 「Support」 「Prevention」  
「Policy Recommendations」

Number of Staff : 6 Members  
(Full-time: 4、 Part-time: 2)



## 組織概述

### 日本NGO組織 燈塔 (lighthouse)

設立時間 : 2004年8月

提高意識, 改變法律

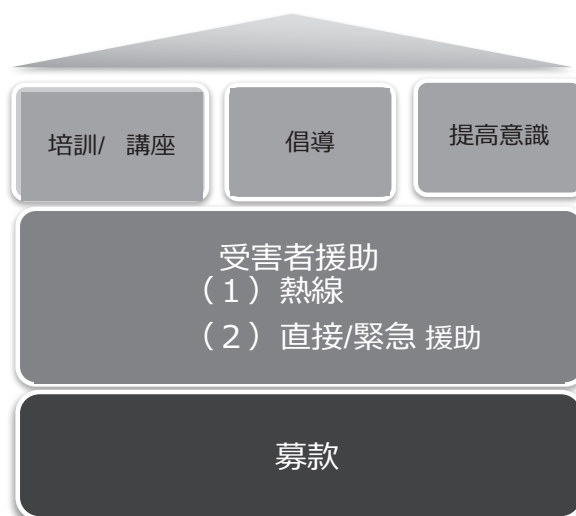
使命宣言 : 「實現沒有人口販運的社會」

地點 : 東京

目標 : 日本 (所有都道府縣)

核心 : 「支援」 「預防」 「政策建議」

員工人數 : 6名 (全職: 4、 兼職: 2)



## Lighthouse's Concentration:

### Human Trafficking

#### 1. Sexual exploitation

(e.g. Forced pornography, Forced prostitution)

#### 2. Labor exploitation

#### 3. Organ trade

Anti-Trafficking Protocol: Acts towards the prevention of international criminal organizations, preventing the trafficking of women and children, and protecting trafficked victims.

Currently, there are 24 million victims in forced labor  
→ Out of those, 4.8 million are in the sex industry

From the ILO (2016): Forced Labor, Modern Slavery and Human Trafficking

## 燈塔的重點目標：

### 人口販運

#### 1. 性剝削

(例：強迫色情片拍攝, 強迫性交易)

#### 2. 勞動剝削

#### 3. 器官買賣

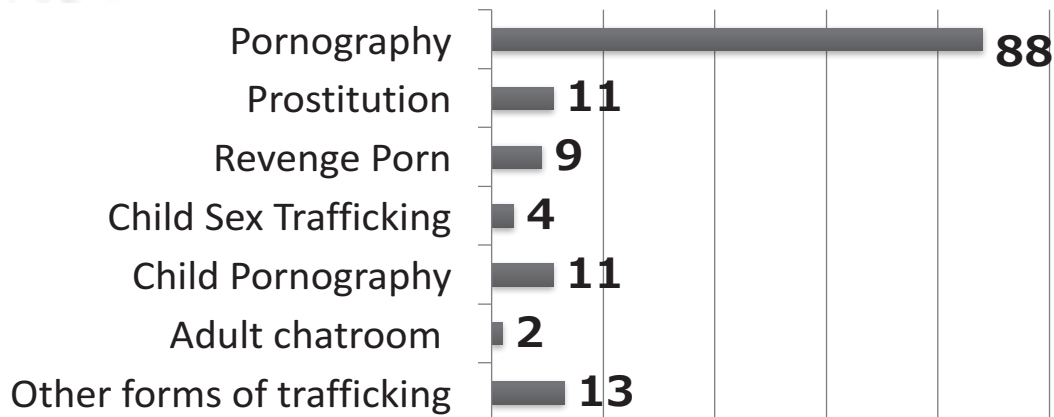
反販運議定書：旨在預防國際犯罪組織，預防婦女和兒童販運，以及保護被販運的受害者。

目前，有200萬受害者被強迫  
→ 其中，有480萬為性產業

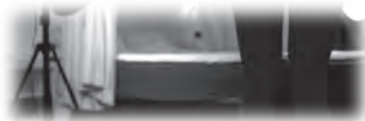
來自國際勞工組織 ILO (2016): 強迫勞動, 現代奴隸制及人口販運



## 2017 Cases for Lighthouse



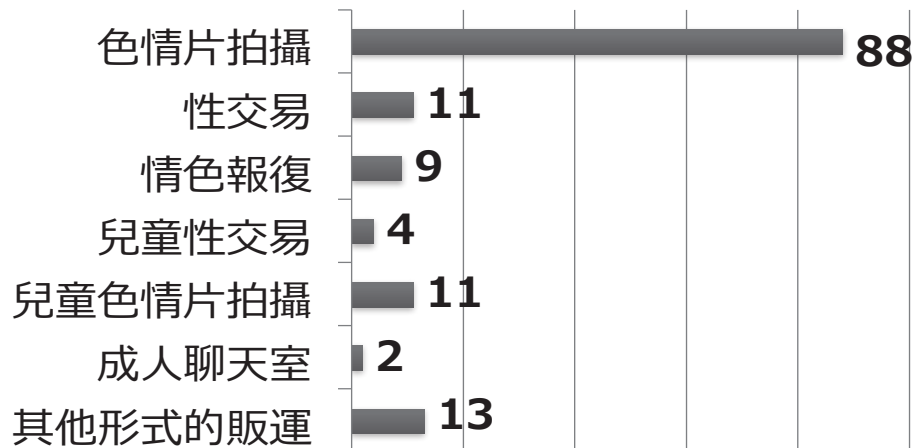
Number of New Cases in 2017 = 138



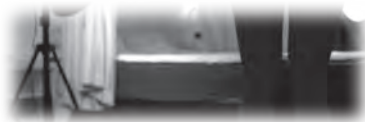
人身取引被害者サポートセンター  
Lighthouse

3

## 2017 燈塔的案例



2017的新案例數 = 138

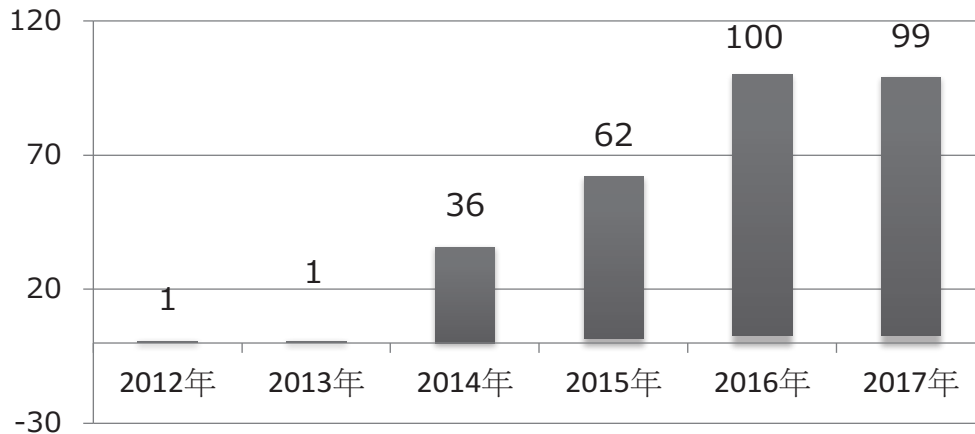


人身取引被害者サポートセンター  
Lighthouse

3

## Number of Pornography Cases by Year

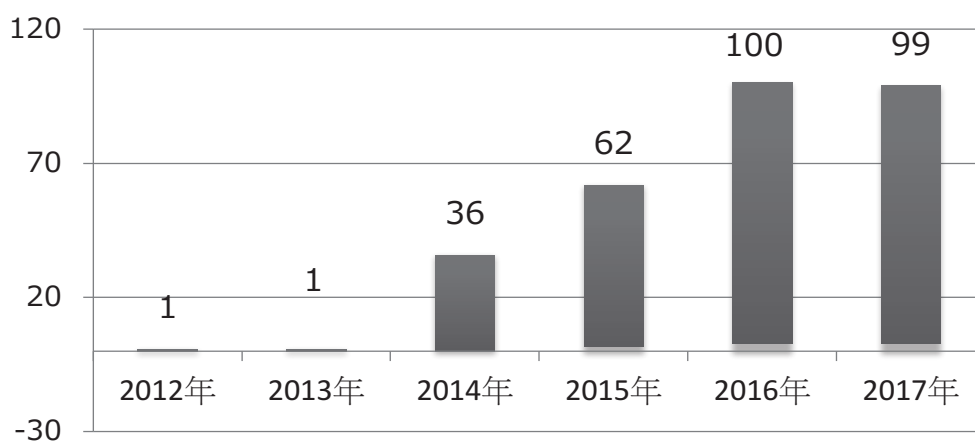
Forced Pornography Appearance



Number of Pornography Related Cases Lighthouse has assisted with

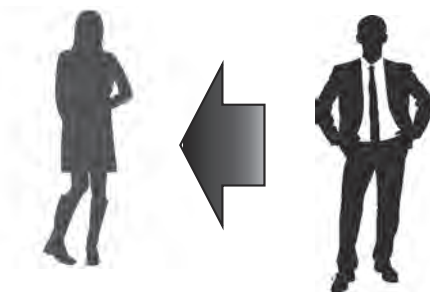
## 每年色情片拍攝案件的數量

強迫拍攝色情片的現象



燈塔協助的色情片相關案件數量

## Human Trafficking in Japan, Case 1 (Forced Pornography Appearance)



Arrival at a Pornography Production Set



A cunning, complicated contract



Notification of Pornography shoots the day of the actual shoot.

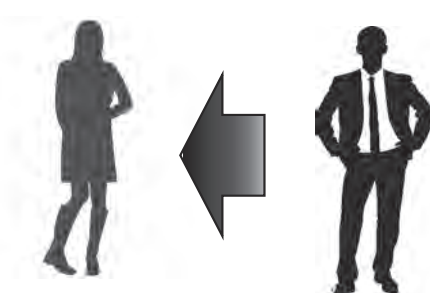


1. Scouted in the city
2. Websites, Job Listings

Victims are told they would acquire debt if they cancel shoots, or will have their "profession" leaked to their parents or school.

It is extremely difficult to delete or cancel pornography once it is filmed and/or sold.

## 日本的人口販運, 案例 1 : (強迫色情的現象)



接觸色情片製作組



一份狡猾、複雜的合約



拍攝當天才通知為色情片拍攝

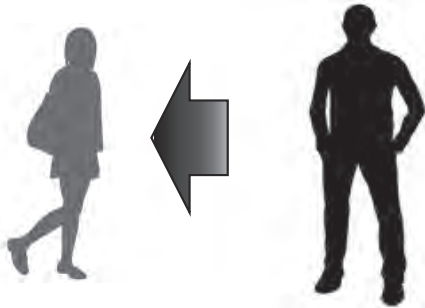


1. 在城市中探查
2. 網站, 工作招募信息

受害者被告知若取消拍攝或將他們的“職業”透漏給父母或學校, 要賠償違約金

一旦拍攝或出售, 要刪除或取消色情片極為困難。

## Human Trafficking in Japan: Case 2: (Forced Prostitution)



- Raised in a Children's home
- Runs into trouble while trying to leave the job and find a home

Goes to the city to leave the government funded home. Realizes they may be targeted by prostitution houses and escapes.

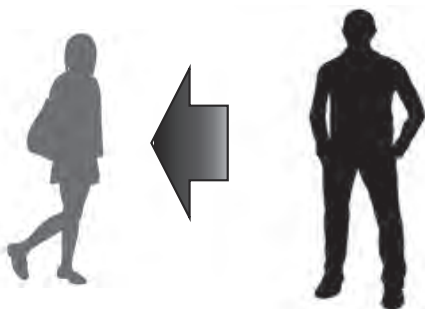


Goes to another city to find a job. When going to a job interview, realizes that it was a prostitution house and escapes again.



Feels danger and calls the authorities for children rights. Connects to Lighthouse. Given an emergency shelter temporarily and is still looking for a home.

## 日本的人口販運, 案例 2 : (強迫性交易)



- 在兒童之家長大
- 在試圖離開工作並找房子時，遇到麻煩

離開兒童之家去城市。意識到他們可能成為性交易所和逃脫的目標。



去另一個城市找工作。在參加面試時，意識到這是一個性交易所，並再次逃脫。



感到危險並為了兒童權利打電話給當局，聯絡到燈塔。被暫時安排在緊急庇護所，且繼續找房子。

## Human Trafficking in Japan: Case 3 :

### Joshikousei (JK = Highschool Girl) Businesses



- Businesses selling highschool girls such as: JK Osanpo (walks with a Highschool Girl), JK Reflexology (Massage by a Highschool Girl)
- Sexual services are made secret to the public but are offered for a high price

This is an example of child prostitution.



Although some places in Japan have placed stricter policies for JK (highschool girl) businesses...



Some JK Businesses disguise themselves as a "Girl's Cafe" and hire women of age to hand out flyers to highschool girls.



Some JK Businesses have a list of extra services that they offer for a special price



JK Businesses order staff members to attract other high school girls. Even if policies change, the businesses continue their practices out of the public eye.



## 在日本的人口販運, 案例 3 : (強迫性交易)

### Joshikousei (JK = 女高中生) 企業



- 販賣女高中生的企業  
例如: JK Osanpo (與女高中生一起散步), JK Reflexology (由女高中生按摩)
- 對公眾來說性服務是秘密, 但價格很高。

這是一個兒童性交易的例子。



雖然日本某些地方已經為JK (女高中生) 企業訂定更嚴格的政策...



一些JK企業偽裝成“女孩的咖啡館”, 並雇用年紀較大的女性發傳單給女高中生。



一些JK企業針對額外服務的價格列表



JK企業命令工作人員吸引其他女高中生。即使情況改變, 企業依舊會從公眾的視線中消失。





## Other Areas Linking to Human Trafficking

【Abuse, Child Safety, etc.】

Often, children who are abused at home (physically, sexually, or verbally) leave their home in pursuit of a safer place to live or eat.

Many traffickers target these very children as they are vulnerable and in need of money.

In situations pertaining to child abuse, oftentimes support is given to both the child and the parents as there face their own issues.



## 與人口販運相關的其他地區

【虐待, 兒童安全, 等等。】

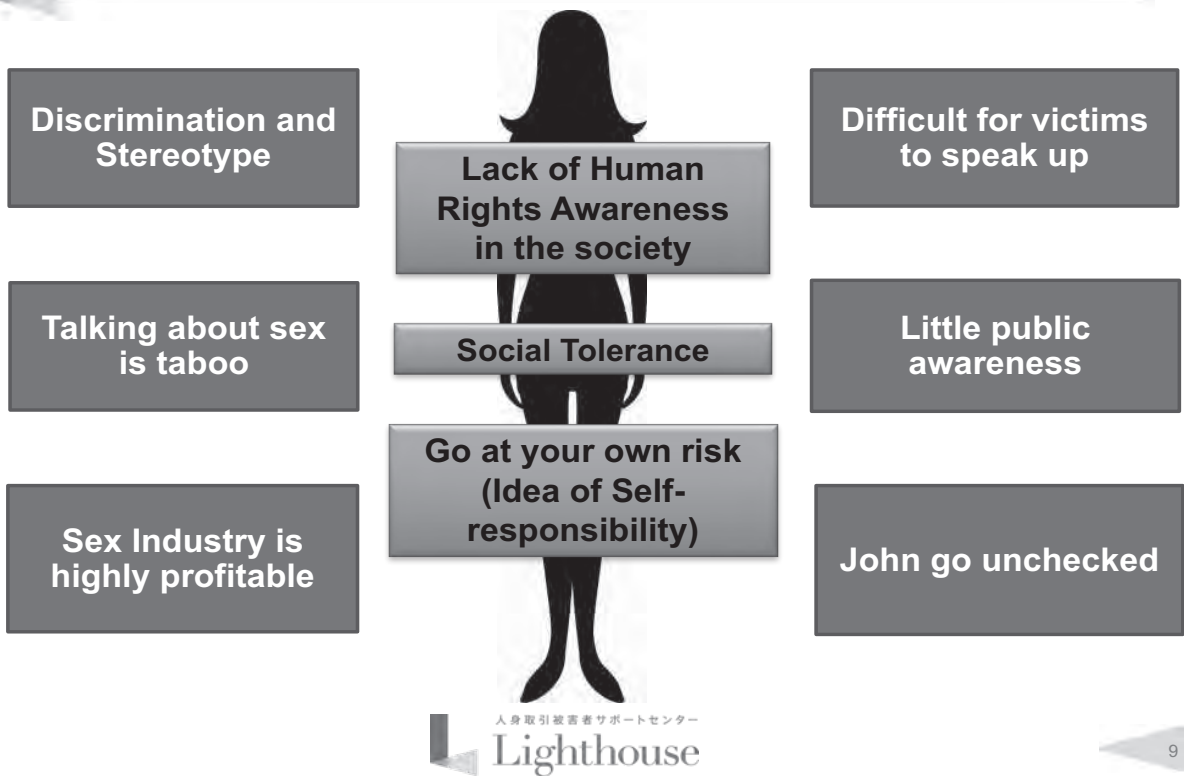
通常, 在家中(身體方面, 性方面或口頭上)受虐待的兒童離家去尋求更安全的場所生活。

許多販運者會鎖定這些孩子, 因為他們易受傷害且需要錢。

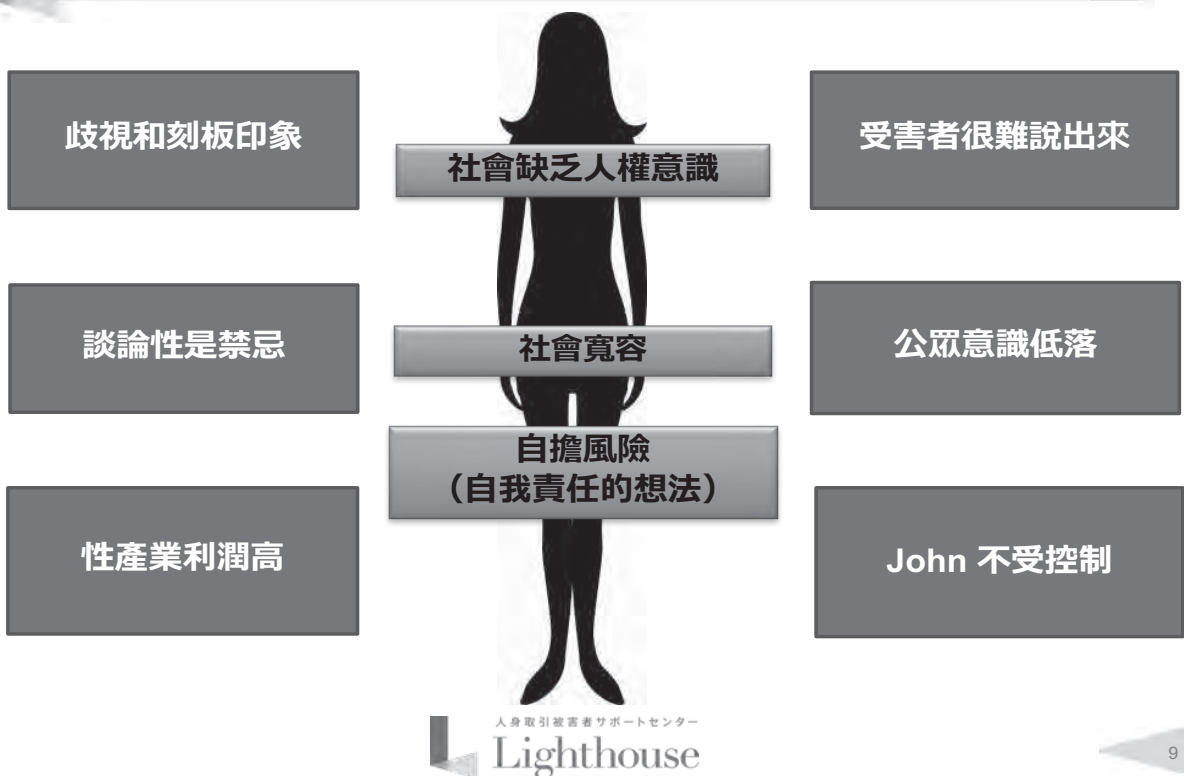
在與虐待兒童有關的情況下, 通常會給予兒童和父母雙方援助。



## Reasons why human trafficking still persists



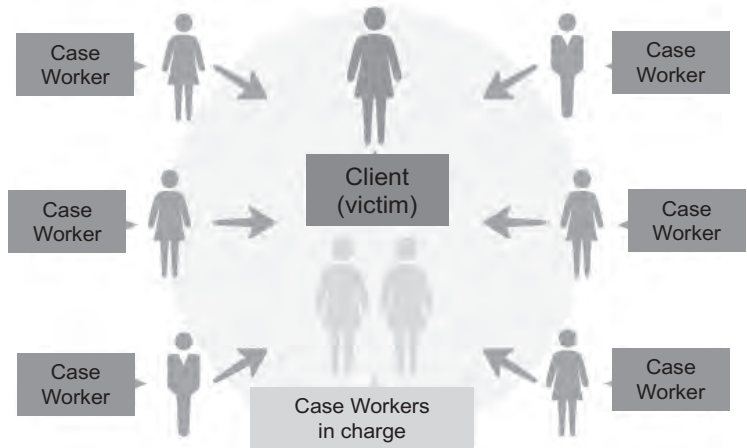
## 人口販運依然存在的原因



## How We Support

- ◆ Direct Support (Consult, Accompany, Follow-up)
- ◆ Connect to necessary social resources

- Legal Service
- Police
- Social Service
- Medical
- Other administrative agencies
- Shelter
- Other organizations

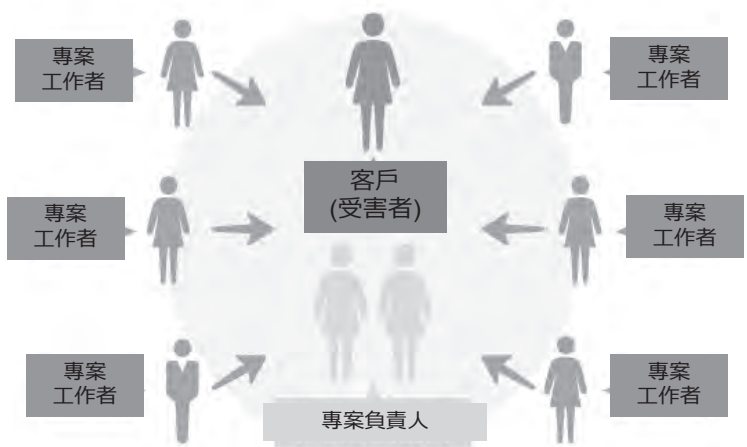


Respect Self-determination

## 如何支援

- ◆ 直接支援（諮詢, 陪同, 跟進）
- ◆ 聯繫必要的社會資源

- 法律服務
- 警察
- 社會服務
- 醫療
- 其他行政機構
- 庇護
- 其他組織



尊重自主權

## Moving towards Preventing/Eradicating Human Trafficking in Japan

1. Removing/decreasing demand
2. The implementation of laws and organized protocols to take in such cases
3. The improvement of policies and means of support (legally and financially) for victims
4. Education and advocacy
5. Analyzing the backgrounds of traffickers and working to prevent such outcomes
6. Understanding and preventing traffickers and consumers of sexwork.

At the end, if traffickers continue to lack sympathy for those they exploit, such crimes will continue.

## 預防/消除日本人口販運

1. 消除/降低需求
2. 落實案件執法和組織合作
3. 改善受害者支援的政策和方法（法律和財政）
4. 教育及宣傳
5. 分析販運者的背景並預防此結果
6. 了解、預防販運者和性工作消費者。

最後，若販運者對他們利用的人缺乏同情，這種罪行將繼續存在。

## Awareness Videos

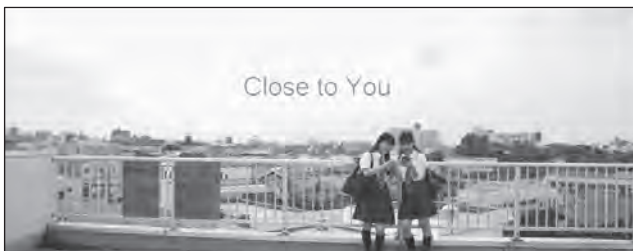
(Produced by Lighthouse, with English Subtitles)



Video 1: Forced Pornography Appearances

『A Letter for You』

[https://www.youtube.com/watch?v=zp22nMo0c\\_Q](https://www.youtube.com/watch?v=zp22nMo0c_Q)



Video 2: JK Businesses  
(JK: Joshikousei translates to highschool girl) (child prostitution)

『Close to You』

<https://www.youtube.com/watch?v=-2MvLS3JZNY>

## 意識影片

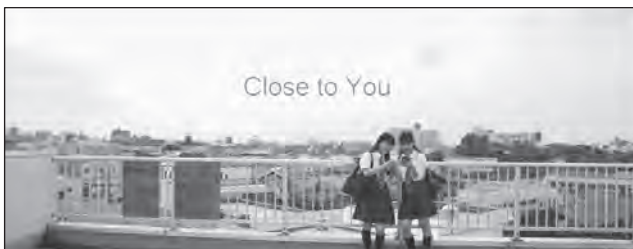
(燈塔製作, 附英文字幕)



影片 1: 強迫拍攝色情片現象

『給你的一封信』

[https://www.youtube.com/watch?v=zp22nMo0c\\_Q](https://www.youtube.com/watch?v=zp22nMo0c_Q)



影片 2: JK 企業  
(JK: Joshikousei 轉換為女高中生)  
(兒童性交易)

『靠近你』

<https://www.youtube.com/watch?v=-2MvLS3JZNY>



# THANK YOU FOR LISTENING!! 非常感謝!!



In April of 2018, the cabinet office and police officers held an event for Forced Pornography and JK Businesses Prevention Month in Shibuya, Tokyo.

※The Director of Lighthouse played a role in this event.



# 謝謝您的聆聽!! 非常感謝!!



2018年4月在東京澀谷，內閣府與警察舉辦強迫色情片拍攝和JK企業的預防月活動。  
※燈塔在這次活動中發揮作用。





## 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



#### 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

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秘書長 Jean Bruggeman

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

15：50～17：00

與談人：

1. 日本保護人口販運被害人民間組織燈塔（lighthouse）秘書長坂本新
2. 台灣展翅協會秘書長陳逸玲

#### 雙向交流

台灣安置保護庇護所類型

混合型、專門型、社區型

花蓮庇護所

1. 目標：提供人性化、具文化敏感度的安置環境
2. 內有多名社工提供各項資源，包含法律

大樹家園—過渡性住宅，在換工作、或要返鄉的中間階段，可以提供移民有住所。

此為一實驗性住宅。

1. 提供狀態穩定、進入獨立自主階段之被害人回歸社區生活的選擇。
2. 協助被害人尋找到工作。這就是為什麼要把地點選擇在住商混合區、交通便利。

不安混亂、相對穩定 → 庇護所（正式支持系統），自我意識重建提升、資源網絡建立（非正式支持系統），獨立自主階段（過渡性住宅）

增權 → 讓被害人恢復能力，讓他相信自己有這樣的能力

1. 讓被害人有辦法相信人
2. 身心復原

3. 學習課程（工作？不工作？想做什麼？）

4. 預防再度被販運

1. 增強他自己的能力

2. 職業訓練（團體或個人）

多數被害人並非本國籍之人。我國缺乏多語、雙語之諮商師。（現在一直面臨的問題）創造成功經驗、角色示範是很重要的事情。安置保護經驗下的反思

1. 團體生活與個別性需求的平衡點

2. 傾聽與陪伴 雖然非常基本但其實是一門學長 → 希望觸發他在往前跨一步

3. 接納欣賞彼此的差異

4. 擴大彼此的安全領域

議題不同時，不同背景、不同需要混在一起時，真的非常挑戰工作人員是否有這個專業。經營一個庇護所，成本非常高。但我們不應該以安置人數與照護人員之比例來思考成本，應以安全程度與否來思考。

公私部門合作關鍵：

1. 行政作業化繁為簡

2. 跨部門溝通積極性兩順暢度

3. 經費與資源

4. 變通與彈性的可能

台灣面臨的限制與挑戰：

1. 被害人缺乏長期庭作證的意願

2. 司法訴訟結果對被害人身份的影響（Ex. 收到不起訴處分書，被害人身份瞬間沒有了，可能會使被害人本來享有的資源一併沒有）

3. 被害人安置保護增加庇護所外的選擇

The Current Human Trafficking Situation in Japan

Light House : Eliminate the situation of Human Trafficking

Focus on Sexual exploitation.

Lighthouse 收到的案件以強迫去賣春拍 AV 為最多。還有涉及兒童等案件。本來成立的目的是為了支援外國人，外國人被騙了來到日本，強迫賣春的情況。而此等被強迫去拍 AV 的案件可以從表格看到，他是逐年成長的。有些人會好奇，不是人口販運的被害人嗎？怎麼會變成強迫被拍 AV 的人呢？

對我們來說只不過是手法不同罷了。犯行的具體流程：

開端：在街頭偽裝成星探挖掘新人或去看找工作的板子。

中間：騙到女生後，帶他們去 AV 製片公司後（非演藝公司），用巧妙的方式說服。比如：我們這裡有很多工作你可以選擇或你可以拒絕你不想要的工作。





我們不會強迫你脫衣服或碰觸你的身體。你來登錄日後若有工作就會委託你。這時候會遞上一張紙，其實是合約書，但女性不知道…一般女性都會誤會自己來做登入而已。過幾天就會來聯絡這名女性，告知他我們找到了一份工作，女性當然會拒絕，但對方此時會提出該份合約書，並指出若違約要付巨額的賠款。該巨額的賠款絕非年輕女性可以負擔的鉅額。簽約是在封閉的空間進行，此時警方或法律方要去證明該簽約是違法的，也是很困難的。許多受害者，若不去演出或演出被知道，會被退學或工作會被辭退。而這些影片若被放置至網際網路上宣傳時，幾乎無法停止他被擴散。

為什麼在日本人口販運不能消失呢？

日本有一個追究自我責任的風潮。我們會去跟這些 AV 公司交涉，讓他們知道我們是真的在處理這些事。

宜蘭庇護所在八年期間，總共服務來自六國的被害人。144名中，有105名遭受性剝削的被害人。平均案件為173天，將近半年的時間。資源有限，只能運用原有的設施作為庇護所。（在收容所旁邊）兩間大寢室，16個床位。集體居住之情況。有盡量隔出自己的空間。我們最多安置到20幾名。我們有時候也很擔心接到集團性的案件，因為太多人生活空間會受到擠壓。我們的被害人多為有嚴重創傷經驗的被害人。這樣的創傷經驗會讓被害人嚴重反應更加明顯。我們被害人對於未來的不確定感，會更容易緊張。例如司法機關說，被害人必須作證完才能回去。嚴重會導致被害人有自殺的意念。制度上，安置上的計畫，可能會讓被害人的情況惡化。返家時間的未知，增強被害人的不確定感、或沒有未來感。

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



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