2024 防制人口原運 國際工作財

2024 International Workshop on Strategies for Combating Human Trafficking

會議手冊 1・PROGRAM 1



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可掃描 QR code 連結至手冊電子檔 Scan this QR code to download the program's PDF file.



可掃描 QR code 連結至簡報檔 Scan this QR code to download the PPT file.



緣起簡介 · BACKGROUND

人口販運不僅危害基本人權·亦是侵害自由的嚴重犯罪行為·具有跨國境及有組織性的性質·聯合國的人口販運問題報告顯示·全球人口販運案件有80%具有跨國境特色·雙邊及多邊(區域性或全球性)國際交流合作·係不可或缺之防制策略·內政部(移民署)為強化與各國合作關係·精進我國防制人口販運工作·每年邀請國內外政府官員及非政府組織等民間團體人員齊聚一堂·辦理防制人口販運國際工作坊(以下簡稱工作坊)·共同探討防制人口販運相關議題。

現代化奴役行為等於是人口販運的代名詞,為因應新興的人口販運議題及從探討防制的策略作為, 2024年國工坊規劃主題包含「強迫犯罪下的非典型人口販運被害人」、「各國防堵跨國人口販運犯 罪策略」、「防制強迫勞動及器官摘取之關鍵策略」及「性剝削人口販運被害人權益保護及挑戰」等 議題。

Human trafficking not only endangers fundamental human rights but is also a severe crime that infringes upon individual freedom. Its transnational and organized nature characterizes it. According to the United Nations report on human trafficking, 80% of global human trafficking cases involve cross-border elements. Bilateral and multilateral (regional or global) international cooperation is an indispensable strategy for combating this issue. The National Immigration Agency under the Ministry of Interior, aiming to strengthen cooperation with other countries and enhance Taiwan's efforts in combating human trafficking, organizes the International Workshop on Strategies for Combating Human Trafficking annually. This workshop gathers government officials and representatives from non-governmental organizations (NGOs) domestically and internationally to discuss issues related to combating human trafficking.

Modern slavery is essentially synonymous with human trafficking. To address emerging human trafficking issues and explore strategies for prevention, The 2024 International Workshop on Strategies for Combating Human Trafficking will focus on topics including "Atypical Victims of Human Trafficking Under Forced Criminality," "Strategies for Preventing Transnational Human Trafficking Crimes," "Key Strategies for Preventing Forced Labor and Organ Harvesting," and "Protection and Challenges of Rights of Victims of Sexual Exploitation."

議程 · AGENDA

2024年8月28日(星期三) August 28th, 2024 (Wednesday)

時間 Time	議程 Agenda
08:30-09:30	報 到 Registration
09:30-10:00 (30 分鐘)	開幕式(致詞、儀式暨合照) Opening Ceremony & Group Photo
	強迫犯罪下的非典型人口販運被害人
	Atypical Victims of Human Trafficking Under Forced Criminality
	行政院防制人口販運及消除種族歧視協調會報委員翁燕菁
	Committee Member of the Executive Yuan Coordination Committee on
Moderator :	Prevention of Human Trafficking and Elimination of Racial Discrimination, Yen- Ching Weng
	專題演講: 詐騙園區中的人口販運複雜性和類型
10.00.10.20	Keynote Speech: The Complexity and Typology of Human Trafficking Victims in
10:00-10:30	Organised Fraud Compounds
(30分鐘)	主講人:英國憫研顧問創辦人江玉敏
	Speaker: Founder, Humanity Research Consultancy, U.K., Mina Chiang
	專題演講:勞動剝削境遇下對他人加害犯罪不追訴-歐盟與臺灣觀點
	Keynote Speech: Perspectives From the EU and Taiwan: Non-Prosecution for
10:30-11:00	Crimes Committed under conditions of Labor Exploitation" 主講人:行政院防制人口販運及消除種族歧視協調會報委員許絲捷
(30分鐘)	Speaker: Committee Member of the Executive Yuan Coordination Committee on
	Prevention of Human Trafficking and Elimination of Racial
	Discrimination, Szu-Chieh Hsu
11:00-11:20 (20分鐘)	茶 叙 Refreshment
(= 0 /3 / =)	與談人:(40分鐘)
	1. 加拿大多倫多警局網絡協調中心調查官 David Oh
	2. 韓國刑事政策法務研究院選任研究委員安成訓 Sung Hoon An
	3. 義大利威尼斯大學博士研究生 Ling Li
11.20 12.20	Commentators: (40 Mins)
(70 分鐘)	1. Detective, Cyber Coordinated Center, Toronto Police Service, Canada, David Oh
	2. Senior Researcher, Korean Institute of Criminology and Justice, Korea, Sung
	Hoon An
	3. PhD Student, Ca' Foscari University of Venice, Ling Li
	雙向交流(30分鐘・主講人及與談人均須參與)
	Open Discussion (30 Mins)
12:30-14:00 (90 分鐘)	午 餐 Lunch Break

時間 Time	議程 Agenda			
Session 2: 主 持 人 :	各國防堵跨國人口販運犯罪策略 Strategies for Preventing Transnational Human Trafficking Crimes 行政院防制人口販運及消除種族歧視協調會報委員林盈君 Committee Member of the Executive Yuan Coordination Committee on Prevention of Human Trafficking and Elimination of Racial Discrimination, Ying-Chun Lin			
	跨國組織犯罪與網路詐騙及強迫犯罪相關之人口販運:對來源國之挑戰 Transnational Organized Crime and Trafficking in Persons Related to Online Scam and Forced Criminality: Challenges for Source Countries 主講人:東協 - 澳洲防制人口販運計畫越南辦公室國家計畫研究員 Van Nguyen Speaker: Country Program Officer, ASEAN-Australia Counter Trafficking, Vietnam, Van Nguyen			
	人口販運案件之跨國合作實例分享-印尼觀點 Case Studies of International Cooperation in Combating Human Trafficking 主講人:印尼移民總局調查處移民查處科長 Happy Reza Dipayuda Speaker: Deputy Director, Directorate of Immigration Supervision and Enforcement, Directorate General of Immigration, Indonesia, Happy Reza Dipayuda			
	專題演講:我國查緝及起訴跨國人口販運案件之挑戰-臺灣觀點 Challenges in the Investigation and Prosecution of Transnational Human Trafficking Cases in Taiwan 主講人:臺灣中央警察大學外事警察學系主任張維容 Speaker: Chairman, Central Police University, Department of Foreign Affairs Police, Wei-Jung Chang			
15:30-16:00 (30分鐘)	茶 叙 Refreshment			
16:00-17:00 (60 分鐘)	與談人:(30分鐘) 1. 英國卡迪夫大學管理學院法學博士與高級講師 Dimitris Xenos 2. 加拿大約克郡警局調查官 Gary McBride Commentators:(30 Mins) 1. Senior Lecturer, Department of Business, Management and Law, Cardiff School of Management, U.K., Dimitris Xenos 2. Detective, York Regional Police, Canada, Gary McBride 雙向交流(30分鐘·主講人及與談人均須參與) Open Discussion(30 Mins)			

議事規則

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

RULES OF PROCEDURE

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

議題一·SESSION 1

強迫犯罪下的非典型人口販運被害人

Atypical Victims of Human Trafficking Under Forced Criminality





主簿人

翁燕菁

行政院防制人口販運及消除種族歧視協調會報委員

現職

國立政治大學政治學系兼創新國際學院副教授

學歷

法國巴黎第二大學法學博士

專長

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

MODERATOR

Vivianne Yen-Ching Weng

Committee Member of the Executive Yuan Coordination Committee on Prevention of Human Trafficking and Elimination of Racial Discrimination

CURRENT POSITION

Associate Professor at Department of Political Science & International College of Innovation, National Chengchi (Sciences-po) University

EDUCATION

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

EXPERTISE

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



調習

江玉敏

英國憫研顧問創辦人

學歷

- 2017-2018 英國發展研究院發展研究碩士(全額獎學金)
- 2011-2016 台灣國立清華大學工程與系統科學學士

簡介

專門研究打擊現代奴隸制、人權和強迫勞動的專家。英國憫研顧問創辦人兼董事。擁有在部分受貧困及戰爭衝突影響的國家發展計畫、研究和諮詢顧問等,長達九年之工作經驗。在公開演講和主持方面擁有豐富經驗。擁有社會學、人類學和國際發展跨學科背景的訓練。英國現代奴隸制與證據中心同行評審學院成員。曾任扶輪社反奴隸制行動小組董事會成員。觀點曾被包括 CNN 和 VICE 在內的 20 多家媒體發表和引用。.

經歷

• 2019-至今 英國憫研顧問創辦人兼董事

英國憫研顧問是一間獲獎的社會企業,致力於打擊現代奴隸制和人口販運。HRC 遵循優先考 慮當地人民的心聲和以倖存者為中心的方法理念。HRC 亦與來自超過 20 個國家的研究人員 和顧問合作。

• 2018-2019 獨立顧問,專門研究現代奴隸制、人權和貧困

SPEAKER

Mina Chiang

Founder, Humanity Research Consultancy, U.K.

EDUCATION

- 2017 2018 MA Development Studies, Institute of Development Studies (Full-scholarship), United Kingdom
- 2011 2016 BSc Engineering and System Science, National Tsing-Hua University (NTHU), Taiwan

BIOGRAPHY

Expert specialising in combating modern slavery, human rights, and forced labour. Founder and Director of Humanity Research Consultancy.

Nine years of experience conducting projects, research, and consultancy work in some of the most impoverished and conflict-affected countries. Extensive experience in public speaking and moderating. Trained by an interdisciplinary background in sociology, anthropology, and international development. Peer Review College of the UK Modern Slavery and Evidence Centre. Former Board member of the Rotary Action Group Against Slavery. Opinions have been published and cited by over 20 media, including CNN and VICE.

EXPERIENCE

- 2019 NOW Founder and Director, Humanity Research Consultancy
 Humanity Research Consultancy (HRC) is an award-winning social enterprise with expertise in countering modern slavery and human trafficking. HRC follows the philosophy of prioritising local voices and a survivor-centred approach. HRC works with researchers and consultants from more than 20 countries.
- 2018 2019 Independent Consultant, specialising in modern slavery, human rights, and poverty



詐騙園區中的人口販運複雜性和類型

江玉敏 英國憫研顧問創辦人及負責人 2024年8月28日



Local insights, global impact

The Complexity and Typology of Human Trafficking Victims in Organised Fraud Compounds

Mina Chiang
Founder and director, Humanity Research Consultancy
28 August 2024



大綱

- 1. 詐騙園區案例
- 2. 詐騙工作成員類型
- 3. 不懲罰原則與被害人辨識



Content

- 1. Case of organised fraud compounds
- 2. Typology of workers in scams
- 3. Non-punishment principle and victim identification



詐騙園區的案例



Case of organised fraud compounds





柬埔寨

曾經清空的詐騙園區已經 全面恢復運作。

儘管經歷掃蕩, 詐騙園區 已擴散至多個地點





Cambodia

Fraud compounds once emptied are back to full force.

Despite raids, scam compounds proliferate in multiple locations



2022年



THE REPORT OF THE PARTY OF THE

2024年7月 Google Map

新園區正在多個國家 快速興建。

緬甸



2022



Myanmar



2024 July Google Map

New sites are building rapidly in multiple countries.





寮國

金三角經濟特區



- 不可詐騙國碼+86(中國)地區
- 不可涉及謀殺或極端暴力
- 允許詐騙和債務約束

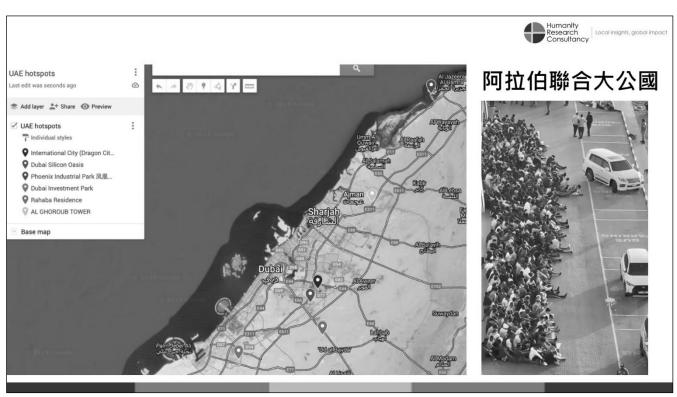


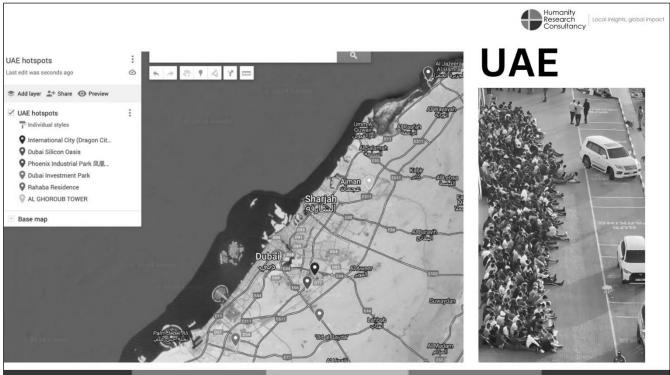
Laos

Golden Triangle Special Economic Zones



- Not allowed to scam +86
- Not allowed to have murder or extreme violence
- Scams and debt bondage are permitted





本地官員

賄賂

包庇犯罪行為

園區所有人

每月收租

供租戶使用

洗錢服務

租戶/公司負責人

洗錢服務

支付費用

提供犯罪工作職缺和高薪

犯罪所得極大化

公司經理人

買進勞工

達成高額業績

報酬或暴力

供應勞工

員工/詐騙人員

來源國販運組織

Local authorities

Providing bribes

Providing impunity to criminal activities

Compound owners

Providing shelter to Submitting monthly dues the tenants

Money laundering service
Provide fees

Tenants / company owners

Money laundering service

Maximising the illegal profits

Providing criminal job opportunities and high salaries

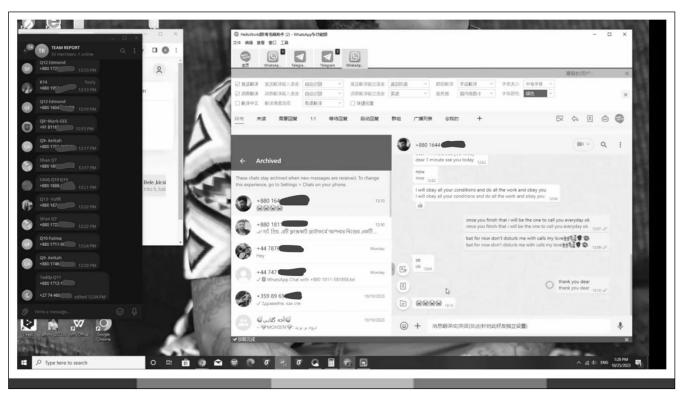
Company managers

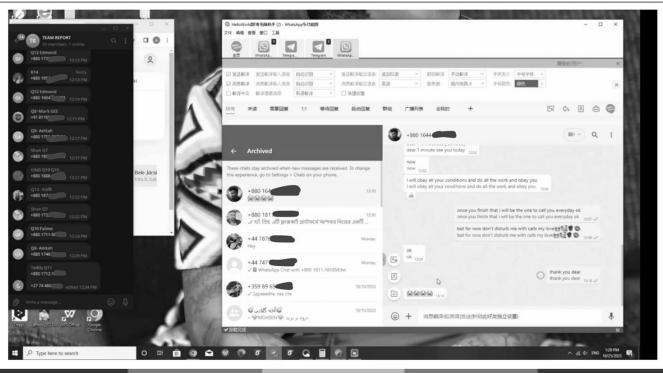
Achieving 'high sales'

gh sales' Purchasing labourers Rewards or violence Suppling labourers

Employees/scammers

Source country based trafficking groups

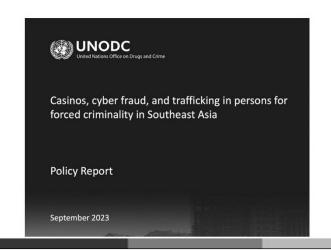






「湄公河流域詐騙產業可創造一國75至125億 美元收入,占國家一半的GDP。」

國際刑警組織表示:「人口販運與網路詐騙中心已 拓展成全球網路,每年收入3兆美元。」



THESTRAITSTIMES

Interpol chief warns organised crime groups at risk of spreading globally like epidemic





"Scam industry in one country in the (Mekong) region may be generating between USD7.5 and USD12.5 billion, which is half this country's GDP."

Casinos, cyber fraud, and trafficking in persons for forced criminality in Southeast Asia

Policy Report

September 2023

Interpol said "the human trafficking and cyber scam centres have already expanded into a global network, making up to US\$3 trillion a year."

Interpol chief warns organised crime groups at risk of spreading globally like epidemic





3兆美元有多少?

- 規模比全球非法毒品販運更大(1兆美元)
- 規模比全球性販運更大(1699億美元)
- 規模比私部門強迫勞動更大 (759億美元)
 - ->「我們是否配置足夠資源打擊此種犯罪?」



What does USD 3 trillion mean?

- Larger than global illicit drug trafficking (USD 1 trillion)
- Larger than global sex trafficking (USD 169.9 billion)
- Larger than forced labour in the private sector (USD 75.9 billion)
- -> "Are we allocating sufficient resources to combat it?"



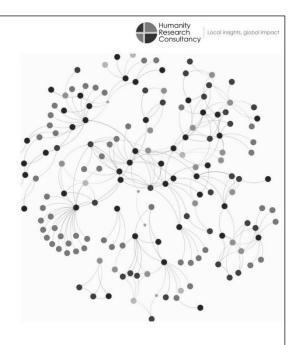
詐騙工作人員類型



Typology of workers in scams

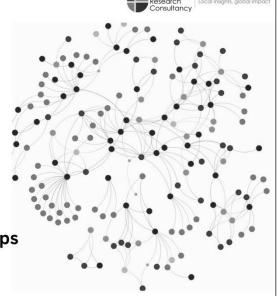
全球詐騙供應鏈專業分工

- 個資收集組織
- SIM卡販售組織
- 詐騙網站建構組織
- 詐騙劇本撰寫團隊
- 內容(詐騙模式)開發團隊
- 人力資源 / 人口販運組織
- 洗錢團隊
- 撰寫程式碼、AI、技術升級 (清單未盡)



Specialisation in the global fraud supply chain

- Personal data scrapping groups
- · Sim card-selling groups
- Fraud website building companies
- Scam script-writing teams
- Content (model) development teams
- · Human resource / human trafficking groups
- Money laundering teams
- Coding, AI, tech improvement (list not exhaustive)





工作人員背景複雜(憫研顧問研究成果)

	自願留下來從事詐騙	以契約奴工形式參與
自願加入從事詐騙	傳統案例	Ma案例
以人口販運被害 人形式加入	Salam遇到的人	Salam案例



Worker profile complicated (HRC research)

	Stayed as willing fraudsters	Stayed as indentured servitude
Joined as willing fraudsters	Traditional case	Ma's case
Joined as TIP victims	People Salam met	Salam's case



根據台灣警政署統計,超過200,000名詐騙嫌犯在2005至 2014年間落網。

調查發現台灣籍詐騙集團活動擴及:

亞美尼亞、澳洲、柬埔寨、克羅埃西亞、多明尼加共和國、 埃及、喬治亞、希臘、印度、日本、肯亞、寮國、拉脫維亞、 馬來西亞、波蘭、南韓、西班牙、土耳其、烏干達、越南等。



According to statistics from the Taiwan National Police Agency, over 200,000 fraud suspects were apprehended in Taiwan between 2005 and 2014.

Taiwanese scam operations were found in: Armenia, Australia, Cambodia, Croatia, Dominic Republic, Egypt, Georgia, Greece, India, Japan, Kenya, Laos, Latvia, Malaysia, Poland, South Korea, Spain, Turkey, Uganda, Vietnam, etc.



工作人員背景複雜(憫研顧問研究成果)

	自願留下來從事詐騙	以契約奴工形式參與
自願加入從事詐騙	傳統案例	Ma案例
以人口販運被害 人形式加入	Salam遇到的人	Salam案例



Worker profile complicated (HRC research)

	Stayed as willing fraudsters	Stayed as indentured servitude
Joined as willing fraudsters	Traditional case	Ma's case
Joined as TIP victims	People Salam met	Salam's case





詐騙集團(以債 務移轉的形式) 買賣人口



Scam
syndicates
buy and sell
human beings
(through debt
transfer)







工作人員背景複雜(憫研顧問研究成果)

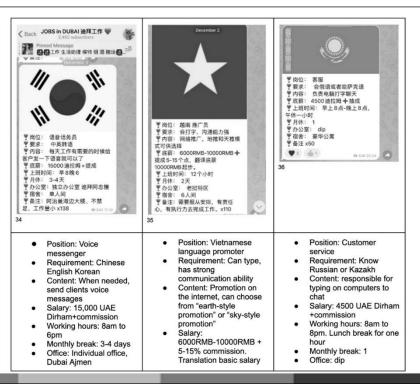
	自願留下來從事詐騙	以契約奴工形式參與
自願加入從事詐騙	傳統案例	Ma案例
以人口販運被害 人形式加入	Salam遇到的人	Salam案例



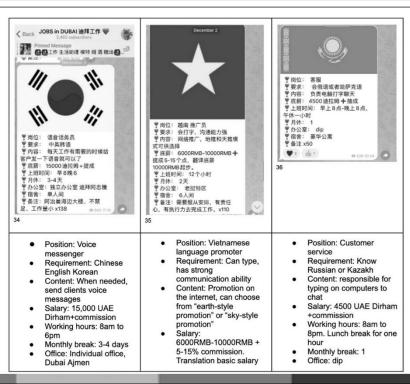
Worker profile complicated (HRC research)

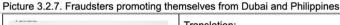
	Stayed as willing fraudsters	Stayed as indentured servitude
Joined as willing fraudsters	Traditional case	Ma's case
Joined as TIP victims	People Salam met	Salam's case

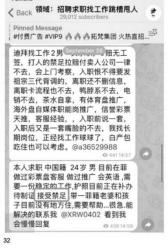
詐騙集團尋找特定 語言使用者



Scam syndicates searching for certain language speakers







Translation:

- 1. Looking for jobs in Dubai. 2 males. No debt. No working visa. We don't go to companies which beat people, have confinement, put enforced debt on people, or sell people. We also don't go to companies that block the quitting process for employees...We have experience in doing promotion work in sports scams, foreign market scams, lottery scams, and customer services. We don't go to companies that offer one thing and offer another thing. We Looking for serious work in long-term positions. Can consider opportunities in the legal industry that cover food and accommodation. @a36529988
- 2. Looking for jobs for myself. Chinese national. 24 years old. Male. Now in the Philippines. Have experience in lottery scam customer service and promotion. Can speak English. I need a stable job. The passport is currently being renewed. Accept confinement. I am with a Filipino wife and child, and we currently have no place to live. I need help. Urgent. Contact me if you can resolve these for me. @XRW0402 I will reply gradually when I see messages.

自願從事詐騙者 工作條件之一為 接受禁足

Picture 3.2.7. Fraudsters promoting themselves from Dubai and Philippines



Translation:

- 1. Looking for jobs in Dubai. 2 males. No debt. No working visa. We don't go to companies which beat people, have confinement, put enforced debt on people, or sell people. We also don't go to companies that block the quitting process for employees...We have experience in doing promotion work in sports scams, foreign market scams, lottery scams, and customer services. We don't go to companies that offer one thing and offer another thing. We Looking for serious work in long-term positions. Can consider opportunities in the legal industry that cover food and accommodation. @a36529988
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Willing fraudsters accepting confinement as part of the working conditions

三个月去请假,不发最后一个月上班工资,捏造各种费用,比如疏通费,打点费,签证撤销费,税务费用,猎头中介费等等各种费用,逼迫签字,不然不给护照,最后两个月工资没有发放,倒赔公司赔付。联合猎头中介污蔑无出入境记录。工资未发放8万人民币,拉赔20万人民币。

工作條件惡化,不符合 詐騙集團原本承諾



三个月去请假,不发最后一个月上班工资,捏造各种费用,比如疏通费,打点费,签证撤销费,税务费用,猎头中介费等等各种费用,逼迫签字,不然不给护照,最后两个月工资没有发放,倒赔公司赔付。联合猎头中介污蔑无出入境记录。工资未发放8万人民币,拉赔20万人民币。

嗯 PM 1:13 // 有其他的聊天证据吗? PM 1:13 //

公司聊一句删一句 PM 1:13

Deteriorated working condition and failed promises from the scam operations

被害人與罪犯身分重疊

- 從事詐騙與不法活動(且過往可能就有從事詐騙 的經驗)
- 希望退出卻無法實行(債務、禁足、威脅)
- 回到強迫勞動 / 人口販運被害人身分

The Victim-Offender Overlap

- They have committed fraud and violated the law (and might have previous fraud experience)
- They wanted to quit but were unable to (debt, confinement, threats)
- They then turn victims of forced labour/victims of TIP



工作人員背景複雜(憫研顧問研究成果)

	自願留下來從事詐騙	以契約奴工形式參與
自願加入從事詐騙	傳統案例	Ma案例
以人口販運被害 人形式加入	Salam遇到的人	Salam案例



Worker profile complicated (HRC research)

	Stayed as willing fraudsters	Stayed as indentured servitude
Joined as willing fraudsters	Traditional case	Ma's case
Joined as TIP victims	People Salam met	Salam's case



「主導型被害人」或罪犯?

「主導型被害人(Alpha victim)」指被強迫、誘拐, 或進一步招募剝削他人的被害人。儘管仍為被害人, 其環境條件可能因此改善。



Alpha victim or criminal?

'Alpha victim' is a term that is used to indicate where victims have been forced, groomed, or have progressed on to recruit and exploit others. Their conditions may improve despite remaining a victim themselves.



「主導型被害人」或罪犯?

2021年國際刑事法院判烏干達籍Dominic Ongwen反人類罪(包括人口販運等罪行)有罪。儘管Despite Ongwen自小被聖靈抵抗軍綁架洗腦,仍因過往罪行被判25年監禁。



Alpha victim or criminal?

In 2021, the International Criminal Court found Ugandan national Dominic Ongwen guilty of crimes against humanity, which included TIP offences. Despite Ongwen being abducted and indoctrinated by the Lord's Resistance Army as a young child, he was sentenced to 25 years imprisonment for his active involvement in crime over the years.



誰是被害人?







- 被迫擔任影片模特兒
- 被迫提供性服務
- 被迫擔任保全
- 被迫擔任仲介

Who are the victims?







- · forced to act as video models
- forced to provide sex
- forced to act as security guards
- forced to act as agents





Non-punishment principal



聯合國人權事務高級專員辦事處 建議原則

第7項原則:「販運被害人不應因非法進入或居留轉運國和目的地國,或因從事身為販運被害人之直接結果的不法活動而受羈押、控告或起訴。」



UN High Commissioner for Human Rights Recommended Principles

Principle 7: "Trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons."



2015年東協打擊人口販運(特別是婦女和兒童) 公約

「各成員國不應在販運被害人民事、刑事或行政訴訟 之前、期間或之後,不合理地羈押或監禁已由權責機 關辨識之販運受害者。」



The ASEAN Convention Against Trafficking in Persons, Especially Women and Children 2015

"Each Party shall not unreasonably hold persons who have been identified by its competent authorities as victims of trafficking in persons in detention or in prison, prior to, during, or after civil, criminal, or administrative proceedings for trafficking in persons."





憫研顧問倡議:

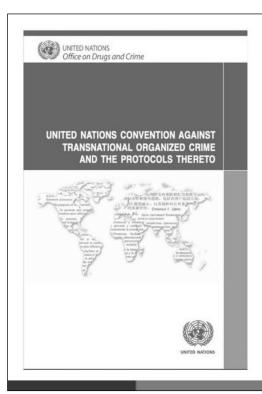
支持組織詐騙行為已被視為聯合國打擊跨國有組織犯罪公約(UNTOC)定義的跨國組織犯罪(TOC)形式之一



Humanity Research Consultancy

HRC's initiatives:

Support organised fraud to be recognised as TOC by the United Nations Convention Against Transnational Organized Crime (UNTOC)





• 聯合國大會通過2000年11月

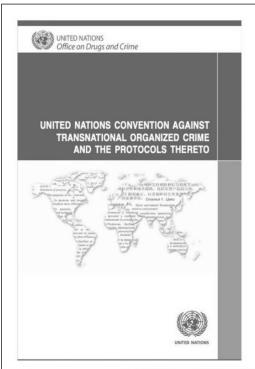
• 生效: 2003年9月29日

• 簽署國:147

• 締約國:192(截至2023年10月20日)

加上三份議定書:

- 人口販運
- 移民偷渡
- 武器販運





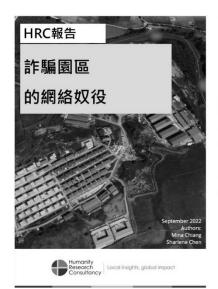
- Adopted by the UN General Assembly: November 2000
- Entry into force: 29 September 2003
- · Signatories: 147
- Parties: 192 (as of 20 October 2023)

Plus three protocols:

- Trafficking in Persons
- Smuggling of Migrants
- Trafficking in Firearms



憫研顧問發表的報告



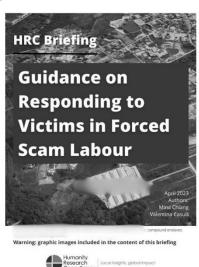


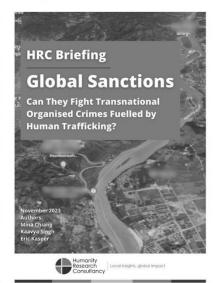


Briefings published by HRC









江玉敏

mina.c@humanity-consultancy.com

歡迎於LinkedIn或Facebook關注追蹤我們的工作: https://www.linkedin.com/company/anti-modern-slaveryconsultancy/

謝謝!



Local insights, global impact

Mina Chiang

mina.c@humanity-consultancy.com

Follow our work on LinkedIn or Facebook: https://www.linkedin.com/company/anti-modern-slaveryconsultancy/





Local insights, global impact

調習

許絲捷

行政院防制人口販運及消除種族歧視協調會報委員

現職

中央警察大學行政警察學系專任助理教授

學歷

- 1998.9-2003.7 東吳大學法律系
- 2003.9-2007.1 東吳大學法律研究所刑事法組
- 2008.9-2014.6 德國慕尼黑大學法學博士
- 2011.4-2013.4 教育部留學獎學金

經歷

- 2014.8-2018.1 銘傳大學法律學系專任助理教授
- 2018.2-2023.7 銘傳大學法律學系專仟副教授
- 2018.9-2023.7 東吳大學法律系兼任副教授
- 2023.8-迄今 中央警察大學行政警察學系專任助理教授
- 2023.8-迄今 銘傳大學法律學系兼任副教授
- 2024.8-迄今 世新大學法律系兼任副教授

SPEAKER

Hsu, Szu-Chieh

Committee Member of the Executive Yuan Coordination Committee on Prevention of Human Trafficking and Elimination of Racial Discrimination

CURRENT POSITION

Assistant Professor, Department of Administrative Police, Central Police University

EDUCATION

- 1998.9-2003.7 Department of Law, Soochow University
- 2003.9-2007.1 Criminal Law Group, Graduate Institute of Law, Soochow University
- 2008.9-2014.6 Doctor of Law, Ludwig Maximilian University of Munich, Germany

EXPERIENCE

- 2014.8-2018.1 Assistant Professor, Department of Law, Ming Chuan University
- 2018.2-2023.7 Associate Professor, Department of Law, Ming Chuan University
- 2018.9-2023.7 Associate Professor (Adjunct), Department of Law, Soochow University
- 2023.8-Now Assistant Professor, Department of Administrative Police, Central Police University
- 2023.8-Now Associate Professor (Adjunct), Department of Law, Ming Chuan University
- 2024.8-Now Associate Professor (Adjunct), Department of Law, Shih Shin University

勞動剝削境遇下對他人加害犯罪不追訴

一歐盟與臺灣觀點

中央警察大學行政警察學系助理教授 許絲捷

Perspectives From the EU and Taiwan: Non-Prosecution for Crimes Committed under Labor Exploitation

Szu-Chieh Hsu, Assistant Professor,
Department of Administration Police, Central Police University

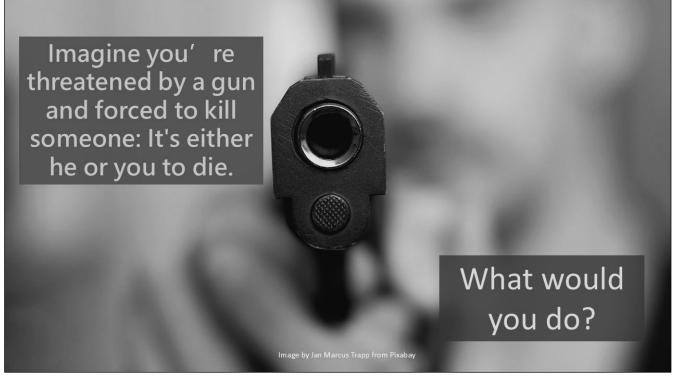
大綱

- 前言—不懲罰原則的法律基礎
- 國際規約中的不懲罰原則
- 不懲罰原則的內涵
- 不懲罰原則的立法方式—以德國、奧地利及臺灣為例

Outline

- Introduction The legal basis of The Non-Punishment Principle
- The Non-Punishment Principle in international laws
- The Idea of the Non-Punishment Principle
- Legislative approach to the Non-Punishment
 Principle the examples of Germany, Austria and Taiwan





刑法學理:強制避難

- 為了避免加害,而聽從行為人的指示從事違法行為
- ·緊急避難:因避免自己或他人生命、身體、自由、財產之緊急危難而出於不得已之行為,不罰。但避難行為過當者,得減輕或免除其刑。(刑法第24條第1項)
- 雖然不一定會被認定不構成犯罪,但可考慮減輕或免除 其刑事責任。

Criminal Law Theory: Necessity under Duress

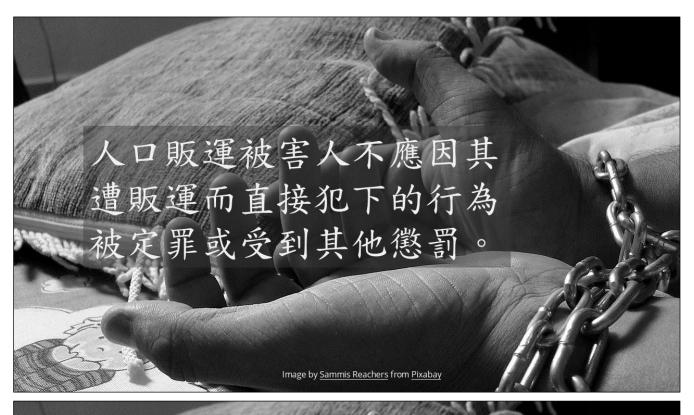
- In order to avoid causing harm, the defendant followed the instructions of the perpetrator and engaged in illegal acts.
- Necessity: A conduct performed by a person to avert imminent danger, otherwise unavoidable to the life, body, freedom, or property of himself or of another is not punishable. If the measure of averting danger is excessive, punishment may be reduced or remitted. (Article 24, Paragraph 1 of the Criminal Code)
- Although the defendant may not be found guilty of the crime, consideration may be given to mitigate or exempt them from criminal liability.

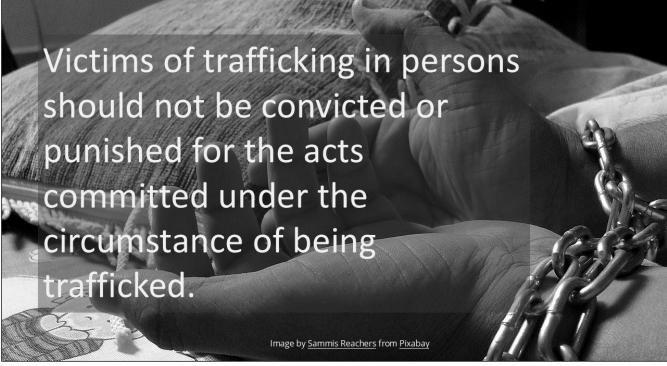
販運被害人若被定罪的話……

- •對販運被害人的影響:服刑、犯罪烙印而難以復歸社會
- 對打擊人口販運工作的影響:被害人不願參與對販 運者的刑事追訴程序、由於對販運行為人無實質影 響而無威攝效力

If a victim of trafficking is convicted.....

- Impacts on victims of trafficking: serving prison sentences, bearing a stigma of crimes, and having difficulty in returning to the society.
- Impacts on the work combating trafficking in persons: Victims are hesitant to partake in the criminal prosecution process against traffickers; Prosecution has no restraining effects because there's no substantial impact on trafficking perpetrators.





大綱

- 前言—不懲罰原則的法律基礎
- 國際規約中的不懲罰原則
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- 聯合國《人口販運補充議定書》
- 並未明確規定不懲罰原則,但可從第2條宗旨b推導出不 懲罰原則的精神

第二條 宗旨

(b) 在充分尊重其人權的情況下保護和幫助此種販運活動的被害人

The Non-Punishment Principle in International Laws on Trafficking in Persons

- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
- The protocol is not explicitly specifying the Non-Punishment Principle, but the spirit of The Non-Punishment Principle can be deduced from object B of article 2

Article 2 — Statement of purpose

The purposes of this Protocol are:

 \dots (b) To protect and assist the victims of such trafficking, with full respect for their human rights; \dots

• 2005《歐洲反人口販運公約》 (Council of Europe Convention on Action against Trafficking in Human Beings)

第26條

各締約國均應依據其法律制度的基本原則,規定被害人在 被迫參與違法活動的情況下,可以不予處罰。

• 第一個明確規定不懲罰原則的國際規約

The Non-Punishment Principle in International Laws on Trafficking in Persons

• Convention on Action against Trafficking in Human Beings, 2005 Article 26 – Non-punishment provision

Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.

• The first international law that explicitly stipulates The Non-Punishment Principle

• 2011《歐盟預防和對抗人口販運及保護其受害者指令》 (Richtlinie 2011/36/EU)

第8條

成員國應依其法律制度的基本原則,採取必要措施,在人口販運被害人被迫實施的犯罪行為作為遭受第2條所述行為的直接後果時,確保國家主管機關有權不起訴或不處罰人口販運被害人。

The Non-Punishment Principle in International Laws on Trafficking in Persons

- Directive 2011/36/EU of the European Parliament and of the Council of 5
 April 2011 on preventing and combating trafficking in human beings and protecting its victims
- Article 8
- Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 2.

• 2014《國際勞工組織第29號公約議定書—關於強迫 或義務勞動公約》(P029 - Protocol of 2014 to the Forced Labour Convention, 1930)

第4條第2項規定:「每個成員國應依照其法律制度的基本原則,採取必要措施,確保主管機關有權決定對因遭受強迫或義務勞動而被迫參與違法活動的人,不予追訴或免予處罰。」

The Non-Punishment Principle in International Laws on Trafficking in Persons

 P029 - Protocol of 2014 to the Forced Labour Convention, 1930

Paragraph 2, Article 4, states:

2. Each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

V.C.L. and A.N. v. the United Kingdom (EGMR, Urteil v. 16.2.2021-77587/12 und 74603/12)

- 兩個越南未成年人因為在英國被強迫製造毒品而被定罪,儘管警方的調查表明,這有可能是人口販運,但檢察官並不如此認為而起訴,英國法院認為檢察官的起訴是合理的,檢察官不受反人口販運當局調查結果的拘束。
- 根據不懲罰原則(Non-Punishment),歐洲人權法院認為檢察官必須以可理解且符合國際法的方式證明不採專家機關評估的合理性,但檢察官並未說明,因此,判決英國政府未履行依據歐洲人權公約第4條禁止強迫勞動的積極義務,對這兩個未成年人的英國判決違反了歐洲人權公約所規定的人權,和對被販運者的保護。(EGMR, 16.02.2021 77587/12, 74603/12)

V.C.L. and A.N. v. the United Kingdom (EGMR, Urteil v. 16.2.2021-77587/12 und 74603/12)

- Two Vietnamese minors were convicted because of being forced to produce drugs in the United Kingdom. Despite a police investigation suggesting that it might be a human trafficking case, the Crown Prosecutor did not come to an agreement and prosecuted them. The British court held that the Crown Prosecutor's prosecution was justified and that the Crown Prosecutor was not restrained by the findings of the anti-trafficking authorities.
- Under the principle of Non-Punishment, the European Court of Human Rights held that the Crown Prosecutor had to justify the decision of ignoring an expert authority's assessment in a manner that was clear and consistent with international laws, but the Crown Prosecutor failed to do so. Therefore, the European Court of Human Rights ruled that the UK government failed to enforce the obligation of prohibiting forced labor by the Article 4 of the European Convention on Human Rights. The British judgment against these two minors violates human rights under the European Convention on Human Rights and the protection of trafficked persons. (EGMR, 16.02.2021 77587/12, 74603/12)

大綱

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- 因被販運而從事非法活動的被害人不應受到懲罰。
- 防止被害人被逮捕、拘留、起訴、判刑、處罰或以其他 方式受到懲罰。
- 不論犯罪者是否被捕、起訴或定罪,也不論被害人與行為人之間是否存在任何家庭關係,都應將被害人視為被害人。

The Non-Punishment Principle

- Victims of trafficking engaging in illegal activities should not be punished.
- Prevent victims from being arrested, detained, prosecuted, sentenced, punished or other punishments.
- No matter whether the perpetrator is arrested, prosecuted or convicted, and whether the victim is a relative to the perpetrator, the victim should stay being as a victim.

- •目的:
- ▶保護被害人的權利
- ▶減輕被害人再次受害或遭受二次創傷的風險
- ▶鼓勵被害人報告對他們犯下的罪行
- ▶鼓勵被害人作為證人參與對人口販運者的刑事訴訟
- ▶確保販運行為人不會將起訴的風險轉嫁到被害人身上來 挑脫制裁

The Non-Punishment Principle

- · Objectives:
- >Protection of victims' rights
- > Reduce the risks of revictimizing or re-traumatizing a victim
- >Victims are encouraged to report crimes committed on them
- ➤ Encourage victims to participate as witnesses in criminal proceedings against traffickers
- > Ensure that trafficking perpetrators will not pass the risk of being prosecuted to the victims for escaping punishments

•不懲罰原則的法律面向

•實體:緊急避難☞減輕或免除其刑

•程序:不起訴☞免於逮捕、拘留

The Non-Punishment Principle

- Legal Aspects of the Non-Punishment Principle
- Entity: necessity under duress
 Reduction or remission of a sentence
- Procedure: Non prosecution
 Exemption from arrest and detention

不懲罰原則並非全面不懲罰

- 不應理解為允許對個人自願犯下的犯罪予以全面豁免
- 不應理解為自動免除嚴重犯罪的責任
- •應該瞭解人口販運行為人如何利用「手段」讓被害人同意實行犯罪或參與犯罪,或者以其他方式使其屈服
- 在使用了「手段」的情況下,受害人對剝削或犯罪的同意不妨礙適用不懲罰原則
- •關鍵:根據人口販運的定義來理解不懲罰原則

The Non-Punishment Principle is Unequal to Blanket Immunity

- It should not be interpreted as permitting blanket immunity to individuals who willingly committed crimes.
- It should not be construed as automatically exempting the accountability of serious crimes
- It is important to understand how perpetrators of human trafficking use various means to obtain victims' consent to commit or participate in the crime, or to force them into submission.
- When means are employed, a victim's consent to exploitation or the crime does not preclude the application of the Non-Punishment Principle.
- KEY: To understand the Non-Punishment Principle in the context of the definition of human trafficking

大綱

- 前言—不懲罰原則的法律基礎
- 國際規約中的不懲罰原則
- 不懲罰原則的內涵
- •不懲罰原則的立法方式—以德國、奧地利及臺灣為例

Outline

- Introduction the Legal Basis of the Non-Punishment Principle
- The Non-Punishment Principle in International Laws
- The Idea of the Non-Punishment Principle
- Legislative Approach to the Non-Punishment Principle – the Examples of Germany, Austria and Taiwan

不懲罰原則的立法方式

依照所犯的犯罪行為與人口販運之間的關係,分為:

•強迫模式(脅迫)

販運被害人不會因為被迫犯下的罪行而被定罪

例如:《歐洲反人口販運公約》第26條、《歐盟預防和對抗人口販運及保護其受害者指令》 第8條

• 因果模式(關連)

販運被害人的犯罪行為與其被販運的事實之間存在直 接關連時,不會被定罪

例如:《東協對抗人口販運(尤其是婦女與兒童)公約》第14條第7點:人口販運被害人所實施的犯罪行為與販運行為直接相關時,締約國應在不違反本國法律、規則、條例和政策的情況,並在適當情況下,考慮不追究其刑事或行政責任,

The Legislative Approach to the Non-Punishment Principle

According to the relationship between criminal acts and human trafficking, it is divided into: :

Compelling Model (Coercion)

A Victim of trafficking is not convicted of a crime s/he is forced to commit.

E.g., Article 26 of the European Convention against Trafficking in Human Beings, Article 8 of the EU Directive on preventing and combating trafficking in human beings and protecting its victims

· Causal Model (Correlation)

A victim of trafficking is not convicted if there is a direct link between the crime and the fact that s/he is trafficked.

E.g., Point 7 of Article 14 of The ASEAN Convention Against Trafficking in Persons, Especially Women and Children: . Each Party shall, subject to its domestic laws, rules, regulations and policies, and in appropriate cases, consider not holding victims of trafficking in persons criminally or administratively liable, for unlawful acts committed by them, if such acts are directly related to the acts of trafficking.

不懲罰原則的立法方式

圖有兩種模式皆使用,也有擇一使用的情形。除此之外,有些國家將不懲罰原則僅適用在部分犯罪情形 (例如性交易或與移民相關行為)。在某些情況下,即便不符合這兩種模式的立法而無法適用,也可能基於販運被害人的責任已經減輕到起訴以不符公共利益的程度。

關鍵:舉證

- •最後方式:消除或註銷犯罪紀錄(不得以被害人的合作作為條件)
- 歐刑事記錄可能會影響就業、租房、子女監護、社會福利等

The Legislative Approach to the Non-Punishment Principle

Both models can be applied all together, and they can be applied respectively. In addition, some states apply the principle of non-punishment only in certain criminal activities (e.g., sex trade or immigration-related acts). In some cases, even if the legislation is not compatible with either model and thus unable to apply, the fact that the responsibility of the victim of trafficking has been reduced to the extent that the prosecution is not fitting public interest.

The key: Proof

- Last resort: expunging or removing criminal records (not conditioned on the cooperation of the victim)
- © Criminal records may affect employment, housing, child custody, social welfare, and more

刑事訴訟法Strafprozeßordnung (德國)

·德國刑事訴訟法第154c條:

- (第2項)強制罪或恐嚇罪或人口販運罪(《刑法》第240條、第253條、第232條)之被害人告發其犯罪行為(第158條),而被害人所實施之輕罪因此揭發時,若鑑於犯罪之嚴重性,究責並非絕對必要時,檢察官對該輕罪得不予追訴。
- (2) Zeigt das Opfer einer Nötigung oder Erpressung oder eines Menschenhandels (§§ 240, 253, 232 des Strafgesetzbuches) diese Straftat an (§ 158) und wird hierdurch bedingt ein vom Opfer begangenes Vergehen bekannt, so kann die Staatsanwaltschaft von der Verfolgung des Vergehens absehen, wenn nicht wegen der Schwere der Tat eine Sühne unerlässlich ist.

Strafprozeßordnung (German Code of Criminal Procedure)

- Section 154c
 Non-prosecution of victim of coercion (Nötigung) or extortion
- (2) If the victim of coercion, extortion or of human trafficking (sections 240, 253 and 232 of the Criminal Code) reports such an offence (section 158) and if, as a result, a less serious criminal offence committed by the victim comes to light, the public prosecution office may dispense with prosecution of the less serious criminal offence, unless expiation is imperative owing to the severity of the offence.
- (2) Zeigt das Opfer einer Nötigung oder Erpressung oder eines Menschenhandels (§§ 240, 253, 232 des Strafgesetzbuches) diese Straftat an (§ 158) und wird hierdurch bedingt ein vom Opfer begangenes Vergehen bekannt, so kann die Staatsanwaltschaft von der Verfolgung des Vergehens absehen, wenn nicht wegen der Schwere der Tat eine Sühne unerlässlich ist.

刑事訴訟法StrafprozeBordnung (德國)

- 德國刑事訴訟法第154c條:
- 批評:僅限於輕罪(德國刑法第12條第2項:輕罪,最輕本刑為未滿一年之有期徒刑或罰金之罪)

聯合國與GRETA皆明確表示反對藉由限縮不懲罰原則的適用範圍來排除某 些犯罪行為

•除此之外,第153條微罪不舉、第153a條緩起訴

Strafprozeßordnung (German Code of Criminal Procedure)

- Section 154c:
- Criticism: limited to misdemeanors (Paragraph 2, Section 12: Less serious criminal offences (Vergehen) are unlawful acts which are punishable by a lesser minimum term (under a year) of imprisonment or by a fine.)

Both the United Nations and GRETA have made clear their opposition to excluding certain criminal acts by limiting the scope of the application of the Non-Punishment Principle.

 In addition, Section 153 states Non-prosecution of petty offences, and Section 153a is about deferred prosecution

行政刑法Verwaltungsstrafgesetz (奥地利)

- 奧地利行政刑法第6條:
- •一行為因緊急避難而寬恕罪責,或雖然該當 行政違規的構成要件,但依法是被要求或允 許的,則不可罰。,

Eine Tat ist nicht strafbar, wenn sie durch Notstand entschuldigt oder, obgleich sie dem Tatbestand einer Verwaltungsübertretung entspricht, vom Gesetz geboten oder erlaubt ist.

Verwaltungsstrafgesetz (Administrative Penal Act 1991 – VStG, Austria)

- Article 6:
- An offence is not punishable if excused by an emergency situation. Although it does constitute an administrative violation, it has been requested or permitted with impunity by the law.

Eine Tat ist nicht strafbar, wenn sie durch Notstand entschuldigt oder, obgleich sie dem Tatbestand einer Verwaltungsübertretung entspricht, vom Gesetz geboten oder erlaubt ist.

人口販運防制法(我國)

第27條

人口販運被害人因被販運而觸犯其他刑罰或行政罰 規定者,得減輕或免除其責任。

Human Trafficking Prevention Act (Taiwan)

Article 27

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

建議

- 應加強執法人員及司法人員對「不懲罰原則」的認識
 - 瞭解人口販運的作案方式,尤其是如何利用被害人來犯罪以掩蓋自己的犯行
 - •制訂明確的指導方針,以避免被害人因被迫犯罪而被逮捕、居留或起訴
 - 不應對人口販運受害者提起刑事訴訟,或者在識別出販運指標 後應立即終止刑事程序。
 - 若不符合不起訴之情形,仍有可能免除或減少刑罰,以及撤銷或清除人口販運受害者刑事記錄的選擇。

Recommendations

- The Non-Punishment Principle should be more effectively conveyed to law enforcement and judicial officers
 - Learn about the modus operandi of human trafficking, especially how victims are used to commit crimes to cover up the true culprits.
 - Establish clear guidelines to avoid arrest, detention or prosecution of victims for being forced to commit a crime
 - Victims of trafficking in persons should not be prosecuted as criminals, or criminal proceedings should be terminated immediately upon identifying the indicators of trafficking.
 - If non-prosecution is not applied, there is still the possibility of waiving or reducing the penalty, as well as the option of having the criminal record of a victim of trafficking revoked or expunged.



感謝您的專心聆聽

Vielen Dank für Ihre Aufmerksamkeit!

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Thank you

Vielen Dank für Ihre Aufmerksamkeit!



興談人

David Oh

加拿大多倫多警局網絡協調中心調查官

現職

安大略省多倫多警局網絡協調中心(C3)慎查佐(2024年2月起迄今).此前擔任人口販運執法小組之隊長和調查員職務達7年(2017年4月至2024年2月)。

背景

- 1. 1999 年至 2002 年間就讀約克大學,主修心理學。
- 2. 2007 年 3 月在安大略警察學院完成警察警員訓練。自 2006 年 12 月 19 日起仟職多倫多警局。
- 3. 2017 年 4 月派任人口販運執法小組。職責包括調查涉嫌或懷疑的性或強迫勞動目的人口販運 案件。此外,支持和管理受害人,並參與逮捕和起訴從事性或強迫勞動目的人口販運的犯罪分 子。這些調查覆蓋多倫多市,往往因為犯罪性質而擴展到全國範圍。
- 4. 自 2021 年 10 月起,定期向包括執法部門、各國領事館、政府機構、非政府組織、企業和社區團體在內的各種聽眾,提供演講和講座,涵蓋市級、省級和聯邦級;演講重點是為加拿大各地的個人和團體提供有關性販賣的培訓、教育和指導。2021 年創建「亞裔倖存者網絡」,以支持亞裔社區的性交易工作者。成功地搭建了加拿大亞裔性交易工作者與執法機構之間的橋樑。通過與無數亞裔社區支援團體建立夥伴關係,教育了組織和領事館關於剝削的風險。與全球執法機構、私營部門、內部和外部夥伴合作,共同打擊網絡犯罪調查
- 5. 主辦 2023 年多倫多警察服務國際人口販運會議。該活動匯集了來自全世界超過 500 位致力於 打擊人口販運者,旨在分享新的創新工具、專業知識和倖存者本人的深刻生活經驗。會議擴展 了世界對受害者的資源,並增強了打擊人口販運調查員的能力。

COMMENTATOR

David Oh

Detective, Cyber Coordinated Center, Toronto Police Service, Canada

INTRODUCTION

I, David Oh (Police ID #9657) of the City of Toronto, in the Province of Ontario, am a peace officer employed by the Toronto Police Service and hold the rank of Detective. I am presently assigned to the Cyber Coordinated Center (C3) where I perform the duties of a supervisor and investigator. Prior to my deployment at C3, I was a team lead and an investigator with the Human Trafficking Enforcement Team for 7 years.

SUMMARY OF QUALIFICATIONS

I attended York University, majoring in Psychology from 1999-2002. I then completed my police constable training at the Ontario Police College in March 2007. Since December 19, 2006, I have served as a sworn member of the Toronto Police Service, primarily in the realm of Detective Services.

In my capacity as a lead investigator, case manager, and affiant, I have handled a diverse range of criminal cases, including but not limited to drug trafficking, firearm-related offences, robberies, sexual assaults, human trafficking and parallel homicide investigations.

My assignment to the Human Trafficking Enforcement Team began in April 2017. In this role, my responsibilities included investigating cases involving alleged or suspected human trafficking for sexual or forced labour purposes. Additionally, I supported and managed victims and participated in arresting and prosecuting offenders engaged in human trafficking for sexual or forced labour purposes. These investigations span the City of Toronto, often extending across the nation due to the nature of the offences.

I assumed the role as the gatekeeper for the Human Trafficking Enforcement Team. I assessed and measured the risks involved in each and every referral and tip the unit encountered. I oversaw, reviewed work products, and guided a team of 18 other Detective Constables in this capacity.

Commencing in October 2021, I regularly delivered presentations and lectures to various audiences, including law enforcement, Consulates of various countries, government agencies, non-governmental organizations, corporations, and community groups at municipal, provincial, and federal levels. The focus of my presentations has been to provide training, education, and guidance to individuals and groups throughout Canada concerning sex trafficking.

In 2021, I created the Asian Survivor Network to support sex trade workers within the Asian community. I was able to bridged the gap between Asian sex trade workers and law enforcement agencies in Canada. Creating partnerships with countless Asian community support groups, I educated organizations and Consulates on the risks of exploitation. I emphasised the importance of supporting the individuals that have been victimized in the heinous crime of human trafficking. As a result, Asian sex trade workers in Canada are accessible to vital resources through the Asian Survivor Network.

As an ambassador of the Toronto Police Service, I organized the 2023 Toronto Police Service International Human Trafficking Conference in Toronto. The event assembled over 500 individuals from all over the world all committed to the fight against human trafficking. The event was designed to share new innovative tools, subject matter experts and impactful lived experiences from survivors themselves. The conference broadened the world's resources for victims and enhanced the capabilities of investigators combatting human trafficking.



亞洲倖存者網路

加拿大多倫多警局 性犯罪小組 – 人口販運執法團隊

調查官 David Oh #9657

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ASIAN SURVIVOR NETWORK

TORONTO POLICE SERVICE
SEX CRIMES UNIT – HUMAN TRAFFICKING ENFORCEMENT TEAM

Detective David Oh #9657

什麼是人口販運?

「任何人以剝削或促成其剝削為目的,招募、運輸、轉移、收受、 扣留、藏匿或容留他人者.....」

- 加拿大刑法



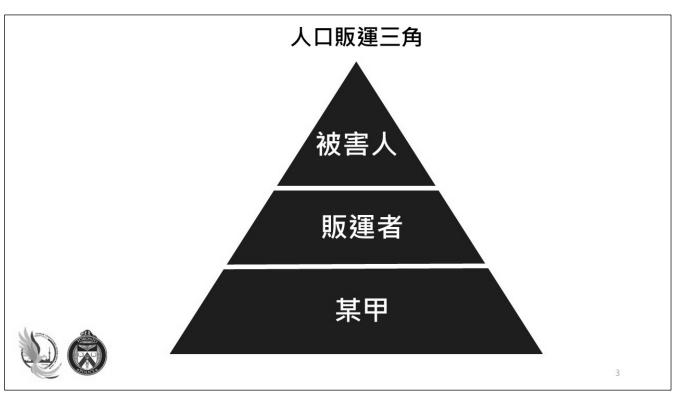
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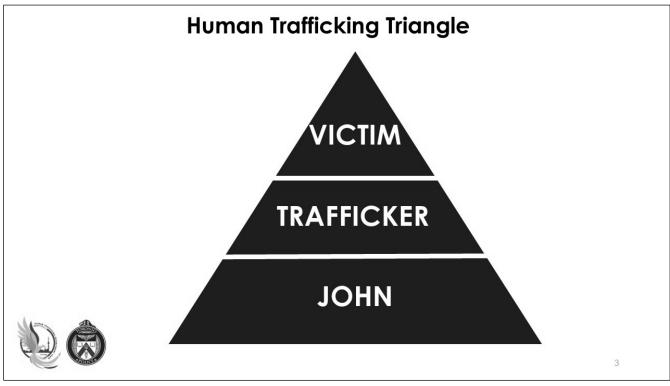
What is Human Trafficking?

"Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, for the purpose of exploiting them or facilitating their exploitation..."

- Criminal Code of Canada







亞洲倖存者網路

大多倫多地區,許多性工作者為亞裔背景。

有些(甚至可說許多)為外國人,並沒有合法居留加拿大的身分。許多性工作者顯然是被剝削的被害人,於亞裔社群中要協助這些性工作者實為一大挑戰。經歷重重挫敗與情報蒐集,我們終究有所了解,現在,我們的工作方法中會考量亞裔社群相關因素。

關於亞裔性工作者為何保持沉默,我們推論出以下幾點:



1. 害怕與警方接觸會被違返母國:



2.性工作者與其家人可能面臨 (一或多名) 販運者的報復;



3.**文化恥辱** - 藉由沉默保持匿名的文化習慣 - 避免受到關注和/或止損 (避免面臨更糟的後果)。





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Asian Survivor Network

Within the Greater Toronto Area, sex trade workers of Asian descent are prevalent within the sex trade. Some, if not many, are foreign nationals and do not have status in Canada. It is evident that some of these sex trade workers are being exploited. It has been a challenge in assisting the sex trade workers within the Asian community. Through failed attempts and intelligence gathering, an understanding has been obtained. Today we consider the factors in our approach within the Asian community.

Theory as to why there is silence within the Asian sex trade workers:



1. Fear of being deported to their homeland upon contact with police;



2. **Repercussions** they and their families may face from their trafficker(s);



3. **Cultural shame** – cultural norms of remaining silent through animosity - forbid bringing attention to oneself and/or cutting their losses.





誰是販運者, 誰是被害人?

被招募「或」自願與亞洲仲介組織簽約的人。

這些仲介組織被視 為犯罪集團·成員 分布全球各地。

自願出國從事性工作償債的人。

仲介組織先向被害人 收取行政費用·可高 達1萬元加幣。 行政費用可能包含旅 行和短暫住宿成本。 仲介組織向被害人傳授話術・教他們應對加拿大邊境服務局・ 提供住宿地點、居留時間、聯絡方式等資訊。

被害人全心投入 願意犧牲一切追 求更好的機會。





Who are the Traffickers and the Victims?

Individuals that are: recruited by, OR self willingly registered with facilitating agencies in Asia. These agencies are considered organized crime groups. They have members positioned worldwide.

Self willing individuals that travel abroad to pay off a debt by working in the sex trade.

Agencies charge the individuals an administrative fee upfront, on upwards of \$10,000 CDN. The administrative fees incorporate travelling costs and a temporary place of stay.

Agencies coach the individuals on the information they are to provide the Canadian Border Services Agency (CBSA), their place of stay, length of stay, and contact information.

Individuals are fully invested and sacrifice everything to have a better opportunity.





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如何淪為販運被害人

販運者向部分被招募 的被害人承諾可在加 拿大工作·多為勞力 工作。抵達加拿大後 被害人被騙、被迫從 事性工作。

犯罪組織派車手到機場接被 害人。 車手直接將被害人帶 到住宿地點·也負責 接送被害人從事性交 易。

有些被害人住宿和工 作地點為同一處。 被害人的身分 證件馬上被管 理者沒收。

管理者會向被 害人傳達指示 與規定。 被害人會收到 由管理者監控 的手機/SIM卡

犯罪集團位被害人提供基本必需品 - 食物盥洗用品和衛生用品。

6





How they are Victimized

Some recruited individuals are often promised work, predominantly labour, in Canada. Upon their arrival in Canada, they are tricked and forced to work in the sex trade.

Individuals are picked up from the airport by dedicated drivers of the criminal organization.

The dedicated drivers take the individuals to their place of stay, as well as their outcalls. Several of the individuals also work and reside at the same

Identification is immediately taken from the individuals by the controller/ handler.

The controller will give directions and rules to the individuals.

Phones/SIM cards are provided to the individuals which are monitored by the controller. The controller handles all the money earned — majority of the individuals are demanded to pay off their debt immediately. Some controllers will trick the individuals into paying more than they owe, so they can profit money themselves.

Basic necessities are provided to the individuals by the organization – food, toiletries, and sanitary products.





剝削



被害人被頻繁轉移地點;



被害人一天需服務高達10個客人,每週7天不得休息;



若被害人無法滿足販運者要求,罪犯會威脅、恫嚇、勒索 逼迫被害人;





被害人面臨被客人性侵、搶劫的風險。販運者既不會阻止,也不會代為尋求警 方協助。





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Exploitation



Individuals will be moved frequently to other locations/places;



Individuals will service an upwards of 10 clients a day, 7 days/week;



Traffickers will threaten, intimidate and extort the individuals if they are unable to meet their demands;





The individuals are at risk of sexual assaults and robberies by clients. Their traffickers will not intervene nor call police for assistance.





終極目標



- 與亞裔社群建立夥伴關係,合作打擊人口販運,救援販運被害人;
- 救援倖存者,確保被害人安全;
- 為倖存者提供一切所需 醫療照護、社會服務、簽證等。
- * 打破沉默, 傾聽被害人的聲音



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Ultimate Goal



- Create partnerships and collaboratively work with Asian communities to fight human trafficking and save the victims of human trafficking;
- Bring the survivors to safety;
- Provide the survivors with any needs medical attention, social services, visas, etc.
- * End the silence and listen to the victim's voices





NOTE





興談人

安成訓

韓國刑事政策法務研究院選任研究委員

現職:

• 韓國刑事法務政策選任研究委員

學歷

• 日本明治大學 刑事學博士

• 日本明治大學 刑事學碩士

經歷(近5年)

• 2024.1~現在 檢察搜查審議委員會 委員

• 2024.1 韓國保護管束學會 總務理事

• 2023.11 法務部長官 表章

• 2022.1~現在 首爾高等檢察廳 刑事審議委員會委員

• 2021.8~2023.12 大法院 量刑委員會 諮詢委員

2020.2~2020.12 美國賓州印地安那州立大學訪問教授

2019 獲國務總理表章

• 2019.4~現在 法務部 犯罪被害者保護委員會委員

• 2018.3~現在 大法院量刑研究會 運營委員

• 2018.4~2020.2 國民權益委員會 委員

COMMENTATOR

An, Sung-Hoon

Senior Researcher, Korean Institute of Criminology and Justice, Korea

CURRENT POSITION

Senior Researcher, Korean Institute of Criminology and Justice

EDUCATION

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

EXPERIENCE

- 2024.01 Now Member of Prosecution Investigation Deliberation Committee
- 2024.01 Director of General Affairs, Probation Association, Korea
- 2023.11 Recipient of Ministry of Justice's Commendation
- Member of Criminal Deliberation Committee, Seoul High Prosecutor's Office (2022/01 Now)
- Advisory Member of Supreme Court Sentencing Counsel (2021/08 Now)
- Visiting Professor at Indiana State University (2020/02 2020/12)
- Recipient of Prime Minister's Commendation (2019)
- Member of Association for Victims Support, Ministry of Justice (2019/04 Now)
- Committee member of Sentencing Research Society, Ministry of Justice (2018/03 Now)
- Committee member of Anti-Corruption and Civil Rights Commission (2018/04 2020/02)

韓國持E-6-2簽證的 外籍女性人口販運 相關議題

韓國刑事政策法務研究院選任研究委員安成訓



The issue of human trafficking involving foreign women with E-6-2 visa status in South Korea

AN, SUNG-HOON

Senior Research Fellow Ph.D. Criminal Law Korean Institute of Criminology and Justice





Policy Responses

韓國持E-6-2簽證的 外籍女性人口販運 相關議題



The issue of human trafficking crimes involving foreign women with E-6-2 visa status in South Korea.



Charles of H

REPUBLIC OF KOREA

E-6娛樂簽證的起源

1960年代 引進此簽證

為了讓外國藝人在韓國的 美軍俱樂部演出而引進E-6簽證。

1996年 擴大範圍

改爲綜合許可制度, 擴大在國內可進行演出的範圍。 1993年 更名

表演簽證更名爲娛樂簽證(E-6)。

1999年 推薦制度

許可制轉爲推薦制,

就業仲介機構增加。

REPUBLIC OF KOREA

Origins of the E-6 Entertainment Visa

1960s Introduction
E-6 visa introduced for foreign entertainers
at US military clubs in South Korea.

1996 Expansion Changed to comprehensive permit system allowing broader domestic performances. 1993 Renaming

Performance visa renamed to entertainment visa (E-6).

1999 Recommendation System

Permit system switched to recommendation system, increasing employment agencies.

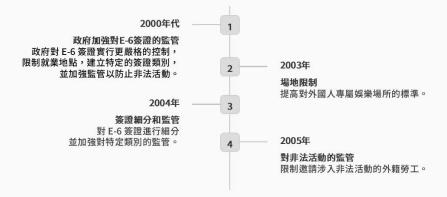
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E-6簽證法規的演變





Evolution of E-6 Visa Regulations





韓國E-6-2簽證政策的演變







CH食P日華の田

REPUBLIC OF KOREA

E-6簽證子類別

E-6-1: 藝術和娛樂 E-6-2: 飯店和娛樂 E-6-3: 體育

涵蓋音樂、藝術、文學和 適用夜店和飯店等娛其他藝術領域的營利活動。 樂場所的表演活動。

包括體育賽事、廣告、時裝模特兒和戲劇演出。

日本日宝の沿

REPUBLIC OF KOREA

E-6 Visa Subcategories

E-6-1: Arts and Entertainment

Covers profit-generating activities in music, art, literature, and other artistic fields.

E-6-2: Hotel and Entertainment

For performance activities in entertainment establishments like nightclubs and hotels.

E-6-3: Sports

Includes sports events, advertising, fashion modeling, and theater performances.



REPUBLIC OF KOREA

E-6簽證持有者狀態,依合法性

「單位	人數,	%1

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
總數	5,162	4,924	4,302	3,704	3,633	3,549	3,011	3,285	3,989	4,711
	(100)	(100)	(100)	(100)	(100)	(100)	(100)	(100)	(100)	(100)
E-6-1	640	672	696	702	869	981	885	1,215	1,779	2,159
	(12.4)	(13.7)	(16.2)	(19.0)	(23.9)	(27.6)	(29.4)	(37.0)	(44.6)	(45.8)
E-6-2	4,309	4,005	3,330	2,692	2,462	2,266	1,910	1,827	1,913	2,177
	(83.5)	(81.3)	(78.8)	(72.7)	(67.8)	(63.9)	(63.4)	(55.6)	(48.0)	(46.2)
E-6-3	213	247	276	310	302	302	216	243	297	375
	(4.1)	(5.0)	(6.4)	(8.4)	(8.3)	(8.5)	(7.2)	(7.4)	(7.5)	(8.0)



REPUBLIC OF KOREA

Status of E-6 Visa Holders by Eligibility Categories

[Unit: Persons, %]

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Total	5,162	4,924	4,302	3,704	3,633	3,549	3,011	3,285	3,989	4,711
	(100)	(100)	(100)	(100)	(100)	(100)	(100)	(100)	(100)	(100)
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	(12.4)	(13.7)	(16.2)	(19.0)	(23.9)	(27.6)	(29.4)	(37.0)	(44.6)	(45.8)
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CHORLES OF

REPUBLIC OF KOREA

持E-6-2簽證的外籍女性,國籍資訊 (2019-2023)

					[單位:人數]
類別	2019	2020	2021	2022	2023
菲律賓	1,704	1,475	1,352	1,427	1,647
烏克蘭	93	55	85	65	54
中國	53	29	23	32	32
印尼	33	27	25	22	19
俄羅斯	30	17	16	25	29
吉爾吉斯	13	10	9	9	7
白俄羅斯	10	4	6	7	10



REPUBLIC OF KOREA

Status of Female Foreign Nationals with E-6-2 Visas by Major Nationalities(2019-2023)

					[Unit: Persons]
Category	2019	2020	2021	2022	2023
Philippines	1,704	1,475	1,352	1,427	1,647
Ukraine	93	55	85	65	54
China	53	29	23	32	32
Indonesia	33	27	25	22	19
Russia	30	17	16	25	29
Kyrgyzstan	13	10	9	9	7
Belarus	10	4	6	7	10



E-6-2簽證持有者的國籍排序(2023年)

菲律賓

1 持有此類簽證者的人數最多,共有1,647人

烏克蘭

2 持有此類簽證者的人數排名第二,有54名

中國

3 持有此類簽證者的人數排名第三,有32名

俄羅斯

持有此類簽證者的人數排名第四,有29名



Top Nationalities of E-6-2 Visa Holders (2023)

Philippines

Largest group with 1,647 visa holders

Ukraine

2 Second largest with 54 visa holders.

China

3

Third largest with 32 visa holders.

Russia

Fourth largest with 29 visa holders.

人口販運過程:招募

機構合作

1

2

3

1

2

3

國內仲介機構與國外人力派遣仲介機構合作

簽約手續

雇傭合約往往缺乏用工作者的母語進行充分解釋

創造債務

要求預付款項做爲入門成本,並建立債務關係

Human Trafficking Process: Recruitment

Agency Collaboration

Domestic agencies partner with foreign manpower dispatch agencies

Contract Formalities

Employment contracts often lack sufficient explanations in workers' native languages

Debt Creation

Entry costs create debt relationships through advance payments

人口販運過程:簽證申請

演出推薦

1

3

1

仲介機構根據提交的文件和演出影片申請推薦

簽證許可審查 2 移民局審查推薦信和雇傭合約

領事面談

當地領事館在核發簽證前進行面談和最終審查

Human Trafficking Process: Visa Application

Performance Recommendation

Agency applies for recommendation based on submitted documents and performance videos

Visa Certificate Review

Immigration office reviews recommendation letter and employment contract

Consular Interview

Local consulate conducts interview and final review before issuing visa

抵達後的眞相:欺騙和脅迫

預期外的工作 威脅 強迫賣淫

女性發現自 己必須在僅 限外國人的 場所從事侍 應活動

拒絕會導致 不支付工資、 罰款和強制 驅逐出境的

驅逐山 威脅 以各種威脅 和控制手段 強迫賣淫



Reality After Entry: Deception and Coercion

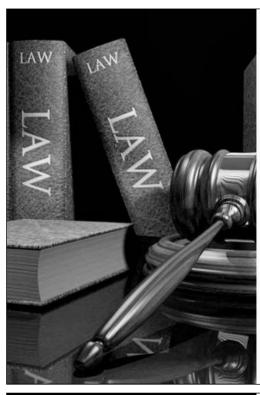
Unexpected Work

Women find themselves having to do hostess activities in foreigner-only facilities. Threats

Refusal leads to threats of wage nonpayment, fines, and forced deportation Forced Prostitution

Coercion into prostitution through various threats and manipulations

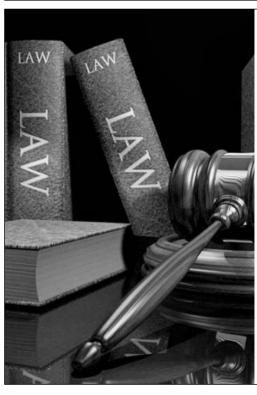




韓國人口販運的法律定義

國際議定書 韓國刑法 法律落差

將販運定義 爲招募、運 輸或窩藏以 供剝削 狹隘地認定 人口販運只 適用於貿易 行為 狹隘的解釋 限制了對許 多販運受害 者的保護



Legal Definition of Human Trafficking in South Korea

International Protocol

Defines trafficking as recruitment, transportation, or harboring for exploitation South Korean Criminal Law

Narrowly applies human trafficking only to acts of trade Legal Gap

Narrow interpretation limits protection for many trafficking victims

現行反人口販運法的侷限性

1 狹隘定義

現行法律缺乏對人口販運的全面定義

2 應用範圍受限

對「貿易」的狹隘解釋 限制了對販運者的起 訴 3 懲處措施不足

《防止人口販運法》缺 乏懲罰人口販運者的 具體條款

4 要求修法

必須根據國際人口販運概念制定懲罰性條款

The limitations of current human trafficking laws

1 Narrow Definition

2 Limited Application

Insufficient Punitive Measures

Current law lacks comprehensive definition of human trafficking

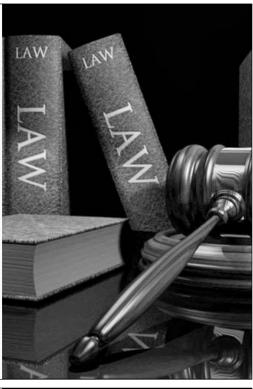
Narrow interpretation of 'trade' restricts prosecution of traffickers

Human Trafficking Prevention Act lacks specific provisions for punishing traffickers

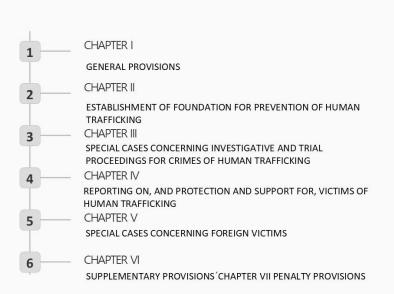
4 Demand for Legal Revisions

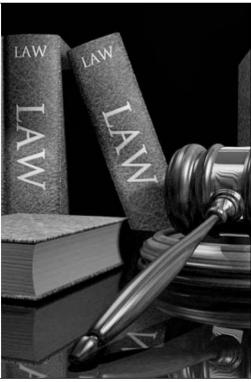
Need for establishing punitive provisions based on international human trafficking concept

《防止人口販運暨受害者保護法》 1 第一章 總則 2 第二章 建立防止人口販賣的基礎 3 第三章 關於人口販賣罪行調查和審判程序的特殊案例 4 第四章 報告人口販賣受害者,並為其提供保護和支持 5 第五章 關於外籍受害者的特殊案例 6 第六章 附則 第七章 罰則



The Act on Prevention of Human Trafficking and Protection of Victims





《防止人口販運暨受害者保護法》

第一章 「人口販運」的定義等 (第2.1條)

類別	目的	手法	行動
	商業性行為 或性剝削	(a)攻擊、威脅、脅迫、逮捕、限制、俘虜、引誘或交易他人; (b)對某人使用欺騙手段或武力,或利用某人的脆弱和絕望;	招募、運送、轉移、藏匿、 移交或接收人員的行為
主要	勞動剝削	(c)因業務或雇傭關係或其他形式的關係而向保護和監督他人的人提供或承諾提供金錢、貴重物品或	
	器官摘除	財物收益;	
例外	(同上)	若涉及招募、運送、轉移、窩藏、移交或接收兒童 青少年或身心障礙人士·則上述具體手段不屬於必 要條件	

the Act On Prevention Of Human Trafficking And Protection Of Victims

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

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

改善受害人身份鑑別流程

1 早期辨識

對於保護和支持人口 販運受害者至關重要 2 發展指標

《防止人口販運法》要 求制定受害者身份辨 識指標 3 教育宣傳

需要提高對辨識指標 的認識和教育

4 持續改善

持續改良辨識人口販運受害者的程序

Improving Victim Identification Procedures

- Early Identification

 Crucial for protecting and supporting trafficking victims
- 2 Indicator Development

 Human Trafficking Prevention

 Act mandates development of

 victim identification indicators
- 3 Education and Publicity

 Need for increased awareness
 and education about
 identification indicators
- 4 Continuous Improvement
 Ongoing refinement of procedures for identifying human trafficking victims

受害者認證程序

1

申請證明

受害者或強制報告人要求性別平等和家庭部長提供證明。

2

案例評估

委員會在60天內審查和評估案件(可延長30天)

核發證明

3

部長向已確認的人口販運受害者核發證明

Victim Certification Process

1

Request for Certificate

Victim or mandatory reporter requests certificate from Minister of Gender Equality and Family.

2

Case Assessment

Committee reviews and assesses case within 60 days (extendable by 30 days)

3

Certificate Issuance

Minister issues certificate to confirmed human trafficking victims

受害者認證程序的問題

曠日廢時

長達90天的評估期過長

缺乏上訴程序

沒有對認證決定提出上訴的程序。

保護缺口

漫長的等待時間使得受 害者保護和支援出現缺 口

Issues with Victim Certification Process

Long Duration

Assessment period of up to 90 days is excessively long.

Lack of Appeal Process

No procedure for appealing certification decisions.

Protection Gaps

Long wait times create gaps in victim protection and support.

受害人保護和支持措施



庇護所運營

爲人口販運受害者提供安全住所 和身份保護。



醫療救助

爲受害人的身心健康提供醫療服 務。



法律支援

提供法律服務,確保受害者得到 適當的法律保護。



心理諮詢

展開諮詢計劃,協助受害者從創 傷中恢復。

Victim Protection and Support Measures



Shelter Operation

Provide safe housing and identity protection for trafficking victims.



Legal Support

Offer legal services to ensure victims receive proper legal protection.



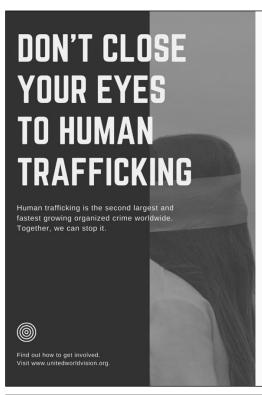
Medical Assistance

Provide medical care for physical and mental health of victims.



Psychological Counseling

Run counseling programs to help victims heal from trauma.



提高公衆意識的活動

1 教育專案

規劃宣傳人口販 運的危險和危害 的專案。

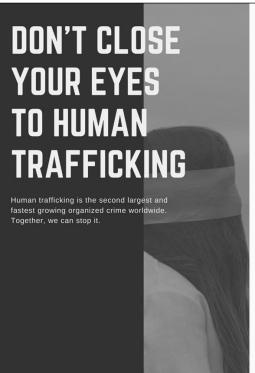
3 社區宣導

讓當地社區參與 打擊人口販運的 宣傳活動。 2 大衆媒體運動

利用各種媒體管 道加強宣導力道。

4 校園教育

在學校和大學實施提高人口販運 意識的計劃。



Public Awareness Initiatives

1 Educational Programs

Develop programs to inform about dangers and harms of human trafficking.

3 Community Outreach

Engage local communities in anti-trafficking awareness efforts.

2 Mass Media Campaigns

Strengthen promotional activities through various media channels.

4 School-based Education

Implement trafficking awareness programs in schools and universities.



建立合作體系

- 1 跨機構合作 加強警方、檢察 官和移民當局之 間的合作。
- 2 **資訊分享** 改善人口販運情 報網路分享制度。
- 3 聯合行動 進行協調行動,打擊人口販運,營救受害 者。



Establishing Cooperation Systems

- Inter-agency
 Collaboration
 Strengthen cooperation
 between police,
 prosecutors, and
 immigration authorities
- Information Sharing
 Improve systems for
 sharing intelligence on
 trafficking networks
- Joint Operations

 Conduct coordinated operations to combat trafficking and rescue victims

國際合作



全球合作夥伴

加強與打擊人口販運的國際組織的聯繫

S

雙邊協定

與來源國簽訂協議,防止販運



法律調和

努力使反人口販運法律與國際標準保持一致



International Cooperation



Global Partnerships

Strengthen ties with international organizations combating human trafficking



Bilateral Agreements

Establish agreements with source countries to prevent trafficking



Legal Harmonization

Work towards aligning anti-trafficking laws with international standards



分析國內人口販運案件

1 案例研究

檢視過去涉及E-6-2簽 證持有者的販運案件 2 辨識模式

辨識販運者常用的方 法和路線 3 受害者經歷

分析受害者的證詞以改進支援和預防策略

4 法律缺失

找出被販運者利用的現行法律中的弱點

Analyzing Domestic Trafficking Cases

- Case Studies

 Examine past trafficking cases involving E-6-2 visa holders
- Pattern Recognition

 Identify common methods
 and routes used by traffickers
- Victim Experiences

 Analyze victims' testimonies to improve support and prevention strategies

4 Legal Gaps

Identify weaknesses in current laws exploited by traffickers

學習國際最佳實踐做法

預防策略

學習其他國家的成功預 防計劃。

受害者保護

檢視支持受害者和協 助復健的創新方法。

執法

學習國外有效的調查和 起訴技巧。

Learning from International Best Practices

Prevention Strategies

Study successful prevention programs from other countries.

Victim Protection

Examine innovative approaches to victim support and rehabilitation.

Law Enforcement

Learn from effective investigation and prosecution techniques abroad.

謝謝聆聽

[聯絡資訊]

AN, SUNG HOON

Email: kic2mail@gmail.com

Thank you for your time and attention!

[Contact Information]

AN, SUNG-HOON

Senior Research Fellow Ph.D. Criminal Law Korean Institute of Criminology and Justice

Email: kic2mail@gmail.com

NOTE





興談人

李玲

義大利威尼斯大學博士研究生

簡介

- 曾在聯合國機構、非政府組織和政府機構從事人權保護和人道主義工作,主要工作地區包括 東南亞、東非和西非地區。
- 10 年以上反人口販運、反性別侵害實踐及研究調研工作。
- 熟練掌握 3 種聯合國官方語言: 中文、法語、英語。
- Scam: Inside Southeast Asia's Cybercrime Compounds (即將出版)作者。

教育背景

- 2023 年 至今 義大利威尼斯大學 博士 亞非研究
- 2020 年 2021 年 法國里昂政治學院 碩士 公共政策監測與評估
- 2020 年 2021 年 英國肯特大學 碩士 國際法
- 2020 年 2021 年 中國刑警學院 學士 法學

工作經歷

專案經理(柬埔寨) 憫研顧問 2023 年 7 月-2024 年 7 月

COMMENTATOR

Ling Li

PhD Student, Ca' Foscari University of Venice

PROFESSIONAL SUMMARY

- Result-oriented professional with eight years of experience in monitoring, evaluation, research, and learning at UN agencies, NGOs, and public entities in the fields of human rights, protection, and humanitarian work in Southeast Asia, West Africa, and the MENA region.
- Project management experience through needs assessment, strategic planning, and resultsbased management in over 20 projects.
- Professional proficiency in three UN official languages: English, French, and Chinese.
- Co-author of the book Scam: Inside Southeast Asia' s Cybercrime Compounds (forthcomingwith Verso Books)

EDUCATION

- Ca' Foscari University of Venice Venice, Italy PhD in Asian and African Studies 2023–Now Research subject: New forms of technology-facilitated modern slavery in East and Southeast Asia
- Sciences Po Lyon Lyon, France Masters in Monitoring and Evaluation of Public Policies 2020–2021
 - Dissertation: 'Improving Remote Management: Third Party Monitoring Operators as a Liaison between International Agencies and Local Organizations'
- University of Kent Brussels, Belgium LLM in International Human Rights Laws 2018–2019 Dissertation: 'The Complexity of Seeking Protection: China's Immigration Laws and Policies Relating to Refugees'
- National Police University of China Shenyang, China Bachelor of Law 2007–2011
 Charles Sturt University Goulburn, Australia Bachelor of Policing, exchange program 2010–2011

PROFESSIONAL EXPERIENCE

Humanity Research Consultancy Cambodia *Project Manager* July 2023–July 2024



失落的救援

爲何目前的受害人辨識機制無益於東南亞詐騙倖存者

Tel/WhatsApp +8550714454100 E-mail

Ling.li@unive.it

Ling Li 威尼斯大學 英國憫研顧問專案經理



LOST IN SALVATION

HOW THE CURRENT VICTIM IDENTIFICATION SYSTEMS FAIL SURVIVORS OF SCAM COMPOUNDS IN SOUTHEAST ASIA

Tel/WhatsApp +8550714454100

E-mail Ling.li@unive.it

Ling Li Ca'Foscari University of Venice



受害人還是罪犯?

受害人一加害者重疊

在網路詐騙行業中,以強迫犯罪為目的的人口販運導致了一種通常被稱為「受害人一 加害者重疊」的現象。這種重疊性可見於金字塔騙局(老鼠會、龐氏騙局)、親密伴侶暴力、賣淫人口販運等案件中,使倖存者的法律地位複雜化,使他們身為倖存者的身份辨識更加複雜。

其他誤解

還有一種普遍的觀點認為,網路詐騙行業中人口販運的倖存者是不同類型的受害人,通常「受過良好教育、懂電腦且會說多種語言」 (OHCHR, 2023年)。這種敍述很少與事實相符,而且無益於他們尋求執法部門協助和爭取輿論支持。



VICTIMS OR OFFENDERS?

Victim-Perpetrator Overlap

Trafficking into forced criminality in the online scam industry leads to a phenomenon commonly known as 'victim-perpetrator overlap'. Such Overlap can be seen in pyramid schemes, intimate partner violence, TIP for prostitution, etcetera, and complicates the legal standing of the survivors, making their identification as survivors more complicated.

Other Misconceptions

There is also the widespread idea that survivors of human trafficking in the online scam industry are a different type of victims, generally 'well educated, computer-literate and multi-lingual' (OHCHR 2023). This narrative rarely corresponds to the truth and does not help their case when they seek support from law enforcement and the public.

目前做法的限制



- 東協的《禁止販運人口--特別是婦女和兒童--公約》 (2015)加強了對人口販運受害人的免罰原則,但 沒有列出具體的罪行。
- 各地立法各不相同。例如,泰國2009年頒布的《打擊人口販運法》明確禁止對被迫犯罪的人口販運受害人提起法律訴訟,但只列出了四種犯罪類型(不包括網路犯罪)。
- 3. 跨境案件。受影響的多個國家需要採用一致的標準 做法,並承認受害人地位。

02 舉證責任

- 因爲受害人通常被迫簽訂「合約」,而且經常獲得微薄的 工資,因此當局傾向於將這些情況描述爲勞資糾紛或非 法移民案件。
- 2. 電話受到監控,暴力行為通常很隱蔽,證據被銷毀。
- 倖存者缺乏語言技能,也由於缺乏證件而不敢通報當地 單位。

03 漫長而艱鉅的受害者辨識過程

大使館不鼓勵進行受害人辨識流程(VID),而是建議他們乾脆支付逾期停居留罰款並自費返國。

THE LIMITATIONS OF CURRENT PRACTICES

01 Legal Loopholes

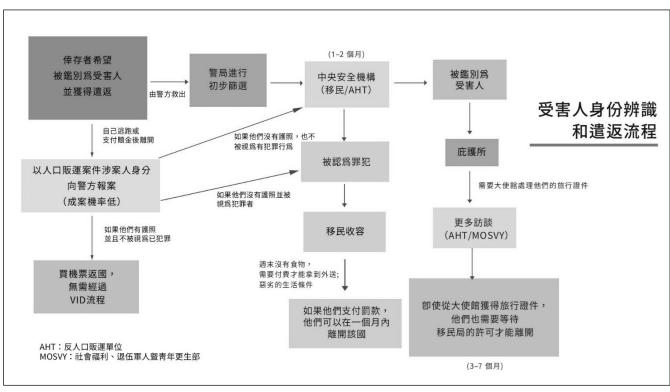
- The ASEAN's 'Convention against Trafficking in Persons, Especially Women and Children' (2015) reinforces the non-punishment principle for victims of trafficking into forced criminality, but no specific offences are named.
- Local legislation varies. For instance, Thailand's 2009 Anti-Trafficking in Persons specifically prohibits legal proceedings against trafficking victims forced into criminality, but only lists four types of offence (not cybercrime).
- 3. Cross border cases. Need standard practice and recognition of victim status among affected countries.

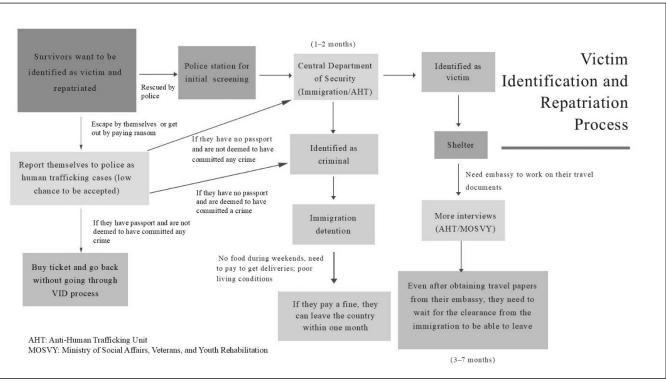
02 Burden of Proof

- Victims are usually forced to sign a 'contract' and small salaries are often given, so authorities tend to frame these situations as labour disputes or as illegal immigration cases.
- 2. Phones are monitored, violence is often covert, evidence is destroyed.
- 3. Survivors lack language skills and are scared of local authorities due to their lack of papers.

03 Lengthy and Farraginous VID Process

Embassies do not encourage their victims to go through VID process, suggesting instead that they simply pay overstay fines and go back at their own expense.





我們能做什麼

通過相關法條以 塡補當前的空缺/達到區域標準



爲什麼這很重要

這將有助於爲在第一線工作的人 制定明確的指導原則 減輕被害人舉證責任/ 加強國際取證合作



防止再次創傷和再販運

縮短遣返時間/鼓勵受害人進行VID



獲取更多資料,爲起訴和可能的制裁建立具體證據

WHAT WE COULD DO

Adopt relevant legislation to fill current gaps / reach regional standards



WHY IT IS IMPORTANT

It will help create clear guidance for ppl working on the frontline

Ease the burden of proof from victims

/ strengthen international

cooperation to get evidence



Prevent retraumatisation and retrafficking

Shorten the length of repatriation / encourage victims to go through VID



Get more data to build concrete evidence for prosecution and possible sanction

議題二·SESSION 2

各國防堵跨國人口販運犯罪策略

Strategies for Preventing Transnational Human Trafficking Crimes





主涛人

林盈君

行政院防制人口販運及消除種族歧視協調會報委員

現職

中央警察大學國境警察學系助理教授

最高學歷

英國 NEWCASTLE 大學社會學和社會政策學博士

服務

行政院人權保障推動小組第 15-16 屆委員 行政院防制人口販運及消除種族歧視協調會報第 8-9 屆委員 內政部移民署跨國境婚姻媒合管理審查小組委員 新住民發展基金管理會委員

工作經驗

助理教授 | 中國文化大學社會福利系 | 2010-2011 博士後研究員 | 國立台灣大學社會工作學系 | 2010 社工師 | 婦女救援基金會 | 2004-2005 社工師 | 台北市家庭暴力暨性侵害防治中心 | 2003

學術專長

人口販運、移民政策、社會工作

MODERATOR

Ying-Chun Lin

Committee Member of the Executive Yuan Coordination Committee on Prevention of Human Trafficking and Elimination of Racial Discrimination

CURRENT POSITION

Assistant Professor, Department of Border Police, Central Police University

EDUCATION

PhD in Sociology and Social Policy, Newcastle University, UK

SERVICES

- Member of the 15th-16th Human Rights Task Force, Executive Yuan
- Member of the 8th-9th Executive Yuan Coordination Committee on Prevention of Human Trafficking Prevention and Elimination of Racial Discrimination Racism Coordination Meeting
- Member of the International Matchmaking Management and Review Task Force, National Immigration Agency, Ministry of the Interior
- Committee Member of the New Immigrants Development Fund, National Immigration Agency

EXPERIENCE

- Assistant Professor | Department of Social Welfare, Chinese Culture University | 2010-2011
- Postdoctoral Research Fellow | Department of Social Work, National Taiwan University |
 2010
- Social Worker | Taipei Women's Rescue Foundation | 2004-2005
- Social Worker | Taipei City Center for Prevention of Domestic Violence and Sexual Assault
 | 2003

EXPERTISE

Immigration Policy, Human Trafficking, Social Work



講習

Van Nguyen

東協 - 澳洲防制人口販運計畫越南辦公室國家計畫研究員

Ms. Van Nguyen - 美國馬里蘭大學刑事司法領導碩士。她在警務、司法、犯罪之預防以及對受害者的支持與保護等方面有超過 15 年的工作經驗。目前,Ms. Van Nguyen 是東協 - 澳洲防制人口販運計畫越南辦公室的國家計畫研究員,致力於打擊人口販運的法律、政策的參與、人口販運情勢分析、新趨勢、干預措施的發展、反人口販運的實踐和標準作業程序;且倡導並整合以受害者為中心的方法、性別敏感度和社會包容,以促進受害者權利。

在區域性計畫中的工作使 Ms. Van Nguyen 對區域內的防制人口販運有了全面的瞭解和深入見解。 Ms. Van Nguyen 同時也是一位精通互動培訓方法的培訓師。她曾就防制人口販運、兒童剝削、性剝削和性別暴力等不同主題提供了各種培訓。在加入東協-澳洲防制人口販運計畫之前,Ms. Van Nguyen 在越南人民警察學院擔任了近十年的警察工作,負責能力建設計劃和警察國際合作。該職位為她提供了與世界各地和該地區的執法機構有廣泛合作的機會,特別是打擊複雜類型的犯罪,包括跨國有組織犯罪,例如:人口販運、毒品相關犯罪、洗錢。因此,她獲得了許多在各個刑事司法領域的專業知識,這對她目前的角色和職業生涯有很大的幫助。

SPEAKER

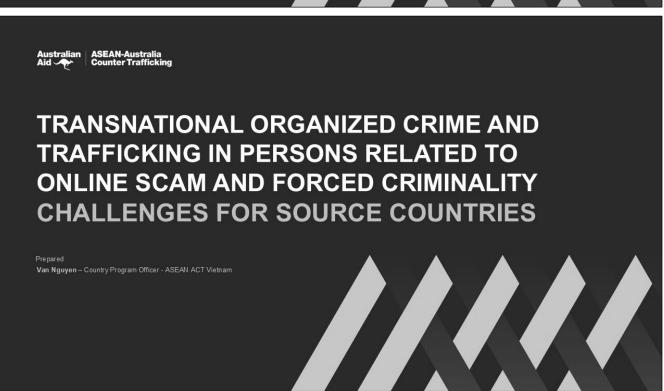
Van Nguyen

Country Program Officer, ASEAN-Australia Counter Trafficking, Vietnam

Ms. Van -Master of Leadership in Criminal Justice, University of Maryland, USA. She has more than 15 years working in policing, justice, crime prevention and victim protection and support. Currently, Van is the Country Program Officer of ASEAN-Australia Counter Trafficking in Vietnam where she involves deeply in law, policy engagement, analyzation of trafficking in person situation, emerge trends, development of intervention, good practice, SOP in counter trafficking in persons; advocate and integrate victim center approaches, gender sensitivity and social inclusion to promote victim rights.

Working in a regional program provides Van a comprehensive overview and insights of counter trafficking in persons in region. Van is also a trainer fluent with interactive training methodologies. She has delivered various training on different topics related to counter trafficking in persons, child exploitation, sexual exploitation, and gender-based violence. Before ASEAN-ACT, Van spent nearly 10 years working as a Police Officer at People's Police Academy of Vietnam, in charge of capacity building programs and police international cooperation. The position provided opportunities for her to work broadly with law enforcement from many countries around the world and in the region in counter complex types of crimes including transnational organized crimes such as: trafficking in persons, drug related crime, money laundering. As a result, her expertise has been developed in various criminal justice areas which strong supports for her current role and carrier.





跨國組織犯罪與網路詐騙及強迫犯罪相關之人口販運 對來源國之挑戰



本簡報使用下列研究的資訊和數據:

本简积使用广约则元的真印和数据。 國際移民組織(IOM),2023年,《東南亞以強迫犯罪為目的的人口販運(TIP)情況分析》 聯合國人權事務高級專員辦事處(人權高專辦,OHCHR),2023年,《東南亞的網路詐騙行動和強迫犯罪販運:應對人權的建議》 聯合國毒品和犯罪問題辦公室(UNODC),2023年,《東南亞賭場、網路欺詐和強迫犯罪的人口販運》 2023年各里島進程,《受欺騙,應對助長東南亞網路詐騙中心擴張的TIP-政策簡報》 2022年東協法案(ASEAN-ACT),《東協成員國對人口販運受害者不懲罰原則的實施》

2

TRANSNATIONAL ORGANIZED CRIME AND TRAFFICKING IN PERSONS RELATED TO ONLINE SCAM AND FORCED CRIMINALITY

CHALLENGES FOR SOURCE COUNTRIES



The presentation uses information and data from the following studies:

IOM, 2023, Situation analysis on TIP for the purpose of forced criminality in Southeast Asia

OHCHR, 2023, Online Scam Operations and Trafficking into forced criminality in Southeast Asia: Recommendations for a human rights response UNODC, 2023, Casinos, cyber fraud, and TIP for forced criminality in Southeast Asia

The Bali Process, 2023, Trapped in deceit, responding to the TIP fuelling the expansion of Southeast Asia's online scam centers-Policy Brief ASEAN-ACT, 2022, Implementation of the Non-punishment principle for victims of human trafficking in ASEAN member states



- 概述和分析下列主題:
 - o 跨國組織化人口販運犯罪的運作並如何 涉及強迫犯罪
 - o 網路詐騙中心如何運作。
 - o 跨國組織犯罪集團的作案手法及與犯罪 組織的多層次勾結
 - o 跨國組織販運中被害人的脆弱性

- 計論
 - o 來源國的應對
 - 來源國在打擊與網路詐騙有關的跨國組 織販運人口犯罪時面臨的挑戰和障礙。
 - 提出因應建議,加強打擊與網路詐騙和強迫 犯罪有關的跨國組織販運人口犯罪的效力。





- Provide an overview and analysis of:
 - How transnational organized trafficking in person crime operates and involves forced criminality is operated
 - o How online scamming centres are working.
 - The modus operandi of transnational organized crime groups and their multilayered collusion of criminal organizations.
 - Vulnerability of victims in transnational organized trafficking

- Discussion of:
 - o Responses from source countries
 - Challenges and barriers which source countries face in countering transnational organized trafficking in person crime related to online scams.
 - Propose recommendations to enhance effectiveness of countering transnational organized trafficking in person crime related to online scam and forced criminality.



概述

與網路詐騙和強迫犯罪有關的跨國組織販運人口犯罪

- 東南亞面臨組織犯罪帶來的重大挑戰,包括人口販運和 非法經濟
- 該地區的跨國組織犯罪(TOC)團體可以非常公開,在 某些情況下,他們會以合法的商業實體甚至慈善單位的 形式出現
- TOC主謀與政府和民間有影響力的人士勾結,擴大他們的財富和權力(例如:經濟特區和賭場)

經濟特區和賭場

- ▶ 促進經濟發展
- ▶ 也可能使組織犯罪集團能夠 販運各種非法商品和洗錢



OVERVIEW

of transnational organized trafficking in persons crime related to online scam and forced criminality

- Southeast Asia faces significant challenges posed by organized crime, including trafficking in persons and illicit economies
- TOC groups in the region can be remarkably open, in some cases presenting themselves as legitimate business entities or even philanthropists
- TOC leaders have developed alliances with influential figures in government and the private sector with the intent of expanding their wealth and power (eg: SEZs and casinos)

SEZs and casinos

- > to facilitate economic development
- may also be enabling organized crime groups to traffic various illicit goods and launder money



經濟特區和賭場

340家以上合法與非法賭場位於東南亞.

以湄公河流域為主

45 家賭場位於澳門特別行政區

17家位於大韓民國

(UNODC, 2021)

許多博弈仲介、線上賭場和非法賭博場所

都在此地區經營

- ➤ 湄公河下游的大多數賭場都位於與中華人民共和國和泰國相鄰的邊境城鎮,賭博在當地是非法行為,賭客能輕鬆前往
- ▶ 位於柬埔寨與泰國和越南邊界接壤處的賭場也吸引了跨國賭客



SEZs and CASINOS

340+ licensed and nonlicensed casinos located in Southeast Asisa and in particular the Mekong

45 casinos in Macau SAR

17 in the Republic of Korea

Many junket operators, online casinos, and illegal gambling establishments operate in the region

(UNODC, 2021)

- Most casinos in the lower Mekong are in border towns neighboring the People's Republic of China and Thailand where gambling is illegal, and patrons can easily travel to visit
- Casinos located on the Cambodian borders with Thailand and Viet Nam also attract cross border gamblers



經濟特區提供稅收優惠、貿易優惠 寬鬆的監管和監督,以及吸引國內 但主要是外國,直接投資的投資特權。

然而,在某些情況下,經濟特區會成為轉運中心,進行各種非法商品交易,以及以貿易為掩護的洗錢活動

- ▶ 一些重要的組織犯罪集團以擁有者、開發商和投資者的身份參與這個地區的經濟特區活動
- ▶ 除了非法毒品之外,在寮國邊境地區、緬甸少數民族 武裝團體控制的地區,以及柬埔寨等地的經濟特區和 大型賭場,環境犯罪和其他犯罪已合流
- ➤ 湄公河邊境的經濟特區、不受管制的賭場和相關娛樂場所的存在和成長也提高了人口販運的風險
- 政府機構和人權組織繼續定期提出報告,指出窩藏線 上賭博與詐欺活動的地點在強迫勞動、性剝削和債務 奴役,以及色情製品與串流方面的情況



SEZs offer tax incentives, trade benefits, lax regulation and oversight, and investment privileges to attract domestic but primarily foreign direct investments.

However, in some instances, SEZs are exploited as hubs for various illicit commodities, as well as for tradebased money laundering

- Some significant organized crime syndicates are involved in SEZs in the region as owners, developers, and investors
- In addition to illicit drugs, there is a strong convergence of environmental and other crimes in SEZ and casino complexes in the border areas of Lao PDR, regions of Myanmar controlled by ethnic armed groups, as well as in Cambodia
- The presence and growth of SEZs, unregulated casinos and associated entertainment complexes in border areas of the Mekong has also raised the risk of trafficking in persons
- There continue to be regular reports by government agencies and human rights organizations of forced labour, sexual exploitation, and debt bondage in compounds housing online gambling and fraud operations, as well as pornography production and streaming



東南亞的線上賭場

COVID-19

• 線上博弈和賭博平台 顯著增加

擴增線上博弈產品和 支付方式,包括加密 貨幣支付 建立與經營線上賭場輕而易舉

- ✓ 技術專業度不高
- ✓ 建設資本低
- ✓ 無視特定司法管轄區內的博弈法律

在疫情期間·線上博弈出現了數以 百萬計的新賭客











ONLINE CASINOS in SOUTHEAST ASIA

COVID-19

- A significant increase in online betting and gambling platforms
- The expansion of online betting products and payment methods including cryptocurrency payments

Easy to set up an online casino operation

- ✓ Limited technical expertise
- ✓ Limited overhead capital
- ✓ Irrespective of gambling laws within a given jurisdiction

Millions of new online betting customers emerged during the pandemic







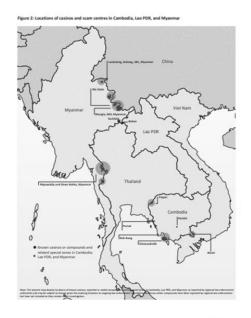




線上非法博弈的跨國性質

例如:在澳門以外活動的組織犯罪集團可能會經營在台灣 託管的網站,同時在柬埔寨獲得許可,客戶則位於中國

如何確定屬於哪個國家的管轄範圍?

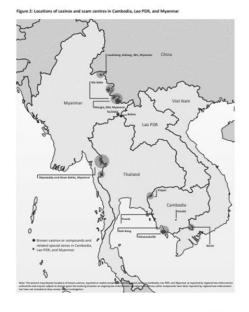




The transnational nature of online illegal betting

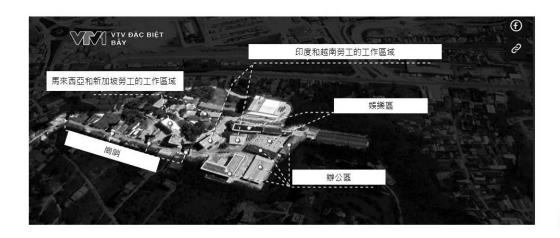
Eg: an organized crime syndicate operating out of Macau may run websites hosted in Taiwan while being licensed in Cambodia with customers in China

How to determine under which country's jurisdiction?

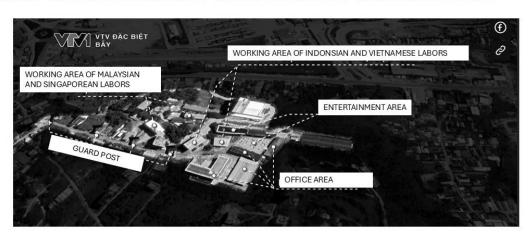




賭場和經濟特區的網路詐騙和欺詐以及 以強迫犯罪為目的的人口販運



ONLINE SCAMS AND FRAUD IN CASINOS AND SEZS and TRAFFICKING FOR FORCED CRIMINALITY



9

TOC集團在網路詐騙和欺詐的活動快速增加,推動了以強迫犯罪為目的的人口販運的增加

1 2 3 4

COVID-19 關然阻擋了組織犯罪集團的野心,無法繼續吸引來自中國和東南亞的數百萬賭客和遊客前往湄公河地區經濟特區和菲律賓離岸博弈商的賭場。

嚴格的封鎖和邊境管制代表賭客無法 再自由前往柬埔寨、寮人民民主共和國、緬甸或菲律賓

▶ 組織犯罪集團對新收入來源的需求 日益強列。 2021年,中國政府鼓勵 在東南亞生活或旅行的 公民回國,否則將面臨 嚴厲處罰

▶ 造成嚴重的勞動力 缺口,因此組織犯 罪集團需要迅速解 決這一缺口。 在疫情期間,數位支付、電子 商務應用程式和加密貨幣的普 及程度提高,人們在家中上網 的時間越來越多

成為組織犯罪集團投入的 重要市場。 疫情對執法部門調查犯罪的能力 產生了重大的負面影響

- 一些賭場地處偏遠
- ▶犯罪活動可能在幾乎沒有審查 的情況下擴大

組織犯罪集團透過販運來自亞洲(及其他地區)**年輕、受過教育、精通媒體(和具備多語能力)**的人滿足他們在**各種騙局場所**(賭場、飯店、空殼公司租用/擁有的建築物)中新的勞力需求,**可能將他們囚禁在當地,強迫他們從事詐騙**

10

TOC groups have rapidly increased the operation of online scams and fraud, driving the rise in trafficking for forced criminality

1 2 3 4

COVID-19 brought to a rapid halt the ambitions of organized crime groups to attract millions of gamblers and tourists from China and Southeast Asia to the casinos in the SEZs of the Mekong region and the Philippine Offshore Gaming Operators.

Strict lockdowns and border controls meant that gamblers could no longer travel freely to Cambodia, Lao PDR, Myanmar, or the Philippines

 The organized crime groups' need for new sources of revenue intensified. In 2021, the government of China encouraged its nationals living or travelling in Southeast Asia to return home or face strict penalties

Created a major labour gap, which organized crime groups needed to rapidly address. During the pandemic the popularity of digital payments, e-commerce apps, and cryptocurrencies increased, with people spending more time at home online

Created an important market for organized crime groups to invest in. The pandemic had significant negative effects on the ability of law enforcement to investigate crime

- Travel and investigation limitations imposed as a response to the pandemic
- Remote locations of some of the casinos
- Criminal operations could expand with little scrutiny.

Organized crime groups address their new labour needs by trafficking young, educated, media savvy (and multi-lingual) people from Asia (and beyond) into the various scam compounds (casinos, hotels, building rented/ owned by shell companies) where they could be confined and made to carry out the scams 10

組織犯罪集團的作案手法





MODUS OPERANDI OF THE ORGANISED CRIME GROUPS





聯合國毒品和犯罪問題辦公室(UNODC)《2022年人口販運全球報告》



商業型組織犯罪 46%



有管理的組織犯罪

Ϋ́Ħ̈́Ϋ́

機會主義團體 **21%** Ťŧ

個人 人口 販子 **10%** 法庭案件摘要顯示,組織犯罪 集團占被發現的受害者和被定 罪的罪犯的大多數。

雖然獨立行動的個人販運者各 自販運的受害者人數不多,但 以全球來看,受害者總數也不 來小朝

更有組織的人口販子剝削了更多受害者,手法更為暴力,時間也更長

Fig. 135 2009-2021年東亞和太平洋地區報告的犯

Source: GLOTIP collection of court case summaries

Fig. 136 2007-2021年東亞和太平洋地區販運組織的複雜程度,如案件敘述中所述

高複雜度 30% 中等複雜度 35%

Source: GLOTIP collection of court case summaris

12

Global report on Trafficking in persons 2022 of UNODC



Business-like type of organized crime

46%



Governance type of organized crime



Opportunistic association 21%



Individual traffickers 10% Court case summaries reveal that organized criminal groups account for most detected victims and convicted offenders.

Individual traffickers operating on their own may traffic a few victims each, but globally they may account for a significant

More organized traffickers exploit more victims, with more violence and for longer periods of time

Fig. 135 Type of criminal organization¹⁵⁸ reported in East Asia and the Pacific, as reported in case narratives

Individual traffickers

21% Association of traffickers

69% Business type organized crim

(2009-2021)

Source: GLOTIP collection of court case summaries

Fig. 136.

Level of sophistication of the trafficking organization**
in East Asia and the Pacific, as reported in case narratives (2007–2021)

Figh level of sophistication 32%

Medium level of sophistication 35%

Medium level of sophistication 35%

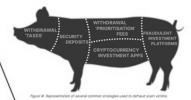
Medium level of sophistication 35%

Source: GLOTIP collection of court case summarie:

招募和控制人口販運受害者強迫從事犯罪的作案 手法 – 受害人 A

- ① 提供高薪和有趣的專業工作的假/欺詐招聘 廣告
- ② 受害者在一次或多次虚假的工作面試後獲得了「工作」,簽署了一份為期六個月的工作「合約」,然後迅速前往目的地
- ③ 被販運的受害者被關在容納大約10至30人的房間裡
- ④ 他們的螢幕與中央螢幕相連,因此他們的網路活動持續受到 組織犯罪集團成員的監視
- ⑤ 他們需要與社交媒體使用者在網路上進行互動,並每天結交一定數量的「朋友」(最高達15個)
- 6 然後,販運受害者被迫引誘這些社交媒體上的朋友參與各種活動,進 行線上投注/投資加密貨幣和假的網路貨幣交易所,使得詐騙受害者 蒙受經濟損失

「殺豬盤」騙局



詐騙者慢慢地「養肥」 受害者(建立牢固的關係),然後一點一點的 分次「宰殺」詐騙受害 者(騙他們的錢)

建立假身分

(1)

接近詐騙受害者,與對方建立關係(Tinder、Hinge、Facebook、Tik tok、微信、Whatsapp、Line......

(2)

長時間進行情感操縱(通常是數星期或數月)獲得受 害者的信任和喜愛

> 索取金錢、個資,或者最常見的是讓受害者將 錢投入某種形式的投資計劃或加密貨幣交易, 通常是利用詐騙組織開發的欺詐性應用程式或 網站。

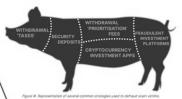
詐騙受害人的作案手法——受害者 B

1

Modus operandi to recruit and control TIP victims for forced criminality –Victim A

- Fake/fraud job advertisement that offer high pay and interesting professional work
- The victim secures the 'job' after one or more false job interviews, signs a six-month work 'contract', then quickly travels to destination
- The trafficked victims are placed in rooms in groups of around 10 to 30 people
- Their screens are linked to a central screen so that their online activities are always monitored by the members of organized crime group
- They are required to interact online with social media users and make a certain number of 'friends' each day (up to 15)
- The trafficking victim is then forced to entice these social media friends into various activities that will result in financial loss for the scam victims through online betting/investing in cryptocurrency and in fake online currency brokerages

"pig butchering" scam



scammers slowly
"fatten" victims up (build
a strong relationship)
before "butchering"
scam victims (stealing
their money) one piece
at a time

Create fake profiles

(1)

Approach scam victims to establish relationship (Tinder, 2) Hinge, Facebook, Tik tok, WeChat, Whatsapp, Line...)

Use emotional manipulation to gain their victim's trust and affection over an extended period, often weeks or months

3

Ask for money, personal information, or, most 4 frequently, to have victims put their money into some form of investment scheme or cryptocurrency trading, often via a fraudulent app or website developed by the scam organisation.

Modus operandi to scam victims Victim B

深偽AI 強力助長網路詐騙

深偽AI(Deepfake AI)是指一種人工智慧形式,可以製作逼真的假影像、音訊和影片。這個詞結合了「深度學習」和「虛偽」,描述這項技術和它產出的誤導性內容。 深偽技術可以在現有內容中將某人的臉直接替換成另一個人,或者生成全新的內容



14

DEEP FAKE AI strongly facilitates online scam

Deepfake AI refers to a form of artificial intelligence that makes realistic fake images, audio, and video. It combines "deep learning" and "fake" to describe both the technology and the misleading content it produces. Deepfake can replace one person with another in existing content or generate entirely new content



14

販運網絡的作案手法

行動

招聘

- 社交媒體上的招聘廣告和貼文
- 田仲介或機構進行面對面招聘
- 提供無效的雇傭合約,內容後來 會變更

交诵

- 由組織犯罪集團安排和支付
- 向受害者提供旅行證件: 護照、 答語
- 促成非正常的跨越邊境
- 小團體旅行

寫藏

- 宿舍窗戶/陽台、辦公室窗戶上裝 柵欄
- 駐守在園區出口的保全人員
- 宿舍窗戶、陽台和辦公室窗戶上 裝金屬柵欄
- 駐守在園區出口的保全人員

轉移和接手

由犯罪者組成互助網絡,涵蓋招 募到剝削受害者的所有環節

方法

欺騙

- 承諾高薪,免費旅行和住宿
- 不存在的工作機會(例如:IT、HR、 業務管理、行銷傳播)

強油

- 沒收身份證件和旅行證件、手機
- 如果受害者想離開,則強迫受害者支 付贖金,或招募新的受害者

身體和心理虐待

- 勒贖和綁架
- 毆打和/或電擊
- 工作時間長,休息時間短/休息幾天
- 行動/離開的自由受到限制
- 威脅,製造恐懼和創傷
- 性侵

倩務束縛

- 因違規(例如,沒坐直、生病)而剋 扣丁咨
- 製造人為的債務和罰款

給予或接收款項

• 犯罪集團之間買賣受害者

APOV

經濟、心理、年齡、移民身份、語言障礙

剝削

各種剝削,包括:

犯罪活動

進行網路詐騙和金融欺詐,例如,加密 投資詐騙、感情詐騙、非法賭博、網路 遊戲,樂透和電子商務方案

奴隸制和類似奴隸制的做法

- 詐騙園區之間互相買賣受害者以進行犯 罪或性剝削
- 債務束縛——受害者被迫進行詐騙以償 還他們的旅行「債務」;或確保釋放

強迫勞動或服務

被迫從事不涉及實施/協助金融欺詐的工 作/勞動範圍的人,例如警衛、口譯員、

件剝削,特別是對婦女和女童

提供性服務,作為對園區內人員的獎勵, 和/或作為懲罰或一種自立的剝削形式

器官(例如,肝臟或腎臟)可能作為次 要的剝削形式被摘除/切片,以防受害者 拒絕進行詐騙,或作為一種懲罰、恐嚇 的形式

Modus operandi of trafficking networks

ACTION

- Recruitment

 Job advertisements and posts on social media
- Face to face recruitment by agents
- or agencies
 Offering void employment
 contracts that are latter changed

- Transportation

 Arranged and paid for by organized crime groups
 Providing victims with travel documents: passports, visas
 Facilitation of irregular crossing of national borders
 Journeys in small groups

- Harbouring
 Bars on dormitory windows/
 balconies, office windows
 Security personnel stationed at compound exits
 Metal bars on dormitory windows, balconies, and office windows
 Security personnel stationed at compound exits

Transfer and receipt

A network of offenders collaborates to hand over victims from the point of recruitment to exploitation

MEANS

- Promise of good salary, free travel & accommodation
 Non existing job offers in (e.g., IT, HR, business management, marketing, communications)

Coercion

- confiscation of identification & travel documents, phones Forcing victims to pay ransom, or recruit new victims if they wish to leave

Physical & psychological abuse

- Kidnapping & abduction
 Beatings and/or electrocution
 Long working hours with short
 breaks / few days off
 Limited freedom to move/leave
- Threats, creating fear and trauma
- Sexual assault

- Debt bondage
 Deductions from salary for infringements (e.g., not sitting up straight, getting sick).
 Creating artificial debts & fines

Giving or receiving payment

Buying and selling of victims between criminal groups

Economic, psychological, age, immigration status, language barriers

EXPLOITATION

Exploitation, including:

Criminal activities

To conduct online scams and financial fraud, e.g., crypto investment scams, romance scams, illegal gambling, gaming and lottery & e-commerce scheme

- Slavery and slavery-like practices
 Sale of victims between scam
 compounds to carry out criminal
 acts or into sexual exploitation
 Debt bondage victims are forced
 to conduct scams to repay their
 travel 'debt'; or to secure release

Forced labor or services

Person forced to carry out range of work / labour that does not involve committing / aiding financial fraud, e.g., guards, interpreters, cooks.

Sexual exploitation especially of

Sexual exploitation especially of women and girls
 Sexual services offered as an incentive to those in compounds, and/or as punishment or a self-standing form of exploitation

Organ removal

Organ (e.g., kidney or lobe of lover) could be removed as a secondary form of exploitation in case when a victim refuses to perform scams or as a form of punishment, intimidation.





這裡的地圖是以國際移民組織在整個行動中收集的數據為基礎

與強迫犯罪有關的人口販運路線

- 緬甸、柬埔寨和寮國過去是人口販運受害者的來源國,但現 在成為目的地國
- 泰國是主要的轉運國
- 網路詐騙中心裡有來自世界各地的勞動力



Map 2: Trafficking routes to Cambodia 經由柬埔寨的販運路線

16





Maps represented are based on data collected throughout IOM operations

TRAFFICKING ROUTES RELATED TO TIP FOR FORCED CRIMINALITY

- From being countries of origin of victims of trafficking, Myanmar, Cambodia, and Lao PDR have become countries of destination
- Thailand as the main transit country
- Online scam centers bring workforce from all over the world



Map 2: Trafficking routes to Cambodia

罪犯和協力者概述

以強迫犯罪為目的的販運罪犯等級制度

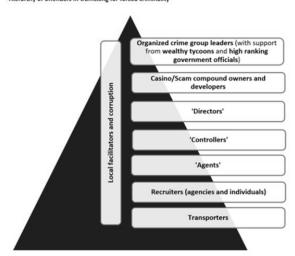


- 組織犯罪集團的老大負責協調行動,執行組織犯罪活動的 整體計劃,維持與政府官員和富有大亨現有的勾結關係。
- 冷線監 負責監督詐騙地點的日常運作,並管理在此處工作的各種罪犯
- ▶ 控制者負責控制其負責的販運受害者群體。他們以口頭 威脅或暴力控制的方式確保受害者達到他們的「業績目標」。
- 據報告,仲介通常是詐騙園區所在國的國民,他們負責安排 販運受害者往返詐騙地點之間的交通,並確保逃脫並被移民 當局關押在拘留設施中的販運受害者獲釋,再次受害。仲介 直接向「總監」報告



PROFILE OF OFFENDERS AND FACILITATORS

Hierarchy of offenders in trafficking for forced criminality



- Organized crime group bosses, who coordinate operations-are responsible for implementing the overarching plan for organized crime activities, overseeing ongoing alliance building with government officials, and wealthy tycoons.
- Directors-are responsible for overseeing the day-to-day running of the scam compounds, and managing the work of the various offenders who work in the compounds
- Controllers are responsible for controlling the group of trafficking victims under their responsibility. They ensure that the victims meet their 'sales quotas' through threats and use of physical force.
- Agents, who are reportedly often nationals of the countries in which the scam compounds operate, are responsible for, among other things, organizing trafficking victims' transport to and between the scam compounds, and ensuring the release and revictimization of trafficking victims who have escaped and are being held by Immigration authorities in detention facilities. The agents report directly to the 'directors'

罪犯和協力者概述

- 「招募者」-招募販運受害者進行網路詐騙和欺詐。當潛在受害者對「工作」表示興趣時,招募者會與組織犯罪集團聯繫,安排組織和對方進行假面試,並安排受害者前往目的地國家的交通
- ▶ 運輸者和物流供應商也為組織犯罪活動提供支援
- 「模特兒」-來自東南亞、東歐和其他地區的年輕女性,外型 亮麗,被招募的目的是讓打給詐騙受害者的電話有人性化的外表
- 共謀官員為販運受害者進入過境國或目的地國提供方便,導致 大批販運受害者得以入境東南亞國家,而對他們在該地區旅行 和就業的不尋常原因幾乎沒有進行審查

組織犯罪集團的運作就是 **階級化的網路**

是由罪犯和協力者形成的 **流動的,但聯繫緊密**的網絡



PROFILE OF OFFENDERS AND FACILITATORS

- ➤ Recruiters- to recruit trafficking victims to commit the online scams and fraud. When the potential victim expresses interest in the 'work', the recruiter liaises with the organized crime group to arrange for sham interviews to be organized and conducted, as well as the organization of the victim's transport to the destination country
- Transporters and logistics providers also lend support to the organized crime operations
- 'Models'- young women from Southeast Asia, Eastern Europe and other regions who are perceived as attractive and who have been recruited to provide a human face for the phone calls to scam victims
- Complicit officials facilitate trafficking victims' entry into the transit or destination country leading to large groups of trafficking victims having been permitted entry into countries in Southeast Asia with little scrutiny of their unusual reasons for travel and employment in the region

The organized crime group operations can best be described as a

hierarchical web

They are **fluid** but **well-connected** networks of offenders and facilitators



如何賺錢?

組織犯罪集團以各種方式從非法活動獲利

據報導·販運受害者遭強迫進行 詐騙·他們的日常工作每周為組 織犯罪集團賺取數十萬美元 透過敲詐勒索。組織犯罪集團告知受害者的家人,如果他們願意支付贖金,集團就會釋放販運受害者。據報導,這些贖金從3,000美元到30,000美元不等。在支付贖金後,組織犯罪集團可能會,但也可能不會釋放受害者

透過對販運受害者的進一步剝削,尤其是將他們賣給其他詐騙園區或其他集團,對受害者進行性剝削或其他形式的剝削



How to make money?

The organized crime groups profit from the illegal operations in several ways

Through their daily work as forced scammers, trafficking victims reportedly generate hundreds of thousands of US dollars a week for the organized crime group

Through extortion activities. The organized crime groups offer to release a trafficking victim if the victim's family pays a ransom for their release. These ransom fees reportedly range from US\$3,000 to US\$30,000. Following a ransom payment, a victim may or may not be released by the organized crime group

Through further exploitation of the trafficking victims, specifically through their sale to other scam compounds, or to other groups for the victims' sexual exploitation or other forms of exploitation



受害者側寫

受害者的側寫凸顯出這是一個全球性的問題

國際非政府組織和其他機構在東南亞的詐騙園區中發現了 40多個國家的販運受害者,包括孟加拉、柬埔寨、中華人 民共和國、香港、印尼、馬來西亞、緬甸、菲律賓、臺灣、 泰國和越南。



男性和女性都是組織犯罪集團進行網路詐騙和欺詐的**目標。** 雖然目前無法估計東南亞強迫犯罪的真實人口販運規模, 但大多數人口販運受害者是年輕男子。



大多數人口販運受害者是年輕的、受過教育的、會說多種語言的專業人士,年齡在20至30歲之間。在柬埔寨和緬甸也指認出一些人口販運的兒童受害者被強迫犯罪



PROFILE OF VICTIMS

The profile of victims highlights that this is a global problem

International NGOs and other agencies have identified over **40 nationalities** of trafficking victims in scam compounds in Southeast Asia, including Bangladesh; Cambodia; People's Republic of China; Hong Kong, China; Indonesia; Malaysia; Myanmar; The Philippines; Taiwan Province of China; Thailand; and Viet Nam.



Both men and women are targeted by organized crime groups to conduct the online scams and fraud. While it is currently impossible to estimate the true scale of trafficking for forced criminality in Southeast Asia, the majority of trafficking victims are young men.



Most trafficking victims are young, educated, multilingual professionals, between the age of 20 and 30 years. Some child victims of trafficking for forced criminality have also been identified in Cambodia and Myanmar



2. 2022年國際移民組織(IOM)與網路詐騙中心以強制犯罪為目的的人口販運(TiP)相關的販運受害者(VoT)案件量



IOM的VoT 案件總數 (815)中有 36% (896) 與位於東南亞 的網路詐騙中 心剝削有關

This figure corresponds to the total number of VoTs assisted in XDM country offices receiving direct referrals and as such, resulting as primarily affected by these trafficking trends for forced oriminality in online scamming centers.

·這一數字符合圖際移民組織各團辦事處直接受理轉介協助的 販達受害者總數,因此,主要會受到網路菲轉中心強迫犯罪 的販達活動的影響。







3%

前五大來源國

3. 肯亞





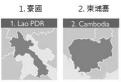
2. 印尼







五大目的地國家/地區 3. 緬甸









rese region to Macrotinio purposes. The boundaries and names shown and the designations used on this map do not imply efficial endorsement or asseptions by 1004. Dated the regioners appositionally the Line of Certain Injuries and Southin agreed upon by this and Polisians. The find status all Johnson and Southin Injuries agreed upon by this and Polisians. The find status all Johnson and Southin Injuries agreed upon by this and This agreement of the Southing Southing



2. IOM's VoTs caseload related to TiP for the purpose of forced criminality in online scamming centers, in 2022



36% (296) of IOM's total VoTs caseload (815)* is related to exploitation in online scamming centers based in Southeast Asia

* This figure corresponds to the total number of VoTs assisted in IOM country offices receiving direct referrals and as such, resulting as primarily affected by these trafficking trends for forced criminality in online scamming centers.



(202)

32% Female (94)





Top five countries of origin











Top five countries of destination





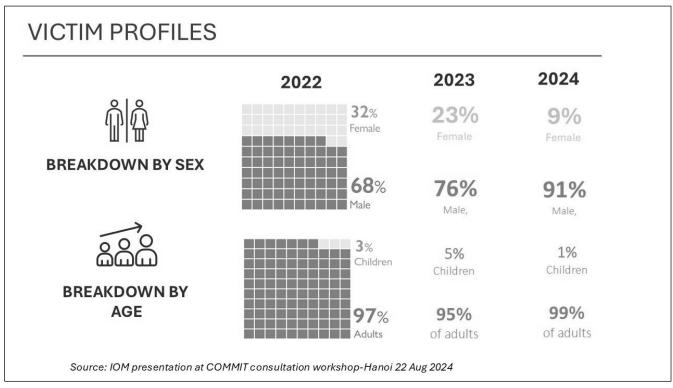








受害者簡介			
	2022	2023	2024
企 依性別細分	32 % 女性	23% 女性	9% 女性
1次1主方リ糸ロフフ	68 % 男性	76% _{男性,}	91% _{男性,}
(依年齡細分	3 % 孩童	5% 孩童	1% 孩童
	97 % 成人	95% 成人	99% 成人
資料來源:IOM在COMMIT諮詢研討會上	的演講 - 河内2024年8月22日		



受害者被 恐懼控制



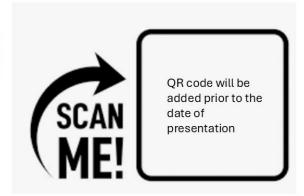
Victims are controlled by **FEAR**



Mentimeter

來源國在應對以強迫犯罪為目的 的人口販運方面面臨的最大挑戰 是什麼?

掃描QR碼,然後在空白處提供您的回應





Mentimeter

What is the biggest challenges for source countries in responding to trafficking in persons for forced criminality?

Scan the QR code then provide your interactions in the blank









- 調查和起訴招聘代理人,缺乏對跨國 有組織犯罪的系統性應對措施
- 確定管轄權
- 能力與資源:數位證據
- 進行聯合調查:人口販運受害者還是 簽證逾期者與罪犯?
- 目的地國家和中轉國家將強迫犯罪的 人口販運視為問題
- 各國政府將其視為「外國人對外國人」 的問題
- 受害者參與刑事訴訟程序



.

受害者 身分辨識

- 接觸受害者
- 不同的法律框架
- 如何在犯罪嫌疑人中辨別受害者
- 作案方式和控制方法:勞動合同、同
 - 拘留與刑事化

調查 & 起訴

- 受害者因被迫從事的犯罪行為而受到懲罰
 - 移民罰款
 - 移民拘留
 - 〇 刑事指控
 - 監禁刑期
- 大量受害者/遣返回國者

26

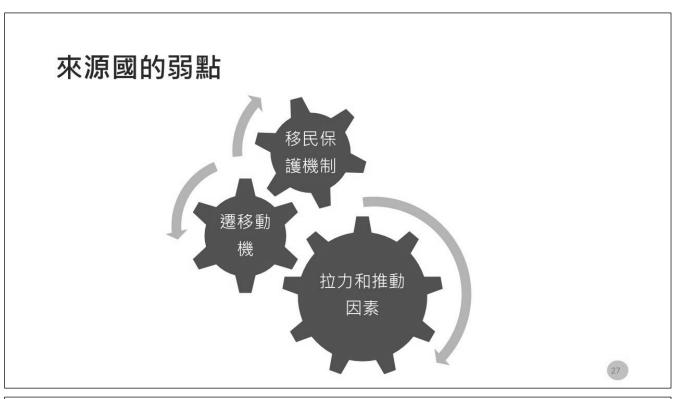
- Investigating and prosecuting recruitment agents, lack of systematic responses transnational organized crime
- · Determine jurisdiction authority
- · Capacity and resources: Digital evidence
- Conducting joint investigations: TIP victim or a visa overstayer and criminal?
- Trafficking for forced criminality is viewed by destination and transit country governments as a 'foreigner-on-foreigner' problem
- Paticipation of victims in criminal procedure

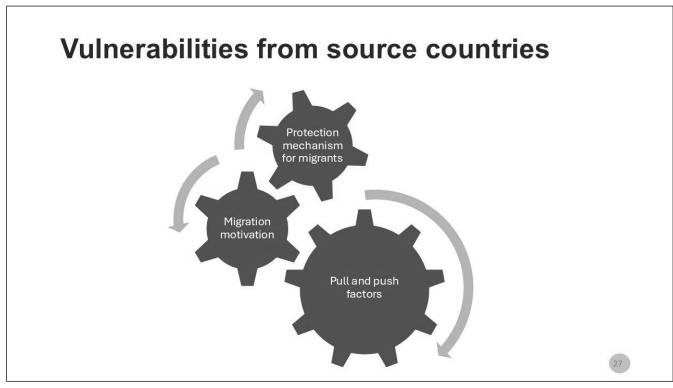


Investigation & Prosecution

> Victim support

- Access to victim
- Difference legal framework
- How to identify victims among presumed perpetrators
- Modus operandi and control methods: labour contract, consent
- · Detention and criminilization
 - Lack of protection infrastructure in countries in Southeast Asia, particularly for men
- Victims are punished for the criminal actions that they were made to do while they were trafficked
 - o Immigration fines
 - o Immigration detention
 - Criminal charges
 - Prison sentences
- Large number of victims/returned persons









實施系統性的措施 以應對跨國組織犯罪和 以強迫犯罪為目的的販 運活動

- 需要以整體的角度處理跨國組織犯罪,而不僅僅是調查詐騙中心管理者等較低 級別的個人
- 削弱和系統性地解決促進組織犯罪存在和繼續產生巨額利潤的根本條件
- 專注於金融調查、加密貨幣追蹤和反洗錢
 在資產跨境時扣押資產並拒絕他們進入國際金融體系,是減少詐騙中心利潤的一種可能策略
 - ▶ 需要增加執法能力,特別是與加密貨幣相關的能力
- 需要在經濟特區 (SEZs) 加強執法力量,以中斷當中的跨國組織犯罪活動

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RECOMMENDATIONS

Implementing
systematic
responses
transnational
organized crime and
trafficking for forced
criminality

- Need to address transnational organised crime as a whole, rather than
 just investigating lower-level individuals such as scam centre managers
- Weakening and systemically addressing the underlying conditions that facilitate the existence of and the continued ability of organised crime to generate massive profits
- Focusing on financial investigations, cryptocurrency tracing and antimoney laundering

Seizing assets as they cross borders and denying access to the international financial system being one potential strategy for reducing scam centres' profits

- Need for increased capacity, particularly tied to cryptocurrencies for law enforcement
- Greater law enforcement presence in special economic zones (SEZs) is needed to interrupt transnational organised crime operations within them

受害者 身分辨識

- 確保受害者篩選程序足以迅速在目的地國和原籍國準確地辨識以各種形式被 販運的受害者,以促進伸張正義和提供援助。
- 鼓勵和支援制定積極主動的調查程序,避免過度依賴受害者的證詞。
- 保證所有國家當局(警察、邊境警衛、移民官員)有能力辨識那些被販運到 強迫犯罪情境的人。確保相關官員接受過充分訓練,並具備相關語言的必要 技能。
- 以基於人權的篩選程序補充販運活動的篩選,評估所有移民的個人狀況,並 確保將處於弱勢地位的移民轉介到適當的服務和保護機構。

30

RECOMMENDATIONS

Victim identification

- Ensure victim screening procedures are adequate to permit rapid and accurate identification of trafficked persons for all forms of human trafficking, in countries of destination as well as of origin, to facilitate the provision of justice and assistance.
- Encourage and support the development of proactive investigatory procedures that avoid over-reliance on victim testimony.
- Guarantee that all State authorities (police, border guards, immigration
 officials) have the capacity to identify those trafficked into situations of
 forced criminality. Ensuring related officials are adequately trained and
 have the necessary skills in relevant languages.
- Complement the screening for trafficking with human rights-based screening procedures to assess the individual situation of all migrants and ensure referral to appropriate services and protection bodies for migrants in vulnerable situations.

不懲罰原則

- 確保在國家立法中作出具體規定,規定對因販運而被迫犯罪的受害者不予懲罰
- 保證被販運者永遠不被剝奪自由,包括移民拘留和返回後拘留。
- 一旦有合理理由相信某人被販運,就適用不懲罰原則。
- 建**立第一線官員的能力**·要在偵查犯罪的過程中能夠辨識出潛在的販運受害者。加強執法部門對販運者使用的控制方法及其對受害者影響的了解
- **質疑**對於「標準」人口販運受害者或受害者「活該」的**誤解和假設**
- 確保那些可能成為販運受害者的罪犯獲得充分的保護並有效地轉介以 進行篩選

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RECOMMENDATIONS

Non-punishment principle

- Ensure that there are specific provisions in national legislation to provide for the non-punishment of victims forced to commit crime as a result of their trafficking
- Guarantee that trafficked persons shall never be deprived of their liberty, including immigration detention and detention upon return.
- Apply the principle of non-punishment as soon as there are reasonable grounds to believe that a person has been trafficked.
- Build capacity of frontline officials to identify potential victims of trafficking among people they encounter as offenders. Strengthen law enforcement understanding of control methods used by traffickers and their impacts on victims
- Challenge misconceptions and assumptions about the 'ideal' or 'deserving' victim of trafficking
- Ensure that offenders who are potential victims of trafficking are effectively and efficiently referred for screening

保護和有效 補救措施

- 為被販運者提供非歧視性、文化上適宜、創傷知情、促進性別平等 和對兒童敏感的**早期和持續的支持和援助。**
- 無論當事人是否有能力或是否願意與檢察機關合作,保證始終無條件地提供援助。
- 確保所有移民都能獲得司法救助和援助,而不必擔心會因移民身份 而被逮捕、拘留或驅逐出境。
- 鑒於兒童在身體、心理和社會心理上受到的特殊傷害,確保在法律、 政策、方案和干預措施方面迅速確定和處理兒童受害者,並與成年 人分開。確保自始至終都以兒童的最大利益為優先。
- 提供**有效獲得刑事、民事或行政補救的管道**,包括賠償和盡可能全面復健的手段。

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RECOMMENDATIONS

Protection and effective remedies

- Provide early and continuing support and assistance to trafficked persons
 that is nondiscriminatory, culturally appropriate, trauma informed, genderresponsive and child-sensitive.
- Guarantee that assistance is always provided without conditions and irrespective of the ability or willingness of the person to cooperate with the prosecutorial authorities.
- Ensure that all migrants can access justice and assistance without fear that they will be arrested, detained or deported because of their migration status.
- Ensure child victims are rapidly identified and dealt with separately from adults in terms of laws, policies, programs and interventions, given the particular physical, psychological and psychosocial harm. Ensure the child's best interests are considered paramount at all times.
- Provide effective access to criminal, civil or administrative remedies, including compensation and the means for as full a rehabilitation as possible.



謝謝聆聽

Van Nguyen
Country Program Officer
ASEAN-ACT Vietnam
Van.nguyen@aseanact.org



Australian ASEAN-Australia Counter Trafficking

Thank you for your attention!

Van Nguyen
Country Program Officer
ASEAN-ACT Vietnam
Van.nguyen@aseanact.org



NOTE





講習

Happy Reza Dipayuda

印尼移民總局調查處移民查處科長

經歷

- 調查員 肅貪委員會 (2013 年至今)
 - 1. 從事貪腐與洗錢案件全程調查;
 - 2. 透過深入訪談、查扣證據、觀察、監控 / 臥底行動、合法監聽,以及與印尼金融情報中心 (PPATK)或其他相關本國 / 外國單位合作以蒐集證據,協助貪腐與洗錢案件調查;
 - 3. 撰寫調查報告並提交給肅貪委員會檢察官
- 移民資訊科副科長 移民總局 (2011 年至 2013 年)
- 調查員 東雅加達移民辦公室,移民總局(2007-2011)
- 講師 移民學院,移民總局 (2005-2007)
- 移民官員 移民總局 (2004-2007)

學歷

- 印尼帕達達蘭大學法律學士學位, 2008;
- 移民學院研究生文憑, 2004;
- 移民調查員培訓 警察刑事調查中心 2005;
- 通用英語培訓,昆士蘭大學國際語言及文化教育學院 (ICTE), 2008);
- 石油和天然氣調查培訓、偵查貪污行為和進行調查,印尼反貪污委員會(KPK RI), 2016;
- 國家採購專家之培訓與認證, 2015;
- 金融調查與資產返還之培訓、司法互助與離岸結構訓練,來自巴塞爾研究所的國際資產返還中心 (ICAR) 和美國國際開發署 (USAID), 2019.
- 在印尼反貪污委員會參加各種與貪污、洗錢和情報相關的培訓和課程,2013-2019

SPEAKER

Happy Reza Dipayuda

Deputy Director, Directorate of Immigration Supervision and Enforcement, Directorate General of Immigration, Indonesia

Work Experience

- Investigator Corruption Eradication Commission (2013-date)
 - 1. Conduct end-to-end investigation on corruption and money laundering cases;
 - 2. Collect the evidences to support investigation process of corruption and money laundering through in-depth interview, evidence seizure, observation, surveillance/undercover operation, lawful interception, and cooperation with the Indonesian FIU (PPATK) or with other related domestic/foreign agencies;
 - 3. Prepare the investigation report and deliver it to the KPK prosecutor.
- Immigration Information Sub Section Chief Directorate General Immigration (2011-2013)
- Investigator East Jakarta Immigration Office, Directorate General Immigration (2007-2011)
- Instructor Immigration Academy, Directorate General Immigration (2005-2007)
- Immigration Officer Directorate General Immigration (2004-2007)

Education

- Bachelor Degree of Law from Padjadjaran University (GPA 3.22 of a 4.00
- scale), 2008;
- Graduate Diploma from Immigration Academy, 2004;
- Immigration Investigator Training Police Criminal Investigation Centre,
- 2005;
- General English Training, ICTE University of Queensland, 2008);
- Oil and Gas Investigation Training, Detecting Corrupt Conduct and Conducting Investigation, KPK RI, 2016;
- National Procurement Expert Training and Certification, 2015;

- Financial Investigations & Asset Recovery Training, Mutual Legal assistance & offshore structure Training from ICAR (International Centre for Asset Recovery) of the Basel Institute cooperation and USAID, 2019.
- Various trainings and courses related to corruption, money laundering and intelligence at KPK RI, 2013-2019



2024年8月28日台北 HAPPY REZA DIPAYUDA



CASE STUDIES

INTERNATIONAL COOPERATION

COMBATING PEOPLE SMUGGLING & HUMAN TRAFFICKING

Taipei, August 28th 2024 HAPPY REZA DIPAYUDA







工作經歷

調查員-肅貪委員會(2013迄今)

- - - 2013年至2020年間,完成85件案件調查,包括5件跨國貪腐案件; 2019年從貪腐案件追回約1100億印尼盾公帑;

 - 定罪率100%。

移民資訊股股長 - 移民總局 (2011至2013)

- 帶等6位負責且足智多謀的團隊成員:從事實體與數位資料處理、資訊傳播、社群媒體與新聞公關等工作,協助山口洋移民辦公室傳播資訊與執行公務。 成就:
 - 成功管理山口洋移民辦公室官方網站與社群媒體相關資訊。
- 調查員 東雅加達移民辦公室,移民總局 (2007至2011)
- 從事移民犯罪案件全程調查; 負責東雅加達地區移民法調查與執法。
- - 2007年至2011年間,完成數百件移民案件執法、數十件移民案件調查,包括2件跨國組織犯罪移民案

講師 - 移民技術學院,移民總局 (2005至2007)

- 從事移民技術學院學員訓練、教育,與課程規劃

✓ 統籌講師會議,進行學員評量 移民官員 - 移民總局 (2004至2007)









WORK EXPERIENCE

Investigator - Corruption Eradication Commission (2013-date)

- Conduct end-to-end investigation on corruption and money laundering cases;
 Collect the evidences to support investigation process of corruption and money laundering through in-depth
 - interview, evidence seizure, observation, surveillance/undercover operation, lawful interception, and cooperation with the Indonesian FIU (PPATK) or with other related domestic/foreign agencies; Preparethe investigation reportand deliver it to the KPK prosecutor.

- Achievement:

 From 2013 to 2020, completed the investigation for 85 cases, including 5 transnational corruption case;

 Recovered around Rp110Billion of state finances from corruption in 2019;

Immigration Information Chief - Directorate GeneralImmigration (2011 > 2013)

- Lead a team of 6 dedicated and creative civil servants whose job is to manage physical and digital data processing, disseminate information and public relations through social media and news to disseminate information, performance and achievements of the Singkawangimmigration office.
 - Successfully manages information dissemination about the Singkawang Immigration office through the official Website and socialmedia.

Investigator - East Jakarta Immigration Office, Directorate General Immigration (2007 > 2011)

- Conduct end-to-end investigation on Immigration crimes; Supervise and enforce immigration law in East Jakarta Immigration area.

- Achievement:

 From 2007 to 2011 delivered hundreds of Immigration enforcement cases, dozens of Immigration Investigation cases, including 2 cases of organized immigration transnational crime.

Instructor - Immigration Academy, Directorate General Immigration(2005 > 2007)

- Train, educate, and arrange Lecture for Immigration academy cadets;
- ✓ Arrange lecturer council meetings to determine ranking grades for Immigration AcademyCadets. Immigration Officer Directorate General Immigration (2004 > 2007)

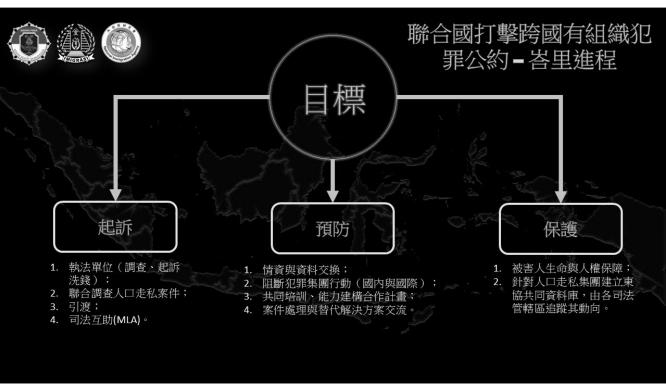


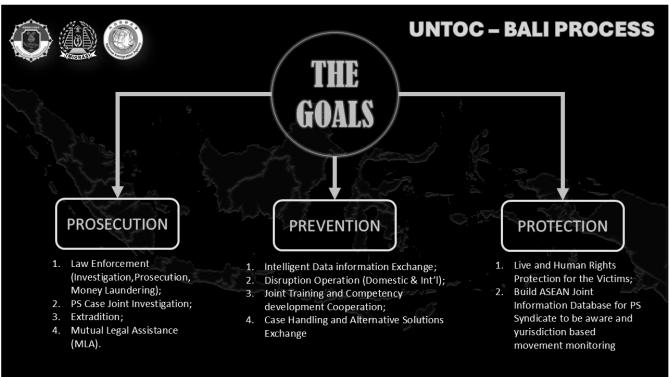








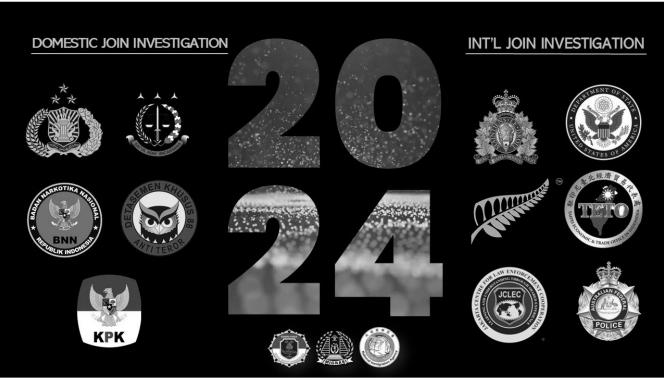






















案例研究-國際人口走私聯合查緝行動

當地警方協助丹格 朗移民辦公室前往 Paragon Village Apartment展開查 緝,發現: 27名斯里蘭卡籍人

於雅加達看守所會

著提出行動計畫:

訪談與檢查27名斯 即該共振宣214月 里蘭卡籍人士 移民總局與丹格朗 辦公室調查員訪談 並檢驗27名被羈押 斯里蘭卡籍人士的

展開共同行動 印尼移民總局調查員團隊、 民總局調查員團隊、 印尼國家警察、澳洲聯邦警察、紐西蘭移 民官員與斯里蘭卡政

蒐集數位證據(國家緝毒 局、移民總局) , 得29個裝置,

從戰押嫌犯取得29個裝置 蒐集數位語據 1. 由國家緝毒局、移民總 局人員協助 2. 要求刑事警察局派遣維 安與專家協助

評估、資料分析與情資交換 a. 分析數位證據 b. 情資交換 c. 請求肅貪委員會與 OUR RESCUE組織協

助取得資料

聯合調查結果:

CASE STUDY INT'L PS JOINT DISRUPTION PS OPS

根據數位證據資料分析和調查結果,調查團隊徹 底辨識並掌握跨國人口走私集團人員,並將相關 資訊轉達至各司法管轄區跟進調查,成功阻斷人 口走私



Tangerang's Immigration Officer assisted

by local
Tangerang Police
Immigration
Operation at the

Paragon Village Apartment and

DEC

found: 27 Srilanka's Citizens





Meeting At Jakarta's Detention Center Following Up the Kick Off Meeting

Action Plan:

1. Digital Evidence
Extraction
2. Action and
Investigation Plan

JAN

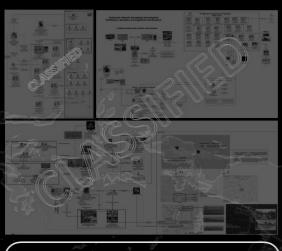
Interview &
Examination the
27 Srilanka's
Interviewing and
Examinate the
Statement of 27
Srilanka's
Potainass by DCI

Detainess by DGI & Tangerang Investigator

Joint Ops Begin DGI's Investigator team, RCMP, AFP, New Zealand Immigration, and Srilanka's Government

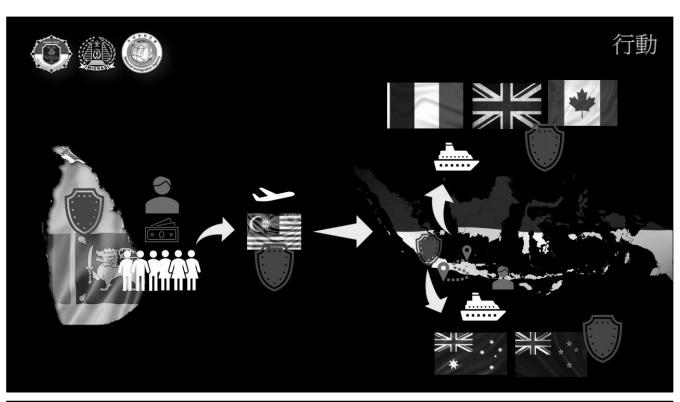
Digital Evidence Extraction (BNN,Immigration) (BNN,Immigration)
Execute the Plan to
Extracting the Digital
Evidence from 29 Devices
Belong to the Detainees
1. Assisted by BNN and
Immigration Operator
2. Requesting Seccurity
and Expert Assitance to
Kabareskrim

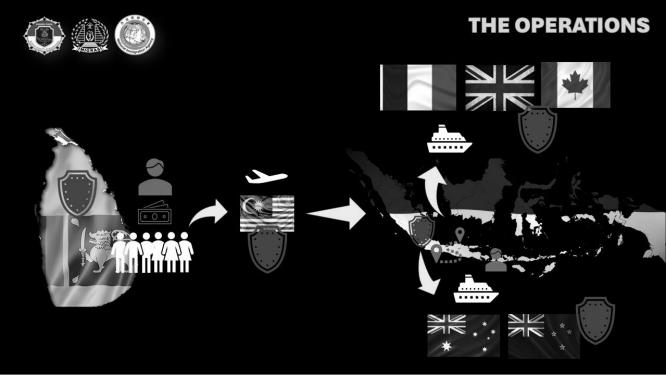
Evaluation, D Analysis & In Information Exchange gent Exchange
a.Analyzing digital
Evidence
b.Intelligent
Information Exchange
c.Requesting
Assistance for Data
Extraction to KPK and
OURRESCUE



Joint Investigation Result:

As result of digital evidence data analysis and investigation process, Joint team could identify and get full profile of the PS Int'l syndicate parties from top to lowest level and following up on each yurisdiction and forcely stop the PS operation











講習

張維容

臺灣中央警察大學外事警察學系主任

一、研究領域

涉外執法、人口販運防制、警察法學

二、現職

- (一)中央警察大學外事警察學系暨研究所副教授兼系主任(2023.8.1~迄今)
- (二)內政部「警消勤務安全促進與事件調查會」委員兼「警政議題組」組長
- (三)內政部警政署「警察法規研究小組」委員

三、最高學歷

中央警察大學警察政策研究所法學博士

四、工作經歷

- (一)臺北市警察局女子警察隊分隊長、兼任「犯罪防治組」及「保護婦孺組」組長(1998.7~2001.7)
- (二)臺北市「家庭暴力暨性侵害防治中心」暴力防治組組長(1998.7~2001.7,兼任)
- (三)臺北市警察局保安警察大隊分隊長(2001.7~2005.4)
- (四)臺北市警察局松山分局偵查員、組員(2005.4~2008.4)
- (五)內政部警政署國際組警務正(2008.4~2018.1.31)
- (六)中央警察大學外事警察學系暨研究所專任助理教授(2018.2.1~2021.1.31)
- (七)中央警察大學外事警察學系暨研究所專任副教授(2021.2.1~迄今)

SPEAKER

Wei-Jung Chang

Chairman, Central Police University, Department of Foreign Affairs Police

Specialty & Research Area:

Law Enforcement Involving Foreign Affairs \(\) Human Trafficking Prevention \(\) Police Law

Current Position

- Associate Professor & Chair Department of Foreign Affairs Police, Central Police University (2023.8.1~Now)
- Member of Police and Fire Safety Promotion and Incident Investigation Committee, Ministry of Interior & Head of the Police Affairs Task Force
- Member of the Police Regulations Research Committee, Ministry of the Interior Police Department

Education

Ph.D. of Laws, Graduate School of Police Policy, Central Police University

Experience

- Deputy Chief of the Taipei City Police Department's Female Police Division concurrently serving as the Head of the Crime Prevention Unit and the Head of the Women's and Children's Protection Unit (1998.7~2001.7)
- Head of the Violence Prevention Unit at the Domestic Violence and Sexual Assault Prevention Center, Taipei City (1998.7~2001.7)
- Deputy Chief of the Taipei City Police Department's Mobile Division (2001.7~2005.4)
- Investigator and Team Member at the Songshan Precinct, Taipei City Police Department(2005.4~2008.4)
- Division Assistant of International Affairs Division, National Police Agency, MOI (2008.4~2018.1.31)
- Assistant Professor of the Department of Foreign Affairs Police, Central Police University (2018.2.1~2021.1.31)

「2024年防制人口販運國際工作坊」

我國查緝及起訴跨國人口販運案件 之挑戰-臺灣觀點

張維容

中央警察大學「外事警察學系暨研究所」系主任 2024年8月28日15:50-17:00

2024 International Workshop on Strategies for Combating Human Trafficking

Challenges in the Investigation and Prosecution of Transnational Human Trafficking Cases in Taiwan

Wei-Jung Chang Chairman, Central Police University, Department of Foreign Affairs Police

15:50-17:00, August 28, 2024

簡報大綱

- ▶跨國人口販運的基本概念
 - ▶定義、類型、成因、影響
- ▶東南亞求職詐騙案件
 - ▶發生背景、偵審概要、被害人特徵、 被害事實
 - ▶偵辦困境(微觀、宏觀)
- ▶結論與建議

Outline

- ▶ Basic concepts of transnational human trafficking
 - ▶ Definitions, types , causes, and impacts
- ▶ Job scams in Southeast Asia
 - ▶ Background, investigation, victim characteristics, crimes that the victims suffered
 - ► Challenge of the investigations (micro and macro)
- Conclusion and Recommendations

跨國人口販運的基本概念 定義、類型、成因、影響

Basic concepts of transnational human trafficking

Definitions, types, causes, and impacts

跨國犯罪的定義

- 「聯合國打擊跨國有組織犯罪公約」 第3條第2項 基本 概念

有下列情形之一的犯罪屬跨國犯罪:

- ▶ (a) 在一個以上國家實施的犯罪;
- ▶ (b) 雖在一國實施,但**其準備、籌劃、指揮或控制**的實質性 部分**發生在另一國**的犯罪;
- ▶ (c) 犯罪在一國實施,但涉及在**一個以上國家**從事犯罪活動 的**有組織犯罪集團**;
- ▶ (d) 犯罪在一國實施,但對於另一國有重大影響。

Definition of Transnational Crime

- United Nations Convention against Transnational Organized Crime Article 3, paragraph 2

Basic concepts

An offence is transnational in nature if:

- ▶ (a) It is committed in more than one State;
- ▶ (b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;
- ▶ (c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or
- (d) It is committed in one State but has substantial effects in another State.

跨國犯罪的類型

基本概念

- ■「聯合國犯罪趨勢及刑事司法系統運作 第四次調查」
- ▶18種跨國犯罪類型:

(1)洗錢;(2)恐怖主義活動;(3)竊取藝術及文化物品;(4)竊取智慧財產權;(5)非法軍火販運;(6)劫機;(7)海盜;(8)保險詐欺;(9)電腦犯罪;(10)環境犯罪;(11)人口販運;(12)人體器官交易;(13)非法毒品販運;(14)詐欺型破產;(15)渗透合法商業組織;(16)公務員的貪污與賄賂;(17)陸上劫持;(18)組織犯罪集團所犯下的其他犯罪

Types of transnational crime

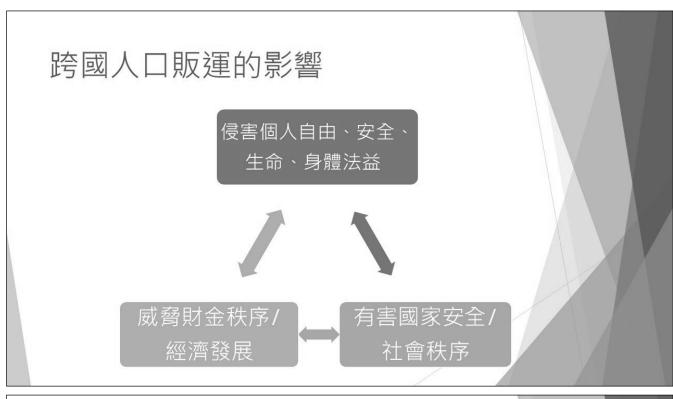
- The Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems

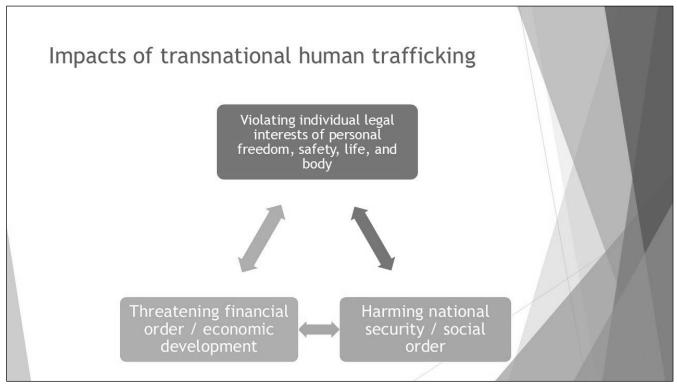
Basic concepts

- ▶ 18 types of transnational crime:
- (1) money laundering; (2) terrorist activities; (3) trafficking in cultural objects and art; (4) theft of intellectual property; (5) illicit traffic in arms; (6) aircraft hijacking; (7) sea piracy; (8) insurance fraud; (9) cybercrime; (10) environmental crime; (11) trafficking in persons; (12) organ trafficking; (13) drug trafficking; (14) fraudulent bankruptcy; (15) infiltration of legal business; (16) corruption and bribery of public officials; (17) hijacking on land; (18) and other offences committed by organized criminal groups









東南亞跨國人口販賣事件 (東南亞求職騙案/跨國求職騙案)

發生背景、偵審概要 被害人特徵、被害事實

Transnational human trafficking cases in Southeast Asia (Job scams in Southeast Asia / transnational job scams)

Background, investigation and trial victim characteristics, crimes that the victims suffered

事件發生背景

- ▶ 2010中東共同投資西港經濟特區,允許合法開設賭場,許 多中國投資商開設博弈產業。
- ▶ 2020起中國、菲律賓、柬埔寨等亞洲國家禁賭政策:跨國線上賭博公司喪失合法生存空間,賭博產業巨額利潤消失
- ▶柬埔寨和緬甸集團轉往發展網路詐騙:同是線上操作、利 潤更高,詐騙產業變得更為猖獗。
- ▶ 2021中國「大勸返行動」,致產生巨大人力資源缺口,犯 罪集團及人蛇集團開始鎖定同樣使用漢語的臺灣人為招聘 及販運對象(抓交替)。

Background

- ▶ In 2010, China and Cambodia jointly invested in the Sihanoukville Special Economic Zone, which permits legal casinos, and many Chinese investors ventured into the local gambling industry.
- Since 2020, Asian countries such as China, the Philippines, and Cambodia began banning gambling: transnational online gambling companies could no longer legally operate, and the gambling industry suffered huge losses in profit.
- Groups in Cambodia and Myanmar turned to online fraud: just as online gambling, the operation is entirely online but with even higher profit the "scamming industry" has become more rampant.
- In 2021, China initiated the "Persuasion to Return" operations, which led to large human resource gaps. Criminal organizations and human smugglers began targeting Chinese-speaking Taiwan nationals for recruitment and trafficking (replacements).

東南亞跨國人口販運事件 臺灣偵審概要

判決(2023.4)

海外被害人提供被害資訊 被害資訊 (2022.5) 報案,報請檢察 調查局中機站報請檢察官指揮值辦(2022.6)

臺北地院:李○豪等9人均構成營利以詐術使人 出國罪、買賣人口罪及主持、指揮或參與犯罪 組織罪,分別依被告的分工及參與程度、所生 危害、犯後態度判刑

起訴及追加起訴 (2022.9~2023.1)

Taiwan's investigation and trial of the Transnational human trafficking cases in Southeast Asia

Verdict (April 2023)

CIB received victim reports and requested the prosecutor's office to initiate an investigation (April 2022)

官指揮偵辦

(2022.4)

Victims overseas provided information of the crimes (May 2022) Central Mobile Station of MJIB requested the prosecutor's office to initiate an investigation (June 2022)

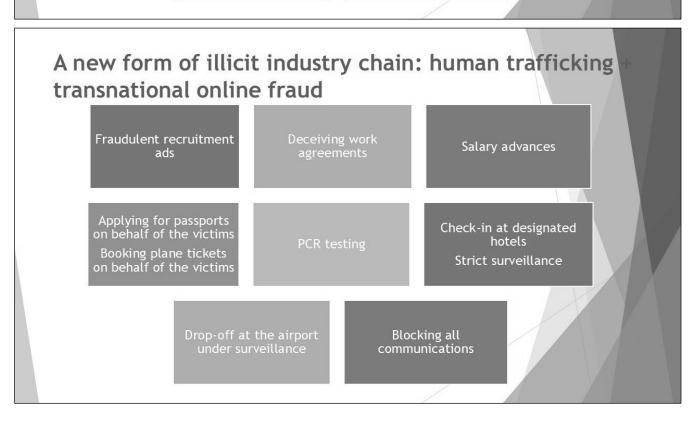
Taiwan Taipei District Court: "Actions of the nine defendants, Lee et al., constitute the following crimes: for the purpose of gain fraudulently causing another to leave the territory, trading in humans, and hosting, controlling or participating in a criminal organization. The defendants would be sentenced considering their division of labor, harm caused by their actions, and their attitudes after the act"

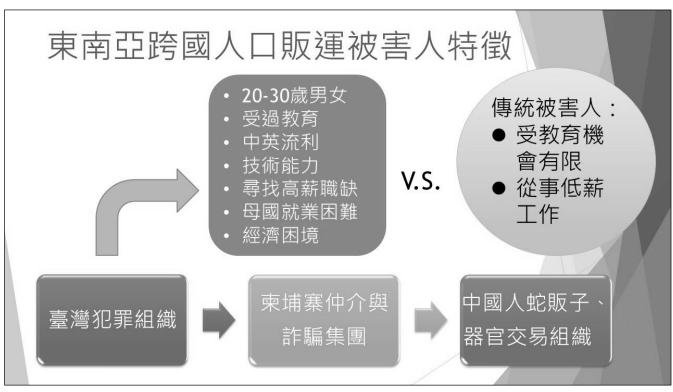
The indictment and supplementary indictment

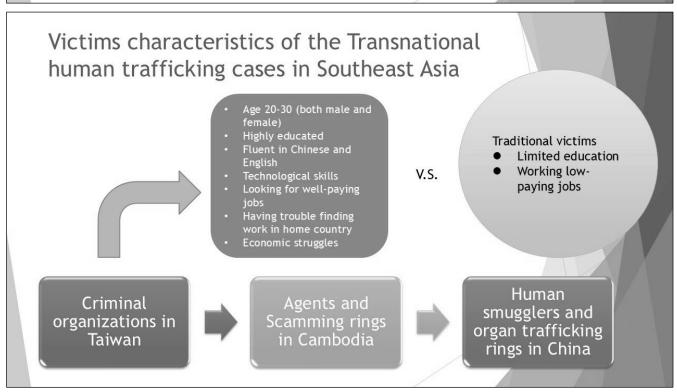
(September 2022

January 2023)

新型態非法產業鏈:人口販運+跨國網路詐騙
 虚偽招募廣告
 代辦護照
(代訂機票
 医視送機
 断絕通訊
 斷絕通訊







被害事實

逃離柬埔寨: 遭軟禁58天台灣青年冒險逃離詐騙集團

- BBC News 中文

不當債務約束

強迫從事

不法行為

身體虐待

/酷刑/性暴力

限制行動自由

巧立名目扣薪

轉賣

器官摘取

/性剝削

Crimes that the victims suffered

Escaping Cambodia: after being held in captivity for 58 days,
Taiwanese youth escaped from the scamming ring - BBC News Chinese

Debt bondage

Forced to
Commit crimes

Physical abuse /torture /sexual violence

Restriction on freedom of movement

Excessive wage deductions

Re-sale

Organ harvesting
/ sexual exploitation

臺灣偵辦困境(微觀)

- ▶ 地理位置遙遠,偵辦耗時費力。
- ▶臺、東無邦交,境外證據取得困難
 - ▶臺灣在柬國未設辦事處,柬埔寨事務由駐胡志明市台北文化經濟辦事處辦理。
 - ▶柬埔寨警察調查後,認定屬勞資爭議。
- ▶被害人救援困難,潛在被害黑數很多
 - ▶辦事處透過當地僑民、朋友、臺灣商會、企業或曾在臺灣就讀的 柬埔寨人等私人管道協助。
 - ▶許多被害人無求援管道,受控制被迫從事詐騙,直至債務清償完 畢始返國。

Challenge of the investigations (micro)

- ► The distance between Taiwan and Cambodia makes the investigation time-consuming and difficult.
- ► Taiwan has no diplomatic relations with Cambodia, limiting access to evidence overseas.
 - ▶ Taiwan doesn't have a representative office in Cambodia, and the Taipei Economic and Cultural Office in Ho Chi Minh City is responsible for affairs concerning Cambodia.
 - After investigation, the Cambodian police determined the case to be a labor dispute.
- Difficult to rescue victims, and there may be many unreported victims.
 - ► TECO resorted to private channels, including local overseas compatriots, friends, Taiwanese chambers of commerce, businesses, and Cambodians who studied in Taiwan to rescue victims.
 - Many victims had no way of seeking help and were forced to commit scams until they paid their debt and returned home.

臺灣偵辦困境(微觀)

- ▶法律適用
 - ▶臺灣「人口販運罪」採分散立法:除人口 販運防制法外,分散規定於刑法、兒童及 少年性剝削條例、勞動基準法及人體器官 移植條例。
 - ▶2009年制定「人口販運防制法」之背景: 以被販運來臺灣之被害人為主。
 - ▶2023修正前之「人口販運防制法」勞動剝 削態樣:「從事勞動與報酬顯不相當之工 作」,不及於「從事不法活動」。

因應作為:

- 1.增訂「人流處置罪」: 「人口販運防制法」第 33條(EX尚未開始工作 之被害人)
- 2.新增處罰「使人從事 依我國法律有刑罰規定 之行為」:「人口販運 防制法」第31條(EX被 迫從事詐騙行為之被害 人,每月支付800~1000 美金)

Challenge of the investigations (micro)

- Legal applicability
 - ▶ In Taiwan, legislation for human trafficking-related crimes is decentralized: Besides the Human Trafficking Prevention Act, regulations scattered across the Criminal Code, Child and Youth Sexual Exploitation Prevention Act, Labor Standard Act, and Human Organ Transplant Act.
 - 2009 Human Trafficking Prevention Act: primarily concerning victims trafficked to Taiwan.
 - Before the amendment of the Human Trafficking Prevention Act in 2023, the labor exploitation profile was: "labor to which pay is not commensurate with the work duty," which did not cover "committing acts that are criminally punishable."

Response:

Amendment of Human Trafficking Prevention Act in 2023 (implemented in January 2024)

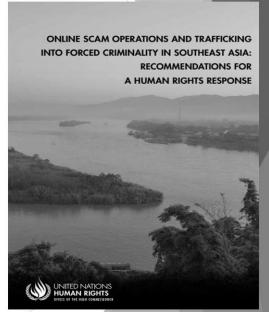
1. Added the crime of "flow of people and treatment": Article 33 of the Human Trafficking Prevention Act (e.g. Victims who have not started working as scammers)

2. Added penalty for "subjecting others to committing acts that are criminally punishable under the laws of the Republic of China": Article 31 of the Human Trafficking Prevention Act (e.g. Victims being forced to commit fraud at a salary of \$800 to 1000 US Dollars per month)

東南亞的網路詐騙活動和人口販運導致強迫犯罪

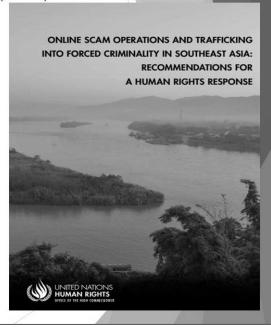
人權回應建議(2023)(宏觀)

- ▶三大特殊且交織的挑戰
 - ▶1.將參與跨國組織犯罪 之行為者繩之以法
 - ▶2.數位領域之人權保護
 - ▶3.接觸位於監管薄弱管 轄區裡詐騙活動之問題



Online Scam Operations and Trafficking into Forced Criminality in Southeast Asia: Recommendations for a Human Rights Response (2023) (macro)

- Three unique and intersecting challenges
 - ▶ 1. Apprehending those who participate in transnational organized crime
 - ▶ 2. Human rights protection in the digital realm
 - ▶ 3. Exposure to scams within jurisdictions with weak regulations/ law enforcement



結論與建議

- ▶每個人都可能是人口販運被害人,持續提昇個人警覺意識及加強犯罪預防宣導。
- ▶犯罪型態不斷更新,科技助長犯罪擴散,持續加強執法人員教育訓練;確認新興犯罪行為於法律規範之列。
- ▶新法人口販運被害人鑑別已增訂社工陪同;
 本案被害人應提供心理輔導,走出被害陰影。
- ▶人口販運已是全球性問題,沒有國家能置身事外;加強國際執法合作,共同打擊犯罪。





資料來源,臺灣外交部

Conclusion and Recommendations

- Anyone could fall victim to human trafficking; we need to raise awareness on individual alertness and crime prevention.
- As criminal M.O. Rapidly evolves and technology accelerates the spread of criminal activities, we need to strengthen law enforcement training and ensure that the law applies to these emerging crimes.
- ▶ The newly amended Human Trafficking Prevention Act stipulates the presence of a social worker during victim identification; for the victims of this case, we should offer them therapy and relevant support to help them overcome the trauma.
- ▶ Human trafficking is a global issue that no one country can avoid being affected. We need to enhance international collaboration in law enforcement, combating human trafficking together.





Source: ROC Ministry of Foreign
Affairs

NOTE





興談人

Dimitris Xenos

英國卡迪夫大學管理學院法學博士與高級講師

Dimitris Xenos 博士是卡迪夫城市大學法學高級講師。他也擔任公共當局和私人團體的法律顧問。他是雅典歐洲公法組織的研究員,也是《歐洲公法評論》的書評編輯。他的法律專業知識和研究工作結合了國內、歐洲和國際相關的公法和私法領域。

在人權領域,他的專著《歐洲人權公約下國家的積極義務》(Routledge, 2012年)是一項國際公認的研究,被引用於 2012年重要的捕鯨環境案件的判決中:國際法院的南極洲(2014年)(澳洲控訴日本)(Cançado Trindade 法官的意見)。另一項相關研究包括"作為一項人權的預防犯罪:警察的積極義務",載於 Ralf Alleweldt 和 Guido Fickenscher、《國際人權法與警察》(Springer Verlag, 2018年) 181-15。

他經常為歐洲監察員、英格蘭和威爾斯法律委員會以及議會人權聯合委員會等公共機構的公開諮詢 做出貢獻。

COMMENTATOR

Dimitris Xenos

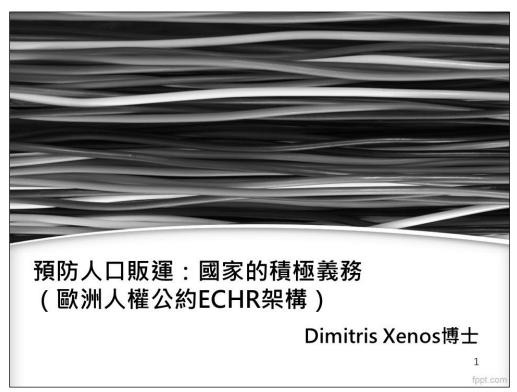
Senior Lecturer, Department of Business, Management and Law, Cardiff School of Management, U.K.

Dr Dimitris Xenos is a Senior Lecturer in Law at the Cardiff Metropolitan University. He also acts as a legal consultant for public authorities and private parties. He is a Fellow at the European Public Law Organisation in Athens, and book review editor for the European Review of Public Law. His legal expertise and research work combine both public and private law areas of domestic, European and international relevance.

In the area of human rights, his monograph, 'The positive obligations of the state under the European Convention of Human Rights (Routledge, 2012)' is an internationally established study, which was cited in the judgment of the important environmental case of Whaling in the Antarctic (2014) (Australia v Japan) of the International Court of Justice (Judge Cançado Trindade' s opinion). An additional, relevant study includes 'The Protection against Crime as a Human Right: Positive Obligations of the Police', in Ralf Alleweldt and Guido Fickenscher (eds), International Human Rights Law and the Police (Springer Verlag, 2018) 181-15.

He makes frequent contributions to open consultations of public institutions, such the European Ombudsman, the Law Commission of England and Wales, and the Joint Parliamentary Committee on Human Rights.

SSRN profile: https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1736742





脈絡

- 一般性議題:犯罪保護
- → 人權保護。
 - 事前;事後

事前:預防人口販運

義務:由憲法規範(人權法規,國內/國際法)

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Context

General issue: Protection against crime

- → Human rights protection.
 - ex ante; ex post

Ex ante: prevention of trafficking of persons

Obligations: imposed by constitutional law (human rights law, domestic/international)

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2

憲法效力

- 為何焦點放在最低限度保護(亦即必須遵守的標準)?
- 由於此義務效力係由憲法賦予,於法庭中行使
- 免於受傷害(預防):警察作為專業人員-憲法的期望

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3

Constitutional force

- Why is the focus on minimum protection (i.e. required standard)?
- Because the force of this duty is imposed by the constitution and hence, enforced in courts
- Prevention of harm:

The police as **professionals** – constitutional expectations

3

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憲法效力

- 於國家層級實施: 追究警方責任(liability)(忽略 義務的責任,即「未採取行動」)
- 於國際/區域層級實施: 歐洲人權公約(ECHR)

個人(被害人) v. 簽署ECHR的會員國

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4

Constitutional force

- State-level enforcement: seeking the liability of police (for omissions – i.e. fail to act)
- International/regional enforcement:
 European Convention of Human Rights (ECHR)

Individual (victim) v. a ECHR member state

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4

相關問題

- 1) 哪些人權議題會觸發行動?
- 2) 國家何時有積極保護的義務?
- →事前(預防) → 目前重點
- →事後(傷害已造成)
- 3) 期望採取哪些(最低限度的)措施? (預防傷害)

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5

Relevant questions

- 1) Which human rights trigger actions?
- 2) When is there a positive duty to protect?
- Ex ante (prevention) → our current focus
- Ex post (after harm has been suffered)
- 3) What measures (minimum) are expected? (for prevention of harm)

5





哪些人權?

例如-生命權(第2條)

- 尊重私人生活及家庭生活權(第8條)

可詮釋為包括:身體與心理完整性(第8條)

· 禁止:

酷刑和不人道或有辱尊嚴的對待(第3條);

奴役和強迫勞動(第4條)→和人口販運最為相關。

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which human rights?

e.g. - Right to Life (Article 2)

- Right to respect for private and family life (Article 8)
 Interpreted as including: the physical and psychological integrity (Art. 8)
- Prohibition of:

Torture and inhuman or degrading treatment (Art. 3);

Slavery and forced labour (Art. 4) → most relevant to trafficking.

1

一般性保護義務

歐洲人權公約:

「在適當情況下·**積極義務**使政府須採取**預防性措施**·**以保護** 生命受到他人犯罪行為威脅的**個人**」 *Rantsev v. 賽普勒斯和俄* 羅斯(2010年)§218; *Osman v 土耳其*§115; *Opuz v. 土耳* 其(2009年)§128

→ 積極保護人權 → 警察的職責

例如 Rantsev (販運) 案:第2條&第4條

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8

General duty to protect

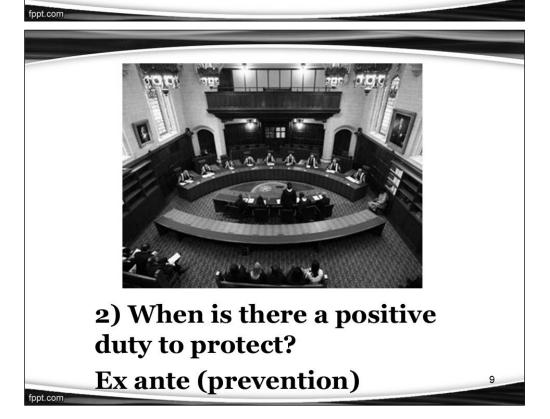
ECtHR:

'[I]n appropriate circumstances, a <u>positive</u> <u>obligation</u> on the authorities to take <u>preventive</u> operational measures <u>to protect</u> an individual whose life is at risk from the criminal acts of another individual' *Rantsev v. Cyprus and Russia* (2010), § 218; *Osman v Turkey* § 115; *Opuz v. Turkey* (2009) § 128

→ Active protection of human rights → police duty e.g. *Rantsev* (trafficking) case: under Articles 2 & 4



2) 國家何時有積極保護的義務?事前(預防)



初步提問:何時保護?

測驗:知識元素(The element of knowledge)

「法庭要認定違反保護生命的積極義務,需先證明執法 單位知情或應知情,已辨識身分的個人因第三方犯罪行 為,當下生命面臨真實且立即的風險,未採取職權內許 可的具體措施,且該具體措施若適當實施,理應能避免 該風險。」Rantsev§219; Osman§116。

Prelim. Q: when to protect

Test: The element of knowledge

'For the Court to find a violation of the positive obligation to protect life, it must be established that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk', Rantsev, § 219; Osman, § 116.



3) 期望採取哪些(最低限度的)措施? (預防傷害)



3) What measures(minimum) are expected?(for prevention of harm)

鑑別潛在被害人

- 情況:前述事件(如*Opuz*案)、威脅(*Dink v. 土耳其*[2010年] nos 2668/07);統計數字
- 畢竟警察不是坐辦公室的,警方主要工作並非接電話 **> 出外勤進行調查**

Rantsev案:警方並未詢問 Rantseva女士(被害

人),只確認了名單,致電其雇主(歌舞秀負責

人),通知雇主來接她。(第4條)

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Identifying potential victims

- Circumstances: previous incidents (e.g. *Opuz* case), threats (*Dink v. Turkey* [2010] nos 2668/07); statistics
- The police is not there to answer phone calls after all, they do not have a desk job. → Go out and investigate

-

Rantsev case: the police did not question Ms Rantseva (victim), simply checked the wanted persons list; called her employer (cabaret) to collect her. (Art. 4)

12

鑑別潛在被害人

藉由監控與統計協助執法單位:

例如,參閱

黃蘭媖(Lanying Huang),「臺灣婦女與女童人口販運: 被害人、加害者特性與剝削形式」,2017年,BMC Women's Health 17(1)(104)。

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13

Identifying potential victims

Facilitating the work of state authorities through monitoring and statistics:

See, e.g.

Lanying Huang, 'The trafficking of women and girls in Taiwan:

Characteristics of victims, perpetrators and forms of exploitation (2017), BMC Women's Health 17(1)(104).

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採取哪些措施?

除其他外:

- 與其他單位(包括他國)協調(在Rantsev 案中,即涉及俄羅斯和賽普勒斯警方)
- 特殊訓練:如Rantsev案(人口販運)
- 記錄求救電話,評估並尋找更多證據

....

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What measures

Inter alia:

- Co-ordination with other authorities, including other states (as in Rantsev, involving police authorities from Russia and Cyprus)
- Special training: e.g. *Rantsev* case (human trafficking)
- Record the calls for help, evaluate and seek more evidence

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LUKAS MOODYSSON LILYA 4-EVER DISANA AKIRISHIN AKITI DANDANGGUCHAR SICH HANNIN LUBOV AGAPOV II IA SHINKABENA BAKITI DANDANGGUCHAR SICH HANNIN LUBOV AGAPOV









FROM THE DIRECTOR OF 'SHOW ME LOVE' & 'TOGETHER'
"A powerful blast of pure emotion which leaves
you dazzled and transformed",0

「《永遠的微笑(Lilya 4-Ever)》屬於一股當今迫切需要的電影新浪潮,描繪移民與尋求庇護者的故事…但與Moodysson執導的本片相比,其他同期電影的批判力度更弱,包裹在同理心和希望的糖衣當中。無論基於人道或美學考量,這些作品都卻步了,不敢探討人類可能面臨的最糟處境,但顯然《永遠的微笑》敢於揭露一切。」

Peter Bradshaw刊登於Guardian的影評 http://www.theguardian.com/culture/20 03/apr/25/artsfeatures1

LILYA 4-EVER

OKSANA AKINSHINA ARTIOM BOGUCHARSKU ELINA BENNISON LJUBOVAGAPON







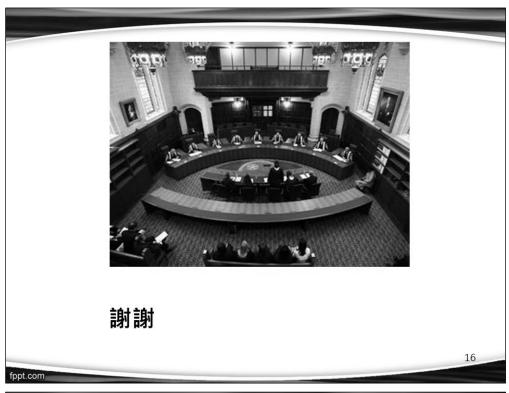


FROM THE DIRECTOR OF 'SHOW ME LOVE' & 'TOGETHER'
"A powerful blast of pure emotion which leaves
you dazzled and transformed"...

'Lilya 4-Ever is part of an urgent new wave of movies about immigrants and asylum seekers...

But in comparison with Moodysson's film, each of these recent features softened the blow and sugared the pill with grace notes of compassion and hope. For humane or aesthetic reasons, they shrank from exploring the very worst that human beings can experience. Lilya 4-Ever, frankly, does not.'

Peter Bradshaw's review for the Guardian http://www.theguardian.com/cultur e/2003/apr/25/artsfeatures1







興談人

Gary McBride

加拿大約克郡警局調查官

現職

• 約克郡警局人口販運調查部門偵查佐

經歷

- 1. 2021年至今:反剝削單位-人口販賣 (HT) 和 網路兒童剝削 (ICE) 部門
 - (1) 負責兩個部門的日常管理、長期規劃和調查回應。
 - (2) 主要案件經理,負責重大人口販賣項目。
 - 2020年的「Eonni 計劃」涉及亞洲女性被有組織犯罪集團販賣到加拿大及其各地從事性交易。有6人被起訴,超過400萬加元被查封和沒收。
 - 2023年的「Norte 計劃」涉及超過 100 名墨西哥工人在大多倫多地區被販賣從事勞動剝削。有7人被起訴,該案在墨西哥大使館舉行的媒體會議上被突出報導,以向他們的公民提供支援。
 - (3) 與其他警務合作夥伴合作,共享資源。
 - (4) 通過教育和合作培養社區合作關係,包括大型人口販運會議。
 - (5) 管理撥款和資金,支持重大項目和弱勢受害者的需求。
- 2. 親密伴侶暴力單位 (IPVU): 2020 年至 2021 年
 - (1) 負責該地區所有 IPV 案件的日常管理、長期規劃、培訓、質量控制和 YRP 調查回應。
 - (2) 分析單位包括人員和任務。實施變更,包括任務變更、輪班變更以招聘和健康,安大略省首家更改單位名稱為 IPVU,以更好地反映社會變化、任務和法律語言。

- 3. 第四分局 B 班警員長: 2019 年至 2020 年
 - (1) 負責最大班組的運營和管理。
 - (2) 管理人員,包括支持其他地區。
 - (3) 負責監督 YRP 最繁忙地區的囚犯管理。
 - (4) 確保成員在經歷創傷性呼叫和個人問題後接受心理健康支持。
- 4. 其他主管經驗
 - (1) 第五分局偵查員 刑事調查: 2018年至2019年
 - (2) 第五分局巡佐 B 班: 2017 年至 2018 年
 - (3) 偵查員 網路兒童剝削單位: 2014年至2017年

學歷:

- 1. 西安大略大學 文學士
- 2. 千禧學院 企業通訊
- 3. 約克大學 警察領導的未來研習班
- 4. YorkLEADS 警政和政府管理研習班

COMMENTATOR

Gary McBride

Detective, York Regional Police, Canada

Detective Sergeant with more than 25 years of experience with a focus on investigations involving vulnerable people and victims. Managed change in units to provide efficiencies to work areas to better service those involved in crime.

DETECTIVE SERGEANT EXPERIENCE

 COUNTER EXPLOITATION UNIT HUMAN TRAFFICKING (HT) & INTERNET CHILD EXPLOITATION (ICE) SECTIONS

2021 - Present

- Responsible for daily management, long term planning and investigative response for both sections.
- Major Case Manager for major human trafficking projects.
 - In 2020 Project Eonni involved females from Asia being trafficked into and across Canada for the sex trade by an organized crime group. 6 people were charged and more than \$4 million was seized and forfeited
 - o In 2023 Project Norte involved more than 100 Mexican workers being trafficked in the Greater Toronto Area for labour trafficking. 7 people were charged and the case was highlighted through a media conference with the Mexican Embassy to offer support to their citizens.
- Engage other policing partners for shared resources.
- Foster community partnerships through education and collaboration including for a large HT conference.
- Financial management of grants and funding to support major projects and vulnerable victims' needs.
- Wellness strategies including workload management, task satisfaction and mid tenure breaks.

INTIMATE PARTNER VIOLENCE UNIT (IPVU)

2020 - 2021

- Responsible for daily management, long term planning, training, quality control and YRP investigative response for all IPV cases in the region.
- Analysis of unit including staffing and mandate. Implement changes including mandate change, shift change for recruitment and wellness, first in Ontario to change unit name to IPVU to better reflect societal changes, mandate and legal language.
- Manage staffing and calls for service during Covid including new supervisors, remote work and increase in IPV calls with increased violence.

STAFF SERGEANT EXPERIENCE

4 DISTRICT – B PLATOON

2019 - 2020

- Responsible for operation and administration in a district with the largest platoons.
- Managing staffing including supporting other districts.
- Responsible for overseeing prisoner management in YRP's busiest district.
- Ensure members receive mental health support after traumatic calls and personal issues.

ADDITIONAL SUPERVISOR EXPERIENCE

DETECTIVE – 5 DISTRICT - CRIMINAL INVESTIGATIONS

2018 - 2019

SGT – 5 DISTRICT – B PLATOON

2017 - 2018

DETECTIVE – INTERNET CHILD EXPLOITATION UNIT

2014 - 2017

PEER SUPPORT

2013 - PRESENT

EDUCATION

- BACHELOR OF ARTS UNIVERSITY OF WESTERN ONTARIO
- CORPORATE COMMUNICATIONS CENTENNIAL COLLEGE
- THE FUTURE OF LEADERSHIP IN POLICING YORK UNIVERSITY
- YorkLEADS POLICE AND GOVERNMENT MANAGEMENT PROGRAM



跨國人口販運犯罪預防策略

加拿大約克郡警局

反剝削組調查官 Gary McBride 1021@yrp.ca









Strategies for Preventing Transnational Human Trafficking Crimes

York Regional Police - Canada

Detective Sergeant Gary McBride
Counter Exploitation Unit
1021@yrp.ca









加拿大、大多倫多地區與約克郡

來自世界各國的多元人口 涉及跨國性交易和強迫勞動的案件和專案 僅限本地和加拿大各地





Canada, Greater Toronto Area & York Region

Diverse population from countries all over the world

Cases and projects involving transnational

sex trade and forced labour

Local only and across Canada





與來源國的夥伴關係

加拿大皇家騎警 - 聯邦警察外國聯絡處加拿大邊境服務局 - 情資外國移民機關駐當地大使館





Partnerships for Source Countries

RCMP – Federal Police Foreign Country Liaison
Canada Border Services Agency – Intelligence
Foreign immigration agencies
Local embassies





情資-現在

移民法變更 新的旅行和入境路線 新的來源國和剝削方法 金融情資 人口販運(HT) = 利潤





Intelligence - Now

Immigration law changes

New routes of travel and entry

New source countries and methods of exploitation

Financial Intelligence HT = profits





情資-未來

犯罪行為持續演變

受世界事件影響的人口移動 臨時工和學生的改變 新技術 – 加密技術、加密貨幣 執法部門人力的變化





Intelligence - Future

Crime is always adapting and evolving

Migration impacted by world events
Temporary worker and student changes
New technologies – encryption, crypto
Work force changes in law enforcement





本地因應措施

與本地其他機構建立夥伴關係

警方和邊境機構聯手處理日常案件和大型組織犯罪專案

執法與社會反應

當案件涉及多個司法管轄區或國家時,警方將如何應對? 哪些社會機構可以提供協助?





Local Response

Local partnerships with other agencies

Multiple police and border agencies working together on daily cases and large organized crime projects

Law enforcement and social response

How will police respond when case involves multiple jurisdictions or countries? What social agencies can assist?





本地因應措施

警方首次接觸訓練和人口販運意識

對警員進行訓練,以辨識本地和跨國人口販運案例。 立即尋求協助,包括語言方面的協助

加拿大的文化和法律

加拿大法律中的違法行為 vs 重要的事物





Local Response

Officer first contact training and HT awareness

Train officers to identify local and transnational HT cases.

Seek immediate assistance including with language

Culture and laws of Canada

What is illegal under Canadian Laws vs what is important





教育、意識、執法

專門的法院檢察小組 曾參與跨國案件、經驗豐富的檢察官 為受害者提供全面的服務 聯絡官 受害者返國後克服障礙





Education, Awareness, Enforcement

Specialized court prosecution teams
Experienced prosecutors who have been involved in transnational cases.

Wrap around services for victims
Liaison officer

Overcome barriers when victims have returned home





教育、意識、執法

監禁後從加拿大驅逐出境 犯罪所得 – 扣押資產 利用情報展開新的調查 為合作夥伴提供情報





Education, Awareness, Enforcement

Incarceration then removal from Canada
Proceeds of Crime – seize assets
Use intelligence for new investigations
Provide intelligence to partners



























