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 2・PROGRAM 2



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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29日(星期四) August 29th, 2024 (Thursday)

時間	·····································				
09:00-09:30	報 到 Registration				
議 題 三 :	防制強迫勞動及器官摘取之關鍵策略				
Session 3:	Key Strategies for Preventing Forced Labor and Organ Harvesting				
	行政院前政務委員羅秉成				
Moderator:	Former Minister without Portfolio, Executive Yuan, Ping-Cheng Lo				
	全球性挑戰:跨國企業與強迫勞動				
	A Global Challenge: Multinational Corporations and Forced Labor				
(30分鐘)	主講人:韓國太平洋律師事務所律師 Sin Kim				
	Speaker: Lawyer, Bae, Kim & Lee LLC, Korea, Sin Kim				
	限制強迫勞動貨品流通:美國及歐盟規範與作法				
10:00-10:30	Regulations and Practices in The U.S. and European Union: Restricting the				
(30分鐘)	Circulation of Products Made using Forced Labor				
土調人:室灣站得人学法律学院院校釗工家					
	Speaker: Dean, School of Law Professor, Ming Chuan University, Shih-Hao Liu				
	跨國合作打擊器官販運實例分享-英國觀點 Case Studies of International Cooperation in Compating Organ Trafficking				
Case Studies of International Cooperation in Combating Organ Trafficking 10:30-11:00 主講人:英國倫敦大都會警察局現代奴役、兒童剝削與移民組織犯罪調查官					
(30分鐘)					
Speaker: Detective Sergeant, Modern Slavery and Child Exploitation Organis					
	Immigration Crime, Metropolitan Police, U.K., Andy Owen				
11:00-11:20	·				
(20分鐘)	茶 敘 Refreshment				
	與談人:(40分鐘)				
	1. 馬來西亞移民局防制人口販運暨洗錢防制處處長 Zuhailah Binti Jalani				
2. 比利時移民局人口販運受害者暨脆弱族群保護組組長 Herbert Jegers					
	3. 臺灣桃園地方檢察署檢察官翟恆威				
	Commentators: (40 Mins)				
11:20-12:30 1. Director, ATIPSOM and AMLA Division, Immigration Department, Malaysi					
(70分鐘)	Zuhailah Binti Jalani				
	2. Director, Vulnerables Unit, Belgian Migration Office, Belgian, Herbert Jegers				
	3. Prosecutor, Taiwan Taoyuan District Prosecutors Office, Ministry of Justice,				
	Heng-Wei Zhai 舞句交流(20 公籍、大器以及開致人物海藥開)				
	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			
	性剝削人口販運被害人權益保護及挑戰			
議 題 四 :	: Protection and Challenges of Rights of Victims of Sexual Exploitation			
Session 4:	· : 行政院防制人口販運及消除種族歧視協調會報委員李凱莉			
主持人:	: Committee Member of the Executive Yuan Coordination Committee on			
Moderator:	r: Prevention of Human Trafficking and Elimination of Racial Discrimination, Ka			
	Li Lee			
	美國性剝削人口販運被害人保護工作挑戰-美國觀點			
14:00-14:30	Challenges in Protecting Victims of Sexual Exploitation in the United States			
(30 分鐘)	主講人:美國在臺協會國土安全調查署調查主管盛偉安			
(30 万蝗)	Speaker: Supervisory Special Agent, American Institute in Taiwan Supervisory			
	Special Agent, Brian E. Sherota			
	性剝削被害人保護機制探究-泰國觀點			
	Exploring the Protection Mechanism for Victims of Sexual Exploitation			
14:30-15:00	主講人:泰國檢察總署省級防制人口販運處公訴檢察官 Sethasiri Tienpiragul			
(30分鐘)	Speaker: Public Prosecutor, Anti-Trafficking in Persons Litigation Department,			
	Office of the Executive Director of Anti-Trafficking in Persons Litigation			
	Division 1, Office of the Attorney General, Thailand, Sethasiri			
	Tienpiragul			
	人口販運被害人救援及安全保護-印度觀點			
	Rescue and Post-rescue Care of Victims of Trafficking			
	主講人:印度警察基金會人口販運問題研究與學習中心主席 PM Nair			
(30分鐘)	Speaker: Chairperson, Centre of Excellence and Centre of Research and Learning			
	(CORAL) on Human Trafficking, Indian Police Foundation, India, PM			
	Nair			
15:30-15:50	茶 叙 Refreshment			
(30分鐘)				
	與談人:(40分鐘)			
	1. 澳洲聯邦警察署防制人口販運組組長 Helen Schneider			
	2. 國立臺灣大學健康政策與管理研究所副教授李柏翰			
	3. 財團法人勵馨基金會台中分事務所主任馬梅芬			
15.50 17.00	Commentators: (40 Mins)			
	1. Commander, Human Exploitation Crime Command, Australia Federal Police,			
(70分鐘)	Australia, Helen Schneider			
	2. Associate Professor, Institute of Health Behaviors and Community Sciences,			
	National Taiwan University, Po-Han Lee Roan Taichung Branch Office, The Garden of Hone Foundation, Moi Fon Ma			
	3. Dean, Taichung Branch Office, The Garden of Hope Foundation, Mei-Fen Ma 雙向态态(30 公籍,主譯人及與終人均須桑與)			
	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.

議題三·SESSION 3

防制強迫勞動及器官摘取之關鍵策略

Key Strategies for Preventing Forced Labor and Organ Harvesting





主籌人

羅秉成

行政院前政務委員

現任

律師

學歷

臺灣大學法律學院碩士(公法組) 政治大學法律系學士(法學組)

經歷

行政院政務委員兼發言人 法律扶助基金會董事長 臺灣冤獄平反協會理事長 新竹律師公會理事長

MODERATOR

Ping-Cheng Lo

Former Minister without Portfolio, Executive Yuan

CURRENT POSITION

Attorney

EDUCATION

Master of Laws, College of Law, National Taiwan University

Bachelor of Laws, Department of Law, National Chengchi University

EXPERIENCE

Minister of State without Portfolio and Spokesperson of the Executive Yuan

Chairman of Legal Aid Foundation

Chairman of Taiwan Innocence Project

Chairman of Hsin Chu Bar Assiciation



調習

金信

韓國太平洋律師事務所律師

主要業務領域為勞動、公傷、選舉及政治資助等各種刑事案件之諮詢及訴訟工作。曾擔任過首爾中央地方檢察廳公安 2 部部長檢察官、司法部公安規劃司司長、大檢察廳公安 2 科科長、首爾高等檢察廳訟務部檢察官、蔚山地方檢察廳重要經濟犯罪調查團團長等職,負責各種勞資與選舉相關法規之調查及規劃,2022 年 8 月創立太平洋律師事務所,擔任刑事訴訟案件專業律師。

經歷:

2022-現在 太平洋律師事務所律師

2020-2022 蔚山地方檢察廳重要經濟犯罪調查團團長

2018-2020 首爾高等檢察廳訟務部檢察官

2017-2018 清州地方檢察廳刑事1部部長檢察官

2016-2017 大邱地方檢察廳公安部部長檢察官

2015-2016 首爾中央地方檢察廳公安 2 部部長檢察官

2014-2015 司法部公安規劃司司長

學歷:

1998 第 27 屆司法研修院畢業

1995 第 37 屆司法考試合格

1992 首爾大學法律系畢業

SPEAKER

Sin Kim

Lawyer, Bae, Kim & Lee LLC, Korea

Primary areas of expertise include consultation and litigation for criminal cases related to labor, work injuries, elections, and political contributions. Previously served as Chief Prosecutor of the Public Security Division 2 at the Seoul Central District Prosecutors' Office, Director of the Public Security Planning Division at the Ministry of Justice, Head of Public Security Division 2 at the Supreme Prosecutors' Office, Prosecutor of the Litigation Division at the Seoul High Prosecutors' Office, and Chief of the Major Economic Crimes Investigation Team at the Ulsan District Prosecutors' Office. Responsibilities included investigating and planning regulations related to labor disputes and election laws. In August 2022, founded Bae, Kim & Lee LLC and now serves as a specialized criminal litigation attorney.

Current Position

Lawyer, Bae, Kim & Lee LLC, Korea

Experience

2022-Present: Lawyer, Bae, Kim & Lee LLC, Korea

2020-2022: Chief of the Major Economic Crimes Investigation Team, Ulsan District Prosecutors' Office

2018-2020: Prosecutor, Litigation Division, Seoul High Prosecutors' Office

2017-2018: Chief Prosecutor, Criminal Division 1, Cheongju District Prosecutors' Office

2016-2017: Chief Prosecutor, Public Security Division, Daegu District Prosecutors' Office

2015-2016: Chief Prosecutor, Public Security Division 2, Seoul Central District Prosecutors' Office

2014-2015: Director, Public Security Planning Division, Ministry of Justice

Education

1998: Graduated from the 27th Judicial Research and Training Institute

1995: Passed the 37th Judicial Examination

1992: Graduated from the Faculty of Law, Seoul National University

韓國政府外籍勞工 管理現況與問題

2024年8月29日

主講人: Sin Kim律師



Current Status and Issues of Foreign Worker Management by the Korean Government

August 29, 2024

Presenter: Lawyer Sin Kim



大綱

I. 韓國勞動市場現實

II. 韓國的低技術外籍勞工

III. 聘僱許可制

IV. 聘僱許可制的影響

V. 政府的改進措施

VI. 結論

Contents

I. Korean Labor Market Reality

II. Unskilled Foreign Workers in Korea

III. Employment Permit System

IV. Side Effects of the System

V. Government Improvement Efforts

VI. Conclusion

韓國勞動市場現實

勞動供給與需求不匹配

由於人口結構與教育程度變化,韓國勞動市場正面臨嚴峻挑戰:

- 出生率低、人口老化使就業年齡人口減少
- 教育程度變高使低技術勞工供給減少
- 外籍勞工有助於維持韓國經濟發展

測量指標	過去/目前	未來/預估
就業年齡人口	3750萬(2018年)	2700萬(2040年)
職缺	120,000 (2020年)	210,000 (2023年)
從事生產的低技術外籍勞工	900,000 (3.5%) 截至2024年	(-

The Reality of the Korean Labor Market

Mismatch between Labor Demand and Supply

The Korean labor market is facing significant challenges due to demographic shifts and changing education levels:

- · Decrease in the working-age population due to low birth rates and aging
- · Decrease in the supply of unskilled labor due to higher education levels
- Foreign workers are ensuring the sustainability of Korea's economic development

Metric	Past/Current	Future/Projected
Working-age population	37.5 million (2018)	27 million (2040)
Vacant jobs	120,000 (2020)	210,000 (2023)
Unskilled foreign workers in production	900,000 (3.5%) as of 2024	-

韓國對外籍勞工的社會/文化態度不友善





雇主觀點

普遍將外籍勞工視為「廉價勞力」

- 42%因工資低廉雇用外籍勞工
- 僅8%為專業(專長)聘僱



勞工觀點

擔心外籍勞工會「干擾勞動市場生態系」

● 32%認為歧視無可避免



大眾觀點

對外籍勞工保有戒心,視為「潛在罪犯」

- 認為外籍人士暴力犯罪的案件增加
- 謀殺致死率為本國人兩倍

Uncooperative Socio-cultural Attitudes in Korea Towards Foreign Workers





Employer's Perspective
Predominant perception of foreign
workers as 'cheap labor'

- 42% employ foreign workers for low wages
- Only 8% employ for expertise



Worker's Perspective
Concerns about 'disruption of the
labor market ecosystem'

• 32% view discrimination as inevitable



Public's Perspective Caution towards foreign workers as 'potential criminals'

- Increase in violent crimes by foreigners
- Murder rate is twice that of nationals

政府的外籍勞工政策

執行政策時顧慮大眾意見

● 仍秉持歧視、排外的原則

對外籍勞工保護政策不積極

- 實施外籍勞工就業法(2004年):以雇主為中心的聘僱許可制
- 實施反販運法(2023年):政策使用率低

Government Policies on Foreign Workers

Executing policies with public opinion awareness

Maintaining principles of discrimination and exclusion

Lack of proactivity in foreign worker protection policies

- Enactment of the Employment of Foreign Workers Act (2004): Employer-centered Employment Permit System
- Enactment of the Anti-Trafficking Act (2023): Low utilization of policies



韓國低技術外籍勞工身分

聘僱許可制 (E-9簽證) 訪問就業制 (H-2簽證) 季節性工作制 (E-8簽證) 等 一般 就 業 許 可 (E-9 簽 證): 勞動剝削與不公平歧視問題

- 男性 (90%): 柬埔寨 (14%)、尼泊爾 (13%)、越南 (11%)等
- 製造業 (81%)、農業與畜牧 (12%)、漁業 (4%)、營建工程(3%)。

特殊就業許可 (H-2簽證):海外韓僑

- 女性 (41%):中國 (86%)、烏茲別克 (95%)等
- 製造業 (56%)、服務業 (27%)、營建工程 (16%)。



Status of Unskilled Foreign Workers in Korea

Employment Permit System (E-9) Visit and Employment System (H-2) Seasonal Worker System (E-8), etc General Employment Permit (E-9): Issues of labor exploitation and unfair discrimination

- Male (90%): Cambodia (14%), Nepal (13%), Vietnam (11%), etc.
- Manufacturing (81%), Agriculture and Livestock (12%), Fishing (4%), Construction (3%)foreign workers in Korea.

Special Employment Permit (H-2): Overseas Koreans

- Female (41%):
 China (86%), Uzbekistan (9.5%), etc.
- Manufacturing (56%), Service Industry (27%), Construction (16%)

韓國聘僱許可制內容與問題

- ❖ 外籍勞工就業法(2003年): 政府主動介入勞動市場
 - 聚焦於保障雇主利益
 - 忽視外籍勞工保護
- ❖ 原則:三年內禁止轉換雇主
 - 強制規定需在簽約雇主處工作三年
 - 任意轉換會被視為非法移民,面臨遺返
- ❖ 例外:雇主主動終止合約
 - 因雇主方原因無法延續合約時
 - 雇主決定終止合約時

Contents And Issues Of The Korean Employment Permit System

- * Employment of Foreign Workers Act (2003): Active government intervention in the labor market
 - Focus on protecting employers' interests
 - Neglect in protecting foreign workers
- Principle: Prohibition of workplace change within 3 years
 - Mandatory to work at the initially contracted workplace for 3 years
 - Arbitrary workplace change results in being classified as an illegal immigrant and subject to deportation
- Exception: Termination of the labor contract by the employer
 - When the labor contract cannot be maintained due to reasons attributable to the employer
 - When the labor contract is terminated at the discretion of the employer

聘僱許可制的影響

雇主濫用聘僱許可制

❖ 薪資歧視

不平等的薪資差異:

韓國籍勞工:平均月薪\$3,000美金

外籍勞工:平均月薪\$1,830美金

拖欠薪資:

• 2019年: \$8800 萬美元 • 2023年: \$5500 萬美元 ❖ 勞動剝削

外籍勞工常面臨:

定假日上班

● 被迫超時工作,超過法定工時和法

● 指派危險工作,導致工傷、意外事 ● 自殺死亡率高於工傷死亡率 件較韓國籍勞工更高

❖ 種族歧視

嚴重後果包括:

● 外籍勞工自殺人數增加

Side Effects of Employment Permit System

Abuse of the Employment Permit System by Employers

Wage Discrimination

Unfair wage disparities exist:

- Korean workers: average monthly wage \$3,000
- Foreign workers: average monthly wage \$1,830

Wage arrears:

- 2019: \$88 million
- 2023: \$55 million

Labor Exploitation

Foreign workers are often:

- Forced to work beyond legal hours and on holidays
- Assigned dangerous tasks, leading to higher industrial accident rates compared to Korean workers

· Racial Discrimination

Serious consequences include:

- Increase in suicides among foreign workers
- Suicide rate higher than deaths due to industrial accidents

韓國聘僱許可制影響案例

外籍勞工非法活動案例

蓄意導致合約終止

- 藉由缺席、蓄意破壞、自殘等行為要求轉換雇主。
- 入境一年內轉換雇主案例 (30%)

謊報勞動剝削

- 謊報剝削,以獲得 G-1 簽證,可合法停留一年。
- 仲介規劃、主導上述行動

Cases Of Side Effects Caused By The Korean Employment Permit System

Cases of Illegal Activities by Foreign Workers

Inducing Contract Termination

- Demanding workplace changes by unauthorized absences, sabotage, self-harm, etc.
- Cases of workplace change within one year of entry (30%)

False Reports of Labor Exploitation

- Obtaining a G-1 visa through false reports, allowing legal stay for one year.
- Brokers plan and lead these activities

政府的改進措施

減少仲介費剝削

1 減少仲介費

聘僱許可制仲介費從\$3,000美元降低至\$1,000美元。

2 轉換雇主限制

憲法法庭2001年裁決維持雇主轉換限制。

外籍勞工工會合法化

2015年政府開放所有勞工組成工會,包括無證移民。

實施反販運法:

1 修訂反販運法

將勞動剝削列入人口販運定義中。

2 強化被害人支援措施

提供法律協助、生活費、醫療與違返 等支援。 3 被害人早期鑑別系統

開發及早鑑別被害人的指標。

Government Improvement Efforts

Reduction in Brokerage Fee Exploitation

1 Reduced Brokerage Fees

The Employment Permit System has lowered brokerage fees from \$3,000 to \$1,000.

2 Workplace Change Restrictions

The Constitutional Court upheld the provision restricting workplace changes for foreign workers in 2001.

Legalization of Foreign Labor Unions

In 2015, the government legalized unions for all workers, including undocumented immigrants.

Enactment of the Anti-Trafficking Act

Amended Anti-Trafficking Law Included labor exploitation in the definition of human trafficking. 2 Strengthened Victim Support Provided legal assistance, living expenses, medical care, and repatriation support. 3 Early Victim Identification System

Developed indicators to identify victims early.

改進措施的侷限

調查績效低落

- 外籍勞工勞動剝削案件調查績效低落
- 剝削外籍勞工的案件無起訴

鑑別指標使用率低

- 10個被認定為人口販運被害人者,其中僅3人是因勞動剝削
- 官員無義務通報潛在被害人,導致許多未通報案件

Limitations of Improvement Measures

Low Investigation Performance

- Low investigation performance on cases of foreign worker exploitation
- No prosecutions of foreign worker exploitation cases

Underutilization of Identification Indicators

- Only 3 of 10 recognized foreign trafficking victims were for labor exploitation
- No obligation for officials to report potential victims, leading to many unreported cases

結論與建議

1 改變認知

方認外籍勞工唯有價值的經濟 資源 **)** 漸進措施

逐步實施改進措施,協助外籍勞 工融入社會 3 改善 E-9簽證條件

提升 E-9簽證 (低技術勞工)待遇, 與 H-2 簽證 (技術勞工)一致

4 改善生活環境

聚焦於改善 E-9 勞工整體就業環境

5 促進社會整合

強化外籍勞工的韓語教育

Conclusion and Recommendations

1 Shift Perception

Recognize foreign workers as valuable economic resources

2 Gradual Approach

Implement step-by-step improvements to aid social integration

3 Improve E-9 Conditions

Elevate E-9 worker treatment to match H-2 workers

4 Better Living Conditions

Focus on improving overall environment for E-9 workers

5 Social Integration

Strengthen Korean language education for foreign workers









NOTE





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- 2. Member of the Minimum Wage Decision Committee of the Ministry of Labor Affairs
- 3. Member of the Advisory Committee on Labor Standards of the Ministry of Labor Affairs
- 4. Member of the Appeals Committee of the Ministry of Labor Affairs
- 5. Member of the Statute Committee of the Indigenous Peoples Ministry
- 6. Member of the Employment Promotion Committee of the Indigenous Ministry
- 7. Member of the Committee on Appeals of the Indigenous Peoples Ministry
- 8. Taoyuan City Chief Arbitrator of Labor Disputes
- 9. Miaoli County Chief Arbitrator of Labor Disputes
- 10. Deputy Convenor of the Regulation Adjustment Group of the Small and Medium-sized Enterprise Division of the Ministry of Economic Affairs
- 11. Director of First Financial Holdings Co., Ltd
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Restricting the circulation of forced labor goods: US and EU norms and practices

Professor and Dean, School of Law, Ming Chuan University Liu Shihao

Preface

• It has been 94 years since the International Labor Organization (ILO) adopted Forced Labor Convention No. 29 (Co29) on June 28, 1930. However, forced labor still exists around the world. According to ILO Convention No. 29 Article 2, Paragraph 1, stipulates that the so-called "forced labor" refers to the threat, coercion, or requirement of any form of punishment to provide labor or services against one's will.

Preface

• Forced labor refers to situations where people are subjected to violence, intimidation, or through more indirect means, such as debt manipulation (wage garnishment), seizure of documents, or threats to report to immigration authorities, to force workers to work in order to exploit the value of their labor Purpose. Forced labor still exists in various industries such as textiles, mining, agriculture and services. Although the situation of forced labor has become increasingly serious in some areas, it is still a global problem.

- The ILO's newly revised 2024 version of the " Declaration of Multinational Enterprises " states that the ILO declarations, conventions, protocols and recommendations related to forced labor include the following documents:
- (1) Forced Labor Convention, 1930 (No. 29)
- (2) " Compulsory Action (Indirect Coercion) Recommendation 1930 " (No. 35)
- (3) " Abolition of Forced Compulsory Labor Convention, 1957 " (No. 105)

Preface

- (4) " Protocol to the Forced Labor Convention 1930 " 2014
- (5) " Forced Labor (Supplementary Measures) Recommendation 2014 " (No. 203)
- (6) " Declaration on Fundamental Principles and Rights at Work 1998 " revised in 2022

• In addition, the ILO will formulate a new "Supply Chain Suitable Work Strategy" (5 -year plan) in 2023, integrating the above-mentioned "Multinational Enterprise Declaration" and the ILO 's declaration, and established in 2022 "to ensure the choice of suitable work in the supply chain" The components adopted by the Tripartite Working Group on Options to Ensure Decent Work in Supply Chains have re-formulated 20 work goals that the ILO should implement.

Preface

• The domestic legalization of the "Human Rights Due Diligence" procedure promoted by the United Nations Council is an important procedure for confirming the establishment of forced labor. The United Nations' "Guiding Principles on Business and Human Rights: "Protect, Respect and Remedy" Framework Guidelines " and the introduction of " We will examine the OECD 's "Guidelines for Action for Multinational Enterprises" and other documents on "Human Rights Due Diligence".

• Taiwan is an important economy in global trade, and Taiwanese companies have long played an indispensable role in the global production chain. However, the current regulations on forced labor in various labor laws and regulations in our country are only scattered in the "Labor Standards Act", "Employment Service Act" and "Human Trafficking Prevention Act". There are certain difficulties in practical application and cannot be effective. Produce preventive benefits. This report hopes to serve as a reference for our country by understanding the systems and practices of the United States and the European Union that restrict the circulation of forced labor goods.

European Union eliminates forced labor norms and systems

European Union eliminates forced labor norms and systems

• In order to combat forced labor and other human rights violations, the EU has been working hard to formulate relevant regulations in recent years. In addition to prohibiting the circulation of products produced by forced labor in the EU market, it also requires EU companies to perform due diligence obligations to avoid commercial activities within the EU.

European Union eliminates forced labor norms and systems

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European Union eliminates forced labor norms and systems

- Negative impacts on human rights and the environment in overseas supply chains.
- April 2024, the European Parliament voted to adopt the "REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on prohibiting products made with forced labor on the Union market", and at the same time passed the "Enterprise "Continuous Due Diligence Directive" has made great progress in legislation.

European Union eliminates forced labor norms and systems

 EU Summit (EU-Rat) in May this year, and will be published in the official gazette later.
 EU member states have three years to start implementing the regulation.

Important contents of the rules prohibiting forced labor products

• The "Prohibition of Forced Labor Products Rules" are regulations that prohibit economic operators from circulating, supplying and exporting "products made using forced labor" in the EU market. The purpose is to improve the operation of the EU market and combat forced labor. When products are sold through the Internet or other forms of long-distance transactions, if the sales are targeted at endusers in the EU, they should be deemed to be supplied within the EU market.

Important contents of the rules prohibiting forced labor products

• The so-called "products made using forced labor", according to the legislative definition in Article 2, refer to products that use forced labor in whole or in part at any stage of acquisition, picking, production or manufacturing. This includes products that use forced labor at any stage of processing or handling in their supply chain.

- 1. Establishing an EU network to "oppose forced labor products"
- 6 of the "Regulations on Products Prohibited by Forced Labor", an alliance network against forced labor products should be established to serve as a platform for coordination and liaison between the competent authorities of member states and the European Commission, with the purpose of ensuring the implementation of the rules.

Important contents of the rules prohibiting forced labor products

 To be more efficient, this will promote cooperation among administrative units within the network and ensure their active participation at all stages of product bans.

- 2. Establish a single portal in the field of forced labor
- The European Commission should establish a single portal to provide the public with information on forced labor, including a list and contact details of competent authorities, guidance, databases, a list of sources of public information relevant to the implementation of this Regulation, including a list of relevant Analysis of information on the impact of forced labor and victims, decision to ban products, decision to lift ban, and review results (Article 12).

Important contents of the rules prohibiting forced labor products

- 3. Establish a database on areas and products with forced labor risks
- The European Commission, with the assistance of external experts, will create a database that should provide relevant information on the risks of forced labor in specific geographical areas or specific products, and should be updated regularly. The database will include reports from international organizations (such as the International Labor Organization) (see Article 8).

 This database can assist the European Commission and competent authorities in member states to assess possible violations of the "Products Prohibited by Forced Labor Regulation".

Important contents of the rules prohibiting forced labor products

- 4. Risk-based approach
- In response to possible violations of the "Prohibition of Forced Labor Products Rules", Article 14 clearly stipulates the standards that the European Commission and the competent authorities of member states should abide by when evaluating. They should evaluate products suspected of using forced labor based on the following standards. To prioritize:

- There may be questions about the scope and severity of forced labor, as well as related questions about "whether there is forced labor implemented and ordered by the state."
- 2. The quantity of products circulated or supplied on the EU market.
- 3. The proportion of parts in the final product that may have been made using forced labor.
- 4. The economic operator's proximity to the risk of forced labor in its supply chain and its ability to deal with the risk.

Important contents of the rules prohibiting forced labor products

• The European Commission will issue guidance to assist economic operators and competent authorities in fulfilling the requirements specified in the "Products Prohibited by Forced Labor Regulation", which includes procedures for the effective elimination and termination of different forms of forced labor (see Article 11).

 Supportive measures will be provided for small and medium-sized enterprises, and training can be provided on forced labor risk indicators and related investigation procedures (see Article 10).
 Such measures can be provided by the "Central Council on Forced Labor" Portal" to obtain information.

Important contents of the rules prohibiting forced labor products

- 5. Investigation
- The European Commission will be responsible for investigations outside the EU. If there is a risk of forced labor in the territory of a Member State, the competent authorities of that Member State shall conduct an investigation (Article 15).

• The European Commission should work closely with Member States' national authorities. If the competent authority discovers information that may violate the rules in another member state when assessing whether there is a risk of violation of the rules, it shall notify the competent authority of that member state.

Important contents of the rules prohibiting forced labor products

• If forced labor is suspected to occur outside the EU, the European Commission should be notified. In addition, the right of economic operators to state their opinions at all stages of the investigation should be respected, and relevant important information should be ensured to be taken into consideration (Article 16).

• 17 of the "Prohibition of Forced Labor Products Rules" specifies the procedures and matters that should be paid attention to in the basic stage of investigation. Before initiating an investigation, the competent authority may require economic operators to provide relevant information as a way to identify, prevent, mitigate, and stop enterprises from engaging in Possible risks of forced labor in the business scope and its supply chain, and remedial measures to be taken.

Important contents of the rules prohibiting forced labor products

• Article 18 regulates the investigation procedure. After the competent authority decides to initiate the investigation procedure, it shall inform the economic operators of the relevant matters of the investigation, including the initiation of the investigation, possible consequences, and the products under investigation.

 Under the circumstances, the reason for initiating the investigation and the information that should be provided will be informed. Economic operators under investigation should provide information relevant to the investigation. If it is necessary to conduct an on-site investigation, Article 19 has relevant provisions.

Important contents of the rules prohibiting forced labor products

- 6. Making the final decision
- The final decision on whether to ban the production of a product using forced labor, exclude the product from the market, or remove the product from the shelves is made by the agency responsible for the investigation. In accordance with the "principle of mutual recognition", this decision is also effective for all other member states.

• If the product is produced using forced labor, the competent authority can prohibit the product from being circulated in the EU market or exported from the EU; it can also order economic operators to suspend the supply of the product until they can prove that within the scope of their business they are Only when there is no forced labor in the supply chain can prohibited products be allowed to enter the EU market (see Article 20).

Important contents of the rules prohibiting forced labor products

• If only part of a product violates the "Rule on Prohibition of Products Made with Forced Labor", and if that part can be replaced, only the part involving forced labor must be excluded from the market.

• For example, if car parts are produced using forced labor, only the parts must be recycled, not the entire car. The car manufacturer must find a new parts supplier or ensure that the parts are not produced through forced labor. be produced. In contrast, if forced labor is involved in the production of tomatoes used to make ketchup, the entire bottle of sauce should be withdrawn from the market.

- 1. Early Development
- 1. The formulation and impact of the additional provisions of Article 13 of the Federal Constitution
- 13th Amendment to the Federal Constitution, enacted after the Civil War, completely prohibited slavery, thus overturning the previous ruling of the U.S. Supreme Court that allowed the legal ownership of another human being as property.

- 2. Relevant provisions of the Tariff Act of 1930
- In 1930, the U.S. Congress enacted the Smoot-Hawley Tariff Act of 1930, which prohibited the import of any forced labor, foreign convicted labor, or fixed-term contract laborers who had been sentenced to prison. Goods and commodities mined, produced or manufactured by indentured labor under penal sanctions are imported into the United States.

 At the same time, the law also stipulates that the provisions prohibiting goods and commodities produced by forced labor shall officially come into effect on January 1, 1932. The Secretary of Commerce shall be responsible for implementation and shall be authorized to promulgate necessary implementation details.

- 3. Relevant provisions of the Foreign Aid Act during the Cold War in the 1960s
- During the Cold War, in order to attract third world countries to join the democratic camp, after President Kennedy took office in 1961, he passed the Foreign Assistance Act of 1961,

 which stipulated that the President of the United States should accept third world countries every year Providing an annual report to Congress on labor rights matters as one of the requirements for third-world countries to continue to receive such economic assistance, and this report is jointly prepared by the Human Rights Department of the State Council and the Ministry of Labor propose.

- 4. Relevant provisions of foreign economic and trade laws in the 1980s
- (1) Caribbean Basin Economic Recovery Act of 1983, (2) Generalized System of Preferences Renewal Act of 1984, (3) 1985 Overseas Private Investment Corporation Amendments Act of 1985, (4) Comprehensive Anti-Apartheid Act of 1986, (5) Comprehensive Trade and Competitiveness Act of 1988 Law (Omnibus Trade and Competitiveness Act of 1988), etc.

- 2. Recent development
- 1. Relevant provisions of the Trafficking Victims Protection Act of 2000
- The most important domestic legislation currently dealing with the issue of forced or compulsory labor in the United States is the Trafficking Victims Protection Act of 2000 (TVRA). It has been repeatedly revised and improved since its enactment, and it can be said to be the most comprehensive legislation currently in place.

The elimination of forced labor norms and systems in the United States

 Among the relevant laws of advanced countries, the regulations are the most detailed. The following describes its legislative background, important provisions, and other relevant developments. Because the U.S. Department of State submits an annual Trafficking in Persons Report every year in accordance with the provisions of this law.

- (1) Legislative background of the Trafficking Victims Protection Act
- In view of the increasingly serious problem of human trafficking, it has become an emerging slavery system in modern times. It is estimated that about 700,000 people, especially women and children, are forced to engage in prostitution, pornography, sex tourism or other commercial activities within or outside the country every year.

The elimination of forced labor norms and systems in the United States

• In other words, most of them are engaged in such work under circumstances of violence, fraud, and coercion. The issues of forced or compulsory labor, public health, and human rights caused by this cannot be ignored;

• Due to the seriousness of the situation in the United States, it is estimated that about 50,000 people are trafficked into the country every year. Since 1999, the Clinton administration has actively advocated, and the U.S. Congress has begun to legislate the Trafficking Victims Protection Act and passed it.

The elimination of forced labor norms and systems in the United States

• It was amended three times in 2003, 2006, and 2008. Although it expired in 2011, it was merged with another Violence Against Women Act of 2013 (Violence Against Women Act of 2013), and then became an important part of the Trafficking and Violence Protection Act. part.

- (2) Important provisions of the Trafficking Victims Protection Act
- 13 articles in the first part are more directly related to forced or compulsory labor (especially the part related to transnational application) .

The elimination of forced labor norms and systems in the United States

• First of all, the first part instructs the U.S. Department of State to The aforementioned annual report on human trafficking should be published before June of each year, in the form of 3Ps, namely: prevention, protection, and prosecution.

• To evaluate the efforts of other countries in preventing transnational human trafficking, and distinguish them by the now-familiar three - tier system: among them, the first level refers to full compliance with the minimum standards promulgated by the U.S. government Countries in the second level can be further divided into two categories.

The elimination of forced labor norms and systems in the United States

 one is those that have not fully followed but have made significant efforts, and the other are listed on the watch list, which can be further subdivided into three categories:

- a. The number of victims of this type of trafficking is very obvious or is increasing significantly.
- b. There is no evidence that these countries are making relevant efforts.
- c. Those who have made commitments and are making significant efforts; as for the third level, These are countries that do not comply and have not made significant efforts to comply with the minimum standards issued by the U.S. government. According to this law, third-tier countries will bear retaliation for being unable to obtain U.S. assistance or losing relevant financial assistance provided by the United States as the largest donor, such as the International Monetary Fund and other international financial institutions.

The elimination of forced labor norms and systems in the United States

• These are countries that do not comply and have not made significant efforts to comply with the minimum standards issued by the U.S. government. According to this law, these will bear retaliation for being unable to obtain U.S. assistance or losing relevant financial assistance provided by the United States as the largest donor, such as the International Monetary Fund and other international financial institutions.

- 2.Executive Order 13627
- 2012, President Obama issued Executive Order 13627, which clearly stipulated that the U.S. federal government, as the world's largest purchaser of goods and services, must not use taxes paid by its citizens to promote human trafficking.

The elimination of forced labor norms and systems in the United States

 Subsequently, Congress enacted the Ending Trafficking in Government Contracting Act the following year and included it as part of the National Defense Authorization Act for the 2013 fiscal year.

- Federal Acquisition Regulation (FAR) 2015
- According to the aforementioned presidential executive order and congressional legislation, it is amended to clearly stipulate that for all government procurement cases outside the United States exceeding US\$ 500,000, contractors must have a compliance plan and have a prohibition on whistle - blowing.) retaliation clause;

The elimination of forced labor norms and systems in the United States

• As for the compliance and verification responsibilities that subcontractors or local contractors should bear, they are also the same as those of main contractors. For manufacturers that violate relevant regulations, there are also disciplinary clauses that deny payment, terminate the contract, or prohibit future participation in bidding.

 Secondly, the U.S. Department of Labor regularly releases a List of Goods Produced by Child or Forced Labor every year in accordance with the relevant provisions of the Trafficking Victims Protection Reauthorization Act.

- 4. The California Transparency in Supply Chains Act of 2012
- Companies with global annual total revenue of more than \$100 million and providing goods or services in California, which are required to truly assess the issue of modern slavery in their organizations and supply chains,

 and publish relevant internal data and response policies on the company's official website to help consumers consumers to make consumer choices that are friendly to human rights.

- California's "Supply Chain Transparency Act " is a consumer-oriented state law that has been added to California Civil Code Section 1714.43 to provide consumers with product-related information.
- Human rights information is the main purpose.

 This law does not require companies to comply with specific labor treatment standards, nor does it require companies to disclose trade secrets or proprietary information. Regulated companies only need to disclose information related to the supply chain of goods or services on the company's official website to help consumers make consumption choices.

- 5. Uyghur Human Rights Policy Act of 2020
- This bill took effect on June 17 of the same year, authorizing the president to impose sanctions on the Chinese officials involved, including freezing assets in the United States, revoking visas to the United States, etc.,

 and requiring the FBI to submit Xinjiangrelated reports to the State Department.
 Submit a report to the Foreign Affairs
 Committees of the House and Senate within 180 days of enactment and publish it on the website.

- Prevention of Forced Uyghur Labor Law of
- December 2021, the U.S. House of Representatives once again voted 428:1 to overwhelmingly approve the Uyghur Forced Labor Prevention Act passed unanimously by the Senate and passed by then-President Joseph W. Joseph Robinette Biden Jr. signed it into effect.

 180 days after the bill takes effect, any imported products, unless they comply with the standards set by the bill and fully and substantively answer the questions of the management committee, will be presumed to be from Xinjiang and banned from import.

The elimination of forced labor norms and systems in the United States

• In principle, the relevant sanctions provisions will be implemented for 8 years (from 2022 to 2029), but after the President reported to Congress that China has closed re-education camps and stopped forced labor, it will be terminated from the date of certification.

- 3. The operating mechanism of U.S. Customs
- (1) Source of law
- 1. Section 307 of the U.S. Tariff Act of 1930 prohibits the import of goods that are mined, produced, or manufactured in part or in whole using forced labor or slave labor.
- 2. Adopt a "rebuttable presumption" for North Korean and Xinjiang products. As long as the goods are produced by North Koreans or in Xinjiang or are on the Entity List, forced labor is presumed and imports are prohibited unless the importer provides evidence to prove otherwise.

- (2) Execution:
- 1. CBP investigates and enforces individual cases in accordance with the aforementioned legal sources. CBP will consult other ministries and commissions during the review process, and CBP will ultimately make a case decision.
- 2. An inter-departmental meeting will form the "Forced Labor Enforcement Task Force (FLETF)".

- (1) Convened by the Department of Homeland Security (the superior agency of CBP), participating units include the Office of the United States Trade Representative, the Department of Labor, the State Council, the Department of Finance, the Department of Commerce, and the Department of Legal Affairs.
- (2) FLETF supervises the operation of the import ban and determines the entity list of the "Uyghur Forced Labor Prevention Act"; CBP assists FLETF in formulating relevant strategies and providing analytical data.
- (3) The "List of Child Labor and Forced Labor Products" issued by the Ministry of Labor is intended to enhance public awareness and is not a necessary condition for CBP's law enforcement basis and case determination.

- 3. CBP enforcement process
- The content of the discussion should include the goods, suspected violators, relevant evidence, etc.
- (2) When CBP receives reporting information, it can take two measures:
- ◆Issue a "withholding order" (WRO, with reasonable but not conclusive evidence)
- ◆Issue "Finding" (Finding, conclusive and sufficient evidence)
- ◆CBP may issue a WRO first and then issue a Finding after further gathering evidence .

- (3) According to WRO:
- ◆CBP issues a Notice of Detention and a press release to the importer, and the importer provides importable evidence (contest) within 3 months, or re-exports or destroys the product.
- ◆If CBP believes that the evidence provided by the importer is sufficient, it will amend the temporary detention order and resume imports, but CBP will not compensate the industry for related losses.

- ◆If CBP believes that the evidence is insufficient, it will notify the importer to "exclude import", and the importer can protest this decision or re-export.
- ◆CBP decides to "denying the protest " to maintain the "exclusion of imports", the importer can file a civil lawsuit with the US Court of International Trade.

- (4) Based on "Finding":
- ◆CBP can seize and publish it in the Federal Register. After that, CBP can forfeiture the imports of the manufacturer, and the manufacturer is not allowed to re-export.
- ◆The operator can file a petition with CBP . If successful, CBP will amend the determination, but it does not need to compensate the operator.

Restricting the circulation of forced labor goods: US and EU norms and practices

Thanks for listening,
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講習

Andy Owen

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「倫敦大都會警察局」(METROPOLITAN POLICE)調查官 ANDY OWEN 擁有拉夫堡大學「犯罪學及社會政策」學士學位及倫敦南岸大學「調查鑑識心理學」碩士學位。在 2013 年加入「倫敦大都會警察局」,專長為調查成人及兒童剝削案件。目前領導一個調查小組,主要調查現代奴隸制、人口販運、兒童剝削等嚴重組織犯罪案件亦與英國內外機構有密切合作。

同時,調查官 ANDY OWEN 也是「馬諾行動」(OPERATION MANOA)中一員,負責主導搜查及制定行動決策。此行動為英國首次成功偵破以人體器官摘取為目的之販運行動,過程相當複雜且涉案人員涉及奈及利亞前議會副議長。

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DS Owen has an undergraduate Bachelor of Science (BSc) in Criminology and Social Policy from Loughborough University and a post-graduate Master of Science (MSc) in Investigative Forensic Psychology from London South Bank University.

He joined the Metropolitan Police Service in 2013 and has worked in a variety of roles since becoming a detective, specialising in the area of Exploitation of Adults and Children. DS Owen is currently in charge of a team of Detectives who investigate Serious and Organised Crime in relation to Modern Slavery, Human Trafficking, Child Exploitation and Immigration Crime, working in close partnership with agencies in both the UK and Abroad.

DS Owen was the case officer for Operation Manoa, the UK's first successful investigation into Trafficking for the purpose of Organ Harvesting. This was a complex and sensitive investigation involving the former Deputy Senate President of Nigeria. As the case officer, DS Owen led the investigation and was responsible for its day-to-day management, operational decisions and trial management.

演講內容請參閱現場簡報

Please refer to the on-site presentation for the content of the speech.

NOTE





興談人

Zuhailah Binti Jalani

馬來西亞移民局防制人口販運暨洗錢防制處處長

現職

馬來西亞移民局防制人口販運暨洗錢防制處處長

學歷

公共行政文憑

行政科學學士學位

經歷

執法處,森美蘭州 (1999-2002)

執法處,柔佛州新山市 (2003-2004)

研究與發展處,布城 (2005-2008)

管理處, 布城 (2008-2011)

簽證、通行證與許可處,布城 (2011-2018)

吉隆坡國際機場 (KLIA) (2018-2020)

安全與護照處, 布城 (2020年10月-2021年10月)

COMMENTATOR

Zuhailah Binti Jalani

Director, ATIPSOM and AMLA Division, Immigration Department, Malaysia

CURRENT POSITION

Director of ATIPSOM and AMLA Division

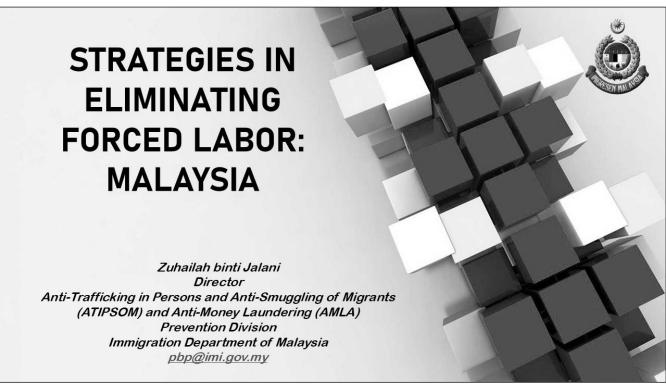
EDUCATION BACKGROUND

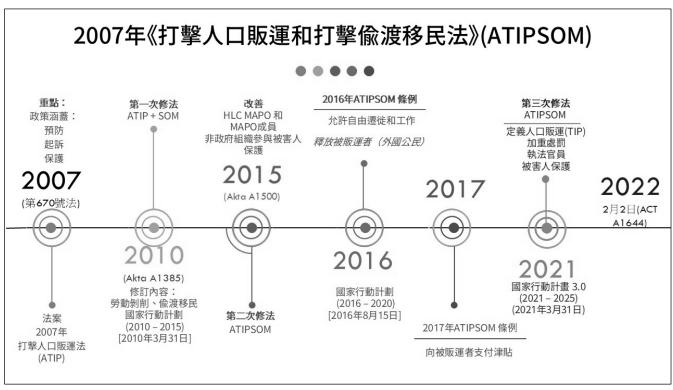
- 1. Diploma in Public Administration
- 2. Bachelor Degree in Administrative Science

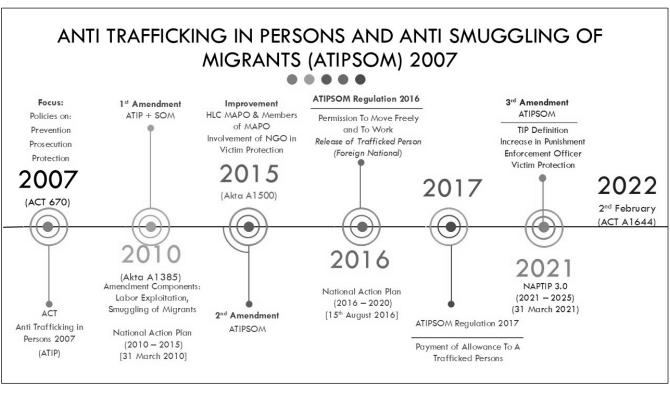
CAREER HISTORY

- 1. Enforcement Division Negeri Sembilan (1999-2002)
- 2. Enforcement Division Johor Bahru, Johor (2003-2004)
- 3. Research and Development Division, Putrajaya (2005 2008)
- 4. Management Division, Putrajaya (2008-2011)
- 5. Visa, Pass and Permit Division, Putrajaya (2011 –2018)
- 6. Kuala Lumpur International Airport (KLIA) (2018 2020)
- 7. Security and Passport Division, Putrajaya (Oct 2020-Oct 2021)









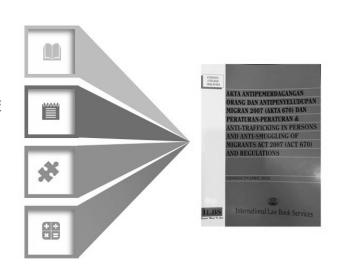
2007年ATIPSOM法(修正案)

自2022年2月22日起生效。

馬來西亞面對這一問題和遏制馬來西亞境內人口販 運和偷渡移民的主要法律工具。

為馬來西亞更有效地打擊人口販運和偷渡移民提供最佳解決方案。

修訂了19項規定



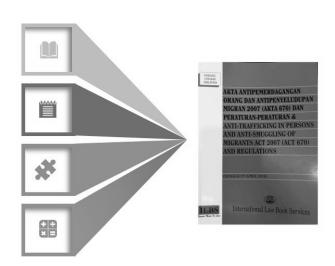
ATIPSOM ACT 2007(AMENDED)

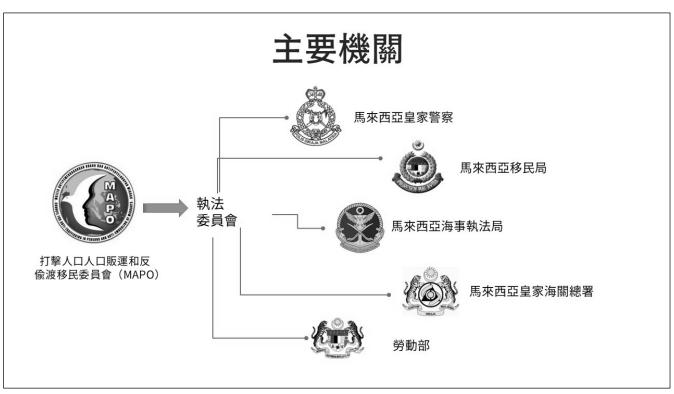
Come into effect on 02 February 2022.

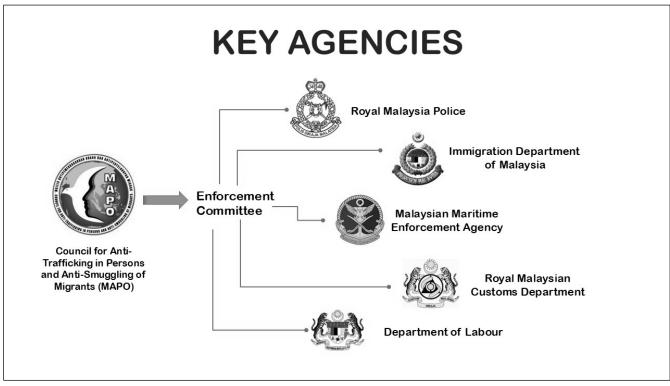
Malaysia's main legal instrument in facing the issue and to curb human trafficking and smuggling of migrants in Malaysia.

To provide the best solution in Malaysia's efforts to curb anti-human trafficking and smuggling of migrants more effectively.

19 provisions amended







強迫勞動的定義

"在任何人非自願的情況下,以處罰做爲威脅手段,壓榨對方從事的 所有工作或提供的服務。"

國際勞工組織 (ILO) 1930年《強迫勞動公約》 (No. 29)







DEFINITION OF FORCED LABOUR

""all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.""

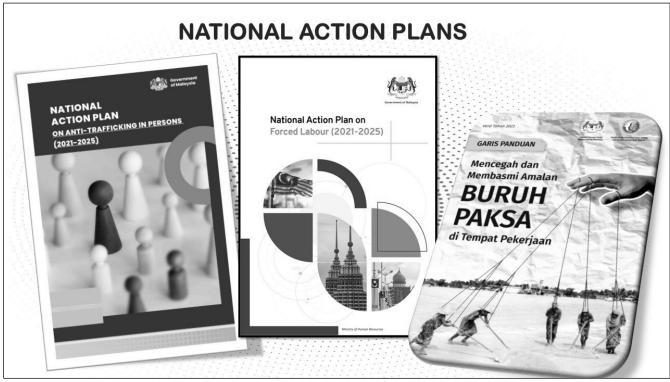
ILO Forced Labour Convention, 1930 (No. 29)

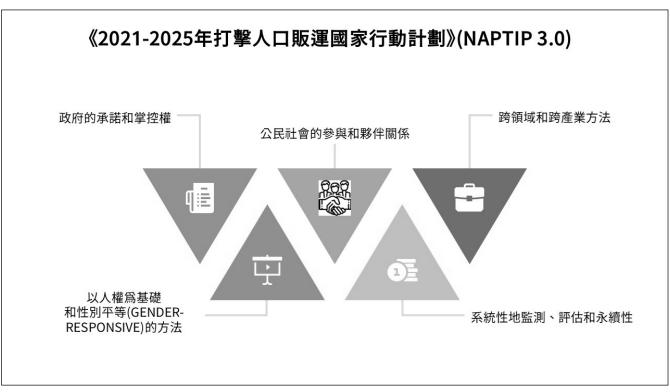


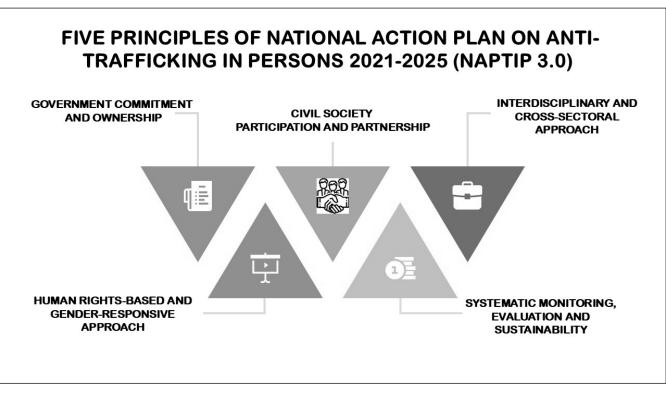




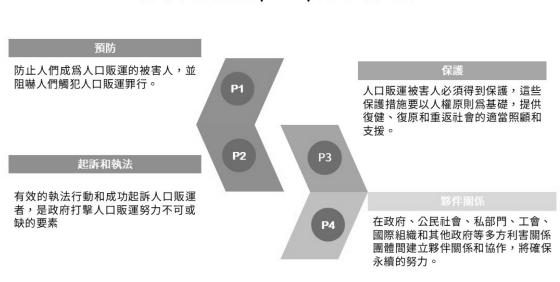








打擊人口販運(ATIP) 的策略支柱

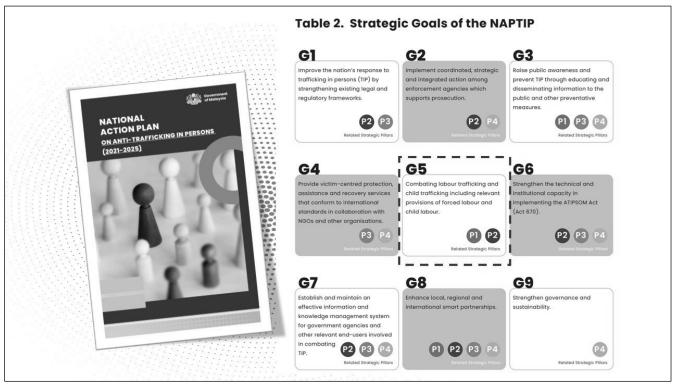


THE PILLARS OF ANTI-TRAFFICKING IN PERSONS (ATIP) STRATEGIES

PREVENTION Prevent people from becoming PROTECTION victims of TIP and deter people TIP victims must be accorded from committing the offence of TIP. with protection measures which are based on human rights principles and appropriate care and support for rehabilitation, PROSECUTION AND **P2 P3** recovery and reintegration. **ENFORCEMENT** Effective law enforcement action and successful prosecution of Working in partnership and traffickers are indispensable collaboration amongst multielement of government efforts to stakeholders such as government, fight TIP civil society, private sector, trade unions, international organisations, and other governments will ensure

sustainable efforts.





方案領域A5:打擊勞工販運和兒童販運 G5 打擊勞工販運和兒童販運,包括強迫勞動和童工的相關規定。 目標 19 加強立法和監管框架,打擊以勞動爲目的的販運和剝削兒童行爲。 **P2** 編號 主要支柱 目標 20 加強相關的勞工移民和家事工作立法和政策,防止人口販運問題。 **P2** 編號 主要支柱 目標 不斷改進打擊人口販運的應對措施,目標是打擊所有產業的勞工販運和兒童 21 **P2** 編號 販運,特別是在商品和服務供應鏈中。



四大策略目標



NAPFL的整體目標是馬來西亞的強迫勞動發生率在2025年前下降。

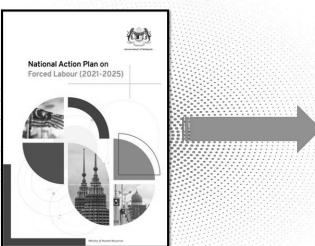
2025年之前,工人和雇主、年輕人、 政府人員和公衆的知識基礎、意識 和理解將有所改進;

2025 年之前,與強迫勞動相關的 法律合規和執法將有所改善

2025年之前,包括招募做法在內 的移民管理將得到加強;以及

2025年之前,強迫勞動的被害人將 有較佳的途徑去取得補助、支援和 保護服務,防止強迫勞動的制度及 服務將得到改善。

FOUR STRATEGIC GOALS



The overall aim for the NAPFL is that by 2025 the forced labour incidence in Malaysia is reduced.

By 2025, there will be improved knowledge base and awareness and understanding of forced labour among workers and employers, young people, government staff and the general public;

By 2025, there will be improved legal compliance and enforcement related to forced labour;

By 2025, migration management, including recruitment practices, will be strengthened; and

By 2025, victims of forced labour will have improved access to remedy, support and protection services and systems to prevent forced labour will be improved.

2021-2025年強迫勞動國家行動計劃(NAPFL) 的支柱

預防

• 關注在馬來西亞已明確發現的 強迫勞動根本原因來防止強迫 勞動。

NAPFL

保護被害人

被害人是被害人,而不是罪犯, 他們應該受到保護,不受歧視, 不受加害者的歧視,不致再次成 為被害人。

夥伴關係

與不同使命、技能和專業的多個合作夥伴之間建立夥伴關係對於解決強迫勞動等多重因果複雜問題至關重要。

起訴

關於執法,有效起訴加害者是一 要素。

PILLARS OF NATIONAL ACTION PLAN ON FORCED LABOUR (NAPFL) 2021-2025

PREVENTION

 Prevention of forced labour through addressing identified root causes of forced labour in Malaysia.

PROTECTION OF VICTIM

Victims are victims, not criminals, and they should be protected from discrimination, from their perpetrators and from becoming repeat victims.

PARTNERSHIP

 Partnerships between multiple partners with different mandates, skills and specializations



PROSECUTION

Effective prosecution of perpetrators.





預防和打擊工作場所中強迫勞動行爲的指南

- 馬來西亞人力資源部於2023年9月14日發行 新版本
- 內容包括:
 - ✓ 強迫勞動的指標
 - ✓ 防止工作場所中強迫勞動行爲的步驟
 - ✓ 雇主、員工及工會的角色
 - 讓員工了解自己的權利
 - 讓雇主理解並遵守關於強迫勞動的法律



GUIDELINES TO PREVENT AND COMBAT FORCED LABOUR PRACTICES AT THE WORK PLACE

- New version was launched in September, 14 2023 by the Minister of Human Resource
- · Consists of:
 - √ indicators for forced labour
 - ✓ Steps to prevent forced labour practices at work place
 - Roles of employer, employee and workers' Union
- · For employees to know their rights
- For employers to understand and acknowledge the laws on forced labour





目前國內 與強迫勞動 有關的立法

- ◆《馬來西亞聯邦憲法》
- ◆《刑法》
- ◆ 1955年《就業法》
- ◆ 2007年《打擊人口販運和打擊偷渡移民法》
- ◆ 1959/63年《移民法》
- ◆ 1966年《護照法》
- ◆ 1966年《就業限制法》
- ◆ 2017年《私人職業介紹所 (修訂)法》
- ◆ 1952年《工人薪資法》

- ◆ 2011年《國家工資協商委員會 法案》
- ◆ 1990年《員工住房、住宿和便 利設施最低標準法》
- ◆ 1994年《職業安全與健康法》
- ◆ 1967年《勞資關係法》
- ◆ 1959年《工會法》
- ◆ 1950年《合約法》
- ◆《砂拉越勞工條例》(砂拉越 第76章)
- ◆《沙巴勞工條例》(沙巴第67章)
- ◆ 1966年《兒童和靑少年就業法》 ployment Act 1966



EXISTING
DOMESTIC
LEGISLATION
RELEVANT TO
FORCED LABOUR

- Federal Constitution of Malaysia
- ▶ Penal Code
- ► Employment Act 1955
- Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007
- ▶ Immigration Act 1959/63
- ▶ Passports Act 1966
- ► Employment Restriction Act 1966
- ► Private Employment Agencies (Amendment) Act 2017
- ▶ Workmen's Compensation Act 1952

- National Wages Consultative Council Act 2011
- Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990
- Occupational Safety and Health Act 1994
- ▶ Industrial Relations Act 1967
- ▶ Trade Unions Act 1959
- ▶ The Contracts Act 1950
- Sarawak Labour Ordinance (Sarawak Cap 76)⁷
- ► Sabah Labour Ordinance (Sabah Cap 67)
- Children and Young Persons (Employment Act 1966

MALAYSIA

人力資源部長:馬 勞動行爲得到控制

馬來西亞當地致力於 打擊強迫勞動

人民意識解決強迫勞動問題

人力資源部(Kesuma)啟動街頭巡迴活動,提高人們對強迫勞動的認識

全國論壇討論馬

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government went into overdrive in mitigating the nest possible.

HR ministe labour pra

LOCAL MALAYSIA **COMMITTED IN** COMBATING FORCED IAROR

Tackling the issue of forced labour with

MALAYSI LABOUR

Kesuma Launches road Tour To Raise **Awareness On forced Labour**

WS-GLOBAL 06 Septembe **National Forum** Malaysia

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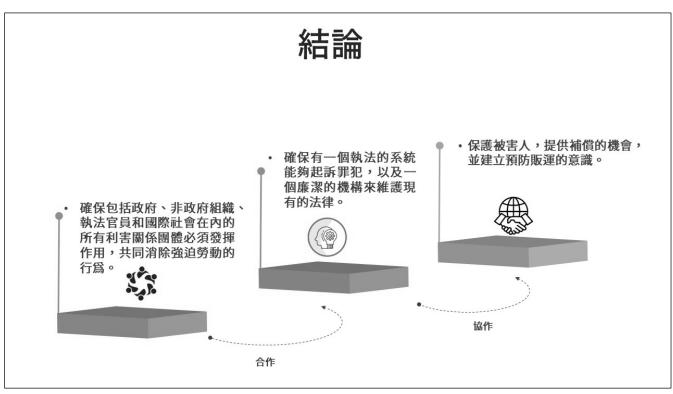


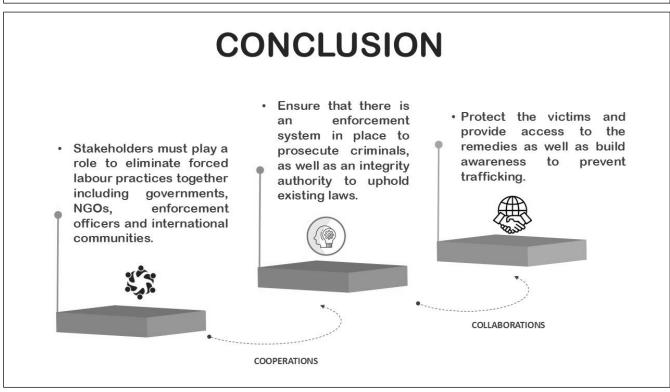
LDAK KEPADA BURUH

l Labour Issue

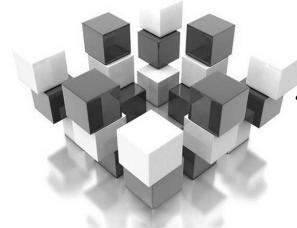
-day event, on September 3rd, served as a platform for 140 policymakers, industry ex-ntatives of recruitment companies and civil society groups to discuss key challenges fa enting measures to tackle modern slavery and forced labour in supply chains.

nt went into overdrive in mitigating the 181) Dur in any shape and form in Motolysia by 2 — issue and finding solutions soonest possible.





"The starting point of all achievement is desire." "渴望是一切成就的出發點。"



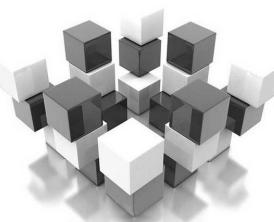
TERIMA KASIH

Zuhailah binti Jalani

馬來西亞移民局 防制人口販運暨洗錢防制處處長 pbp@imi.gov.my



謝謝



TERIMA KASIH

"The starting point of all achievement is desire."



興談人

Herbert Jegers

比利時移民局人口販運受害者暨脆弱族群保護組組長

工作經歷

入職比利時移民局迄今(始於 2000 年)

外籍庇護案件面談及口譯科科長(2000-2002年)

外國人歸化比利時國籍股股長(2003-2013年)

布魯塞爾外國人移民服務中心主任(2013-2017年)

口販運受害者暨弱勢族群保護組組長(2017-2024 年)

教育

學位: 法學碩士

COMMENTATOR

Herbert Jegers

Director, Vulnerables Unit, Belgian Migration Office, Belgian

WORK EXPERIENCE

Belgian Migration Office (started in the year 2000)

Head of the asylum interviews and the interpreters- unit (2000-2002)

Head of the Belgian Citizenships unit (2003-2013)

Director of the Migration Helpdesk (2013-2017)

Director of the Vulnerables unit " NON ACCOMPANIED MINORS and VICTIMS OF HUMAN TRAFFICKING "(2017-2024)

EDUCATION

Degree: Master in Law



興談人

翟恆威

臺灣桃園地方檢察署檢察官

學歷

臺灣大學法律學系學士(2018)

現職

桃園地方檢察署檢察官

經歷

2021年8月-2023年8月擔任婦幼專組檢察官

COMMENTATOR

Heng-Wei Zhai

Prosecutor, Taiwan Taoyuan District Prosecutors Office, Ministry of Justice

EDUCATION

Bachelor of Law, National Taiwan University

CURRENT POSITION

Prosecutor, Taiwan Taoyuan District Prosecutors Office

EXPERIENCE

2021.08-2023.08 Prosecutor of the Division for Women and Children,

Taiwan Taoyuan District Prosecutors Office

2023.08-Now Prosecutor of the Division for public prosecution,

Taiwan Taoyuan District Prosecutors Office

NOTE



議題四·SESSION 4

性剝削人口販運被害人權益保護及挑戰

Protection and Challenges of Rights of Victims of Sexual Exploitation





主籌人

李凱莉

行政院防制人口販運及消除種族歧視協調會報委員

學歷

• 東海大學社會學研究所碩士

現職

• 財團法人勵馨社會福利事業基金會 移住者服務中心主任

現任

- 行政院防制人口販運及消除種族歧視協調會報第九屆委員
- 內政部人權推動小組委員
- 勞動部 111 年度私立就業服務機構從事跨國人力仲介服務品質評鑑諮詢小組委員

曾任

- 内政部移民署跨國境婚姻媒合管理審查小組委員(1100101-1111231)
- 基隆市政府兒少性剝削防制諮詢會諮詢委員(109-110)
- 遊戲分級適切性評議會委員(105-106 年度依兒童及少年福利與權益保障法辦理)
- 香港中文大學、浸會大學、台灣大學、政治大學、台北大學及東海大學等校實習督導
- 勵馨基金會社工督導、研發專員及國際事務專員
- 財團法人台灣基督長老教會高雄中會事工幹事
- 行政院青輔會專案執行
- KPMG Taiwan 專員

車長

人口販運防制法及被害人服務、外國籍婦幼服務、移工人權、兒少性剝削防制

MODERATOR

Kai-Li Lee

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

Education

Master's Degree in Sociology from Tunghai University

CURRENT POSITION

- Director of the Migrant Service Center, The Garden of Hope Foundation
- Committee Member of the Executive Yuan Coordination Committee on Prevention of Human Trafficking and Elimination of Racial Discrimination
- Member of the Human Rights Promotion Task Force, Ministry of the Interior
- Member of the 2022 Advisory Panel for Quality Evaluation of Transnational Employment Services, Private Employment Service Agencies, Ministry of Labor

EXPERIENCE

- Member of the Cross-Border Marriage Matching Management Review Committee,
 National Immigration Agency, Ministry of the Interior
- Consultant, Advisory Committee on the Prevention of Sexual Exploitation of Children and Adolescents, Keelung City Government
- Member, Game Rating Appropriateness Review Board
- Internship Supervisor at The Chinese University of Hong Kong, Hong Kong Baptist University, National Taiwan University, National Chengchi University, National Taipei University, and Tunghai University
- Supervisor, R&D specialist and foreign affairs officer at The Garden of Hope Foundation
- Executive Secretary, Kaohsiung Branch, Presbyterian Church in Taiwan Foundation
- Account executive of National Youth Commission, Executive Yuan
- Commissioner of KPMG Taiwan

EXPERTISE

- Human Trafficking Prevention Act and Victim Services
- Services for Foreign Women and Children
- Migrant Worker Rights
- Prevention of Sexual Exploitation of Children and Adolescents



講習

盛偉安

美國在臺協會國土安全調查署調查主管

2021 年 8 月,美國國土安全部國土安全調查署駐臺北辦公室(HSI Taipei)主管盛偉安(Brian Sherota)來臺就職,此為國土安全部國土安全調查署派駐於海外之第 86 處國際辦公室,渠亦為臺北辦公室首任調查主管,主責跨國犯罪調查活動及與臺灣各執法機關之協調聯繫事宜。

在渠現任職務前,盛偉安先生曾任職於國土安全調查署邁阿密辦公室,並擔任調查服務組主管,主責管理邁阿密國際機場之邊境執法安全特遣隊事宜,同時於2011年至2017年期間,於國土安全調查署總部擔任多項關鍵職位,包括執行副處長之代理參謀長、執行副處長之副參謀長、國際警察協會首任國土安全調查署研究員、美國眾議院國會研究員。另於擔任國土安全調查署國際行動處主管期間,負責國十安全調查署駐歐洲各國辦公室之行動合作計畫及協調聯繫事項。

盛偉安先生執法生涯正式於 2003 年 3 月展開,渠首先任職於南卡羅來納州哥倫比亞調查辦公室, 負責跨國毒品及違禁品走私、兒童剝削、幫派/暴力犯罪和人口走私/販運等調查工作。

盛偉安先生 2000 年畢業於喬治亞大學,獲得工商管理學士學位。

SPEAKER

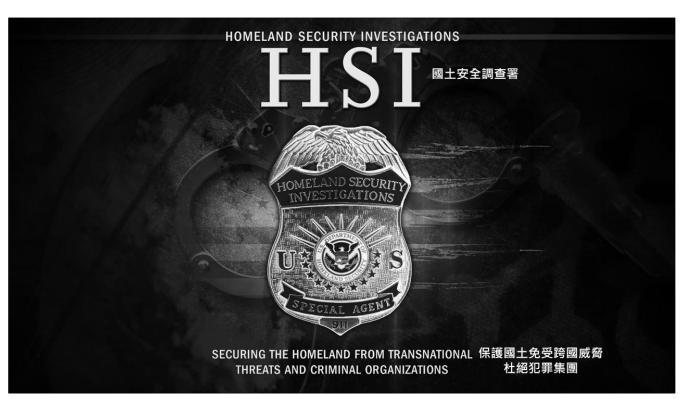
Brian E. Sherota

Supervisory Special Agent, American Institute in Taiwan Supervisory Special Agent

In August 2021, Supervisory Special Agent Brian E. Sherota arrived in Taiwan marking the opening of Homeland Security Investigations' (HSI) 86th international office. As the HIS Supervisory Special Agent in Taipei, Taiwan, Mr. Sherota manages all HSI investigative activities and liaison responsibilities for Taiwan.

Prior to arriving in Taipei, Mr. Sherota was assigned to HSI Miami where he managed a Border Enforcement Security Task Force (BEST) stationed at Miami International Airport and served as the Investigative Services Group Supervisor. From 2011 to 2017, Mr. Sherota served in several key positions at HSI Headquarters in Washington, DC to include acting Chief of Staff to the HSI Executive Associate Director (EAD); Deputy Chief of Staff to the HSI EAD; inaugural HIS Fellow to the International Association of Chiefs of Police; Congressional Fellow – U.S. House of Representatives and as an Operations Manager within HSI's International Operations Division supporting HSI Attaché offices across Europe.

Mr. Sherota began his career as a Special Agent in March 2003, assigned to the Office of Investigations in Columbia, South Carolina where he conducted investigations related to transnational narcotics and contraband smuggling, child exploitation, gangs/violent crime, and human trafficking/human smuggling. In 2000, Mr. Sherota graduated from The University of Georgia earning a Bachelor of Business Administration degree.

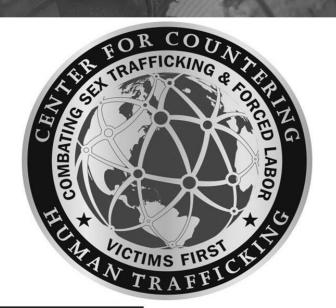




HOMELAND SECURITY INVESTIGATIONS

打擊人口販運中心

- 高階打擊人口販運工作
- 保護被害人
- 加強預防措施
- 由國土安全調查署主導

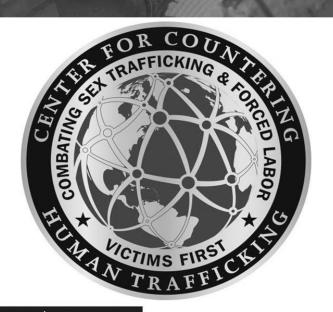


HONOR | SERVICE | INTEGRITY

HOMELAND SECURITY INVESTIGATIONS

Center for Countering Human Trafficking

- Advance counter human trafficking operations
- Protect victims
- · Enhance prevention efforts
- HSI led



HOMELAND SECURITY INVESTIGATIONS 打擊人口販運中心

國土安全調查署

協助 **731** 位人口 販運被害人 核發 **382** 人繼續停居留(Continued Presence) 身分

216 位男性 166 位女性

67 位性販運 被害人 310 位強迫勞動被害人

公布 117 項性販 運和強迫勞動相關 情資 人口販運相關 1,282 件案件發起調 查

逮捕 2,610 人

打擊人口販運中心舉辦 135 場訓練與宣導活動,14,350人參加

定罪 519 人

起訴 1,044 人

藍心行動

194 場藍心行動 訓練 19,626 人參加

63 個藍心行動 新合作夥伴

透過BLI合作,

260,897 人完成人口 販運相關訓練

聯邦執法訓練中心

3,100+ 位執法人員接受人口販運辨識訓練

HONOR | SERVICE | INTEGRITY

HOMELAND SECURITY INVESTIGATIONS Center for Countering Human Trafficking

HOMELAND SECURITY INVESTIGATIONS

731 human trafficking victims assisted

382 total Continued Presence approvals

310 \$\frac{1}{2}\$ 166 female | \$67 \$\hat{1}\$ sex trafficking forced labor

117
published intelligence
products on

CCHT training and outreach events with 14,350 participants

RELATED TO HUMAN TRAFFICKING:

1,282 ES

2,610 ARRESTS

519 Electrons

1,044 INDICTMENTS

BLUE CAMPAIGN

194
Blue Campaign trainings conducted with 19,626 participants

63 New Blue Campaign partnerships

260,897 personnel trained on human trafficking through BLI partnerships

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

3,100+

law enforcement officers received human trafficking awareness training







HOMELAND SECURITY INVESTIGATIONS HSI成功合作



HSI布魯塞爾辦公室: HSI布魯塞爾辦公室2022年11月開始參與多國人口販運調查「Salvo行動」。本項調查破獲的犯罪網路,以改善生活為由誘騙被害人,從中美洲販運至歐洲後,強迫被害人從事賣淫或低薪勞務或服務業工作。2023年2月HSI探員協助比利時聯邦警察逮捕三名販運者,鑑別13位被害人。HSI在協助鑑別販運者和被害人身分、鎖定其位置方面的支援於本項調查居功廠億。



HSI雅典辦公室: HSI與希臘國家警察於2023年合作進行兩項大規模打擊人口販運行動,逮捕 逾30名嫌犯,鑑別超過100位被害人。被害人從南美洲被謊騙至雅典,被迫賣淫。HSI雅典辦 公室與希臘國家警察更擴大與反販運非政府組織的合作,為被害人提供協助。



HSI波哥大辦公室: 2023年HSI與哥倫比亞政府合作調查該國從事性販運、剝削兒童的跨國犯 罪組織。在打擊人口販運中心的協助下,HSI鑑別35名未成年被害人,以及獲取12名兒少性虐 待材料內容(CSAM)。哥倫比亞執法單位以性販運和產製兒少性虐待內容罪名逮捕主嫌。



HSI馬尼拉辦公室: 2023年HSI、打擊人口販運中心與HSI跨國犯罪調查小組辨識、協助菲律 實10名未成年性販運被害人。犯罪組織以直播散播兒少性虐待內容,流通範圍擴及全球,包 括美國。4名嫌犯依違反菲律賓兒少性販運相關法規罪名被逮捕。

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Successful HSI Collaboration



HSI Brussels: Beginning in November 2022, HSI Brussels participated in Operation Salvo, a multinational human trafficking investigation. The investigation dismantled a criminal network that lured victims from Central America to Europe with promises of a better life, only to force them into prostitution or low paying manual labor and service industry jobs. In February 2023, HSI agents assisted the Belgian Federal Police with the arrest of three traffickers and identification of 13 victims. HSI's support was critical in identifying and locating both the traffickers and the victims.



HSI Athens: HSI and the Hellenic National Police (HNP) conducted two large-scale human trafficking operations during FY 2023, resulting in the arrest of more than 30 individuals and the identification of more than 100 victims who had been recruited under false pretenses and trafficked into Athens from South America to work in commercial sex. HSI Athens and the HNP also expanded their relationships with anti-trafficking NGOs that provide support for victims.

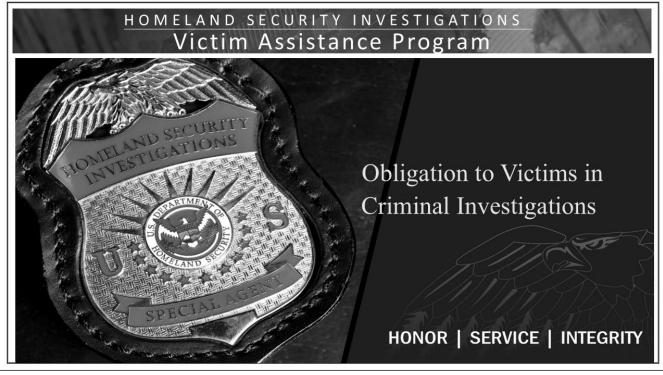


HSI Bogota: During FY 2023, HSI, in cooperation with Colombian authorities, investigated a Colombian transnational criminal organization that committed sex trafficking and child exploitation violations. With assistance from the CCHT, HSI identified 35 minor victims as well as 12 individuals receiving child sex abuse material (CSAM). The primary defendant was arrested by Colombian officials for sex trafficking and CSAM production.



HSI Manila: During FY 2023, HSI, with CCHT and HSI Transnational Criminal Investigation Units, identified and assisted 10 minor sex trafficking victims in the Philippines. These organizations distributed CSAM through live streams with customers located worldwide, including in the United States. Four defendants were arrested for violations of Filipino law related to child sex trafficking.





HOMELAND SECURITY INVESTIGATIONS 被害人協助計畫

被害人與調查方法

- 以被害人為中心
- 創傷知情
- 具文化敏感度



HONOR | SERVICE | INTEGRITY

HOMELAND SECURITY INVESTIGATIONS Victim Assistance Program

Victims & Investigative Approaches

- Victim-centered
- Trauma-informed
- Culturally-sensitive



HOMELAND SECURITY INVESTIGATIONS 被害人協助計畫

挑戰



HONOR | SERVICE | INTEGRITY

HOMELAND SECURITY INVESTIGATIONS Victim Assistance Program

Challenges



HOMELAND SECURITY INVESTIGATIONS HIS台北辦公室

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探員 **Jay Huang** jay.huang@hsi.dhs.gov

資深調查員 Sherlock Hsieh minghsi.hsieh@associates.hsi.dhs.gov

調查員 Minli Shao minli.shao@associates.hsi.dhs.gov

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HOMELAND SECURITY INVESTIGATIONS HSI Taipei

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Minli Shao Investigator minli.shao@associates.hsi.dhs.gov

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NOTE





講習

Sethasiri Tienpiragul

泰國檢察總署省級防制人口販運處公訴檢察官

學歷

- 2018年7月-2023年9月:泰國國立法政大學法學博士
- 2022 年 8 月:美國明尼蘇達州 CornerHouse,基礎兒童法庭面談培訓證書
- 2017 年 5 月 2017 年 10 月:先進銀行與金融法(ABFL)證書課程,泰國藍康恆大學,泰國銀行證券交易委員會,泰國投資委員會,貝克,麥肯錫律師事務所
- 2014年9月:司法部國際事務司同步口譯員,語言:泰語-英語-泰語
- 2012年6月:取得泰國律師協會之律師證照
- 2008 年 10 月 2010 年 1 月: 英國杜倫大學法律碩士
- 2005年10月-2008年6月:英國杜倫大學法律學士

經歷

- 2023年4月-至今:泰國檢察總署省級防制人口販運處公訴檢察官
- 2021 年 10 月-2023 年 3 月:泰國檢察總署培訓計劃處公訴檢察官
- 2020年10月-2021年9月:泰國檢察總署正義系統協調辦公室附屬檢察官
- 2018年4月-2020年9月:泰國檢察總署國際事務部附屬檢察官
- 2018年10月-2019年9月: 監察長助理秘書
- 2017年4月-2018年3月: 南曼谷民事訴訟部門檢察官
- 2016年4月-2017年3月:加拉信省檢察院檢察官

SPEAKER

Sethasiri Tienpiragul

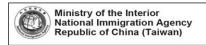
Public Prosecutor, Anti-Trafficking in Persons Litigation Department, Office of the Executive Director of Anti-Trafficking in Persons Litigation Division 1, Office of the Attorney General, Thailand

Education

- July 2018 Sep 2023 Thammasat University, LL.D. Program (Thesis on Child Forensic Interview in Criminal Cases)
- August 2022 CornerHouse, Minnesota, US Basic Child Forensic Interview Training Certificate
- May-Oct 2017 Ramkamhaeng University, Bank of Thailand Securities and Exchange Commission, Thailand Board of Investment, and Baker & McKenzie LLP. Advanced Banking and Financial Law (ABFL) Certificate Programme
- Sep 2014 International Affairs Division, Office of the Judiciary Trained and Certified Simultaneous Interpreter Language: Thai-English-Thai
- June 2012 Thai Bar Association Thai Barrister at Law
- Oct 2008- Jan 2010 University of Durham, UK: Masters of Laws (LL.M.) Major in International Trade and Commercial Law
- Oct 2005- Jun 2008 University of Durham, UK: Bachelors of Laws (LL.B.)

Experience

- Apr 2023- present: Public Prosecutor Attached to the Office of the Attorney General, Office
 of the Executive Director of Anti-Trafficking in Persons Litigation Division 1, Anti
 Trafficking in Persons Litigation Department
- Oct 2021 Mar 2023: Public Prosecutor Attached to the Office of the Attorney General, Training Plan Division, Training Institute for Public Prosecution Officers
- Oct 2020 Sep 2021: Public Prosecutor Attached to the Office of the Attorney General, Justice System Coordination Office, Nitivajra Institute
- April 2018-Sep 2020: Public Prosecutor Attached to the Office of the Attorney General, International Affairs Department
- Oct 2018-Sep 2019: Assistant Secretary to the Inspector General
- April 2017-Mar 2018: Public Prosecutor, Department of Civil Litigation in Southern Bangkok Division IV
- April 2016-March 2017: Public Prosecutor, Kalasin Provincial Prosecution's Office





性剝削被害人保護機制探究

Ms. Sethasiri Tienpiragul (PhD) 泰國檢察總署 省級防制人口販運處 公訴檢察官



Ministry of the Interior National Immigration Agency Republic of China (Taiwan)



Ms. Sethasiri Tienpiragul (PhD)

Prosecutor Faye
Public Prosecutor
Trafficking in Persons Litigation Department
Office of the Attorney General of Thailand







Ministry of the Interior National Immigration Agency Republic of China (Taiwan)

預防

檢察

- 對弱勢群體的外展計劃
- 提高意識的活動
- •多專業團隊的培訓 (MDTs)

檢察官專門小組 -人口販運

• 跨境人口販運案件中的聯合調查

- 對全國的所有人口販運案件發出檢察命令
- 進行法庭訴訟
- •在跨境人口販運案件中提出上訴/反訴/最終上訴

4

- 審前諮詢
- •以受害者為核心的司法程序
- •代表受害者協商/索取賠償

~/-

- 與調查機關合作
- 與非政府組織 (NGO)協作
- 與相關機構進行國際合作
- 推動國家政策和立法變革

Ministry of the Interior National Immigration Agency Republic of China (Taiwan)

Prevention

Prosecution

- $\bullet \ {\tt Outreach \ programmes \ to \ vulnerable \ groups }$
- Awareness raising activities
- Training of MDTs

Prosecutor's specialized unit - trafficking in persons

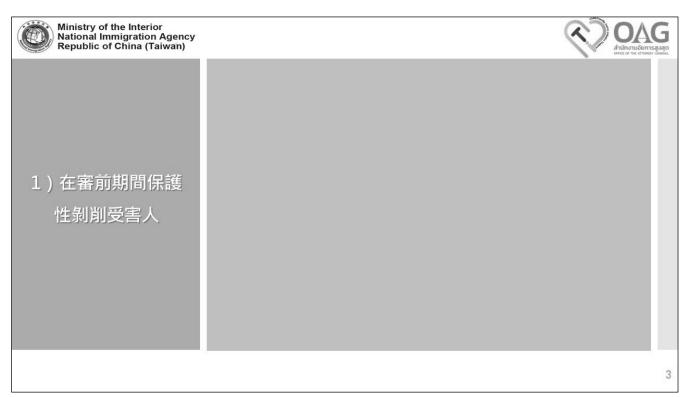
- Joint investigation in cross-border TIP cases
- Make prosecutorial orders for all TIP cases across the country
- Conduct court litigation
- Lodge appeals / counter-appeals / final appeals in cross-border TIP cases

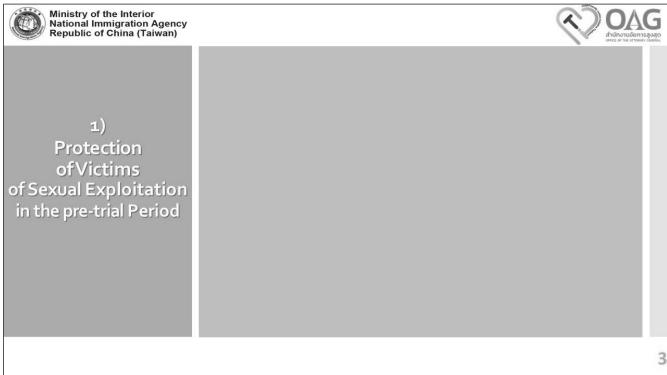
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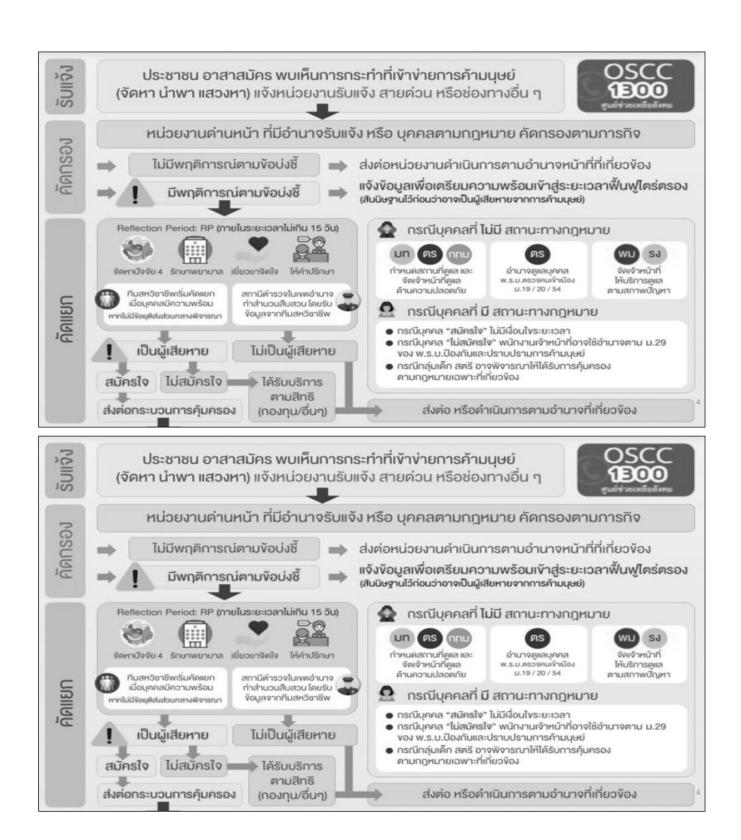
- Pre-trial consultation
- Victim-sensitive justice process
- Negotiate / claim compensation on victims' behalf

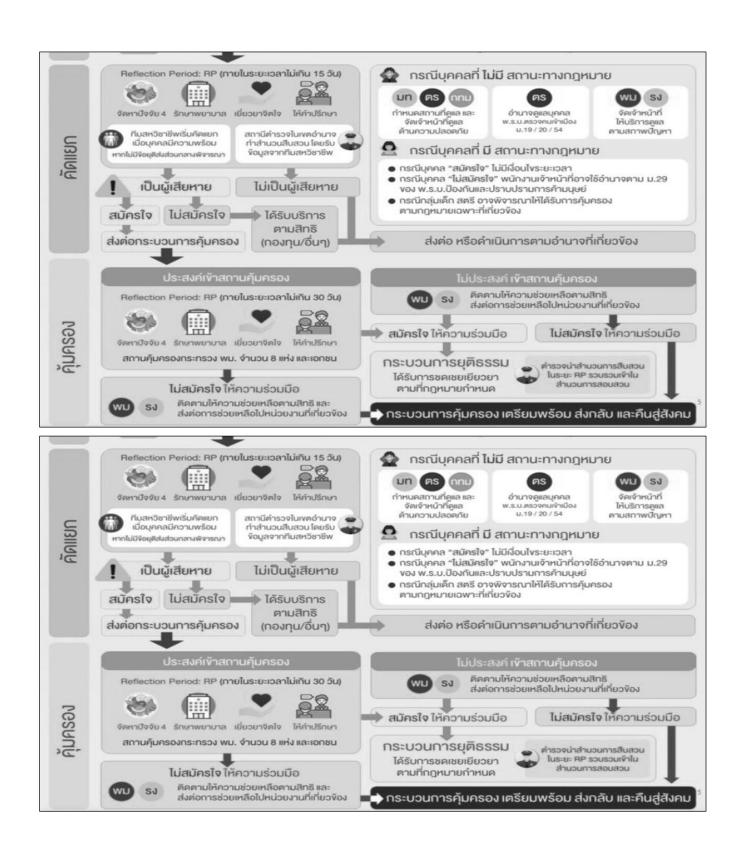
Partnerships

- Work with investigating authorities
- Collaborate with NGOs
- International cooperation with relevant authorities
- National-policy & legislative changes









社會發展與人類安全部(MSDHS)運營了77個短期庇護所和9個長期區域人口販運受害者庇護所,這些庇護所包括4個專門為男性及家庭設立的、4個為女性和女孩設立的,以及1個專為男孩設立的庇護所。政府通常只允許在正式確認身份時持有有效簽證或工作許可的外籍受害者,在對人口販運者的法律程序期間住在政府庇護所外。庇護所持續與公司合作,為受害者提供在庇護所外工作的機會;MSDHS於2023年與13家公司簽署了合作備忘錄(MOU),為尋求工作的成年人口販運倖存者提供就業機會;但政府未報告有多少倖存者獲得了庇護所外的工作。當局有時候會要求無證的外籍受害者,在政府處理他們申請臨時居留和在泰國工作的許可期間,必須留在政府庇護所內。

https://www.state.gov/reports/2024-trafficking-in-persons-report/thailand/

The MSDHS operated 77 short-stay shelters and nine long-term regional trafficking shelters for victims, including four dedicated to men and families, four for women and girls, and one for boys. The government typically only permitted foreign victims who held a valid visa or work permit at the time of their formal identification to stay outside government shelters during legal proceedings against traffickers. Shelters continued to partner with companies to provide victims opportunities to work outside shelters; MSDHS signed MOUs with 13 companies in 2023 to employ adult survivors of trafficking looking for employment; the government did not report how many adult survivors received outside employment. Authorities sometimes required undocumented foreign victims to remain in government shelters while the government processed applications for permits to temporarily stay and work in Thailand.

https://www.state.gov/reports/2024-trafficking-in-persons-report/thailand/

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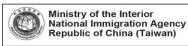




審前和審判期間的 被害人權利

- ※ 陳述權(聽證權)→證人準備
- ※ 被理解權→個人情況
- ※ 受尊重權 →非評判性的態度
- ※ 隱私權→對他們的資訊徹底保密,只能透露給有關當局
- ※賠償權→協商&代理人

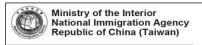
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Victims' Rights in the pre-trial Period

- **※ right to be heard** → witness prep
- **≈** right to be understood → personal circumstances
- **≋ right to be respected** → non-judgmental attitudes





審前的受害人權利

※ 陳述權(聽證權)→ 證人準備

- 》 如果他們想見家人
 - →充分利用他們需要的時間
 - →讓家人去收容機構探望他們
 - → 要求預先取證
 - → 要求以視訊會議系統提供證詞
- 詳細解釋法庭程序
 - →事前說明辯護律師在交叉詢問時可能的情況
 - →只有在他們準備好時才讓他們上法庭(思考期)證人準 備的陳述權

Q

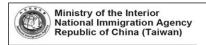


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Victims' Rights in the pre-trial Period

- **※ right to be heard** → witness prep at shelter
 - ≥ if they want to see the family / be repatriated
 - take all the time they need
 - nave the family visit them at the shelter
 - → request for advance testimonies
 - → request for testimonies via videoconference system
 - explain the court procedures in details
 - what to expect / what could happen with defense attorney during cross-examination
 - → take them to court only when they feel ready (reflection period)



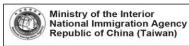


審前的受害人權利

※ 被理解權 →個人情況

- 》 如果他們想謀生/改變生活方式
 - → 職業訓練
 - → 高等教育
- ※ 如果他們想繼續好好生活
 - → 透過私人通訊方式發送傳票
 - → 尊重他們的決定,即使有時這可能對你的案子有害

9





Victims' Rights in the pre-trial Period

- **xright to be understood** → personal circumstances
 - % if they want to earn a living / change lifestyles
 - vocational training / support
 - → further education
 - if they wish to move on with their lives
 - → send subpoena via private communication platform
 - → respect their decisions, even though sometimes it may hurt your case.

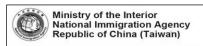
不懲罰原則

第41條 除非司法部長以書面方式授予許可,調查官不得對任何受害人提起刑事訴訟,如涉及以下罪行:依據移民法非法進入、離開或居住在本國,向官員提供虛假信息,偽造或使用偽造旅行證件的刑事罪,根據防止和打擊賣淫法的罪行,特別是接觸、勸誘、介紹和拉攏他人進行賣淫,或在賣淫場所集會進行賣淫,或依據外籍人士工作法,無證工作之罪行。

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Non-punishment principle

Section 41 Unless the Minister of Justice grants a permission in writing, the inquiry official is barred from taking criminal proceeding against any trafficked person on the offence of entering, leaving, or residing in the Kingdom without permission under the law on immigration, giving a false information to the official, forging or using a forged travel document under the Penal Code, offence under the law on prevention and suppression of prostitution, particularly on contacting, persuading, introducing and soliciting a person for the purpose of prostitution and assembling together in the place of prostitution for the purpose of prostitution, or offence of being an alien working without permission under the law on working of the alien.





審前的受害人權利

※ 受尊重權 →非評判性的態度

- 》 尊重他們
- ※ 在證人準備前/後建立融洽的關係
- ※確保他們的身體舒適(空間、食物和飲料)
- ※ 不要問「為什麼」
- ※ 不要問不必要的細節
- ※不要重複地問敏感問題
- ※沒有必要大聲朗讀打字的受害人陳述讓他們聽到!

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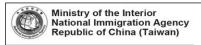
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Victims' Rights in the pre-trial Period

x right to be respected → non-judgmental attitudes

- ★ treat them with respect
- ★ build rapport before / after witness prep
- mensure their physical comfort [space, food & drinks]
- % do not ask "why"
- % do not ask unnecessary details
- onot repeatedly ask sensitive questions
- it is not necessary to read the typed victim statement out loud for them to hear!



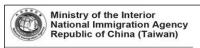


審前的受害人權利

※ 隱私權→對他們的資訊保密

- 米只向有關當局披露
- 聯繫受害人本人
- ※ 在受害人訪談和法庭準備期間,將他們與家人分開

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Victims' Rights in the pre-trial Period

- **≋ right to privacy** → keep their info confidential,
 - Monly have it revealed to relevant authorities
 - % contact the victims personally
 - during victim interview & court preparation, separate them from their families

「完全不採對立態度」



2) 審判中的 受害人保護

- 》使用電子聽證
- ※ 使用視覺輔助
- ≥ 是否改影片深度訪談 (VIDI)
- ※完全不採對立態度的證人聽證制度 (鼓勵使用,如有要求,強烈推薦)

13

"FULLY NON-CONFRONTATIONAL"



2) Protection of Victims during trial

- **X** Use of social worker / trusted person
- X Video In-Depth Interview (VIDI)
- X Separate time entrance & exits
- X Advance testimony
- **%** Use of e-hearing
- **W** Use of visual aid
- Fully non-confrontational witness hearing system (encouraged, and strongly recommended if requested)

「完全不採對立態度」



審判中的 受害人保護



- 向法院申請使用「電子聽證」(以電子方式記錄聽證進行及證人聽證)
 - ※ 確保受害人的所有語言、手勢和舉止都被記錄下來
- ※ 在法庭上使用視覺輔助工具,例如圖表/時間軸/PPT
 - ※協助說明證據,以證明對串謀和跨國組織犯罪的指控
- ※ 在審判期間,可以使用深度訪談影片(VIDI)代替直接 詢問
 - ※公訴人可以向法院提出請求。
 - ※如果受害人不能或無法出庭作證,則VIDI可以作為證據使用,效力等同於受害人證詞。

14

"FULLY NON-CONFRONTATIONAL"



Protection of Victims during trial



- Application to the Court to use `E-hearing' (electronic recording of the proceedings and witness hearing)
 - make sure that all of victims' words, gestures, and manners are recorded
- Use of visual aid e.g. charts / timeline / PPT in courtroom
 - 💥 to help illustrate evidence to prove charges of conspiracy and TOC
- Video In-Depth Interview (VIDI) can be used in lieu of direct examination during trial
 - public prosecutor can make a request to the court.
 - if the victim is not available or not able to testify in court, the VIDI can be used as evidence as if it were the victim's testimony.

1/1

「完全不採對立態度」



審判中的 受害人保護

- ※ 確保完全不採對立態度的證人聽證制度 (鼓勵使用,如有要求,強烈推薦)
 - ※獨立的出入口,以及為受害人提供的聽證室
 - ※ 受害人不應該聽到法庭內的情況
 - ※ 只能由社工/心理學家聽取問題
 - ※表達反對 當辯護律師提出不相關和不敏感的問題時
 - ※ 允許受害人提出短暫休息的要求

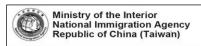
15

"FULLY NON-CONFRONTATIONAL"



Protection of Victims during trial

- Ensure fully non-confrontational witness hearing system
 (encouraged, and strongly recommended if requested)
 - makes separate entrances-exits, and hearing room for victims
 - % victims should not hear what's going on in courtroom
 - only hear questions through social worker/psychologist
 - objection when irrelevant & insensitive questions are
 asked by defense attorneys
 - X give the victim a short break when requested





3

審判後的受害者權利

- 测資產沒收→給受害者的賠償
 - ※ 法院判決
 - ※ 發出執行令
 - ※ 受害者要求索取變現資產
- **建返回國**
- 》重返社會
- 職業訓練

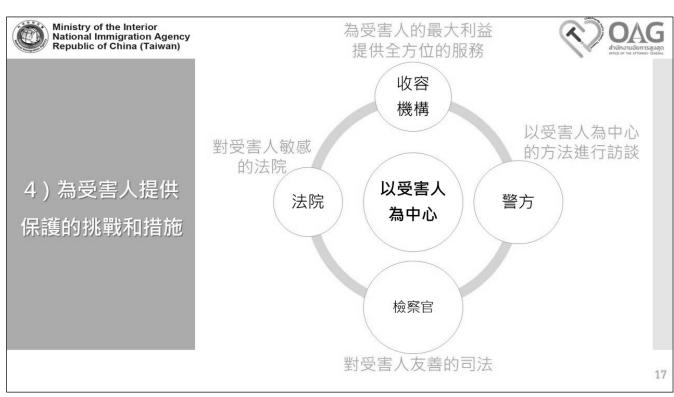
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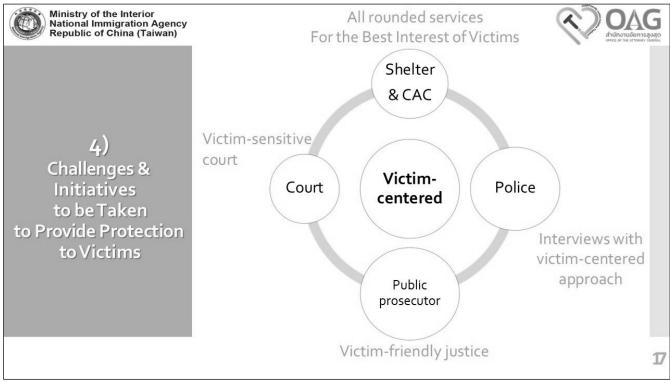


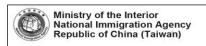
Ministry of the Interior National Immigration Agency Republic of China (Taiwan)



- 3)
 Victims' Rights
 in the post-trial Period
- - **%** Court judgment
 - **%** Issuance of Writ of execution
 - % Victim's request to claim realized assets
- **Repatriation**
- **Reintegration**
- **X** Vocational training











>倡議中心>司法空間

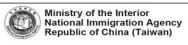
>對受害人敏感的法院

>對受害人友善的人員

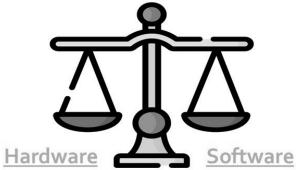
> 跨部門手冊

>制度化訓練

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> advocacy center > justice space > victim sensitive court > victim-friendly personnel

> cross-sector manual

> institutionalized training



調習

PM Nair

印度警察基金會人口販運問題研究與學習中心主席

奈爾博士自 1982 年以來,無論於印度境內或於國際間,皆持續致力於防治和打擊人口販運。他的工作包含法律的制定與執行、救援、救援後照護、研究、傳播、賦權、能力建構、網絡建立等多個領域,並且在過去 40 多年來不斷從事這些工作,涉及印度所有州、南亞多個國家、及世界多國與聯合國。

奈爾博士的貢獻在反人口販運領域極具影響力,不僅幫助了數百萬人擺脫悲慘遭遇,拯救了數千人 脫離奴役,還在印度進行了防制和打擊人口販運的制度改革。

重要經歷

- 反人口販運領域的創新與創新制度化:
- 聯合國國際專家:擔任聯合國毒品和犯罪問題辦公室(UNODC)的人口販運國際專家(2006-2008)。
- 實踐者:截至 2022 年底,他已經救援或協助救援超過 60,000 名人口販運受害者。
- 法律執法專家與卓越調查員:在印度警察服務(IPS)服役35年。

重要學歷

- 印度國防學院(NDC)畢業生(2000年)
- 美國維吉尼亞州昆提科的聯邦調查局國家學院(FBI National Academy)畢業生(1998年)

SPEAKER

PM Nair

Chairperson, Centre of Excellence and Centre of Research and Learning (CORAL) on Human Trafficking, Indian Police Foundation, India

Dr. P M Nair has been working continuously since 1982 in the mission to prevent and combat human trafficking, both across India and internationally. Rare indeed is the perfect combination of law making, law enforcement, rescue, post-rescue care, research, dissemination, empowerment, capacity building, networking and all related fields where one person has done so much work continuously for the last 40+ years, in all States in India, countries in South Asia, several other countries and UN. It is indeed more than a Life Time Achievement.

The contribution by Dr. Nair has made tremendous impact in all spheres of Anti- Human Trafficking. He has not only helped wipe tears of millions, and saved thousands from slavery but also made institutional reforms in India in preventing and combating human trafficking. Some of the initiatives by Dr. Nair and the phenomenal impact they have made are listed below.

SIGNIFICANT EXPERIENCE

- Innovations & Institutionalization of Innovations in the field of Anti Human Trafficking (AHT):
- Researcher making a difference: The major research activities done by Dr. Nair includes the following:
- International Expert of the UN: Served UNODC as the international expert on human trafficking (2006-2008)
- Doer/Activist: By the end of 2022, he would have rescued/facilitated rescue of more than 60,000 victims of trafficking. He continues with the mission, unabated.
- Law Enforcement expert and ace investigator: Served IPS (Indian Police Service) for 35 years.

EDUCATION

- Graduate of the National Defence College (NDC) India (2000)
- Graduate of the FBI National Academy, Quantico, VA, USA (1998)
- Holds a Certificate in Criminal Administration from the University of Virginia, as a sequel to the FBI NA Course.

人口販運被害人救援及安全保護

2024年防制人口販運國際工作坊:議題四

主講人
PM Nair博士
人口販運問題研究與學習中心
印度警察基金會
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Rescue & Post-rescue CARE of victims of trafficking

presentation at the 2024 international workshop at Taipei on Strategies to Combat Human Trafficking: session 4

by

Dr PM Nair

International Expert on Human Trafficking Matters,
Indian Police Foundation
nairpm@hotmail.com

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簡報大綱

- 1. 概念
- 2. 國際司法體系
- 3. 印度司法體系與制度
- 4. 區域人口販運面向與趨勢
- 5. 案例研究:人口販運4大類型
- 6. 印度相關計畫與成效
- 7. 未來展望

註:聚焦於被害人保護議題。

2

SEQUENCE OF THE PPT

- 1. The concepts
- 2. International legal systems
- 3. Indian Legal systems and Indian Institutional systems
- 4. Dimensions & Trends in Human Trafficking in the region
- 5. Case Studies: 4 types of Human Trafficking
- 6. Outstanding Indian initiatives with great impact
- 7. Way forward

<u>Note</u>: Focus is on the theme of victim care.

救援

- 販運被害人 / 疑似販運被害人救援
- 使其免受任何類型剝削
- 移至安全地點
- 確保其安全、權利、自由、尊嚴與不再受其他侵害之保障
- •由執法單位/非政府組織/其他單位救援
- 於來源地、轉運地或目的地救援
- •被害人同意?
- 若為兒童,則無關乎被害人同意與否

3

Rescue

- Rescue of a victim of trafficking /likely to be trafficked
- From any type of exploitation
- Moving to a safe place
- Ensuring Safety, Rights, Freedom, Dignity & No more violations
- Rescue by Law Enforcement Agencies/ NGOs/ others
- Rescue at Source or Transit or Destination
- Victim's consent?
- If it is a child, consent has no relevance.

救援後安置保護

- 安置保護人員 / 執法單位/ 非政府組織等之關注
- 救援後安置協助:
 - 傷害驗證;
 - 諮商輔導;
 - 醫療照護;
 - 社會心理照護;
 - 能力建構;
 - 法律 / 經濟 / 其他支持系統
 - 賦權:提供支持架構...
- 維持生計的選項
- 保證不再受侵害 / 剝削

4

Post-rescue Care

- Attention by Care Givers/ Law Enforcement Agencies/ NGOs etc.,
- Post-rescue Care means:
 - Validation of harm;
 - Counselling;
 - Medical care;
 - Psycho-social care;
 - Capacity building;
 - Legal / economic /other support systems
 - Empowerment: providing support structures...
- Sustained livelihood options
- Assurance against further violations/exploitations

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聯合國打擊跨國有組織犯罪公約與人口販運議定書,2000年

- 印度於2011年5月9日簽署生效。
- 截至2023年2月27日,已有191國家實施。
- 被害人救援後安置保護相關規範:
 - 保護隱私、身分與被害人人身安全
 - 提供被害人身心與社會康復支援
 - 滿足兒童特殊需求
 - 國內被害人補償制度
 - 協助及早返回母國:協助措施
 - 因應無國籍問題
 - 確保所有人的權利/尊嚴/自由保障。

5

UN Convention on Trans National Crime and Protocol on Human Trafficking (HT), 2000

- India ratified them on 9th May 2011.
- So far 191 countries have adopted them as of 27th February 2023.
- What they prescribe on the post-rescue care of victims
 - Protect privacy and identity as well as safety of victims
 - Provide for physical, psychological & social recovery of victims
 - Attend to special needs of children
 - Domestic systems to provide compensation for the damage suffered
 - Return to the origin state without undue delay: Procedures to facilitate
 - · Address issues of Statelessness
 - Ensuring rights/dignity / freedom of all.

印度人口販運相關法規

印度司法體系為習慣法與傳統法制混合體。

印度憲法第23條禁止人口販運與強迫勞動

三項重要新法規:

- i. Bharatiya Nyaya Sanhita, 2023 (取代舊印度刑法)
- ii. Bharatiya Nagarik Suraksha Sanhita, 2023 (取代舊刑事訴訟法)
- iii. Bharatiya Sakshya Adhiniyam, 2023 (取代印度證據法)

特別立法:

- 不道德交易預防法, 1956
- 禁止童婚法, 2006
- 童工法(禁止與規範),1986

下頁續.....

INDIAN LAWS DEALING WITH HUMAN TRAFFICKING

India's legal system is a hybrid of common law and traditional legal practices.

Constitution of India, Article 23 prohibits trafficking human beings and forced labor

The Newly legislated 3 Major Laws:

- i. Bharatiya Nyaya Sanhita, 2023 (replaced Indian Penal Code)
- ii. Bharatiya Nagarik Suraksha Sanhita, 2023 (replaced Criminal Procedure Code)
- iii. Bharatiya Sakshya Adhiniyam, 2023 (replaced The Indian Evidence Act)

Special Legislations:

- The Immoral Traffic (Prevention) Act, 1956
- The Prohibition of Child Marriage Act, 2006
- The Child Labour (Prohibition and Regulation) Act, 1986

contd.....

印度人口販運相關法規 (續)

- 廢除債奴法, 1976
- 少年事件處理法(兒童照顧與保護),2015
- 人類器官與組織移植法, 1994
- 保護兒童免受性侵害法(POCSO), 2012
- 資訊科技法, 2000
- 外國人法, 1946

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INDIAN LAWS DEALING WITH HUMAN TRAFFICKING (contd.)

- The Bonded Labour System (Abolition) Act, 1976
- The Juvenile Justice (Care and Protection of Children) Act, 2015
- The Transplantation of Human Organs and Tissues Act, 1994
- Protection of Children from Sexual Offences (POCSO) Act, 2012
- Information Technology (IT) Act, 2000
- The Foreigners Act, 1946

總稱為人口販運的具體犯罪 與相關法規章節

	新刑法 BNS	舊刑法 IPC
人口販運	第370節	第143節
剝削販運被害人	第370節 A	第144節
為賣淫等目的販賣未成年被害人	第372節	第98節
為賣淫等目的購買未成年被害人	第373節	第99節
仲介未成年少女賣淫	第366節 A	第96節
從外國引進少女	第366節 B	第141節

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Crimes under Human Trafficking umbrella with relevant sections of law

	NEW LAW BNS	OLD LAW IPC
Trafficking of person	S / 370	S / 143
Explotitation of trafficked person	S / 370 A	S / 144
Selling minor for purposes of prostitution,etc	S / 372	S / 98
Buying minor for purposes of prostitution,etc	S / 373	S / 99
Procuration of minor girl	S / 366A	S / 96
Importation of girl from foreign country	S / 366B	S / 141

- 印度預防與打擊人口販運相關建議:印度內政部
 - 以組織犯罪看待的方法
 - 偵訊/調查:
 - 以被害人為中心的方法
 - 通知駐外單位/據點
 - 豁免被害人:
 - 未持有有效身分文件
 - 被害人非共犯/犯罪者
 - 遣返流程
 - 被害人的過渡保護
 - 針對販運者的法律行動
 - 強調以證據為基礎的起訴
- Advisory on Preventing and combating human trafficking in India: by Ministry of Home Affairs, Government of India
 - Organized Crime Approach
 - Interrogation/Investigation:
 - · Victim-Centric Approach
 - Notification to Diplomatic Missions/Posts
 - Exemption for Victims:
 - without Valid Documents:
 - Victims are not accomplice/ criminals
 - Repatriation Process
 - Interim Care for Victims
 - Legal Action Against Traffickers
 - Emphasis on Evidence-Based Prosecution

遣返相關部會

- ❖ 外國人登記事務局 (FRO) / 區域外國人登記事務局 (FRRO)
- ❖ 當地警方
- ❖ 移民主管單位
- ❖ 邊防部隊
- ❖ 法院
- ❖ 使館
- ❖ 非政府組織

AGENCIES INVOLVED IN REPATRIATION

- ❖ FOREIGNERS REGISTRATION OFFICE (FRO) / FOREIGNERS REGIONAL REGISTRATION OFFICE (FRRO)
- ❖ LOCAL POLICE
- **❖** IMMIGRATION AGENCIES
- **❖** BORDER GUARDING FORCES
- ❖ COURT
- EMBASSIES
- ❖ NON-GOVERNMENTAL ORGANIZATIONS (NGOs)

司法體系針對救援後照護進行修法...判例法範例

- 針對人口販運成立諮詢委員會
- 將失蹤兒童視為「被販運兒童」
- 販運者未經正當程序與預防措施不得保釋
- 認定「販運」為「組織犯罪」之一
- 政府同意將販運案件交由最高機構「國家調查局」偵辦
- 成立線上通報入口網站 www.cybercrime.gov.in
- 政府與美國國家兒童失蹤與受虐兒童援助中心(NCMEC)合作杜絕兒少性虐待內容(CSAM)

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JUDICIARY making changes in post rescue care... a few case laws

- · Creation of advisory board on trafficking
- Treating a missing child as a "trafficked child"
- Not granting bail to traffickers without due protocol and precaution
- "Trafficking" acknowledged as an "organized crime"
- Government agrees to transfer cases of trafficking to a premier agency, the National Investigation Agency
- Creation of an online reporting portal www.cybercrime.gov.in
- Government working with NCMEC for CSAM (child sex abuse materials)

印度人口販運防治制度架構

- 印度將人口販運視為一種組織犯罪,特別強調預防與打擊人口 販運的重要性
- 人口販運仰賴來源地、轉運地與目的地的緊密連結,常與跨國組織犯罪網路有關
- 人口販運具備多重面向,包括性剝削、賣淫、強配勞動、強迫 婚姻、家事勞役、奴役、領養、乞討、器官移植、販毒以及其 他罪行等
- 人口販運嚴重侵害人權、個人尊嚴與自由
- 人口販運包括實體與網路販運;最近趨勢顯示,涉及網路的人口販運逐漸增加
- 因此印度積極投入預防與打擊人口販運相關措施

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Indian Institutional Framework on Trafficking in Persons (TIP)

- India recognizes that TIP is an ORGANIZED CRIME and attaches high importance to the efforts directed at preventing & countering TIP
- TIP is well linked from Source to Transit ti Destination, often involving trans-national organized crime networks.
- TIP has several dimensions like sexual exploitation, prostitution, forced labour, forced marriage, domestic servitude, slavery, adoption, begging, organ transplant, drug peddling, and other crimes etc
- TIP grossly violates Human Rights, Dignity and Freedom of individuals
- TIP is off-line and on-line. The recent trends show increased on-line TIP
- Therefore India has made serious and strident efforts in preventing and countering TIP

制度架構: 續... 各縣(district)反人口販運單位(AHTU)

- 印度先於2007年成立首9個反人口販運單位(AHTU) (由PM Nair 主導成立,時任印度政府、美國政府和聯合國毒品和犯罪問題辦 公室合作計畫)。
- 印度政府於2020年將AHTU拓展至印度各地720個縣。
- AHTU重點為:
 - ▶ 蒐集情資並採取行動
 - ▶協調人口販運被害人救援,尤其是女性與兒童
 - ▶及時提供救援後照護與獲救被害人諮商輔導,尤其是女性與兒童
 - >犯罪調查與起訴
 - ▶建立跨越各邦的全國性連結網路
 - ▶協助被害人於法庭作證
 - 維護管轄區域內的人口販運資料庫。

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Institutional Framework: contd... AHTUs (Anti Human Trafficking Units)in Districts

- First 9 AHTUs were set up in India during 2007 (by PM Nair, while working on a Project of Govt of India + USG + UNODC).
- Govt of India has extended AHTUs across India to 720 Districts in 2020.
- AHTU focus on:
 - > Intelligence collection and action
 - >Coordinating action for rescue of victims of human trafficking, especially women and children,
 - Immediate post-rescue care & counselling to victims rescued, esp women & children,
 - > Investigation and Prosecution of crimes
 - > Attending to the National Linkages across States
 - Counseling victims who have to go to Court of law to give evidence
 - > Maintaining data base of TIP in their area of operation.

制度架構:續...

Cri-MAC: 印度政府成立的跨機構犯罪中心(Crime Multi Agency Centre)

- 有效利用科技打擊人口販運。
- 印度於2020年成立全國性聯絡平台「跨機構犯罪中心(Cri-MAC)」。
- Cri-MAC協助即時傳播國內各地重大人口販運犯罪相關資訊,促進協調。
- 此中心協助鎖定販運被害人地點與辨識身分,更有助於相關犯罪預防、偵測與調查。
- 國家犯罪統計局(NCRB)負責協調。

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Institutional Framework: contd...

Cri-MAC: Crime Multi Agency Centre by The Government of India

- Technology has been leveraged proficiently in the fight against human trafficking crimes.
- India has established a national level communication platform Crime Multi Agency Centre (Cri-MAC), launched in 2020.
- Cri-MAC facilitates dissemination of information about significant crimes including human trafficking across the country on real time basis and enables coordination.
- This helps in locating and identifying the trafficked victims as also in prevention, detection and investigation of crimes.
- NCRB (National Crime Records Bureau) coordinates.

制度架構: 續... 其他印度政府重要措施

- 兒童追蹤入口網站(TrackChild Portal)是一網路空間,為印度國內各地所有利害關係人提供整合資訊。該入口網站建立通訊網路,協助追蹤陷入困境的兒童。
- AHTU與其他全國婦女委員會措施
- 「皈依(Ghar Vapasi)運動」與其他全國兒童權利保障委員會計畫
- 網路性剝削與網路販運:各邦網路犯罪實驗室
- 與內政部共同營運 反人口販運節點
- 通知國家調查局(NIA),調查人口販運組織犯罪

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Institutional Framework: contd... Other significant measures by The Government of India

- TrackChild Portal has been set up in India for providing an integrated virtual space for all stakeholders across the country. The portal provides a networking system to facilitate tracking of children in distress.
- AHT Unit and other steps by National Commission for Women
- Ghar Vapasi and other initiatives by National Commission for Protection of Child Rights
- Online sexual exploitation and Online trafficking: Cybercrime labs across States
- AHT Nodal Cell with Ministry of Home Affairs
- NIA (National Investigation Agency) notified to investigate organized crime of TIP

國際合作機制: 其他印度政府重要措施

- 通知 / 授權中央調查局(CBI)進行:
- 所有類型犯罪調查,包括人口販運
- 國際犯罪調查(包括人口販運犯罪)
 - Freddy Peats案例研究
- 國際刑警組織(INTERPOL): CBI是負責所有跨國事務的中央機構
- CBI: 透過國際刑警組織與195國建立連結網路
- CBI: 實施聯合國打擊跨國有組織犯罪公約(UNTOC)與人口販運議定書的中央機構
- 印度已生效實施上述公約與議定書

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International Cooperation Mechanisms: Significant measures by The Government of India

- CBI (Central Bureau of Investigation) notified/authorised to:
- Investigate all types of crimes, including TIP
- International crimes investigation by CBI (including TIP crimes)
 - Case study of Freddy Peats
- INTERPOL: CBI is the National Central Bureau for all transnational matters
- CBI: connected to 195 Countries through Interpol
- CBI: Central Authority to implement UNTOC & Trafficking Protocol
- India has ratified UNTOC and Protocols

制度架構:續... CBI跨國犯罪調查

- CBI得調查、蒐集情資、接收並分享所有相關資訊,進一步 蒐證、整理並傳遞相關資訊。
- 運用多種跨國執法方法:
 - ·司法互助(MLAT)
 - 引渡條約
 - 互惠原則
 - 通過聯合國打擊跨國有組織犯罪公約,促進跨國合作
 - 國際刑警組織管道:即時情資共享;安危檢查、確認地址、犯罪調查證據交接移轉

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Institutional Framework: contd... CBI against Transnational Crime investigations

- CBI can investigate, collect intelligence; receive and share all relevant information and develop it further, collate evidence and transfer that too.
- Methods are many for transnational law enforcement:
 - MLAT (Mutual Legal Assistance Treaty)
 - Extradition Treaty
 - Reciprocity Principle
 - UNTOC ratification supports transnational cooperation
 - INTERPOL channels: Real-time sharing intelligence; welfare check, verification of address, evidence transfer in criminal investigation

制度架構:續... CBI與國際刑警組織打擊人口販運:案例研究

- STORM MAKER行動 (2023)
- 打擊人口販運
- 由國際刑警組織主導
- 2個月前
- CBI參與
- 行動為期1週
- 規劃時間3個月
- 大規模動員多國各執法單位
- · CBI未能獲得中亞各國資訊?

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Institutional Framework: contd... CBI and INTERPOL against TIP: Case study

- OPS STORM MAKER (2023)
- On TIP
- Organized by Interpol
- Two months back
- CBI participated
- One week Ops
- Three Months Planning
- Large Scale, extensive law enforcement exercise across several countries
- There was NO info to CBI from Central Asian Republics?

印度人口販運相關法規特色

- 不道德交易預防法(ITPA)具備救援、康復、預防與罪犯起訴等相關 條文
 - 範例:若被販運兒童在旅館內遭剝削,該旅館可能被撤銷執照
- 兒童權利保障特別條文
 - 範例:未成年罪犯不應監禁於監獄,只能安置於兒少機構
- 性別權利保障特別條文
 - 範例:獲救女性應由女性警員進行詢問
- 保護兒童免受性侵害法(POCSO)具備針對受性虐待兒童保護的條文
- 少年事件處理法(JJA)具備確保兒童權利保障相關條文

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Some special features of Indian Laws on HT

- ITPA has both provisions for rescue, rehabilitation, prevention and prosecution of offenders
 - Example: If a trafficked child is exploited in a hotel, the hotel can be evicted
- Special Provisions to protect child rights
 - Example: Child offenders shall not be sent to jail, but only to special Home
- Special provisions to protect gender rights
 - Example: Rescued women shall be interviewed by a female police official
- POSCO has special provisions for care of children of sexual abuse
- JJA has provision to ensure rights of children

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印度政府推出多項計畫

修法:範例

- ▶ 根據新刑法(BNS)第111節,人口販運列為組織犯罪的一種。
- ▶ 新刑法第143與144節定義人口販運與相關罰則。
- ▶ 修訂三部重要法規,分別為刑法、刑事訴訟法與證據法。
- 行政方針 / 建議
 - 範例:從外國被販運至本國的被害人並非非法移民
- 邦際協調
 - 內政部反人口販運中心負責協調印度所有打擊人口販運工作
 - 婦女兒童發展部(MWCD) 以資金支援非政府組織,致力於被害人康復
- 跨境協調
 - 印度 孟加拉被害人轉移與人口販運預防合作備忘錄 願意根據互惠 / 雙方可罰原則與他國政府合作

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Government of India initiatives are in plenty

Legal amendments: example

- Human trafficking is classified as an organized crime under Section 111 of BNS.
- > Sections 143 and 144 of BNS defines human trafficking and its punishments.
- Revision of three substantive laws includes the Penal Code, Procedure Code and Evidence Act.
- Administrative guidelines/advisories
 - Example: A person trafficked from abroad is NOT illegal immigrant
- Inter-state coordination
 - MHA Nodal Cell coordinates the anti-human trafficking work in India
 - MWCD supports with funds to NGOs for rehabilitation
- Trans-border coordination
 - India-Bangladesh MOU for transfer of victims and prevention of HT
 Ready to work with governments based on reciprocity/ dual criminality

亞洲面向、趨勢與議題

- 許多議題與人口販運有關,如失蹤兒童
- 被害人受到嚴重傷害:需最佳且即時照護與援助
- 產生高額獲利:不法所得流入合法體系
- 疫情後人口販運加劇:網路犯罪 + 網路販運...
- 3Ps(PPP)模式因應措施最佳:
 - 預防 + 保護 + 起訴
- •被害人照護面臨障礙:
 - 需更具敏感度的因應所有人口販運被害人

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Dimensions, Trends & Issues in Asian Context

- Several issues are linked to HT; like missing children
- Victim is demolished: Needs best and timely care and relief
- Huge revenue generated: Illicit money pushed into licit system
- Post-covid increase in HT: Online crime + Cyber trafficking...
- PPP Model of response in the best:
 - Prevention+ Protection + Prosecution
- Victim care becomes a handicap:
 - · Needs sensitive handling of all victims of HT

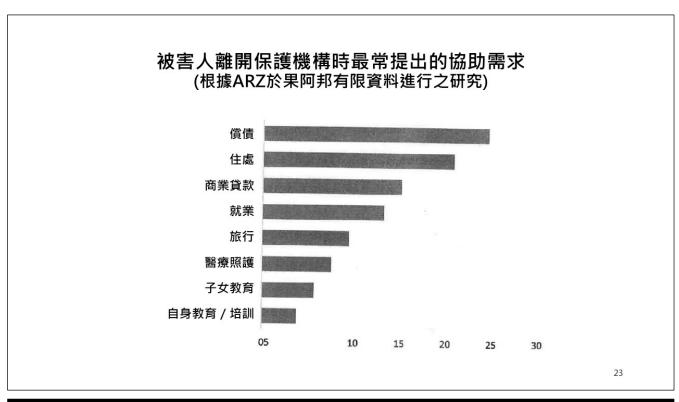
亞洲面向、趨勢與議題

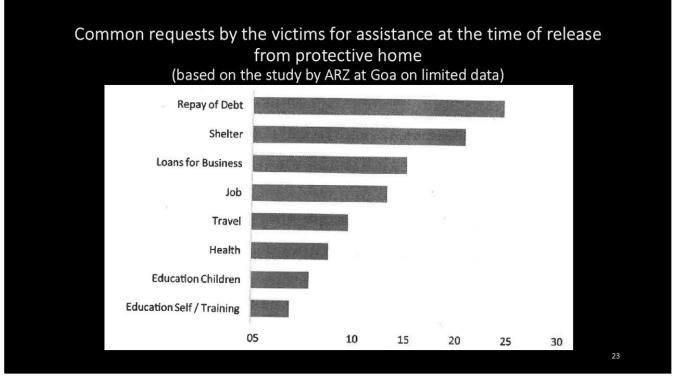
- 政府 + 非政府組織於救援和安置保護的綜效
- 支持私有康復之家
- 專業調查、起訴與司法程序
 - 能力建構計畫影響甚鉅
 - 「ASK」模式:態度改變(A) + 技能培養(S) + 知識累積(K)
- 以證據為基礎的起訴能確保被害人照護 / 權利保障:
 - 減少被害人壓力
 - 減少再次被害
 - 確保被害人權利保障
 - 確保司法程序迅速

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Dimensions, Trends & Issues in Asian Context

- Synergy of Government + NGO in rescue & Post-rescue care
- Support of Corporate Houses in rehabilitation
- Professional investigation, Prosecution & Justice Delivery
 - · Capacity Building initiatives made huge impact
 - ASK Model: Attitudinal Change + Skilling + Knowledge increase
- Evidence based prosecution ensuring victim care / Rights:
 - Reduced pressure on victims
 - Reduced Revictimisation
 - · Ensured Rights of victims
 - Ensured speedy justice delivery





執法單位偵辦人口販運案件之挑戰

- 遣返後意願低落
- 雙罰問題
- 管轄區相關挑戰
- 語言與文化障礙
- 非傳統剝削
- 許多案例缺乏司法互助

LAW ENFORCEMENT CHALLENGES IN HUMAN TRAFFICKING CASES

- Post-Repatriation Reluctance
- Dual criminality issues
- Challenges over Jurisdiction
- Language and Cultural Barriers
- Non-Conventional Exploitation
- Lack of MLAT in many instances

偵測犯罪與執法挑戰

- 跨境複雜性
- 文化與語言障礙
- 缺乏相關意識
- 貪腐與共犯
- •被害人身分鑑別與保護
- 轉運路線與人口走私重疊
- 地緣政治敏感
- 科技與網路犯罪
- 證據轉移相關問題

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Challenges in detection and law enforcement

- Cross-Border Complexity
- Culture and Linguistic Barriers
- Lack of Awareness
- Corruption and Complicity
- Victim Identification and Protection
- Transit Routes overlap with Migrant Smuggling
- Geopolitical Sensitivities
- Technology and Cybercrime
- Issues in evidence transfer

遣返的挑戰

- 法律與行政困難
- 身分辨識與證明文件
- 創傷、康復與重返社會
- 缺乏資源與支持
- 跨境合作
- 再次販運的風險
- 販運者的影響
- 倖存者的兒女
- 合作備忘錄相關挑戰

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Challenges in repatriation

- Legal and Administrative Hurdles
- Identification and Documentation
- Trauma, Rehabilitation and Reintegration
- Lack of Resources and Support
- Cross-Border Cooperation
- Risk of Re-trafficking
- Traffickers' Influence
- Children of Survivors
- Challenges with Memorandum of Understanding

遣返的挑戰... 續...

- 盡速遣返獲救女性為一大挑戰
- 握有身分證明文件的販運者不會去更新簽證
- 這使被害人成「無合法停居留身分者」。
 - 被害人不應為簽證過期負責
- •被害人無力負擔簽證費用,而且
 - 可能導致遣返工作受忽略 / 延宕過久
- 外國使館堅持簽證過期需支付所有費用(包括罰款)
 - 使館應免收被害人簽證過期罰款

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Challenges in repatriation... contd...

- Speedy repatriation of the rescued women is a major challenge
- · Visa is not renewed by traffickers who keep the documents
- This makes the victim "stateless person".
 - Victim should not be held accountable for visa expiry
- They do not have money to pay also
 - Due to this the repatriation gets neglected/delayed too long
- Embassies insist on all payments including penalty for delayed Visa
 - Embassy should forgo the penalty on Visa expiry to the victims

個案研究: 塔什干婦女被販運至印度

- 求職的32歲塔什干寡婦
- 以印度的工作機會引誘該名婦女辦理簽證抵達新德里
- 以「辦理工作許可」為由沒收護照
- 儘管被害人多次反抗仍強迫賣淫
- 販運者給予被害人假身分證和結婚證書
- 強迫被害人於多個地點賣淫
- 警方與非政府組織於果阿邦救出被害人
- 法官以「居家確認(Home vVerification)」名義進行保護性監管
- 非營利組織與法院持續提供諮商輔導
- 被害人打破沉默,不畏壓力:提供遭販運相關證詞
- 在非政府組織協助下重返社會。
- 販運者賺取大量金錢,被害人卻身無分文

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Case study: Tashkent woman trafficked to India

- Tashkent woman at 32; widowed, looking for job
- Enticed with a job in India, visa to Del, reached Delhi
- Passport taken away to "get work permit"
- Pushed into prostitution, despite all protests
- Traffickers gave her fake Identity card and marriage certificate
- Forced to prostitute at many places
- · Police and NGO rescue her at Goa
- Magistrate kept her in safe custody for 'Home Verification'
- Constant counselling by NGO and Magistrate
- Victim broke her silence and pressure: spoke about trafficking
- Rehabilitated, by NGO support.
- Despite offenders making so much money, she had no money even to buy tickets

個案研究:從尼泊爾至印度,至緬甸,至...

- 印度莫雷(Moreh)與緬甸邊界
- 尼泊爾女性與兒童
- 經由緬甸販運至東南亞
- 逗留於莫雷邊境超過1個月
- 為取得偽造護照與簽證
- 被吹哨者發現
- 警方與非政府組織介入
- 救出所有販運被害人
- 導致幾項國際事宜,產生金流與通訊紀錄

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Case study: Nepal to India to Myanmar to...

- Moreh border of India and Myanmar
- Women and children from Nepal
- Being sent to South East Asia through Myanmar
- Stay at the Border at Moreh for more than a month
- To get false passports and visas ready
- Caught attention of the whistle blowers
- Police and NGO intervention
- Saved all trafficked victims
- Several International ramifications, money trails, communication trails

最近跨境人口販運犯罪

- 從喀拉拉邦、海德拉巴販運至伊朗, 涉入非法腎臟交易
- 從泰米爾納德邦犯運至柬埔寨、泰國與緬甸, 涉入網路犯罪
- 奈及利亞少女被販運至果阿邦, 遭到性剝削
- 海德拉巴青少年被販運至科威特, 涉入腎臟交易

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Recent crimes of trans border trafficking

- Trafficking from to Kerala, Hyderabad to Iran for illegal Kidney Trade
- Tamil Nadu to Cambodia, Thailand, Myanmar for cyber crimes
- Girls from Nigeria trafficked to Goa for sexual exploitation
- Adolescents from Hyderabad to Kuwait for Trading in Kidney

跨境人口販運新面向

- 2024年5月7日,CBI逮捕4名嫌犯,涉嫌販運印度籍被害人至俄軍擔任戰鬥人員。
- 以俄羅斯高薪工作機會從社群媒體 / YouTube等管道招募被害人
- 再於俄羅蘇受訓擔任戰鬥人員, 部署至俄烏戰區

https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcbi.gov.in%2Fpress-detail%2FNjl5NA%3D%3D&data=05%7C02%7C%7Ca7e4c47a6b164439e1f008dca48578a7%7C84df9e7fe9f640afb435aaaa aaaaaaa6%7C1%7C0%7C638566140352274703%7CUnknown%7CTWFpbGZsb3d8eyJWJjoiMC4wLjAwMDAiLCJQljoiV2luMzliLCJXVCl6Mn0%3D%7C0%7C%7C%7C&sdata=WqQuSDM14Bxwfr37baGkp23%2Fo2nYD9d8mhyAll4%2F%2FJE%3D&reserved=0

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New dimensions in trans-border trafficking

- On 7th May 2024, CBI ARRESTED FOUR ACCUSED IN A CASE OF TRAFFICKING OF INDIAN NATIONALS FOR COMBAT ROLE IN RUSSIAN ARMY.
- Recruitment by false promise of highly paid jobs in Russia, advertised through social media/ YouTube etc
- Thereafter trained in combat roles in Russia and deployed in Russia Ukraine conflict areas

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最近相關新聞

- 泰倫迦納邦警方偵破販運犯罪,目的為網路詐騙。被害人被誘騙 至東南亞,強迫被害人在嚴酷環境中從事網路詐騙。被害人最終 在支付贖金後獲釋。
- •除了網路詐騙機房外,執法行動破獲各種形式的人口販運與人口 走私犯罪。
- 印孟兩國的國際刑警組織國家中央局(NCB)合作救出被販運至印度 的13歲孟加拉少年。
- 被害者從印度被販運到柬埔寨進行網路詐騙
- 2名尼泊爾女性被害人(其中1名年僅17歲)於新德里獲救,已協助返家。販運被害人被迫賣淫。
- https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.interpol.int%2Fen%2FNews-and-Events%2FNews%2F2023%2FINTERPOL-operation-reveals-further-insights-into-globalization-of-cyber-scam-centres&data=05%/C02%/C%/C81/f9ddaedcf499abeee08dca48568f6%/C84df9e/fe9f640afb435aaaaaaaaaaa%/C1%/C0%/C638566140092020523%/CUnknown%/CTWFpbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQljoiV2luMzIiLCJBTiI6lkIhaWwiLCJXVCI6Mn0%3D%/C0%/C%/C%/C&sdata=ig0Y2/u1sXrIioQEBZHeNApgaoH/p%2Fn4WcJ593r5gnQ%3D&reserved=0

More recent news

- Telangana Police registered crime of trafficking for doing cyber fraud. Person
 was lured to Southeast Asia & forced to participate in online fraud crimes
 and in inhuman conditions. He was eventually able to leave following the payment of a ransom.
- Beyond the cyber scam centres, the operation saw law enforcement uncover a range of other human trafficking and migrant smuggling offences
- Trafficked from India to Cambodia for committing cyber crimes
- Bangladesh boy, 13 years, rescued after being trafficked to India, by cooperation between the INTERPOL NCBs of both Countries.
- Two female victims from Nepal, one aged 17, were rescued in Delhi & returned home. They had been trafficked/trapped in prostitution.
- https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.interpol.int%2Fen%2FNews-and-Events%2FNews%2F2023%2FINTERPOL-operation-reveals-further-insights-into-globalization-of-cyber-scam-centres&data=05%7C02%7C%7C817f9ddaedcf499abeee08dca48568f6%7C84df9e7fe9f640afb435aaaaaaaaaaa%7C1%7C0 %7C638566140092020523%7CUnknown%7CTWFpbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQljoiV2luMzliLCJBTil6lk1haWwiLCJ XVCI6Mn0%3D%7C0%7C%7C%7C&sdata=ig0Y27u1sXrlioQEBZHeNApgaoH7p%2Fn4WcJ593r5gnQ%3D&reserved=0

印度相關計畫與成效

- 全國人口販運行動研究: 2002-2004
- UNODC研究發現實施計畫: 2006-2008
- 政府 + 非政府組織 + 國際非政府組織 + 公民社會 + 私營企業發揮綜效
- 印度所有地方反人口販運單位 2007-2020
- 人口販運活動相關SOP / 程序 / 手冊
- 政治與大眾關注:議會相關討論
- 被害人相關組織帶來正面影響
- 大學反人口販運課程修業證書(目的為加強知識傳播、提升意識,預防人口販運)

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Outstanding Indian initiatives with great impact

- The National Action Research on HT: 2002-2004
- UNODC Project on implementation of findings of research: 2006-2008
- Synergy of Govt + NGO + INGO + Civil Society + Corporate Houses
- AHTU (Anti-Human Trafficking Units) in all Districts in India 2007-2020
- SOP/ Protocols/ Handbooks for all activities on HT
- Political & Public attention: Discussions in Parliament
- Victim's associations making good impact
- University Certificate Course on Anti Human Trafficking (for wider dissemination of knowledge and awareness esp in prevention)

印度相關計畫與成效

- AHTU 行動:
 - 影響成功案件數量與品質
 - •十年內為120,000名利害關係人進行能力建構 / 培訓
 - •十年內救援65,000名被害人
 - •被害人獲得照護與康復相關協助
 - 嚴格執法
- •被害人權利仍是關注重點。

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Outstanding Indian initiatives with great impact

- AHTUs in Action:
 - Impact in quantity and quality of delivery
 - Capacity Building/Training of 120,000 stakeholders in 10 years
 - Rescue of 65000 victims in 10 years
 - Victims being cared for and rehabilitated
 - Stringent Law Enforcement
- Victims Rights remain main point of attention.

印度相關計畫與成效

- •500+所大專院校成立反人口販運社團(AHTC)
 - 青年反剝削倡議
 - 聚焦於因應人口販運需求
 - 聚焦於網路相關剝削
 - 於各地帶來重大影響
- 反人口販運村務委員會 Panchayat (PAHT):
 - 基層民選領袖
 - 聚焦於因應弱勢
- ▶AHTC與PAHT的標準作業程序容易取得且獲得廣泛採用。
- ▶使命:不應有人淪為販運被害人。

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Outstanding Indian initiatives with great impact

- Anti-Human Trafficking Clubs (AHTC) in 500 + colleges
 - Youth against exploitation of human beings
 - Focus of addressing demand
 - Focus on internet linked exploitation
 - · Tremendous impact on ground
- Panchayat Against Human Trafficking (PAHT):
 - Elected leaders at the ground level
 - Focus on addressing vulnerability
- SOPs for both AHT Club and PAHT are available and are widely used.
- ➤ Mission: Nobody should become victim of HT.

未來展望

- 需進行利害關係人能力建構:
 - 包括執法機構、檢察機關、司法機關、照護人員、邊境守衛和移民機構
 - 應為專業培訓
 - 聚焦於標準化國際因應方法
 - 包括偵查技巧、預防策略、協調方法、網路犯罪追蹤、不法資金追蹤...
- 在各國成立全方位反人口販運單位:我們樂於提供協助...
- 建立本區域良好實務綱要
- 中央級大學可開始提供反人口販運證書課程
- 聯合國可能舉辦專家研討會,制定政策方針:
 - 可成為諮詢機構,提供重要輔導/建議

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Way Forward

- Capacity Building of Stakeholders can be undertaken:
 - Include Law enforcement, Prosecution, Judiciary, Care givers, border guarding and Immigration agencies too
 - It will be Professional training, with focus on skills & compassion
 - Focus will be on standardised international response methods
 - Including investigation techniques, prevention strategies, coordination methods, cybercrime tracking, illegal money tracking...
- Setting up comprehensive AHTUs in all Nations: we can help...
- · Bring out a Compendium of Good Practices in the region
- Central University NIA can start Certificate Course on Anti-Human Trafficking
- UN may organize Conference of experts to bring out policy guidelines:
 - Can be an Advisory Body for important consultations/ advice etc.

給聯合國的建議

- 需制定網路剝削與人口販運相關國際公約
- 使所有成員國體認共同肩負的責任
- •協調預防與打擊人口販運相關國際工作
 - 國際刑警組織需採取執法之外的行動

馬丁路德金恩博士曾言:「最大的悲劇不是壞人的壓迫與殘酷,而是好人的沉默。」

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Suggestion to United Nations

- Need International Convention for ON-LINE Exploitation and On-line HT
- Make all Nations realise the responsibility for joint efforts
- Coordinate international efforts to prevent & counter HT
 - Going beyond law enforcement being done by Interpol

Martin Luther King said, "The ultimate tragedy is not the oppression and cruelty by the bad people, but the silence over that by the good people".

我們應確保

- 沒有兒童、女性或任何人 被當作商品。
- 讓我們共同合作,全力打擊人口販運。
 - •發現
 - •發聲
 - 行動 與
 - •遏止。



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We shall ensure that

- No Child, No Woman, No Person is 'FOR SALE'.
- Let us work together and be a strong force against human predators.
 - SPOT IT
 - SPEAK IT
 - ACT IT and
 - STOP IT.



謝謝聆聽。

PM Nair博士 印度警察基金會

(印度警察局,印度國家災害應變部隊,退休警察總長) 前任孟買塔塔社會科學研究所(TISS)特聘教授

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Thank you for your kind attention.

Dr PM Nair

Indian Police Foundation

(IPS, retd Director General of Police, National Disaster Response Force, Govt of India)

Former TATA Chair Professor, TISS, Mumbai

Former Project Coordinator, Anti Human Trafficking Project of the UNODC

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興総人

Helen Schneider

澳洲聯邦警察署防制人口販運組組長

海倫·施耐德是澳大利亞聯邦警察署(AFP)防制人口販運指揮官。在這個角色中,海倫監督澳大利亞防制兒童剝削中心(ACCCE)和現代奴役問題。海倫負責領導協調和連接合作夥伴,以識別、預防、打擾和調查人類剝削行為,包括兒童在線剝削和現代奴役,重點是保護和支持受害者,並將他們從危害中解救出來。

海倫於 1997 年加入昆士蘭警察局, 起初從事社區警務工作, 後來在刑事調查部門、戰術犯罪小隊、 昆十蘭聯合反恐小組和兇案調查單位等領域推進她的職業生涯。

在昆士蘭警察服務 16 年後,海倫於 2012 年轉至澳大利亞聯邦警察,並在反恐(國際和國內),有組織犯罪和學習發展指揮部工作。在學習和發展部門期間,海倫擔任國家審查員,直接支持對 AFP 敏感調查的 Lawler 審查,並擔任昆士蘭區域調查顧問。

2020 年,海倫被選擇擔任雅加達執法合作中心(JCLEC)支援服務部門負責人,為 JCLEC 的可持續性提供支持,並增加了執法通過全球培訓環境的服務交付選項和連接。

2021年·海倫被借調至特遣隊·作為澳大利亞聯邦警察(AFP)的跨行動領導部門·負責聚集 AFP 和澳大利亞各單位組成的跨部門團隊·根據預算措施要求·打擊政府詐騙。2021年2月·海倫晉 升為北區執法處(澳洲昆士蘭省)犯罪偵查組副組長·監督兩個聯合組織犯罪特遣隊、全國反幫派 特遣隊和多個內部犯罪小組·負責處理一系列嚴重和複雜的犯罪類型·包括毒品、洗錢、詐騙、反腐敗和敏感案件調查。

海倫的職業生涯亮點之一為三次被派往荷蘭·協助調查 MH17 航班被擊落的事件·她經常反思通過專業和不懈的調查努力·為那些失去生命的人發聲一個聲音的重要性和榮譽。

海倫致力於以人為本和真誠的領導方式,並致力於建立一支健康、有能力、表現卓越、受到重視、 被授權、有韌性和創新的工作隊伍。

海倫擁有人文學士學位、反恐安全碩士學位以及公共安全(警察調查)副學士文憑。

COMMENTATOR

Helen Schneider

Commander, Human Exploitation Crime Command, Australia Federal Police, Australia

Helen Schneider is the Commander Human Exploitation for the AFP. In this role, Helen oversees the Australian Centre to Counter Child Exploitation (ACCCE) and Modern Slavery. Helen is responsible for leading the coordination and connection of partners to identify, prevent, disrupt and investigate human exploitation, including the online exploitation of children and modern slavery, with a focus on protecting and supporting victims, and removing them from harm.

Helen joined the Queensland Police Service in 1997, commencing in community policing and then progressing her career in investigation areas such as the Criminal Investigation Branch, Tactical Crime Squad, Queensland Joint Counter Terrorism Team and Homicide Investigation Unit.

After 16 years with the Queensland Police Service Helen transitioned to the AFP in 2012 and has worked within the portfolios of Counter Terrorism (international and domestic), Organised Crime and Learning and Development Command. Whilst in Learning and Development, Helen performed the role of National Reviewer, directly supporting the Lawler Review into AFP Sensitive Investigations, and Regional Investigations Advisor for Queensland.

In 2020, Helen was selected to perform the role, Head of Support Services for the Jakarta Centre for Law Enforcement Cooperation (JCLEC) and led the Online Delivery Model Project and its associated implementation, providing JCLEC sustainability and increased service delivery options and connections for law enforcement through the global training environment.

In 2021, Helen was seconded to Taskforce Integrity as the AFP operations lead and was responsible for bringing together a multi-disciplinary team of AFP and Services Australia members to combat government fraud in accordance with budget measure requirements. In February 2021, Helen was promoted to Superintendent of Crime for Northern Command (Queensland), overseeing two joint organised crime taskforces, the National Anti-Gangs Taskforce and multiple internal crime teams responsible for a range of serious and complex crime types, including; drug, money laundering, fraud and anti-corruption and sensitive investigations.

A career highlight for Helen was her three deployments to the Netherlands to assist in the investigation into the downing of MH17 and she often reflects on the importance and honour of giving those who lost their lives a voice through professional and relentless investigation efforts.

Helen is committed to a people focused and authentic leadership approach and is dedicated to building a healthy, capable, high performing, valued, empowered, resilient and innovative workforce.

Helen holds a Bachelor of Arts in Humanities, Master of Arts in Terrorism Safety and Security and an Associate Diploma of Public Safety (Police Investigation).



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CURRENT POSITION

Associate Professor, Institute of Health Policy and Management, National Taiwan University

EDUCATION

Ph.D. in Sociology, University of Sussex

EXPERIENCE

Editor-in-Chief of the Plain Law Movement

Director of Taiwan Sex Industry & Workers' Rights Association







性暴力

- 性虐待:實際或威脅進行以性為本質的生理上的侵犯,可以是透過強迫或在不平等或脅迫的條件下——包括性奴役、(非自願)色情製品、虐待兒童(與兒童發生性關係)和性侵犯。
- 性剝削:實際或企圖濫用一個人的弱勢地位(例如依賴他人生存、運輸移動、工作或取得其他服務)、不同權力地位,或是信任關係,透過提供金錢或其他社會、經濟或政治利益來獲得性方面的好處——包括販運和(非自願)賣淫。
- 性騷擾:任何在合理預期內或被認為可能引起冒犯或羞辱的、以性為本質的不受歡迎行為。當干擾工作或成為雇用條件時,便創造了一個有威脅感、具有敵意或冒犯性的工作環境。



Sexual violence

Sexual abuse: actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions – including sexual slavery, (involuntary) pornography, child abuse (sexual relations with a child), and sexual assault.

- Sexual exploitation: actual or attempted abuse of one's position of vulnerability (such as one depending on another person for survival, transport, jobs, or other services) and differential power or trust to obtain sexual favours by offering money or other social, economic or political advantages – including trafficking and (involuntary) prostitution.
- Sexual harassment: any unwelcome conduct of a sexual nature that might be reasonably expected or perceived to cause offence or humiliation. When interfering with work or being made a condition of employment, it creates an intimidating, hostile or offensive work environment.

性剝削/虐待和性騷擾的 差異

- 當權力地位被利用來滿足一個社群的優勢者或傷害弱勢群體的性,屬於性剝削/ 虐待。
- 當各方之間的權力差異受到濫用(口頭 上、透過觸摸、使用不適當的影像等) 時,屬於性騷擾。



Differences between SEA and SH

- SEA occurs when a position of power is used for sexual purposes against a beneficiary or vulnerable party of a community.
- Sexual harassment occurs when differences in power between parties are abused (verbally, through touch, use of inappropriate images, etc.).



HRBA 對受害者/倖存者的支援

- 受到尊重的權利: 非批判性和非歧視性的做法
- 獲得協助和支持的權利
- 訴諸司法和問責的權利:平衡舉證責任
- 決定如何參與程序(報告、調查或申訴)的權利
- 知情權
- 表達意見的權利
- 隱私權:嚴格保密
- 受到保護免於再次受害的權利
- 獲得補救的權利:尊重直接和間接受影響者的尊嚴和意願
- 投訴所遭受的待遇的權利



HRBA to victim/survivor support

- The right to be treated with respect: Non-judgmental and non-discriminatory practices
- · The right to receive assistance and support
- The right to justice and accountability: Balancing the burden of proof
- The right to decide how involved to be in processes (reportative, investigative or grievance)
- · The right to be informed
- · The right to be heard
- The right to privacy: Maintaining strict confidentiality
- The right to be protected from re-victimisation
- The right to a remedy: Respecting the dignity and wishes of those affected, directly and indirectly
- · The right to complain about the treatment received





預防再次受害並處理 對再次受害的恐懼

- 防止報復(法律補救措施和支援)
- 立即和長期的醫療和社會心理支援
- 以受害者為中心、創傷知情、促進性別平等、 對殘障問題敏感和具備文化能力的方法
- 一般忽略:
 - 男性也是受害者。
 - LGBTQ和SGM尤其容易受到傷害。



Preventing re-victimisation and addressing the fear of re-victimisation

- Protection from retaliation (legal remedies and support)
- Immediate and long-term medical and psychosocial support
- Victim-centred, trauma-informed, gender-responsive, disability-sensitive, and culturally competent approach
- · General overlook:
 - Men are also victimised.
 - LGBTQ and SGMs are particularly vulnerable.



隱憂: 打擊人口販運 = 反賣淫 = 反性工作者?

- 以M.A.等人訴法國為例:
 - 2016年: 法國根據北歐模式修訂了刑法。
 - 2019年12月: 261名性工作者在歐洲人權法院 質疑該法,法院於 2023年8月31日裁定可受理。
 - 聯合國暴力侵害婦(少)女問題特別報告員: 打擊人口販運、反非法移民、反賣淫、性別平等
 - UNSR R2H: 免受警察騷擾和歧視的自由,更安全的工作條件,性健康和生殖健康
 - 2024年7月25日:《歐洲人權公約》第8條 (隱私權),但非第2條(生命權)和第3條 (免受不人道或有辱人格的待遇),裁定性工 作者請願敗訴。



Undercurrents: anti-human trafficking = anti-prostitution = anti-sex workers?

- M.A. and Others v. France as an example:
 - 2016: France amended its criminal code based on the Nordic model.
 - Dec 2019: 261 sex workers challenged the law at the ECHR, ruled admissible on 31 August 2023.
 - UNSR VAWG: anti-human trafficking, anti-illegal migration, anti-prostitution, gender equality
 - UNSR R2H: freedom from police harassment and discrimination, safer working conditions, SRH
 - 25 July 2024: ECHR Article 8 (right to privacy) but not Arts 2 (right to life) and 3 (freedom from inhuman or degrading treatment), ruling against sex worker petitioners.

回顧《消除對婦女一切形式歧視公約》 No 38(2020)

- 涉及性剝削的人口販運與基於性別的暴力與父權文化之間的聯繫,涵蓋原籍國、轉運國和目的地國等所有地點。
- NAP處理婦女和女童販運的根本原因
 - 社會經濟的不義(結構性性別不平等和「貧窮女性化」)
 - 移民和庇護制度中的歧視
 - 助長剝削並導致販運的需求
 - 衝突局勢和人道主義緊急情況
 - 販運使用的數位技術(例如可匿名支付的電子貨幣、透過社群媒體和暗網的需求管道)

Recalling CEDAW GR No. 38 (2020)

- Linkages between human trafficking involving sexual exploitation and genderbased violence and patriarchal culture in all locations, such as the countries of origin, transit and destination.
- NAP addressing the root causes of trafficking in women and girls
 - Socioeconomic injustice (structural gender inequality and "the feminization of poverty")
 - · Discrimination in migration and asylum regimes
 - Demand that fosters exploitation and leads to trafficking
 - · Situations of conflict and humanitarian emergencies
 - Digital technology in trafficking (e.g. electronic currencies for anonymous payments, demand channels, through social media and the dark web)







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Master's Degree in Social Work, Tunghai University

CURRENT POSITION

Direstor of Taichung Office, the Garden of Hope Foundation

Board Member of National Union of Licensed Social Workers, Taiwan, ROC

Vice Chairperson of Taichung Social Workers Association

Part-time Lecturer, Department of Social Work, Tunghai University

Family and Labor Mediation Committee Member, Taichung District Court





兒少性剝削防制立法歷程



- 1985 台灣基督教長老教會亞洲教會婦女協會舉辦「觀光與賣春研會」
- 1986 在台灣基督教長老教會總會支持下,成立「彩虹專案」,開始從事救援雛妓的工作
- 1987 勵馨-收容不幸少女。
- 1995 「兒童及少年性交易防制條例」立法通過
- 2014 「兒童權利公約施行法」
- 2015 「兒童及少年性剝削防制條例」並全文修正(正式更名)
- 2017 「兒童及少年性剝削防制條例」施行
- 2023 性暴力防治四法修法、「兒少性剝削防制條例」部分條文修正
- 2024 「兒少性剝削防制條例」部分條文修正



Legislation Journey of the Child and Youth Sexual Exploitation Prevention Act

- 1980s Problem of child prostitution was enormous in Taiwan
- 1985 Asian Church Women's Conference of the Presbyterian Church in Taiwan organized the Conference on the pressing issue of prostitution tourism
- 1986 General Assembly of the Presbyterian Church in Taiwan initiated the Rainbow Project, initiating the rescue for child prostitutes
- 1987 Garden of Hope Foundation offering shelter to teenage girls in distress
- 1995 Child and Youth Sexual Transaction Prevention Act passed
- 2014 Implementation Act of the Convention on the Rights of the Child
- 2015 Child and Youth Sexual Exploitation Prevention Act: The title and all 55 articles of this Act were amended and promulgated
- 2017 Child and Youth Sexual Exploitation Prevention Act implemented
- Amendment of the "four laws against sexual violence" the Criminal Code, the Child and Youth Sexual Exploitation
 Prevention Act, the Sexual Assault Crime Prevention Act and the Crime Victim Rights Protection Act and only a
 partial amendment of the Child and Youth Sexual Exploitation Prevention Act
- 2024 Partial amendment of the Child and Youth Sexual Exploitation Prevention Act

新法實施及修法-擴大兒少保護面向



- 1.納入兒少性私密影像相關內涵
- 2.增訂司法程序中的兒少保護
- 3.安置評估以兒少需求
- 4.多元處遇
- 5.增訂犯罪行為及提高相關罰則
- 6.網路業者需配合檢警調查
- 7.成立性影像處理中心
- 8.建立被害人性影像數位鑑識資料庫



9.主動巡查



Implementation and Amendment of the New Act -

Expanding Aspects of Protection for Children and Youth

- 1. Adding articles of preventing child and youth sexual images
- 2. Adding procedures of providing children and youth with protection during judicial proceedings
- 3. Evaluating the needs of children and youth for shelter
- 4. Diversifying treatments and services
- 5. Adding articles against more forms of illegal activities and raising concomitant penalties
- 6. Having Internet service providers comply with police/prosecutor investigations



- 7. Establishing a Sexual Images Processing Center
- 8. Establishing a Digital Forensic Database of Victims' Sexual Images
- 9. Patrolling the internet actively

兒少性剝削防制條例

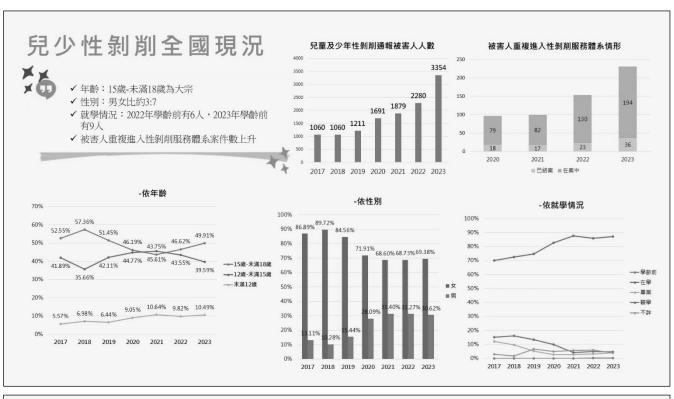


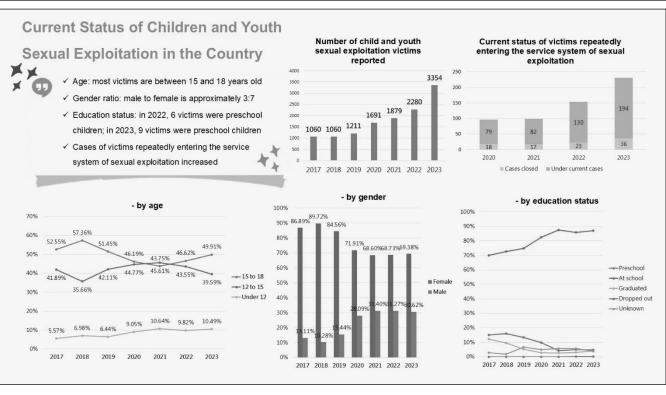
- 一. 使兒童或少年為有對價之性交或猥褻行為。
- 二. 利用兒童或少年為性交或猥褻之行為,以供人觀覽。
- 三. 拍攝、製造、散布、播送、交付、公然陳列或販賣兒童或少年之性影像、與性相關而客觀上足以引起性慾或羞恥之圖畫、語音或其他物品。
- 四. 使兒童或少年坐檯陪酒或涉及色情之伴遊、伴唱、伴舞或其他類似行為。

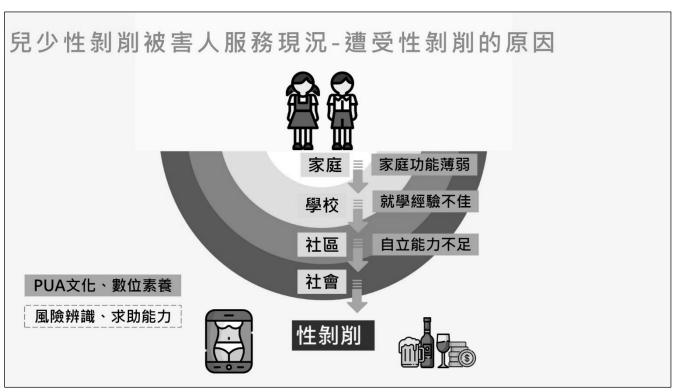
Child and Youth Sexual Exploitation Prevention Act

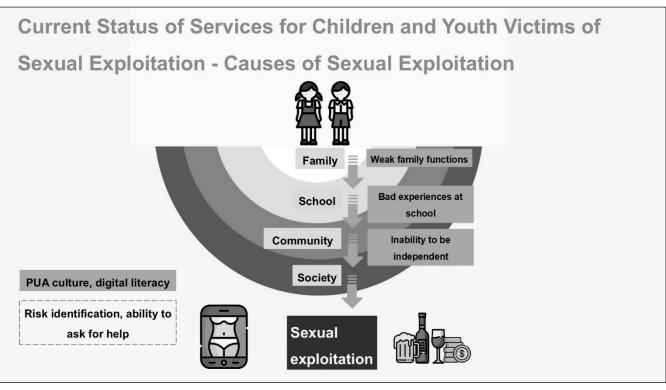


- Causing a child or a youth to engage in any sexual intercourse or lewd acts in exchange for consideration;
- Taking advantage of a child or a youth by engaging the said child or the said youth in any sexual intercourse or lewd acts for others to watch;
- 3. Filming, producing, distributing, broadcasting, delivering, publicly displaying, or selling any sexual image or video of a child or a youth, or any drawing, audio recording, or any other item of a child or a youth that is sexually relevant and, by objective standards, arouses sexual desire or shame;
- 4. Causing a child or a youth to act as a host or a hostess in a bar or a club or engage in any acts associated with any escort companion services, singing companion services or dancing companion services involving any sexual activity, or any other similar acts.









兒少性剝削被害人服務現況-遭受性剝削的原因

錢

- 家庭關係高衝突、急於自利而有經濟需要
- 家庭疏失照顧·功能薄弱·遭誘騙拐賣
- 家庭高度失能、家庭角色錯位, 兒少被過度親職化而承擔家計
- 社會經驗不足,落入求職陷阱
- 解決問題能力有限 · 在網路搜尋求解而誤入陷阱

歸屬

- 家庭關係疏離 · 學校、人際關係挫折 · 在八大行業中有成就、被接納
- 直播中獲得關注、稱讚、人氣流量

親密關係

- 風險辨識能力、網路安全議題
- 渴望被愛、擁有親密關係,而遭PUA (Pick Up Artist)

性創傷

• 早期不良的性經驗

Current Status of Services for Child and Youth Victims of Sexual Exploitation - Causes of Sexual Exploitation

Money

Conflicts in the family, where children or youth have urgent financial needs to be self-independent Having a family of negligence and dysfunction, the children and youth trapped in abduction or trafficking Dysfunctional family and family roles, where parentified children or teenagers have to bear the burden of providing for the family

Lacking social experience leads to fall prey to employment traps

With limited problem-solving capacity, seeking solution online and thus falling into traps

Sense of belonging

- Estranged family relationships, being frustrated at school and in personal relationships, while the adult entertainment industries offer victims a sense of achievement and acceptance
- Seeking attention, praises, and likes via livestreams

Intimate relationship issues

- Ability to identify risks, cybersecurity issues
- Longing to be loved and having intimate relationships, and thus falling into traps of Pick Up Artists

Sexual trauma

Negative sexual experience in early years

兒少性剝削被害人服務 - 培力與關係修復

- 1.親密感、歸屬與連結
- 2.增加關係的韌性
- 3.增加選擇的能力
- 4.情境的模擬
- 5.家庭關係的修復
- 6.就業培力

親密、愛、性

找伴侶的選擇

生命經驗梳理

風險辨識、情境演練

生涯探索與就業

社會參與

減害教育

安置服務

Services for Child and Youth Victims of Sexual Exploitation

- Empowerment and Restoring Relationships

- 1. Sense of intimacy, belonging, and connection
- 2. Increasing the resilience of relationships
- 3. Strengthening the ability to choose
- 4. Scenario simulations
- 5. Restoring family relationships
- 6. Career empowerment

Intimacy, love, and sex

How to select a right partner

Combing through life experience

Risk identification, scenario exercises

Career exploration and employment

Social engagement

Education on damage reduction

Placement services

困境



兒少性剝削的防制仍有不足

家庭功能不足、經濟匱乏致使兒少落入性剝削的圖像,本質上仍有20-30年前的既視感,意即家庭、學校支持的早期介入仍有不足。

青少年就業環境的困難。

全球化的議題,落在家庭經濟壓力、情感缺乏連結、甚至 創傷世代傳遞。

Challenges



Prevention of child and youth sexual exploitation remains insufficient

It reflects an issue already existing two to three decades ago that dysfunctional families and economic difficulties are still the cause of children and youth falling prey to sexual exploitation, which means early intervention (support) in family and school remains insufficient.

Employment challenges for teenagers.

A globalized issue: increasing economic pressures in families, lacking emotional connections, and even passing down traumas from generation to generation.

困境



兒少性剝削的保護仍有不足

資源的有限性,難以依兒少需求安排至適當的安置處所。

不同主管機構的輔導機制,缺乏整體性的保護概念。





Protection of child and youth from sexual exploitation remains insufficient

Resource scarcity hinders appropriate placement according to the needs of children and youth.

It lacks a comprehensive protection scheme due to counseling and support services under various competent authorities.

























