

# 2016 年防制人口販運國際工作坊

## *2016 International Workshop on Strategies for Combating Human Trafficking*





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## 2016 年防制人口販運國際工作坊

## 會議緣起

「人口販運」係為跨國境且嚴重危害基本人權之犯罪，行政院於 95 年 11 月 8 日頒布「行政院防制人口販運行動計畫」迄今即將滿 10 年，每兩年進行滾動式檢討，目前計畫名稱為「104-105 年防制人口販運具體措施分工執行計畫」為深入探討全球關注之「防制人口販運」新興議題，包括境外漁工僱用及家事勞工如何避免強迫勞動等各國在防制人口販運作為之實務經驗，並期藉助納入與非政府組織（NGO）的力量，強化對人口販運被害人的保護機制，以響應聯合國 7 月 30 日反人口販運國際日，爰於 7 月 27 至 28 日辦理國際工作坊。

本次邀請美國、英國、歐盟、紐西蘭、韓國、香港及東南亞等國家政府及國際非政府組織專家學者共同與會，分別探討歐美國家防制人口販運新興策略、從預防面向探討人口販運防制策略、家事勞工權益保障之探討及外籍漁工勞動權益探討及剝削防制等議題。

## Introduction of the Workshop

Human trafficking is a crime that will severely impair basic human rights involving various countries in the world. This year is the 10th year for the implementation of Human Trafficking Prevention and Control Action Plan issued by Executive Yuan in November 8, 1995. In order to deepen the discussion on global human trafficking (including practical experience concluded by various countries in overseas fishermen employment and the way housekeeping service workers avoid slave labor), strengthen the mechanism to protect the victim of human trafficking with the support from NGO, and respond to World Day Against Trafficking in Persons (July 30), an international workshop will be established from July 27 to July 28.

Many experts and scholars (working for national government and NGOs) are predicted to be invited to attend this conference from America, the UK, EU, New Zealand, Korea, Hong Kong and South Asia, respectively discussing new strategies applied to prevent and control human trafficking in Europe and America, human trafficking prevention strategies from the aspect of precaution, housekeeping service labor's rights protection, immigrant fishermen's labor rights and exploitation control etc.



## 2016 年防制人口販運國際工作坊

### 會議議程

時間：105 年 07 月 27 日(星期三) 地點：公務人力發展中心福華國際文教會館一樓前瞻廳

時間	議程
08:30-09:00	報 到
09:00-09:30	長官開幕致詞暨合照
<b>議題一：歐美國家防制人口販運策略之探討</b>	
主持人：行政院防制人口販運協調會報葉毓蘭委員	
09:30-10:10	<b>美國打擊人口販運組織架構及防制人口販運全球策略</b> 主講人：美國國務院監督及打擊人口販運辦公室無任所大使 Amb. Susan Coppedge
10:10-10:30	茶 敘
10:30-11:10	<b>歐洲人口移動與歐盟防制人口販運作為之探討</b> 主講人：地中海國家議會駐聯合國維也納分部大使（國際移民組織前執行長） Amb. Peter Schatzer
11:10-11:30	與談人：2 位 1. 美國在臺協會政治組官員艾如蘭（10 分鐘） 2. 臺灣高等法院花蓮分院檢察署張春暉主任檢察官（10 分鐘）
11:30-11:50	雙向交流
11:50-13:00	午 餐
<b>議題二：從預防面向探討人口販運防制策略</b>	
主持人：婦女救援基金會康淑華執行長	
13:00-13:40	<b>防制國民遭受境外性剝削之具體策略</b> 主講人：中央警察大學國境警察學系林盈君助理教授
13:40-14:20	<b>如何運用數位科技促進外籍移工權益保障</b> 主講人：美國傳統基金會助理研究員 Olivia Enos
14:20-14:50	與談人：3 位 1. 衛生福利部保護服務司郭彩榕簡任視察（10 分鐘） 2. 內政部警政署刑事警察局科技研發科陳富添股長（10 分鐘） 3. 美國休士頓大學王曉明教授（10 分鐘）
14:50-15:10	雙向交流
15:10-15:30	茶 敘
<b>議題三：家事勞工權益保障之探討</b>	
主持人：行政院防制人口販運協調會報成之約委員	
15:30-16:10	<b>從國際角度看家事勞工保護趨勢</b> 主講人：美國全國家事勞工聯盟董事 Narbada Chhetri
16:10-16:50	<b>家事勞動者之勞動人權與人口販運</b> 主講人：國際家事勞工聯會亞洲地區葉沛渝總召
16:50-17:10	與談人：2 位 1. 勞動部勞動力發展署跨國勞動力管理組龔桂蘭組長（10 分鐘） 2. 國立中正大學法律系鄭津津教授（10 分鐘）
17:10-17:30	雙向交流

## 會議議程

時間：105 年 07 月 28 日(星期四) 地點：公務人力發展中心福華國際文教會館一樓前瞻廳

時間	議程
08:30-09:00	報 到
<b>專題報告:外籍漁工勞動權益探討及剝削防制</b> 主持人：行政院防制人口販運協調會報劉黃麗娟委員	
09:00-09:40 (40 分鐘)	從全球漁業供應鏈探討漁工剝削 主講人：英國卡地夫大學研究員 Azmath Jaleel
09:40-10:20 (40 分鐘)	全球防制漁工剝削案例探討漁工權益保障 主講人：奧克蘭大學研究員 Glenn Simmons
10:20-10:40 (20 分鐘)	茶 敘
10:40-11:20 (40 分鐘)	韓國保障外籍漁工防制人口販運成效及案例探討 主講人：韓國海洋漁業部漁業政策處處長 Kim NamGyu
11:20-11:50 (30 分鐘)	與談人：3 位 1. 銘傳大學法律學系劉士豪教授 (10 分鐘) 2. 行政院農業委員會漁業署漁政組施俊毅組長 (10 分鐘) 3. 臺灣基督長老教會海員/漁民服務中心陳炳勳主任 (10 分鐘)
11:50-12:10 (20 分鐘)	雙向交流
12:10-12:20 (10 分鐘)	閉 幕
12:20-13:30	午 餐



## 2016 年防制人口販運國際工作坊

### Agenda

Date : Wednesday, July 27, 2016 Venue: Howard Civil Service International House 1F Visionary Hall

Time	Agenda
08:30-09:00	Registration
09:00-09:30	Opening & Group photo
<b>Session 1 : Europe and The United States on the Strategies for Combating Human Trafficking</b>	
Moderator : Sandy Yeh, committee member of Cabinet Anti-TIP Task Force	
09:30-10:10	<b>Anti-Trafficking Infrastructures and International Strategies in The United States</b> Speaker : Amb. Susan Coppedge, Ambassador-at-Large to Monitor and Combat Trafficking in Persons and Senior Advisor to the Secretary of State
10:10-10:30	Refreshment
10:30-11:10	<b>European Migration and European Union on the Prevention Strategies of Human Trafficking</b> Speaker : Amb. Peter Schatzer, Permanent Observer of Parliamentary Assembly of the Mediterranean to the United Nations in Vienna
11:10-11:30	Commentator*2 1. Laura Anderson, assignment in the Political Section of AIT (10 minutes) 2. Chun-Hui Chang, Prosecutor of Hualian Branch, Taiwan High Prosecutors Office (10 minutes)
11:30-11:50	Bilateral Exchange
11:50-13:00	Lunch Break
<b>Session 2 : The Prevention Perspective of Anti-Trafficking Strategies</b>	
Moderator : Shu-Hua Kang, Executive Director of the Taipei Women's Rescue Foundation	
13:00-13:40	<b>Anti-Trafficking Strategies of Preventing Nationals from Sex Exploitation Abroad</b> Speaker : Ying-Chun Lin, Assistant Professor of Central Police University
13:40-14:20	<b>How to Use Digital Technology to Improve the Rights of Immigrants</b> Speaker : Olivia Enos, Research Associate of Asian Studies Center at the Heritage Foundation
14:20-14:50	Commentator*3 1. Tsai-Jung Kuo, Senior Executive Officer, Department of Protective Services, Ministry of Health and Welfare (10 minutes) 2. Fu-Tien Chen, Sub-division Chief of Technology R & D Division, Criminal Investigation Bureau (10 minutes) 3. Hsiao-Ming Wang, Professor of Criminal Justice at the University of Houston-Downtown (10 minutes)
14:50-15:10	Bilateral Exchange
15:10-15:30	Refreshment
<b>Session3 : Discussion of Domestic Worker Right's Protection</b>	
Moderator : Chih-Yu Cheng, committee member of Cabinet Anti-TIP Task Force	
15:30-16:10	<b>Talking about the Trend of the Protection of Domestic Workers Rights from the Global Perspective</b> Speaker : Narbada Chhetri, The Board of Directors of the National Domestic Workers Alliance
16:10-16:50	<b>The Rights of Domestic Workers and Human Trafficking</b> Speaker : Fish IP, Regional coordinator of International Domestic Workers Federation
16:50-17:10	Commentator*2 1. Kuei-Lan Kung, Director of Cross-Border Workforce Management Division of Workforce Development Agency, Ministry of Labor (10 minutes) 2. Chin-Chin Cheng, Director/Professor Department of Law, College of Law National Chung Cheng University (10 minutes)
17:10-17:30	Bilateral Exchange

## Agenda

**Date : Thursday, July 28, 2016 Venue: Howard Civil Service International House 1F Visionary Hall**

Time	Agenda
08:30-09:00	Registration
<b>Keynote Speeches : Fishery Workers Rights and Anti-Exploitation in Human Trafficking</b>	
Moderator : Li-chuan Liuhuang, committee member of Cabinet Anti-TIP Task Force	
09:00-09:40	<b>Fishery Workers Exploitation from Perspective of Global Supply Chains</b> Speaker : Azmath Jaleel, Research Associate, CU, UK
09:40-10:20	<b>Global Anti-Trafficking Case Studies on Fishery Workers Rights Protection</b> Speaker : Glenn Simmons, Principal Investigator- Mapping Human Trafficking in New Zealand
10:20-10:40	Refreshment
10:40-11:20	<b>Anti-Trafficking Achievements of Fishery Workers Protection and Case Studies : Korean Perspective</b> Speaker : Kim NamGyu, Director of Ministry of Oceans and Fisheries
11:20-11:50	Commentator*3 <ol style="list-style-type: none"> <li>1. Shih-Hao Liu, Professor of Ming Chuan University Law School(10 minutes)</li> <li>2. Chun-Yi Shih, Director of Fisheries Regulation Division (10 minutes)</li> <li>3. Ping-Hsun Chen, Director of P.C.T Seamen's/Fishermen's Service Center (10 minutes)</li> </ol>
11:50-12:10	Bilateral Exchange
12:10-12:20	Closing Remarks
12:20-13:30	Lunch Break



## 議事規則

項目	進行方式
專題演講	每場演講時間依議程進行 結束前 5 分鐘第一次舉牌提醒 時間終了舉牌提醒
與會來賓提問與討論	開放與會來賓提問與討論 與會來賓提問均須先舉手，經主席同意後， 取得發言權。

## Rules of Procedure

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

## 議題一

### 歐美國家防制人口販運策略之探討

#### *Session 1*

#### *Europe and The United States on the Strategies for Combating Human Trafficking*



## 主持人—葉毓蘭

### 現職

1. 總統府人權諮詢委員會委員
2. 行政院防制人口販運協調會報委員
3. 行政院永續發展委員會委員
4. 內政部人權小組委員
5. 內政部家庭暴力及性侵害防制委員會委員
6. 經濟部、交通部、海巡署、警政署性別平等委員
7. 內政部犯罪防制研究中心委員、內政部外籍配偶照顧輔導基金管理委員、內政部新移民火炬計畫中央推動小組委員
8. 內政部警政署廉政會報委員
9. 臺北市政府市政顧問(民政組、治安組)
10. 臺北市、新北市、桃園縣家庭暴力及性侵害防制委員會委員
11. 國立臺灣藝術大學、臺北市立體育學院、國立中央大學、中央警察大學性別平等委員會委員
12. 桃園縣政府婦女權益促進委員會委員
13. 臺灣民主基金會監察人
14. 中華警政研究學會理事、中華公共事務管理學會理事、北一女校友會理事、李士珍警察子弟獎學金基金會董事
15. 亞洲警察學會秘書長



### 學術專長領域

警察教育訓練、社區警政，政策評估、公共政策，刑事司法政策，警察政策，警察行政  
兩性平權議題、職場性騷擾處理、婦幼安全

### 學歷

美國伊利諾大學（芝加哥）公共政策分析博士

### 經歷

1. 美國布魯金斯研究院訪問學者(2011)、英國曼徹斯特大學訪問學者(2003)
2. 行政院人權保障推動小組委員
3. 婦女救援基金會董事長、董事
4. 中央警察大學行政警察學系主任兼警察政策研究所所長、圖書館兼世界警察博物館館長  
推廣教育訓練中心主任
5. 教育部性別平等教育委員會委員
6. 內政部外籍配偶輔導基金委員
7. 臺北市新移民輔導委員會委員

## Moderator—Sandy Yeh

### **CURRENT POSITION**

1. Director, Graduate School of Police Policy, Central Police University
2. Member, Presidential Advisory Committee on Human Rights, Taiwan
3. Member, Anti-human Trafficking Coordination/Supervisory Council, Executive Yuan, Taiwan
4. Member, National Continuing Development Committee, Executive Yuan, Taiwan
5. Commissioner, Prevention and Control of Domestic Violence/ Sex Offenses Committee, Ministry of Interior, Taiwan
6. Policy Advisor to Mayor of Taipei
7. Policy Advisor to Magistrate of Taoyuan County
8. Supervisory Board Member, Taiwan Foundation for Democracy
9. Secretary General, Association of Asian Police Study
10. Secretary General, Chinese Association of Police Studies, Taiwan
11. Board Member, Chinese Association of Public Affairs, Taiwan



### **FIELDS OF INTEREST**

Gender Equality/Gender Mainstreaming  
Criminal Justice Policies  
Human Trafficking  
Community Policing  
Domestic Violence/Sexual Assault/Sexual Harassment

### **EDUCATION**

- |     |   |  |
|-----|---|--|
| PhD | Public Policy Analysis-Political Science  | University of Illinois at Chicago (1994) |
|     | Dissertation Topic: Innovation of Police Policy: A Study of Community Policing                                |  |
| MA  | Law Enforcement Administration  | Western Illinois University (1986)       |
|     | Thesis Topic: Women in Policing: A Study on the Self-Perspectives of Policewomen in Taiwan, Republic of China |  |
| BA  | Public Security   | Central Police University (1980)         |

### **PROFESSIONAL EXPERIENCES**

1. Visiting Fellow, Center for Northeast Asian Policy Studies, Brookings Institution, U.S. 2011
2. President, Association of Asian Police Studies, 2009~2010.
3. Member, Board of Trustees, Taipei Women Rescue Foundation, 2004~2010
4. President, Taipei Women's Rescue Foundation, October 2006~September 2008
5. Commissioner, Gender Equity Education Committee, Ministry of Education, Taiwan, 2000~2008
6. Chair, Department of Foreign Affairs Police, Central Police University, August 2004 – July 2007
7. Commissioner, Gender Equality Education Committee, Ministry of Education, Taiwan, October 1999-September 2007
8. Commissioner of Women's Right Promotion Committee, Taipei City, March 2000 –Feb. 2005
9. Director, University Library & the World Police Museum, Central Police University, Taoyuan, Taiwan, August 2002 – August, 2004
10. Director, Center for Continuing Education & Training, Central Police University, Taiwan, August 1998-August 2001



## 2016 年防制人口販運國際工作坊

美國打擊人口販運組織架構及  
防制人口販運全球策略

*Anti-Trafficking Infrastructures and  
International Strategies in The United States*

主講人：**Amb. Susan Coppedge**  
美國國務院監督及打擊人口販運辦公室無任所大使

Speaker: **Amb. Susan Coppedge**  
Ambassador-at-Large to Monitor and Combat Trafficking in  
Persons and Senior Advisor to the Secretary of State



## 講者—Amb. Susan Coppedge

### 現職

美國國務院監督及打擊人口販運辦公室無任所大使

### 自傳

Susan Coppedge 為無任所大使，負責監控和抵制非法人口販運行為，同時擔任國務卿之高級顧問。因受參議院之認可，由歐巴馬總統任命領導 2015 年 10 月份舉辦之美國全球抗議非法人口販運之活動。Susan Coppedge 大使指導國務院辦公處進行監控和抵制非法人口販運行為、對全球趨勢作評估和提供政策性對外援助資金，並參與外國政府、民間團體及其他聯邦機構正進行對於現代奴隸制度中主要利益相關者之抵制。



Susan Coppedge 大使之前曾在喬治亞州北區擔任助理律師達 15 年之久。她將向 45 名以上之非法人口販子，於聯邦法院提起訴訟，包括跨國、國內成人及兒童淫媒以及非法勞工人口販運。此起訴之舉將肇事者繩之以法，且幫助 90 名以上遭受人口販運之受害者。Susan Coppedge 大使因了解這些倖存者的經歷，在很多人認為政府永遠不會支持他們當下，Susan Coppedge 大使與非政府組織密切合作，執行社區推廣活動及受害者之必要救援服務。

Susan Coppedge 大使榮獲司法部領導獎以茲表揚，其擔任美國助理律師期限表現卓越並獲得兩項美國律師獎。Susan Coppedge 大使培訓國際/國家/當地執法人員及代表美國參與本次聯合國毒品及犯罪問題專家工作小組，進行發展一套針對非法人口販運之國際通報系統。她也獲得公共政策之富布賴特/伊恩·阿克克福德獎學金。為此，她花了六個月的時間在紐西蘭司法部從事紐西蘭非法人口販運之法律和起訴研究、評估以及報告。

Susan Coppedge 大使開始投入服務，始於司法部從事教授榮譽課程；於環境執法科工作，獲得總法務官之約翰·馬歇爾獎；於美國控訴科赫一案，她在法律專業上有極為傑出的表現；曾在喬治亞州北區擔任美國地方法院法官 William C. O'Kelley 之書記員；擁有史丹佛大學法律學位及杜克大學肄業學位。

## Speaker — Amb. Susan Coppedge

### **CURRENT POSITION**

Ambassador-at-Large to Monitor and Combat Trafficking in Persons and Senior Advisor to the Secretary of State

### **BIOGRAPHY**

Susan Coppedge is the Ambassador-at-Large to Monitor and Combat Trafficking in Persons and Senior Advisor to the Secretary of State. She was confirmed by the Senate and appointed by President Obama in October 2015 to lead the United States' global engagement against human trafficking. Ambassador Coppedge directs the State Department's Office to Monitor and Combat Trafficking in Persons, which assesses global trends, provides strategic foreign assistance funding, and engages foreign governments, civil society, other federal agencies and key stakeholders in the fight against modern slavery.



Ambassador Coppedge previously served for 15 years as Assistant United States Attorney in the Northern District of Georgia. She prosecuted more than 45 human traffickers in federal cases involving transnational and domestic sex trafficking of adults and children, and labor trafficking. These prosecutions brought perpetrators to justice and assisted more than 90 victims of trafficking. Ambassador Coppedge carries with her the stories of these survivors, many of whom thought the system would never stand up for them. She has also worked closely with nongovernmental organizations in conducting community outreach and providing vital services for victims.

In recognition of her achievements, Ambassador Coppedge received the Department of Justice's Director's Award for Superior Performance as an Assistant United States Attorney and two United States Attorney's Awards. Ambassador Coppedge has trained international, national, and local law enforcement and represented the United States on a United Nations Office on Drugs and Crime Expert Working Group developing an international reporting system for human trafficking. She was also awarded a Fulbright/Ian Axford Fellowship in Public Policy, through which she spent six months with New Zealand's Ministry of Justice researching, evaluating, and reporting on New Zealand's human trafficking laws and prosecutions.

Ambassador Coppedge entered her service with the Department of Justice through the Honors Program, working in the Environmental Enforcement Section and earning the Attorney General's John Marshall Award, Outstanding Legal Achievement for Support of Litigation, for *United States v. Koch*. Ambassador Coppedge clerked for United States District Judge William C. O'Kelley in the Northern District of Georgia. She received her law degree from Stanford University and her undergraduate degree from Duke University.



## 2016 年防制人口販運國際工作坊



歐洲人口移動與  
歐盟防制人口販運作為之探討  
*European Migration and European Union  
on the Prevention Strategies of  
Human Trafficking*

主講人：**Amb. Peter Schatzer**  
地中海國家議會駐聯合國維也納分部大使  
(國際移民組織前執行長)

Speaker: **Amb. Peter Schatzer**  
Permanent Observer of Parliamentary Assembly of the  
Mediterranean to the United Nations in Vienna



## 講者 — Amb. Peter Schatzer

### 現職

地中海國家議會駐聯合國維也納分部大使

### 經歷

國際移民組織前執行長



### 自傳

Peter Schatzer 曾任國際移民組織(IOM)前執行長及駐羅馬特派首長，其負責對地中海國家（阿爾巴尼亞，阿爾及利亞，塞浦路斯，希臘，意大利，羅馬教廷，利比亞，馬耳他，毛里塔尼亞，摩洛哥，葡萄牙，西班牙，突尼斯，土耳其和聖馬力諾）遷移影響之政策提出提議。他代表 IOM 向義大利政府進行移民組織、社會團體、媒體以及非營利組織的溝通協商。

- 2002-2003 年 IOM 駐德國特派首長
- 1992-2003 年 IOM 駐日內瓦公關及主任顧問
- 1990-1991 年 IOM 駐安曼特派首長
- 1986-1990 年 IOM 駐羅馬特派首長
- 1986 年 奧地利總統之私人秘書
- 1986 之前 越南前政府首長國際行動理事會董事長私人助理
- 1979-1984 年 聯合國人口基金(UNFPA)駐日內瓦對外發言公關官員

Mr. Schatzer 是義大利貝爾加莫大學移民管理與發展講師。

Peter Schatzer 發表許多與移民、發展與美墨移民相關的議題，著作有：Moving the Agenda Forward (International Migration vol.41 (2), (2003) and Immigration and Population changes in the EU (Athens Summit 1998)。

## Speaker — Amb. Peter Schatzer

### **CURRENT POSITION**

Permanent Observer of Parliamentary Assembly of the Mediterranean to the United Nations in Vienna



### **PROFESSIONAL EMPLOYMENT**

Director of International Organization for Migration

### **BIOGRAPHY**

Peter Schatzer is Director of the Regional Office for the Mediterranean and Chief of Mission in Italy with the International Organization for Migration - IOM - in Rome. He is responsible for providing policy advice on migration affecting the Mediterranean countries (Albania, Algeria, Cyprus, Greece, Italy, Holy See, Libya, Malta, Mauritania, Morocco, Portugal, Spain, Tunisia, Turkey and San Marino); He represents the IOM with the Italian government, regional and communal authorities NGOs, media and civil society in Italy and multilateral institutions based in Italy.

From 1992 to 2003, he was Director, External Relations Department and Regional Adviser for Europe at IOM Headquarters in Geneva. From 2002 to 2003 he was also acting IOM Chief of Mission in Germany. From 1986 to 1990, Mr. Schatzer was Chief of Mission in Rome and during 1990 and 1991 in Amman.

In 1986, Peter Schatzer was appointed Personal Secretary to the President of Austria. Prior to this, he was personal Assistant to the Chairman of the InterAction Council of former Heads of Government in Vienna. From 1979 to 1984, he was Information /External Relations Officer at the United Nations Population Fund (UNFPA) in Geneva.

Mr. Schatzer is a lecturer on Migration Management and Development at the University of Bergamo, Italy.

Peter Schatzer is author of numerous articles on migration, development and related topics including Mexico-US Migration: Moving the Agenda Forward (International Migration vol.41 (2), (2003) and Immigration and Population changes in the EU (Athens Summit 1998).



## 2016 年防制人口販運國際工作坊



## 與談人—艾如蘭

### 現職

美國在臺協會政治組官員

### 自傳

艾如蘭於 2007 年加入美國外交官行列，並於 2014 年 6 月開始任職於美國在臺協會政治組。艾氏曾擔任國務院東亞暨太平洋事務局助理，她亦曾在非洲事務局負責烏干達事務。艾氏之前曾派駐美國駐上海總領事館擔任領事官。

艾氏來自於南卡羅萊納州，她於南卡羅萊納州大學的榮譽學院取得國際研究，法文及西班牙文的學士學位，另外，她在法國的雷恩第二大學取得語言學學位。她能說法文，西班牙文及中文。



## Commentator—Laura Anderson

### CURRENT POSITION

Political Officer

### BIOGRAPHY

Laura Anderson joined the Foreign Service in 2007 and assumed her assignment in the Political Section of AIT in June 2014. She previously served in Washington as a Staff Assistant in the Bureau of East Asian and Pacific Affairs and on the Uganda Desk in the Bureau of African Affairs. Prior to her Washington assignments, she worked as a Consular Officer at the U.S. Consulate in Shanghai. Laura obtained a Bachelor of Arts degree in International Studies, French, and Spanish from the University of South Carolina Honors College and a degree in Linguistics from the Université de Rennes II in France. Laura speaks French, Spanish, and Mandarin Chinese.





## 與談人—張春暉

### 現職

臺灣高等法院花蓮分院檢察署檢察官



### 經歷

1. 律師
2. 元智大學、嶺東科技大學兼任講師
3. 法務部、司法官學院、警政署、移民署人口販運講師
4. 桃園縣政府性騷擾防制委員會委員、臺北市女性權益促進委員會委員、臺灣國家婦女館
5. 性別主流化人才資料庫之專家學者
6. 臺灣南投、桃園地方法院檢察署及法務部檢察司主任檢察官
7. 2006 年法務部模範公務人員
8. 2009 年國際檢察官協會(IAP)特別成就獎
9. 2010 年全國公務人員傑出貢獻獎
10. 2011 年行政院高階公務人員美國柏克萊加州大學短期研習班
11. 2012 年美國國務院「國際領袖訪問計畫」(IVLP)訪問者自傳

### 學術專長領域

人口販運之防制及性侵害、家庭暴力、性騷擾等

婦幼安全之防制

### 學歷

輔仁大學法律研究所碩士

## Commentator—Chun-Hui Chang

### **CURRENT POSITION**

Prosecutor in Taiwan High Court Hualien Branch Prosecutors Office



### **PROFESSIONAL EMPLOYMENT**

1. Lawyer
2. Part-time Lecturer of Yuan Ze University and Ling Tung University
3. Human Trafficking Lecturer of Ministry of Justice, Judiciary College, National Police Agency and National Immigration Agency
4. Member of Taoyuan County Government Sexual Harassment Prevention and Control Committee, Member of Taipei Municipal Female Rights Promotion Committee, Expert of Taiwan Women's Center Gender Mainstreaming Talent Database
5. Director Prosecutor of Taiwan Nantou and Taoyuan Local Court Prosecutors Office and Procuratorial Department of Ministry of Justice
6. 2006 Annual Model Public Servant in Ministry of Justice
7. 2009 IAP Special Achievement Award
8. 2010 National Public Servant Outstanding Contribution Award
9. 2011 Executive Yuan Senior Public Servant Berkeley University of California Short-term Workshop
10. 2012 State Department IVLP Visitor's Autobiography

### **FIELDS OF INTEREST**

Prevention and Control of Human Trafficking, Sexual Abuse, Domestic Violence and Sexual Harassment etc.

Women's and Children's Safety Control

### **EDUCATION**

Master of Fu Jen Catholic University Law Institute



## 2016 年防制人口販運國際工作坊

## 議題二

### 從預防面向探討人口販運防制策略

## *Session 2*

### *The Prevention Perspective of Anti-Trafficking Strategies*



## 主持人—康淑華

### 現職

婦女救援基金會執行長

臺北市社會福利委員會委員

臺北市家庭暴力暨性侵害防制委員會委員

花蓮縣家庭暴力暨性侵害防制委員會委員

屏東縣家庭暴力暨性侵害防制委員會委員



### 學歷

美國哥倫比亞大學社會工作碩士

美國匹茲堡大學公共政策與管理碩士

輔仁大學社會工作學士

### 經歷

內政部家庭暴力及性侵害防制委員會委員

婦女救援基金會副執行長、目睹暴力兒童服務組督導

美國新墨西哥州聖塔菲市聖伊莉莎白庇護所社工師

美國新墨西哥州碩士級社工師執照(2003-2007)

### 榮譽

101 年內政部全國推動家庭暴力、性侵害及性騷擾防制有功人士

98 年度內政部社會工作專業人員表揚服務績優獎

### 著作

扭轉生命旅程：24 個協助目睹兒少的教案（編，內政部）

目睹家暴兒童少年處遇社工手冊--短期輔導架構（編，內政部）

老人心理治療（譯，心理出版社）

帶領公益部門邁向成功之路：非營利組織的策略規劃指南（譯，喜馬拉雅基金會）

## Moderator—Shu-Hua Kang

### **CURRENT POSITION**

Executive Director of the Taipei Women's Rescue Foundation

### **BIOGRAPHY**

Shu-Hua Kang is the executive director of the Taipei Women's Rescue Foundation (TWRF). She received her Master of Social Work from Columbia University and Master of Public Policy Management from University of Pittsburgh. Prior to her employment at TWRF, she was the administrator at several non-profit organizations working with the elderly, families of inmates, and disadvantaged women. In her 10 years at TWRF, she has devoted herself to promoting awareness about institutionalized sexual slavery by the Japanese military during WWII ("comfort women"), as well as to the prevention of gender violence in Taiwan. She is the executive producer of *Song of the Reed*, a documentary depicting the stories of Taiwanese "comfort women" survivors. She is currently leading a team in preparing for a women's rights museum in the memory of Taiwanese "comfort women". Ms. Kang received an award for her work in combating sexual assault and family violence in 2012 from the Ministry of the Interior. She has also served on the board of the Family Violence and Sexual Assault Prevention Committee in several City Government in Taiwan.





## 2016 年防制人口販運國際工作坊

防制國民遭受境外性剝削之具體策略  
*Anti-Trafficking Strategies of Preventing  
Nationals from Sex Exploitation Abroad*

主講人： 林盈君  
中央警察大學國境警察學系助理教授

Speaker: **Ying-Chun Lin**  
Assistant Professor of Central Police University



## 講者－林盈君

### 現職

中央警察大學國境警察學系助理教授



### 經歷

2010/9-2011/7	中國文化大學	社會福利系	助理教授
2010/2 至 2010/08	國立臺灣大學	社會工作學系	博士後研究員
2008/ 10 至 2010/1	國立臺灣大學	社會工作學系	教學助理
2004/01 至 2005/6	臺北市婦女救援基金會	反人口販運部	社工師
2003/08 至 2003/11	臺北市政府	家庭暴力暨性侵害防制中心	社工師

### 學歷

2005/10 至 2010/01	Newcastle University	社會學與社會政策	英國	博士
2001/09 至 2003/06	暨南大學	社會政策與社會工作	中華民國	碩士
1997/09 至 2001/06	暨南大學	社會政策與社會工作	中華民國	學士

### 自傳

2010 年起於中央警察大學國境警察學系擔任助理教授，並擔任移民研究中心秘書。過去曾在中國文化大學社會福利學系教書。我的研究領域為人口販運，包含性剝削與勞動剝削、移民輔導、以及法制面及政策面的移民政策。

## Speaker — Ying-Chun Lin

### **CURRENT POSITION**

Assistant Professor of Central Police University

### **EDUCATION**

B.A. Chi-Nan University, Taiwan

M.A. Chi-Nan University, Taiwan

PhD. Newcastle University, UK



### **BIOGRAPHY**

I have been at Central Police University since 2010 when I joined as Assistant Professor of Border Police. Prior to this, I worked in the Department of Social Welfare at the Chinese Culture University. During my time at Central Police, I have held a position as secretary of the Centre for Immigration Studies. I have broad interests in the field of human trafficking and immigration policy, including sex exploitation, migrate worker protection, immigration policy, and social and lawful institutions for marriage migrants.



# 2016年防制人口販運國際工作坊

防制國民遭受境外性剝削之具體策略  
中央警察大學國境警察學系

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# 2016 International Workshop on Human Trafficking Prevention

Strategies on Overseas Sexual Exploitation  
Prevention

Ying-Jun Lin

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## 大綱

- 被害人的隱匿性
- 人口販運定義
- 戴君儀、劉喬安案例討論
- 預防境外人口販運
- 懲治境外人口販運
- 保護人口販運被害人
- 跨國合作

## Outline

- The invisibility of victims
- The definition of human trafficking
- Discussions on the cases of Chun-yi Tai and Johanne Liou
- Prevention of overseas human trafficking
- Punishment of overseas human trafficking
- Protection of human trafficking victims
- Cross-border cooperation



## 不能說的秘密－ 論人口販運被害人的隱匿性

- 主要為目的國查緝與報導
- 被害人不願被知道 因此保密
- 來源國對於案件知道少 對於這樣的犯罪手法也就陌生－我們往往看見外國人被販運到台灣的新聞，卻鮮少看見台灣人販運至國外的新聞

## **A secret that cannot be told- The invisibility of human trafficking victims**

- The seizure and coverage mostly in the target country
- Cases are kept confidential as victims do not want their cases to be disclosed
- Lack of the overseas human trafficking-related information in the source country leads to ignorance of such crime. We are always familiar with the news where foreigners are trafficked to Taiwan, rather than vice versa.

## 人口販運定義

- 聯合國定義：
- 人口販運係指為剝削目的而以暴力威脅或使用暴力手段或其他形式的強制、誘拐、欺詐、欺騙、濫用權力或濫用脆弱境況或授受酬金或利益取得對另一人有控制權的某人的同意等手段，招募、運送、轉移、窩藏或接受人員。剝削應至少包括利用他人賣淫進行剝削或其他形式的性剝削、強迫勞動或服務、奴役或類似奴役的做法、勞役或切除器官。

## The definition of Human Trafficking

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



## 人口販運定義

- 人口販運防制法定義：

(一) 指意圖使人從事性交易、勞動與報酬顯不相當之工作或摘取他人器官，而以強暴、脅迫、恐嚇、拘禁、監控、藥劑、催眠術、詐術、故意隱瞞重要資訊、不當債務約束、扣留重要文件、利用他人不能、不知或難以求助之處境，或其他違反本人意願之方法，從事招募買賣、質押、運送、交付、收受、藏匿、隱避、媒介、容留國內外人口，或以前述方法使之從事性交易、勞動與報酬顯不相當之工作或摘取其器官。

(二) 指意圖使未滿十八歲之人從事性交易、勞動與報酬顯不相當之工作或摘取其器官，而招募、買賣、質押運送、交付、收受、藏匿、隱避、媒介、容留未滿十八歲之人，或使未滿十八歲之人從事性交易、勞動與報酬顯不相當之工作或摘取其器官。

## The definition of Human Trafficking

- Victims of Trafficking and Violence Protection Act
- SEX TRAFFICKING- The term 'sex trafficking' means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.
- SEVERE FORMS OF TRAFFICKING IN PERSONS-
- (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

## 到底何謂人口販運

- 被害人必須「被迫」嗎？
- 什麼是「脅迫」、什麼又是「難以求助」？
- 為何會「重複同意出國賣淫」？

## What is human trafficking after all

- Do victims need to be “coerced”?
- What is “coerce” and what is “difficult to seek help”?
- Why do they “agree to prostitute overseas repeatedly”?



## 戴君儀、劉喬安案例討論

- 戴君儀「戴姊」跨國賣淫集團2015年初帶多名女子赴美被美國移民局攔查，美方懷疑她涉嫌仲介賣淫，國土安全部透過 AIT（美國在台協會）向我方檢舉，辦案人員經過近10個月監聽後收網。
- 「戴姊」集團的犯案手法是，與國外富商、富二代接洽後，提供機票以及高額酬勞作為誘因，除素人外的也遊說女藝人、女模加入，接著再組成伴遊團到國外的高級飯店會合，進行伴遊以及性交易；如果女方拒絕性交易，護照就會被拿走，沒辦法回台，甚至還得賠償高額機票錢。
- 部分女星以為只是單純陪吃飯，到現場發現有些富商毛手毛腳，甚至要求陪睡，因在國外人生地不熟，只得在半強迫下配合，回國後礙於名聲也不敢聲張

## Discussions on the cases of Chun-yi Tai and Johanne Liou

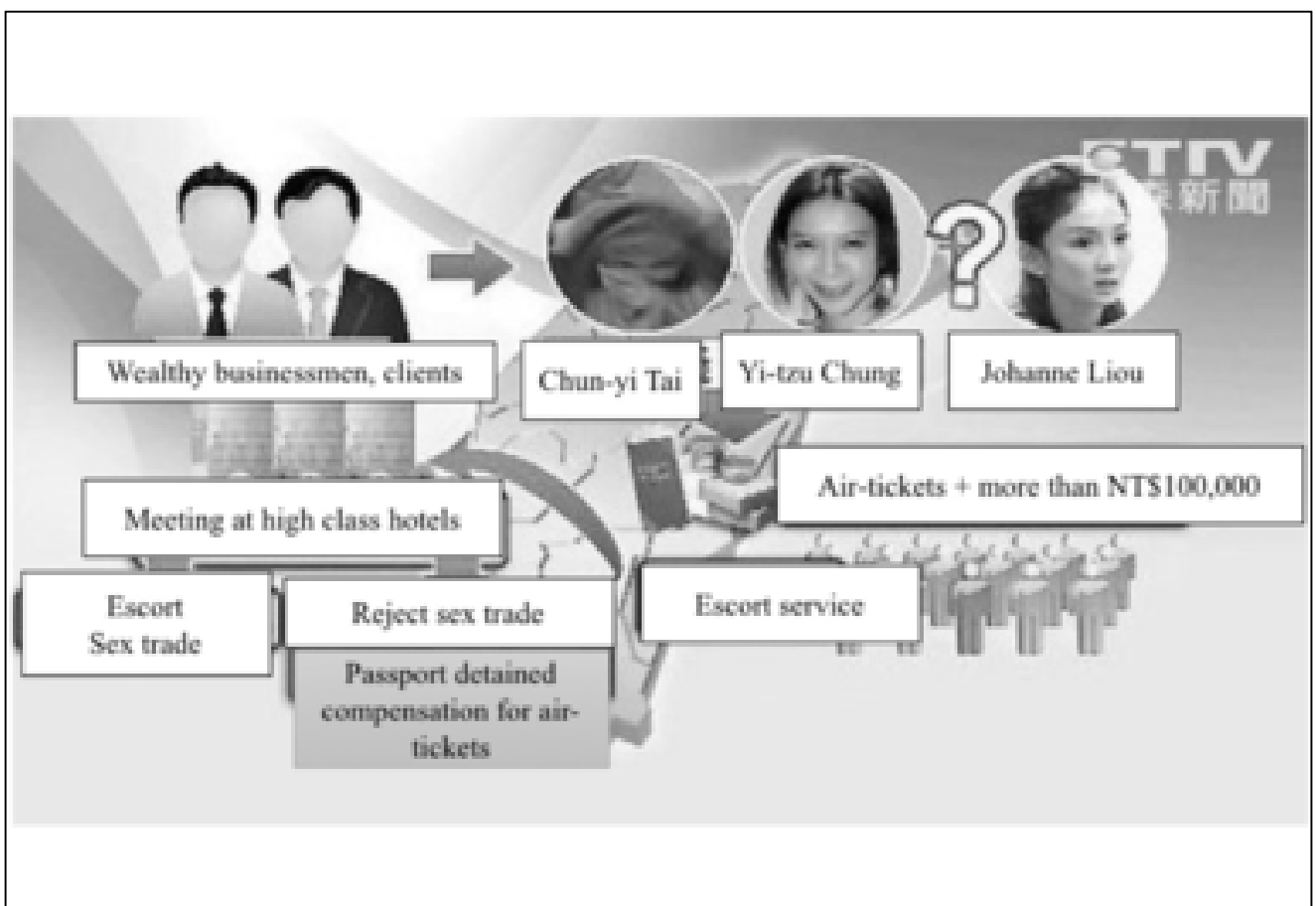
- Chun-yi Tai of "Tai Jie" international prostitution ring was stopped by US Immigration for investigation when leading several women to US to prostitute in early 2015. The US suspected she introduced women to prostitute. The US Department of Homeland Security informed Taiwan of the ring through the American Institute in Taiwan (AIT). Investigators closed the probe after having eavesdropped for nearly ten months.
- The modus operandi of "Tai Jie" ring was providing air-tickets and high rewards to female entertainers and models in addition to ordinary women as inducement of prostitution after making contact with the wealthy businessmen and the second generation of the rich abroad. Then, they, as an escort group, met the clients at overseas high-end restaurants to work as escorts or provide sexual services. If the women refused to provide sexual services, their passport would be detained so that she could not return to Taiwan. They even had to compensate for the air-tickets at a high price.
- Some female starlets thought it would be just a meal but it turned out that these wealthy businessmen would lay their paws on them and even request to sleep with them. Being helpless abroad, they had no choice but to accept the request reluctantly and did not dare to call the police after returning to Taiwan, for fear that it would damage their reputation.

## 「戴姐」集團戴君儀與鐘宜姿、劉喬安集團

- 赴美、日等國賣淫
- 2016/4妨害風化罪起訴
- 戴君儀自2010年至2015年10月，共媒介11名女子出國賣淫27次
- 鐘宜姿自2014年4月起至2015年9月止媒介賣淫6次
- 劉喬安媒介賣淫2次
- 劉不但協助鐘女媒介、物色應召女子，還幫忙在男客挑選應召女時炒熱氣氛。外傳出國賣淫的11名女子，包括女藝人、小模，讓演藝圈女星人心惶惶，檢方以保密為由，拒絕透露她們身分。
- 2015年10月，劉喬安被以涉犯「人口販運防制法」限制出境
- 2016年4月依妨害風化罪起訴
- 差異：「人口販運」與「妨礙風化」

## “Tai Jie” ring and Yi-tzu Chung, Johanne Liou ring

- Prostitution in the US and Japan, etc.
- Prosecuted for sex offences in April 2016
- Chun-yi Tai introduced 11 women to prostitute overseas 27 times between 2010 and October 2015
- Yi-tzu Chung introduced women to prostitute 6 times between April 2014 to September 2015
- Johanne Liou introduced women to prostitute 2 times.
- Liou not only helped Chung introduce and pick call girls, but also helped liven up the atmosphere when male clients picked call girls. The rumors that the 11 girls selling sex overseas included female entertainers, models made every female entertainer in the showbiz feel insecure. Prosecutors refused to give their identity on ground of secrecy.
- Johanne Liou was not allowed to leave the country for allegedly violating “Human Trafficking Prevention Act” in October 2015
- Prosecuted for sex offences in April 2016
- Difference between “human trafficking” and “sex offences”



## 人口販運典型特徵

- 一、運送的過程：由臺灣運送至美國。
- 二、各種手段的利用：
  - (一)、以不符事實的說法誘騙被害人
  - (二)、債務約束
  - (三)、扣留證件
  - (四)、脆弱環境
- 三、剝削為目的

## **Typical characteristics of human trafficking**

- 1. Transportation: from Taiwan to the US.
- 2. Use of a variety of means:
  - (1). Recruitment of victims by means of deception
  - (2). Debt bondage
  - (3). Detention of documents
  - (4). Victim's vulnerability
- 3. For the purpose of exploitation



## 誰是被害人

- 出國前得到的訊息為何？
- 為何要「出國」？
- 如果是為了賺錢，「出國伴遊」與「在台陪酒」的差別何在？
- 身分特質：單親媽媽

## Who are the victims

- What information was received before going abroad?
- Why did they “go abroad?”
- What is the difference between “overseas escort” and “local hostess” in making money?
- Common characteristics: single mother

## 預防境外人口販運

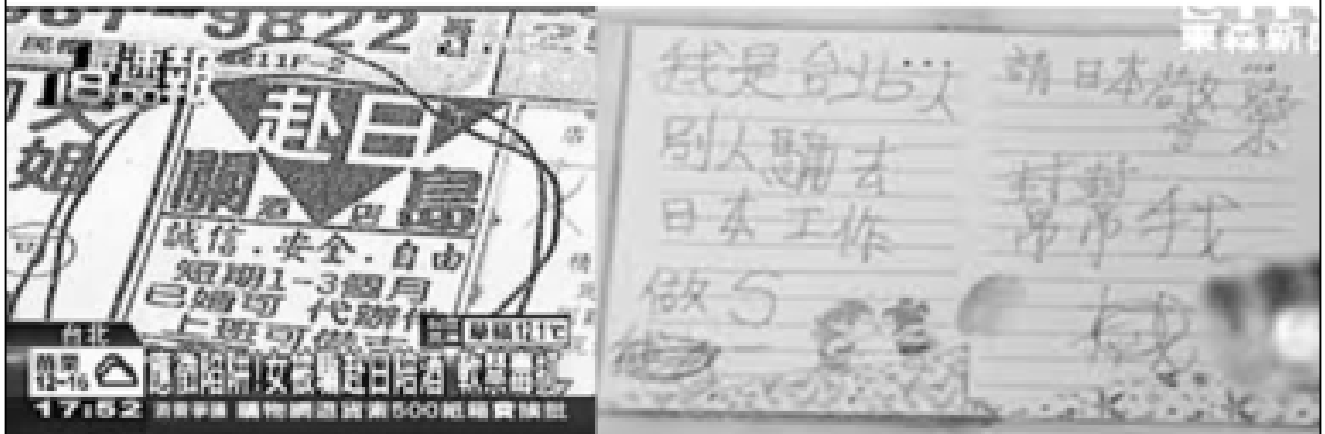
- 促進性別平權
- 增加教育機會
- 增強社會文化與經濟的進步
- 建立清廉政府
- 預防一個國家陷入集體弱勢的重要方法
- 提升對人口販運犯罪的認識也是相當重要

## **Prevention of overseas human trafficking**

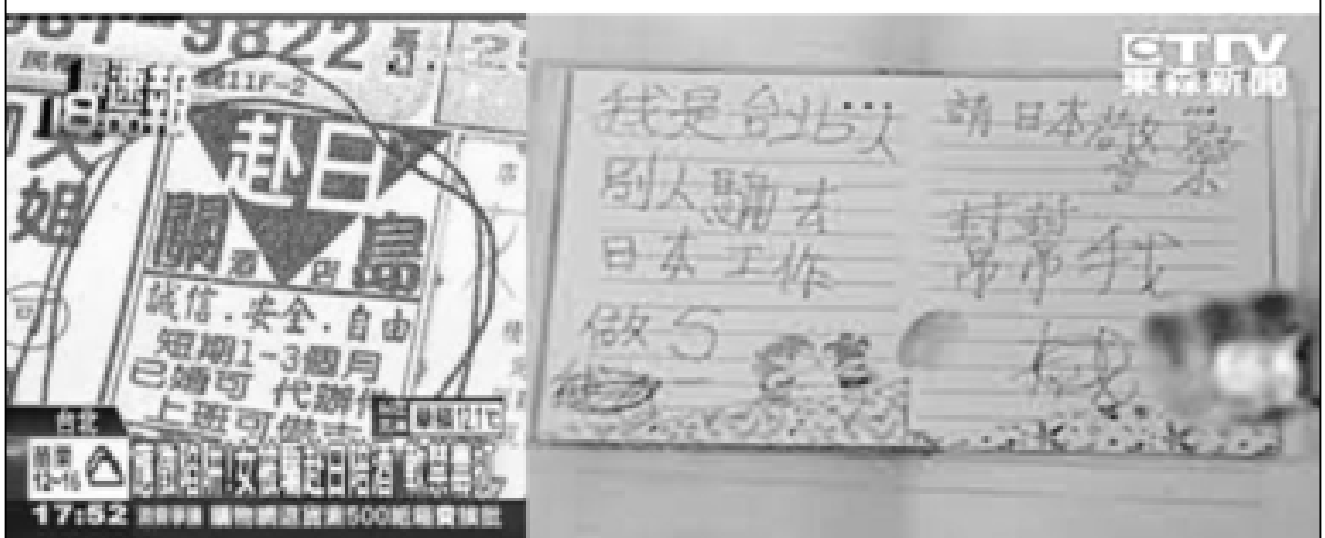
- Promote gender equality
- Enhance educational opportunities
- Enhance socio-cultural and economic progress
- Establish an honest government
- Important method to prevent a country from being collectively vulnerable
- Raising awareness of human trafficking is also important



## 增進實際案例宣傳



## Promotions with more real-life cases



## 懲治境外人口販運

- 證據蒐集-如同所以境外犯罪，證據的蒐集都是相當困難的，因此更需要跨國間的合作
- 法條可否真實定罪-人口販運防制法的起訴、定罪率一直都偏低，如何讓司法機關認同這就是跨國有組織的人口販運罪，並非女性想多賺點錢。
- 法應用時的困境：「不當債務約束」解釋不明確、「濫用脆弱情境」適用範圍狹窄、「顯不相當」定義模糊

## Punishment of overseas human trafficking

- Evidence gathering – Like all overseas crimes, evidence gathering is very difficult, therefore cross-border cooperation is much needed
- Whether laws can bring criminals to justice - Prosecution and conviction rate in the events of Human Trafficking Prevention Act violations have always been low. The point is how to make judiciary agree that this is the transnational organized human trafficking crime, rather than women who want to make more money.
- Difficulty in applying law: “Illegal debt bondage” is not clearly defined. “Abuse of a position of vulnerability” is applicable to limited cases. “Not commensurate” is vaguely defined.



## 保護人口販運被害人

- 保護被害人隱私。
- 法院與行政過程的相關訊息，並鼓勵他們對抗加害者。
- 政府與非政府組織及其他相關單位共同合作提供被害人居住、諮商、訊息提供、工作、教育及訓練機會。
- 政府應注意不同年齡、性別與特殊需求的被害人，尤其是未成年的孩子。
- 當被害人回到原生國之後，應保護其安全，避免被人口販運集團報復。
- 政府應立法使得被害人可獲得其傷害補償。

## Protection of human trafficking victims

- Protect victims' privacy.
- Provide court and administrative process-related information and encourage victims to confront the perpetrators.
- The government, NGOs and other related agencies should work together to provide accommodation, counseling, information, jobs, education and training to victims.
- The government should pay attention to victims of different age groups and gender and those with special needs, particularly to the minors.
- Victims should be protected from retaliation from human trafficking groups after returning to their own country.
- The government should enact legislation so that victims can receive compensation for their injuries.

## 跨國合作

- 各國間政府的合作
- 跨國企業間的合作
- 國際組織間的合作

## Cross-border cooperation

- Intergovernmental cooperation
- Cooperation between multinational corporations
- Cooperation between international organizations



## 2016 年防制人口販運國際工作坊

## 如何運用數位科技促進外籍移工權益保障

### *How to Use Digital Technology to Improve the Rights of Immigrants*

主講人：**Olivia Enos**  
美國傳統基金會助理研究員

Speaker: **Olivia Enos**  
Research Associate of Asian Studies Center at the Heritage  
Foundation



## 講者—Olivia Enos

### 現職

美國傳統基金會-亞洲研究中心研究助理

### 專業職務

2013 年 1 月至今 美國傳統基金會亞洲研究中心研究助理

2014 年 1 月至今 亞洲事務委員會共創者



### 學歷

2015 年至今 喬治城大學亞洲研究碩士

2009 年至 2012 年 派翠克亨利學院文學學士

### 技能

韓語、德語

### 自傳

Olivia Enos 在美國傳統基金會的亞洲研究中心從事有關人權及跨國犯罪的研究。有關包括：人口販運、人口走私、販毒、宗教自由等，目前亞洲所面到的社會及人道主義層面等挑戰。

Olivia Enos 於 2013 年加入傳統基金會，她發表很多論文，有關許多議題，其中有：亞洲人口販運、北韓人權、緬甸及柬埔寨選舉、南韓宗教自由，以及中國大陸的社會化等問題。

她的評論受到新聞媒體關注，美國商業雜誌《福布斯》、《國家利益》雜誌、《真實世界》節目，以及《布賴特巴新聞網》都有相關報導。

她也著有學術出版品，包括《喬治城國際問題期刊》、《人口研究講習》。亞洲研究中心有她著作的年刊《Asia Update 亞洲最新消息》，它是用圖表來陳述的期刊，內容提到亞洲一直很留意美國的原因。

2014 年，她共創亞洲事務委員會，此委員會特別針對在華盛頓特區的亞洲年輕專業企劃人士。每月會有一次性的聚會，提供給未來新一代亞洲專家可利用的網路聯結，以及腦力激盪和發表出版的平臺。

她擁有位於維吉尼亞州珀塞爾維亞城的派翠克亨利學院文學學士學位。接著繼續進修喬治城大學的埃德蒙沃爾什學院，取得亞洲研究碩士學位。

## Speaker — Olivia Enos

### **CURRENT POSITION**

Research Associate, Asian Studies Center, The Heritage Foundation

### **PROFESSIONAL EMPLOYMENT**

[January 2013-Present] Research Associate,  
Asian Studies Center  
The Heritage Foundation

[January 2014-Present] Co-Founder  
Council on Asian Affairs



### **EDUCATION**

[2015-Present] M.A., Asian Studies,  
Georgetown University

[2009-2012] B.A., General Government,  
Patrick Henry College

### **FIELDS OF INTEREST**

Korean, German languages

### **BIOGRAPHY**

Olivia Enos, research associate in the Asian Studies Center at The Heritage Foundation, specializes in human rights and transnational criminal issues. These include human trafficking and human smuggling, drug trafficking, religious freedom, and other social and humanitarian challenges facing Asia.

Enos, who joined Heritage in 2013, has published numerous papers on human trafficking in Asia, human rights in North Korea, elections in Burma and Cambodia, religious freedom in South Asia, and social issues in China, among other topics.

Her commentary has been published by news outlets such as Forbes, The National Interest, Real ClearWorld, and Breitbart.

Enos also has written for scholarly publications, including Georgetown Journal of International Affairs and the Population Research Institute. She contributes to the Asian Studies Center's annual Asia Update, a book of charts detailing why Asia matters to America.

In 2014, she co-founded the Council on Asian Affairs, a group for young Asia policy professionals in Washington, D.C. The group meets monthly and provides a networking, brainstorming, and publishing platform for up-and-coming Asia experts.

Enos received a bachelor's degree in government from Patrick Henry College in Purcellville, Va., and is pursuing a master of arts degree in Asian studies at the Edmund Walsh School of Foreign Service at Georgetown University.



# 運用數位科技促進外籍 移工權益

*Olivia Enos* | 美國傳統基金會助理研究員  
7 月 27 2016

2016 年防制人口販運國際工作坊

# Advancing Anti-Trafficking Efforts Through Technology

*Olivia Enos* | *The Heritage Foundation* | *July 27, 2016*  
*2016 International Workshop on Strategies for Combatting*  
*Human Trafficking*





科技無法取代人工  
偵查人口販運，但  
是可以作為這個世  
代加強稽查的工具

Technology should be used to  
augment, not replace, people-to-  
people efforts to combat  
trafficking in persons

# 前景

- 科技可以達成：
- 加強資料庫管理
- 促進經濟自由，或協助更多依據法治法案進一步防制人口販運
- 針對人口販子之相關懲治

# The Way Forward

- Technology can:
- Improve Data
- Promote Economic Freedom, or Rule of Law Solutions, to Trafficking
- Punish Traffickers



## 資料庫 必需更新

- 全世界人口販運受害者總數具爭議
  - 根據Walk Free Foundation基金會2016年提供之報告報告中顯示：受害者約為4千580萬人
  - ILO組織的報告中：受害者約為2千1百萬人
  - 其它相關組織的報告數據受害者約為2千7百萬
- 結論：防制人口販運推動16年以來，至今仍未有可靠之資料來源



## The Need to Improve Data

- Number of human trafficking victims worldwide is disputed
  - Walk Free Foundation 2016 report estimates 45.8 million
  - International Labour Organization says 21 million
  - Others say 27 million
- Bottom line: After 16 years of anti-trafficking work, there is no single reliable data source

## 這代表什麼？

- 關於人口販運之排名和評估是不太可信的
  - 美國國務院2015年度人口販運報告提升了馬來西亞和古巴的排名
- 很難知道目前對反人口販運所做的努力是否有效
- 如果沒有可靠的數據，我們很難知道防制人口販運未來應對方針以及努力的目標走向

## What Does This Mean?

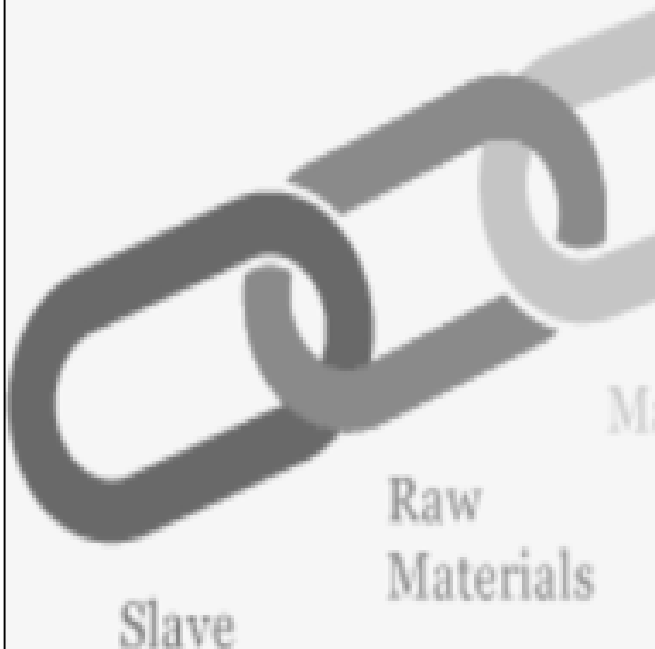
- Rankings and evaluations on human trafficking are less credible
  - 2015 TIP report upgrades of Malaysia and Cuba
- Difficult to know if current anti-trafficking efforts are working
- Hard to know where anti-trafficking efforts are going or where they should go without reliable data



政府、學術界、社會團體與非政府組織必須透過科技建立一個可靠的人口販運資料庫

Governments, academia, civil society, and NGOs must use technology to build a reliable dataset on human trafficking

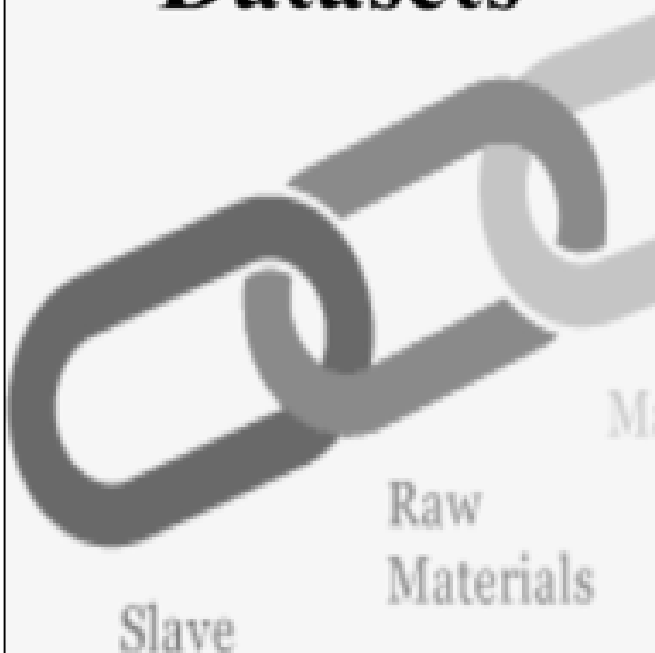
## 當前資料庫



## 當下有效的相關 資料報告

- Walk Free Foundation提供的全球奴役指數
- Free World所製作奴役制度足跡報告
- 美國國務院的人口販運報告

## Current Datasets




## On going Efforts

- Global Slavery Index by Walk Free Foundation
- Slavery Footprint by Made in a Free World
- Trafficking in Persons Report by State Department




在2014年，只有0.1%的  
人口販運受害者獲救。

Only 0.1% of  
trafficking victims  
rescued in 2014



## 可以做一些 什麼事情

- 利用科技的協助，有效提高資訊收集
- 能夠彙整各種資訊，有效為人口販運報告統整各樣數據
- 組織、機構和學術單位應該於研究中收集關於人口販運的統計資料



## What Can Be Done?

- Leverage technology to improve information-gathering
- Incorporate data into rankings for the TIP report
- Organizations, entities, and academic institutions should collect statistics on trafficking



## 促進經濟自由

- 經濟自由化會促使修改法律法規
- 科技辦案可以協助部分法律上的相關解決方案
- 總結：法治結構強化會讓人口販運的犯罪減少

## Promote Economic Freedom

- Economic freedom improves rule of law
- Rule of law solutions are augmented by technology
- Bottom line: Bolstering rule of law institutions leads to reductions in human trafficking

或許比窮人間施暴更令人吃驚的問題是，那些身陷在各種問題泥沼內的人們都忽略了最基本的解決方式——求助於社區內的警務執勤。

~ Gary Haugen, *The Locust Effect*, p. xiii

“But perhaps even more surprising than the failure to prioritize the problem of violence against the poor is the way that those who do appreciate the problem ignore the most basic solution - and the solution they rely upon the most in their own communities: law enforcement.”

~ Gary Haugen, *The Locust Effect*, p. xiii

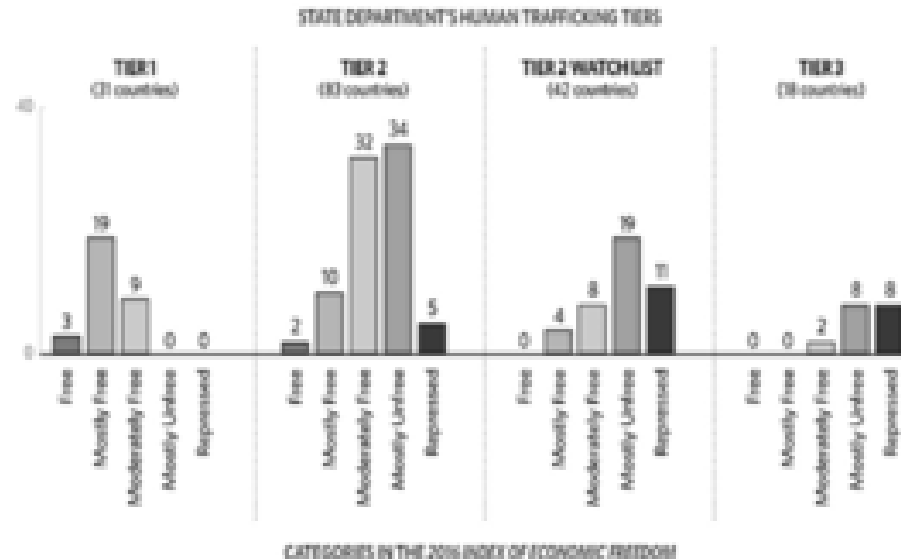
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CHART 1

### Human Trafficking and Economic Freedom

Analysis of tier rankings in the Department of State's *Trafficking in Persons Report 2015* and rankings in The Heritage Foundation's *2016 Index of Economic Freedom* reveals a correlation between countries' promotion of economic freedom and their compliance with minimum standards for combatting human trafficking.



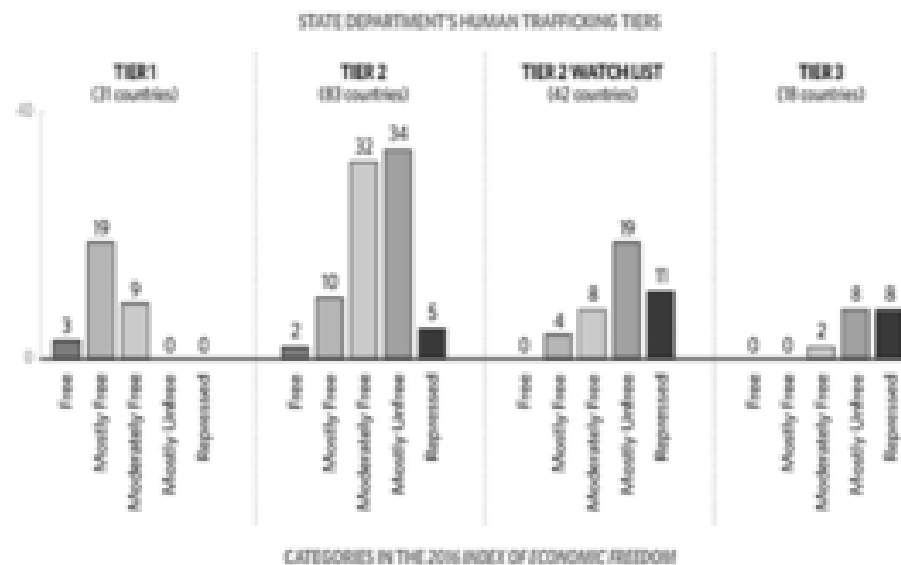
Sources: U.S. Department of State, *Trafficking in Persons Report 2015*, <http://www.state.gov/j/tip/rls/tiprpt/2015/G41396.htm> (accessed February 8, 2016), and Terry Miller and Anthony B. Kim, *2016 Index of Economic Freedom* (Washington, DC: The Heritage Foundation and Dow Jones & Company, Inc., 2016), <http://www.heritage.org/index>.

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CHART 1

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## 案例分析 菲律賓



- 在菲律賓的 International Justice Mission's Project Lantern 中，此方案有效減少79%未成年的人口販運與性交易
- 菲律賓政府用跨部門專案小組採取法律行動來打擊人口販運

## Case Study: The Philippines



- International Justice Mission's Project Lantern in Cebu, Philippines
- IJM documented a 79% reduction in availability of minors for sex trafficking
- Philippines government undertook rule of law initiatives through Inter-Agency Task Forces Against Trafficking



## 目前致力於 促進法治的科技措施

- 全國人口販運資源中心：人口販運熱線
- CyberTipline網路檢舉熱線：失蹤及被剝削兒童保護中心為了加強社區對被剝削兒童的報告而成立的
- 聚光燈工具：Aggregates為執法需要而從商業的性廣告收集數據
- 國際刑警組織：集合跨境犯罪數據的線上資料庫

## Current Technological Efforts to Improve Rule of Law

- **The National Human Trafficking Resource Center:** Human Trafficking Hotlines
- **CyberTipline:** Effort by National Center for Missing and Exploited Children to enhance community reporting on exploitation of children
- **Spotlight tool:** Aggregates data from commercial sex ads for law enforcement produced by Thorn
- **Interpol:** Online database that aggregates cross-border criminal data



## 可以做一些 什麼事情

- 鼓勵公家機關及私人企業使用科技的協助依法打擊人口販運
- 成立防制人口販運執法專案組
- 推動自由市場及私人企業帶動的成長



## What Can Be Done?

- Encourage public and private sector efforts to apply technology to rule of law anti-trafficking efforts
- Establish specialized anti-trafficking law enforcement units
- Promote free market and private-sector led growth



## 提高賭注 人口販運高風險


- 人口販運是投機犯罪
- 當風險低而利潤高時，人口販子將會繼續販賣
- 總結：科技可用來提高賭注

## Raise the Stakes

- Human trafficking is a crime of opportunity
- When risks are low and profit is high, traffickers will continue trafficking
- Bottom line: Stakes can be raised with technology

人口販運每年獲利高達  
1500億美元

**Profits from human  
trafficking top \$150  
billion annually**



## 對抗販運的 金融道具

- 美國財政部工具
  - 目標性的財政措施 / 制裁
    - 特殊指定國家名單
  - 反洗錢
    - 初步洗錢牽連指定
  - 反恐怖分子融資



## Financial Tools of Engagement


- U.S. Department of Treasury tools:
  - Targeted financial measures/sanctions
    - Specially Designated Nationals List
  - Anti-money laundering
    - Primary Money Laundering Concern Designation
  - Counter-terrorist financing

## 美國財政部使用的科技工具

- **金融犯罪執法單位 (FinCen):**  
美國財政部金融犯罪情報單位使用科技來辨識罪犯
- **國際金融反洗錢特別工作小組 (FATF):** 告知美國財政部對金融犯罪的政策解決方案
- 金融犯罪執法單位把人口販運及人口走私定義為"紅旗", 來幫助金融機構辨識可疑的金融交易
- 國際金融反洗錢特別工作小組呼籲更多的金融調查-要求金融業包括銀行, 大型金融機構及當地執法官員間的技術配合

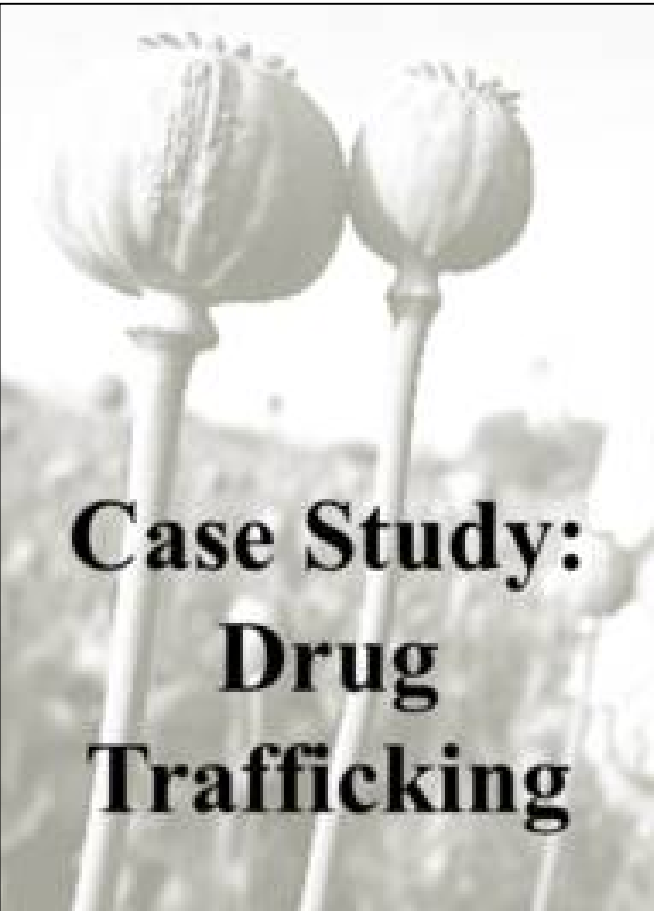
## Technological Tools Used by Treasury

- **Financial Crimes Enforcement Unit (FinCen):**  
Treasury's financial crimes intelligence unit uses technology to identify criminals
- **Financial Action Task Force (FATF):** Informs Treasury policy solutions to financial crimes
- FinCen identifies "red flags" for human trafficking and human smuggling to help financial institutions recognize suspicious financial transactions
- FATF calls for additional financial investigation – requiring technological coordination between the financial sector, including banks, major financial institutions, and local law enforcement officials



## 案例分析 販毒

- 美國財政部用增加販賣風險的方法來對付毒品問題
- 科技是必要的為了辨識凍結及獲取毒販的資產
- 第12978號行政命令是關於對付毒品販賣問題在歌倫比亞凍結了超過10億美金的毒販資產



## Case Study: Drug Trafficking

- Increasing risk has been used by Treasury to address drugs
- Technology is essential to identifying, freezing, and seizing traffickers assets
- Executive Order 12978 to address drug trafficking in Colombia froze over \$1 billion in drug traffickers' assets

科技能提供防制人口販運的運作  
進一步拯救更多受害者  
並且懲罰人口販子的犯罪行為

Technology can shape the  
anti-trafficking movement,  
rescue more victims,  
and punish traffickers  
for their crimes



**QUESTIONS?**



**問題與討論**





## 與談人—郭彩榕

### 現職

衛生福利部保護服務司簡任視察

### 經歷

1. 86~87 臺北市政府社會局社工員
2. 87~90 臺北市政府社會局科員
3. 90~92 內政部家庭暴力及性侵害防制委員會科員
4. 92~94 內政部家庭暴力及性侵害防制委員會編審
5. 94~102 內政部家庭暴力及性侵害防制委員會組長



### 學歷

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### 學術專長領域

性別暴力防制  
兒少、老人、身心障礙者保護  
社會工作

## Commentator—Tsai-Jung Kuo

### CURRENT POSITION

Senior Executive Officer, Department of Protective Services, Ministry of Health and Welfare.

### PROFESSIONAL EMPLOYMENT

- 1997~1998 Social worker ,Taipei City Government Department of Social Welfare.
- 1998~2001 Clerk, Taipei City Government Department of Social Welfare.
- 2001~2003 Clerk, Ministry of the Interior Domestic Violence and Sexual Assault Prevention Committee.
- 2003~2005 Commissioner, Ministry of the Interior Domestic Violence and Sexual Assault Prevention Committee.
- 2005~2013 Section Chief , Ministry of the Interior Domestic Violence and Sexual Assault Prevention Committee.



### EDUCATION

Bachelor of Sociology , National Taiwan University  
Master of Social Work , National Taipei University

### FIELDS OF INTEREST

Gender-based violence prevention.  
Child protection, elderly protection, and the handicapped protection.  
Social work.

## 與談人－陳富添

### 現職

內政部警政署刑事警察局科技研發科股長

### 經歷

1. 新北市警察局海山分局巡官
2. 臺北市警察局刑警大隊組員
3. 刑事警察局偵九隊偵查員
4. 刑事警察局偵九隊偵查正
5. 刑事警察局通訊監察科股長
6. 刑事警察局科技研發科股長

### 學歷

中央警察大學資訊管理系碩士

### 學術專長領域

網路犯罪偵查

## Commentator — Fu-Tien Chen

### CURRENT POSITION

Sub-division Chief of Technology R & D Division, Criminal Investigation Bureau

### PROFESSIONAL EMPLOYMENT

1. Sub-Lieutenant of Haishan Precinct, New Taipei City Police Department
2. Section Assistant of Criminal Investigation Division, Taipei City Police Department
3. Detective of the 9th Investigation Corps, Criminal Investigation Bureau
4. Senior Detective of the 9th Investigation Corps, Criminal Investigation Bureau
5. Sub-division Chief of Electronic Surveillance Division, Criminal Investigation Bureau
6. Sub-division Chief of Technology R & D Division, Criminal Investigation Bureau

### EDUCATION

Master of Information Management Department of Central Police University

### FIELDS OF INTEREST

Internet crime investigation



## 與談人—王曉明

### 現職

休士頓大學城中校區刑事司法系教授

### 經歷

2013 年至今休斯頓大學城中校區教授

2005-2013 年休斯頓大學城中校區副教授

2001- 2005 年休斯頓大學城中校區助理教授

1998-2001 年路易斯安那州拉斐特大學助理教授



### 學歷

1995-1998 年 博士 Sam Houston State University, Huntsville, Texas 刑事司法學院

1990 - 1992 年碩士 University of St. Thomas, Houston, Texas 財務金融管理所

1973-1977 年 學士 逢甲大學運輸管理學系

### 自傳

王曉明於休士頓大學城中校區刑事司法系擔任教授。王曉明教授早在 1988 年即任職於調查局、司法部，衛生福利部，然後才前往休士頓取得博士學位。他的研究領域包括刑事司法系統，監管和安全管理。王曉明教授更是已發表了許多法律與社會評論，舉凡社會公正，公安，監獄，國際法學研究的社會學和 IEEE 航空航天與電子以及其他知名期刊，都有他的發表著作。教授曾在休士頓 UHD 擔任主任。更在 2015 年獲得 UHD 優秀服務獎。透過這個國際合作項目為他的大學刑事司法專業，和中國人社區不斷卓著的服務。

## Commentator—Hsiao-Ming Wang

### **CURRENT POSITION**

Professor

### **PROFESSIONAL EMPLOYMENT**

2013-Present	Professor University of Houston-Downtown
2005-2013	Associate Professor University of Houston-Downtown
2001-2005	Assistant Professor University of Houston-Downtown
1998-2001	Assistant Professor University of Louisiana-Lafayette



### **EDUCATION**

1995-1998	Ph.D. in Criminal Justice Sam Houston State University, Huntsville, Texas
1990-1992	MBA, Concentration in Financial Management University of St. Thomas, Houston, Texas
1973-1977	Bachelor of Commerce in Transportation Management Feng-Chia University, Taiwan, Republic of China

### **PROFESSIONAL EXPERIENCES**

1994	Assistant Special Agent in Charge, Yun-Lin Field Station Investigation Bureau, Ministry of Justice, Taiwan, ROC
1990-1993	Security Officer, Houston Office Coordination Council for North American Affair
1986-1989	Secretary, Director General's Office Investigation Bureau, Ministry of Justice, Taiwan, ROC
1984-1986	Senior Special Agent, Domestic Intelligence Division Investigation Bureau, Ministry of Justice, Taiwan, ROC
1981-1984	Special Agent, Finance & Economic Sec, Taipei Field Div. Investigation Bureau, Ministry of Justice, Taiwan, ROC
1978-1980	Training Staff, Special Agent Training Center Investigation Bureau, Ministry of Justice, Taiwan, ROC

### **BIOGRAPHY**

Hsiao-Ming Wang is Professor of Criminal Justice at the University of Houston-Downtown (UHD). He received his Ph.D. in criminal justice from Sam Houston State University in 1998. Prior to his academic career, he served at the Investigation Bureau, Ministry of Justice in Taiwan, Republic of China. His final position was the Assistant Special Agent in Charge of the Yun-Lin Field Station. His research interests include comparative criminal justice systems, policing, and security management. He has published in the Law & Society Review, Social Justice, Policing, Prison, International Journal of the Sociology of Law, and IEEE Aerospace and Electronic as well as other renowned journals. He has serving as the Director of the Bayou Connection Program, an international cooperation program at the UHD since 2002, and received the UHD 2015 Excellent Service Award for his continually outstanding services to the University, Criminal Justice Profession, and Chinese-American Community.



## 2016 年防制人口販運國際工作坊

議題三  
家事勞工權益保障之探討

*Session 3*  
*Discussion of Domestic Worker*  
*Right's Protection*



## 主持人一成之約

**現職：**

1. 政治大學勞研所教授
2. 行政院防制人口販運協調會報委員
3. 勞動部外籍勞工政策協商諮詢小組委員
4. 勞動部就業安定基金管理委員會委員
5. 財政部公益彩券回饋金小組委員



**學術專長領域：**

政治經濟、勞資關係、勞動政策與立法分析、人力資源、國際經濟

**學歷：**

美國夏威夷大學政治系博士

**經歷：**

1. 空中大學社會科學系客座副教授
2. 美國康乃爾大學訪問研究員
3. 政治大學勞研所教授兼所長

## Moderator—Chih-Yu Cheng

### **CURRENT POSITION**

1. Professor, Institute for Labor Research, National Chengchi Univ.
2. Committee Member of Anti-TIP Task Force, Executive Yuan
3. Committee Member of Consultation Task Force on Foreign Worker Policy, Ministry of Labor
4. Committee Member of Employment Security Fund Supervisory Committee, Ministry of Labor
5. Committee Member of Task Force on the Management of Contribution from Public Welfare Lottery, Ministry of Finance



### **FIELDS OF INTEREST**

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

### **EDUCATION**

Ph.D., Department of Political Science, Univ. of Hawaii-Manoa

### **PROFESSIONAL EXPERIENCES**

1. Visiting Associate Professor, Social Sciences, National Open University
2. Visiting Research Fellow, College of Labor and Industrial Relations, Cornell Univ.
3. Professor & Chairperson, Institute for Labor Research, National Chengchi Univ.



## 2016 年防制人口販運國際工作坊

從國際角度看家事勞工保護趨勢  
*Talking about the Trend of the Protection of  
Domestic Workers Rights from the  
Global Perspective*

主講人： **Narbada Chhetri**  
美國全國家事勞工聯盟董事

Speaker: **Narbada Chhetri**  
The Board of Directors of the National Domestic Workers  
Alliance



## 講者—Narbada Chhetri

### 自傳

Narbada Chhetri 擔任美國全國家事勞工聯盟董事，負責組織及支援的工作，在美國紐約皇后區支援有關人權的問題和社會正義組織。因她負責的角色，她授權給尼泊爾的移民演講者，述說有關他們所面臨的不公平待遇，並且學習和有能力能夠主張其合法權益。她負責計劃和活動範圍管理，支持成員發展，進而協助取得更好的工作技能和知識，並且在美國生活能保有尊嚴及受到尊重。

Narbada 於 2007 年加入 Adhikaar，擔任紐約州家務工權益活動的法案領導者，她負責組織和調動尼泊爾的家務工，破天荒首度在 2010 年通過家務工權益的州法案。從此之後，Adhikaar 透過一個合法的服務夥伴網絡來教育家務工有關他們的權益，以及如何處理工資被竊取、人口販運及其它違法事件。在國際勞工組織(ILO)大會的第 100 場會議中，Narbada 代表發言，她提到美國家務工公約(第 189 條)已受採用。在她的帶領下，Adhikaar 新聞的存在讓家務工們有了動機，因而開立《超越生存》這個節目，此節目談到有關國際家政助理聯盟(NDWA)在從事的反人口販運活動。極少有國家勞工中心從事組織美甲工作者的工作，而 Narbada 和她在 Adhikaar 的團隊正在做這樣的事。紐約州州長 Governor Andrew Cuomo 於 2015 年制定緊急應變措施，包括美甲工作者人權保護法案，使美甲工作者受到保障，得以刊登廣告在紐約時報上，更多提高他們的曝光率。為了幫美甲工作者爭取權益，這場抗爭已經存在多年，然而，Adhikaar 則是扮演非常關鍵的角色，致力於讓大眾知道美甲工作者的故事。Narbada 與員工及領導成員，在美甲業界的設計及創新層面，是不可或缺的重要指導者。還有，她是紐約健康美甲工會的會員，處於擁有決策權的地位。

Narbada 從 1996 年以來，一直都在從事維護社會正義的工作。她在尼泊爾取得文學學士學位，在來到美國前，她的職務為人權行動主義分子，在默格萬布區的喜馬拉雅人權監察非營利組織(喜馬人權)從事領導工作，在喜馬人權期間，她從事抗議活動，反對人口販運和階級制度，以及提倡婦女暴力防制。Narbada 曾在 2013 年加入紐約勞工聯合會、產業工會聯合會及康乃爾聯盟領袖學院，2014 年參與移民市民領袖計劃(ICLP)，2012 年參與國家家務助理聯盟策略組織領導(SOL)計劃。Narbada 一直秉持著一個信念，她相信用愛領導能為團隊帶來成功，且能引導下屬的人生、持續為社會帶來正向的改變，她認為這是最有效的方法之一。



## Speaker — Narbada Chhetri

### **BIOGRAPHY**

Narbada Chhetri is the Director of Organizing and Advocacy at Adhikaar, a human rights and social justice organization based in Queens, New York. In this role she empowers Nepali-speaking immigrants to speak up about the injustices they face, and to learn about and be able to assert their legal rights. She oversees a range of programs and campaigns that support members to develop the skills & knowledge needed to secure better jobs and to live with dignity and respect in the U.S.



Narbada joined Adhikaar in 2007 and was an active leader in the New York State Domestic Workers Bill of Rights campaign. She organized and mobilized Nepali domestic workers to pass the first every state bill of rights for domestic workers in 2010. Since then, Adhikaar has leveraged a network of legal services partners to educate domestic workers about their rights and process wage theft, trafficking and other legal violations. Narbada has also represented U.S. domestic workers at the 100th session of the General Conference of the International Labour Organization, at which the Domestic Workers Convention (No. 189) was adopted. Under Narbada's leadership Adhikaar has been an anchor organization of Beyond Survival, the anti-trafficking campaign of the National Domestic Workers Alliance (NDWA). In 2014 Adhikaar was elected by its peers, other affiliates of NDWA, to serve on the Board of Directors.

Narbada and her team at Adhikaar became one of very few worker centers nationally to actively organize nail salon workers. In 2015 New York Governor Andrew Cuomo enacted emergency measures, including the Nail Salon Worker Bill of Rights, to protect nail salon workers following a widely heralded exposé in the New York Times. Having fought for nail salon workers' rights for years, Adhikaar played a key role in bringing this story to light. And Narbada alongside staff and member leaders became essential advisors in designing and pioneering reforms to the nail salon industry. She is also a steering committee member of the New York Healthy Nail Salons Coalition.

Narbada has been doing social justice work since 1996. She earned her BA in Economics in Nepal and worked as a human rights activist prior to coming to the U.S., heading up the Makwanpur District Office of Himalayan Human Rights Monitor (HimRights). At HimRights, she led the fight against human trafficking, the caste system, and violence against women. Narbada is an alumna of the 2013 NYS –AFL-CIO / Cornell Union Leadership Institute, Immigrant Civic Leadership program 2014 (ICLP) and the National Domestic Workers Alliance's 2012 Strategy Organizing Leadership (SOL) program. Narbada believes that leading with love is one of the most powerful ways you can navigate life and create lasting social change.



# 從國際角度看家事勞工 保護趨勢

全國家事勞工聯盟董事Narbada Chhetri



# Talking about the Trend of the Protection of Domestic Workers Rights from the Global Perspective

Narbada Chhetri, The Board Of Directors Of The  
National Domestic Workers Alliance



## 家事勞動已為全球性議題

- 女傭及外傭
- 家事勞動公約（第189條）
- 全球家事勞動聯盟（IDWF）



## Domestic work is a global issue

- Women workers & migration
- ILO Convention 189
- International Domestic Workers Federation (IDWF)





## 家事勞動已為全球性議題

同時身為人權組織成員及家事  
勞動之個人敘述



## Domestic work is a global issue

Federation (IDWF)

Personal story as a human  
rights organizer & domestic  
worker



## 為了紐約家事勞動之人權法案，進而組織尼泊爾言論社群

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- 美國家事勞動歷史
- 紐約人權法案內容
- 組織目的為要贏得人權法案 – 政策提倡、建立總部、推行社區教育
- 他州人權法案



## Organizing the Nepali speaking community for the New York Domestic Worker Bill of Rights

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- The history of domestic in the U.S.
- What is in the NY Bill of Rights
- Organizing to win the bill – policy advocacy, base building, community education
- Other state bill of rights





## 美國非法家事勞動人口販賣

- 解釋非法家事勞動人口販賣
- 美國擁有之法律保障及法律需求
- 非法家事勞動人口販賣之倖存者 – 將其加入工會
  - 僱主責任 & 提出外交豁免權 #支持 Sangeeta 活動
  - 一位倖存者的領導故事 – Suhana
  - 國務院實施教策之建議



## Domestic worker trafficking in the U.S

- What domestic worker trafficking looks like
- Legal protection we have & need in the U.S.
- Beyond Survival - Organizing trafficking survivors
- Employer accountability & addressing diplomatic immunity -#IStandWithSangeeta campaign
- A Survivor Leader's story – Suhana
- Policy recommendations for Department of State to implement



## 美國非法家事勞動人口販賣

- a. 紐約法案使我們明白對家事勞動而言，有哪些重要之公平待遇要素，且成為非法家事勞動人口販賣組織之範例
- b. 讓各國認可《家事勞動公約》(第189條)極為重要，另外，跨國合作更是關鍵
- c. 落實保護家事勞動的行動，人人有責，包括：工會 & 聯盟、僱主組織、政府…等皆有責任。
- d. 不光是法律層面之保障，更重要是改變家事勞動之文化和地位。家事勞動能夠是體面、讓人實現個人抱負且有價值的。家事勞動應感到自己是有尊嚴的。



## Domestic worker trafficking in the U.S

- It's about more than laws, it's about changing the culture and power dynamics of domestic work. Domestic work can be decent work, it can be fulfilling and valued. Domestic workers deserve to feel like dignified workers.





## 2016 年防制人口販運國際工作坊

家事勞動者之勞動人權與人口販運  
*The Rights of Domestic Workers and  
Human Trafficking*

主講人： 葉沛渝  
國際家事勞工聯會亞洲地區總召

Speaker: **Fish IP**  
Regional coordinator of International Domestic Workers  
Federation



## 講者－葉沛渝

### 現職

國際家事勞工聯會亞洲地區總召



### 經歷

2013 年至今	國際家務工聯會(IDWF) 亞洲區區幹事
2009 年至 2013 年	國際家務工網絡亞洲區區幹事
1999 年至 2007 年	香港職工會聯盟組織秘書
2009 年至 2012 年	
2010 年至 2012 年	香港亞洲家務工工會聯會(FADWU) 組織成員
2001 年至 2007 年	香港家務助理總工會(HKDWGU) 秘書長
2008 年至 2009 年	全球化監察企劃執行長

### 學歷

1995 年至 1998 年 嶺南大學翻譯(榮譽)文學學士

### 自傳

葉沛渝身為家務工聯會成員已有 15 年之久，她是組織的創始者，這是第一個進行組織當地兼差家務工的工會，透過多方雇主一同組織而成為「香港家務助理總工會(HKDWGU)」，還有，「香港亞洲家務工工會聯會(FADWU)」，這是第一個組織當地及不同國家移民家務工的聯盟。在她任職於香港家務助理總工會(HKDWGU)從事組織成員的期間，她順利讓雇主願意為家務工投勞保、將工資調到聯盟標準工資，同時也獲得眾多媒體關注到當地家務工的工作。香港家務助理總工會(HKDWGU)與當地家務工都很支持移民者，並且成功駁回 2002 年政府針對移民家務工的降低工資提案。

2009 年，她擔任國際家務工網絡(IDWN)亞洲區區幹事，2009 年至 2011 年間，連同全球工會、家務工工會和不同國家的貿易工會進行組織及動員國際勞工組織(ILO)的工作，全是為了家務工。國際勞工組織(ILO)公約第 189 條，於 2011 年 6 月 16 日適用於家務工。2013 年，國際家務工網絡(IDWN)被編列為全球工會－名稱為「國際家務工聯會(IDWF)」，Fish 則是在此擔任區幹事。

現在，有關家務工的組織工作、提倡 C189 條例批准、國家勞工法條以及家務工政策，這些都是她現在專注從事的工作領域。

## Speaker — Fish IP

### **CURRENT POSITION**

Regional Coordinator (Asia),  
International Domestic Workers Federation (IDWF)



### **PROFESSIONAL EMPLOYMENT**

2013-now	Regional Coordinator (Asia) International Domestic Workers Federation (IDWF)
2009-2013	Regional Coordinator (Asia) International Domestic Workers Network (IDWN)
1999-2007; 2009-2012	Organizing Secretary Hong Kong Confederation of Trade Unions
2010-2012	Organizer Hong Kong Federation of Asian Domestic Workers Unions (FADWU)
2001-2007	General Secretary Hong Kong Domestic Workers General Union
2008-2009	Program Coordinator Globalization Monitor

### **EDUCATION**

1995-1998                      BA (Hons) Translation, Lingnan University

### **BIOGRAPHY**

Fish Ip is a union organizer of domestic workers for over 15 years. She is the founding organizer for the first union in organizing local part-time domestic workers with multiple employers - the Hong Kong Domestic Workers General Union (HKDWGU), as well as the Hong Kong Federation of Asian Domestic Workers Unions (FADWU), the first union federation organizing both local and migrant domestic workers with different nationalities. During her term as the organizer of domestic workers in Hong Kong, HKDWGU has successfully got employers to buy labour insurance for domestic workers, set union standard wage and gained high media attention to local domestic workers. HKDWGU as local domestic workers supported migrants and successfully turned down the wage cut proposal by the government on migrant domestic workers in 2002.

In 2009, she was the regional coordinator for Asia for International Domestic Workers Network (IDWN). In 2009-11, together with global unions, domestic workers unions and trade unions in different countries, she was doing organizing and mobilizing for the ILO convention on domestic workers. The ILO Convention 189 decent work for domestic workers was adopted on 16 June 2011. In 2013, IDWN was organized into a global federation – the International Domestic Workers Federation (IDWF) which Fish continues to serve as a regional coordinator.

Currently her focus area of work is on domestic workers organizing, advocacy for ratification of C189 and national labour laws and policies for domestic workers.



2016 年防制人口販運國際工作坊

# 家事勞動者之勞動人權 與人口販運

## 家事勞動組織及活動發起之 最佳實施辦法



葉沛渝  
國際家事勞工聯會亞洲  
地區 總召

## Best Practices in organizing and advocacy campaigns



Fish Ip  
Regional Coordinator  
(Asia), IDWF

## 國際家事勞動聯盟 (IDWF)



- 2006年創立「國際家事勞動網」
- 國際家事勞動聯盟於2013年10月28日在烏拉圭召開大會



[www.idwfed.org](http://www.idwfed.org)



[@IDWFED](https://twitter.com/IDWFED)



[IDWFED](https://www.facebook.com/IDWFED)

## International Domestic Workers Federation (IDWF)



- IDWN since 2006;
- IDWF founding congress 28 Oct 2013, Uruguay;



[www.idwfed.org](http://www.idwfed.org)



[@IDWFED](https://twitter.com/IDWFED)



[IDWFED](https://www.facebook.com/IDWFED)



## 國際家事勞動聯盟 (IDWF) – 主要目標

- 針對家事勞動建立一個有影響力、有規模的全球民主/聯合組織，進而保護及鞏固各地家事勞動之權益。



[www.idwfed.org](http://www.idwfed.org)



[@IDWFED](https://twitter.com/IDWFED)



[IDWFED](https://www.facebook.com/IDWFED)

## IDWF – main goal

- To build a strong democratic and united domestic/household workers global organization to protect and advance domestic house hold worker's right everywhere



[www.idwfed.org](http://www.idwfed.org)



[@IDWFED](https://twitter.com/IDWFED)



[IDWFED](https://www.facebook.com/IDWFED)

## 國際家事勞動聯盟 (IDWF) 分部

- 國際家事勞動聯盟，包括貿易工會、協會及合作社皆為會員制。
- 2015年8月前，國際家事勞動聯盟 (IDWF) 於48個國家已有57個分部，共有500,897名家事勞動。
- 分部於六大區 – 非洲區、亞洲區、歐洲區、北美洲區、拉丁美洲區和加勒比海區。



[www.idwfed.org](http://www.idwfed.org)



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[IDWFED](https://www.facebook.com/IDWFED)

## IDWF affiliates

- Membership-based domestic workers organizations, including trade unions, associations and cooperatives.
- By Aug 2015, IDWF has 57 affiliates from 48 countries, representing 500,897 domestic workers
- In six regions – Africa, Asia, Europe, North America, Latin America & the Caribbean



[www.idwfed.org](http://www.idwfed.org)



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## 國際家事勞動聯盟 (IDWF) 執行委員會



**總裁**

麗托·維特布伊  
現於南非家事勞動工會任職



**副總裁**

奧娜絲莎娜·歐查  
現於巴拿馬家事勞動推廣及培訓學院 (IPROFOTSH) 任職



**總書記**

伊莉莎白·唐  
現於香港 (IDWF) 國際家事勞動聯盟秘書處任職

### 執行委員會會員



溫蒂保拉·加蘭拉薩基  
國內制  
現於義大利商業家庭服務工會 (FILCAMS, Italy) 任職



雪莉·普萊絲  
現於牙買加 (Jamaica) 家事勞動協會任職



裘安妮塔·瓦洛瑞絲  
現於美國國家家事勞動聯盟任職



佛絲克·賓森  
現於亞洲區家事勞動工會之香港聯盟任職



[www.idwfed.org](http://www.idwfed.org)

[IDWFED@IDWFED](mailto:IDWFED@IDWFED)

Kong

IDWFED

## IDWF executive Committee



**President**

Myrtle Witbooi, South Africa  
Domestic and Allied Workers  
Union, South Africa



**Vice President**

Ernestina Ochoa, IPROFOTSH,  
Peru



**General Secretary**

Elizabeth Tang, IDWF Secretariat,  
Hong Kong

**President**

**Vice President**

**General Secretary**

### Executive Committee Members (titular)



Wendy Paula  
Garlana Quinones  
FILCAMS, Italy



Shirley Pryce  
Jamaica Household  
Workers Association,  
Jamaica



Juanita Flores  
National Domestic  
Workers Alliance,  
USA



Phesuk Gasing  
Hong Kong Federation  
of Asian Domestic  
Workers Union, Hong  
Kong IDWFED



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## 國際家事勞動聯盟 (IDWF) 之五年計劃： (2016至2020年)

總體目標：

2020年前，要成為有影響力、民主、聯合之家事勞動  
全球組織，進而保護670,000(2015年原為330,000名)名  
會員及各地家事勞動之權益。

執行要點：1) 聯盟發展  
2) 地位建立  
3) 活動發起及研究  
4) 外籍家事勞動  
5) 國際事工

200,000 會員



[www.idwfed.org](http://www.idwfed.org)



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[IDWFED](https://www.facebook.com/IDWFED)

## IDWF 5-year plan (2016-2020):

OVERALL OBJECTIVES:

By 2020, a strong, democratic and united domestic workers  
global organization will be contributing to the protection and  
advancement of the rights of its **670,000 members** [an increase  
from 330,000 in 2015], and the rights of domestic workers  
everywhere.

Focus area of work:

- 1) FEDERATION DEVELOPMENT
- 2) CAPACITY BUILDING
- 3) CAMPAIGNS and RESEARCH
- 4) MIGRANT DOMESTIC WORKERS
- 5) INTERNATIONAL WORK

200,000 members



[www.idwfed.org](http://www.idwfed.org)



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## 香港之外籍家事勞動之 組織及倡導

**Migrant domestic workers  
organizing and advocacy in  
Hong Kong**

## 香港家事勞動數量

外藉家事勞動總人數：336,600 (2015年 6月)

比例分布：

- ▶ 菲律賓籍：178,398名 (佔53%) (2015年 6月)
- ▶ 印尼籍：177,077名 (佔45%) (2015年 6月)
- ▶ 泰國籍：2,990名 (2012年)
- ▶ 印度籍：2,520名 (2012年)
- ▶ 尼泊爾籍：389名 (2012年)
- ▶ 孟加拉籍、斯里蘭卡籍、緬甸籍

香港本地家事勞動：非正式員工數量為 ~50,000名或更多

香港有1/8家庭僱用外藉家事勞動

## Number of domestic workers in Hong Kong

*Total no. of migrant domestic workers: 336,600 (Jun 2015)*

They are from:

- ▶ Philippines: 178,398 (53%) (Jun 2015)
- ▶ Indonesia: 177,077 (45%) (Jun 2015)
- ▶ Thailand: 2990 (2012)
- ▶ India: 2520 (2012)
- ▶ Nepal: 389 (2012)
- ▶ Bangladesh, Sri Lankan, Burma

Local Domestic Workers in Hong Kong: no official figures,  
~50,000+

1/8 households in Hong Kong are hiring migrant domestic worker.



## 針對外籍家事勞動之現有法律保障

家事勞動適用於《僱傭條例》：

- ▶ 工資發放
- ▶ 每週休假天數
- ▶ 法定假日
- ▶ 每年特休天數
- ▶ 遣散費，長期服務金
- ▶ 職業傷害或因工死亡之補償
- ▶ 人力仲介公司費用由員工支付：不可超過第一個月薪資之10%（港幣\$421）

## Existing Legal protection for migrant domestic workers

Domestic Workers are considered as workers under Employment Ordinance:

- ▶ Wage payment
- ▶ Weekly day offs
- ▶ Statutory holidays
- ▶ Annual leaves
- ▶ Severance payment, long-term service payment
- ▶ Compensation for work injuries and death
- ▶ Employment agency fee collected from workers: not more than 10% of first month salary (HK\$421)

## 針對外籍家事勞動之現有法律保障

行政措施：標準契約

▶ 最低工資

(當前標準：港幣\$4,110 / 53,800日元)

▶ 前往香港及返鄉之機票及旅費

▶ 疾病之醫療保險

▶ 免費供餐或伙食補助

▶ 家事勞動之住宿及工作行程表

- “僱主應提供給家事勞動適當居所及合理之隱私空間。不適當之居所，比如：家事勞動必須睡在走廊的組裝床上，毫無隱私可言；亦或，需與異性成人/青少年共用同一個房間。”
- 設備清單
- 工作義務清單

## Existing Legal protection for migrant domestic workers

Immigration administrative measure: **Standard Contract**

▶ Minimum Allowable Wage

(current level: HK\$4,110 / 53,800yen)

▶ Air fare and travel fee to Hong Kong and return to home country

▶ Medical coverage for illness

▶ Free food or food allowance

▶ Schedule of accommodation and domestic duties

- “the Employer should provide the Helper suitable accommodation and with reasonable privacy. Examples of unsuitable accommodation are: the Helper having to sleep on made-do beds in the corridor with little privacy and sharing room with an adult/teenager of the opposite sex.”
- Listing of facilities
- Listing of duties



## 外籍家事勞動議題

- 透過移民政策抵制歧視問題：
  - 兩週之規定
  - 強制入住
  - 尼泊爾家事勞動簽證禁止核發
  - (印尼及菲律賓政策)不可直接僱用(必須透過人力仲介公司)
  - 不具有居住權
- 透過勞工法抵制歧視問題：
  - 無最低工資及退休方案
- 人力仲介公司之不平待遇：仲介費過高；沒收護照
- 工時長
- 政府並不積極進行監視住所及食物提供之狀況

## Issues of migrant domestic workers

- Discrimination by Immigration policies:
  - Two-week rule
  - Mandatory live-in policy
  - Visa ban on Nepalese domestic workers
  - (by Indonesia and Philippines' policies) no direct hiring (you must go through employment agencies)
  - No rights of abode
- Discrimination by Labour protection:
  - Exclusion from Minimum Wage, retirement scheme
- Abuse by Employment agencies: excessive agency fee; confiscation of passports
- Long working hours
- No pro-active government's monitoring on accommodation condition and provision of food

## 家事勞動工會及聯盟

在香港移民者和家事勞動享有協會給予之自由以及組織聯盟之權利，權利等同於本地工作者。

- 大量建立活躍之家事勞動聯盟且與亞洲外籍中心（香港非政府組織之一）及香港貿易工會聯盟（HKCTU）一同攜手努力。
- 亞洲家事勞動工會（ADWU），於1989年創立，大約在1996/97年解散及退出會員
- 印尼外籍家事勞動工會（IMWU），於1999年創立
- 泰國外籍家事勞動工會（TMWU），於2009年創立
- 菲律賓外籍家事勞動工會（FMWU），於1998年創立
- 菲律賓家事勞動聯合工會（FDWU），於2003年創立
- 香港家事勞動聯合工會（本地家事勞動），於2001年創立
- 香港亞洲家事勞動工會聯盟（FADWU），包括不同國籍外籍及本地家事勞動（泰籍，印尼籍，菲律賓籍，本地中國籍，尼泊爾籍），於2010年創立
- 香港亞洲家事勞動工會聯盟（FADWU）分部，海外家事勞動工會（菲律賓人）（ODWU），於2008年創立
- 香港亞洲家事勞動工會聯盟（FADWU）分部，在香港之尼泊爾家事勞動工會（UNDW），於2003年創立

## Domestic Workers Unions & federation

Migrants and domestic workers enjoy freedom of association and the rights to formation of unions in Hong Kong, same with local workers.

- Establishment of Major active domestic workers unions are joint effort of Asian Migrant Centre (an NGO in Hong Kong) and HKCTU (Hong Kong Confederation of Trade Unions).
- Asian Domestic Workers Union (ADWU), est 1989, dissolved and disaffiliated in around 1996/97
- Indonesian Migrant Workers Union (IMWU), est 1999
- Thai Migrant Workers Union (TMWU), est 2009
- Filipino Migrant Workers Union (FMWU), est 1998
- Filipino Domestic Workers General Union (FDWU), est 2003
- Hong Kong Domestic Workers General Union (local domestic workers), est 2001
- Hong Kong Federation of Asian Domestic Workers Union (FADWU), include migrant and local domestic workers with different nationalities (Thai, Indonesian, Filipinos, local Chinese, Nepali), est 2010
- (FADWU affiliate) Overseas Domestic Workers Union, (Filipinos) (ODWU) est. 2008
- (FADWU affiliate) Union of Nepalese Domestic Workers in Hong Kong, (UNDW) est. 2003



## 在香港之外籍家事勞動組織

### ▶ 主要外籍家事勞動聯盟：

- 亞洲外籍協調機構(AMCB)：與亞太外籍事工中心(APMM)及白求恩房屋(Bethune House)…等等聯合結盟，包括菲律賓外籍勞工工會(FMWU)、在港菲律賓外籍工聯會(UNIFIL)、在港印尼外籍工協會(ATKI)、泰國之友(FOT)、斯里蘭卡之友及尼泊爾家事勞動工會…等。
- 外籍權利聯盟(CMR)：由亞洲外籍中心(AMC)資助，包括香港印尼工人團體聯合會(KOTKIHO)(印尼外籍工作者聯盟)、印尼外籍勞工工會(IMWU)、菲律賓家事勞動工會(FDWU)、海外家事勞動工會(ODWU)、泰國外籍勞工工會(TMWU)、海外尼泊爾人協會香港分會(UNDW)、遠東海外尼泊爾裔協會(FEONA)…等，以及與APL…等聯合結盟

### ▶ 根據國籍為外籍家事勞動設立網路

- JBMI：印尼外籍家事勞動網
- 遠東海外尼泊爾裔協會網(FEONA)；尼泊爾人網

### ▶ 不論是已註冊或未註冊，根據嗜好、居住地、宗教…等等，成立了上千個團體

## Migrant Domestic Workers Organizations in Hong Kong

### ▶ Major migrant domestic workers alliances:

- AMCB – Asian Migrants Coordinating Body, in coalition with APMM, Bethune House etc, includes FMWU, UNIFIL, ATKI, Friends of Thai, Friends of Sri Lankans, Nepalese DWU etc.
- CMR – Coalition of Migrants Rights, supported by AMC, including KOTKIHO (Coalition of Indonesian MW), IMWU, FDWU, ODWU, TMWU, UNDW, FEONA etc, in coalition with APL etc

### ▶ Network of MDW based on nationalities

- JBMI : Indonesian Migrant Workers Network
- FEONA ; Nepalis

### ▶ Thousands of groups, registered and non-registered based on hobby, origins of region, religion etc

## 將外籍家事勞動加入組織



不同區域/分會

週日活動:

中央公園：針對菲籍家事勞動

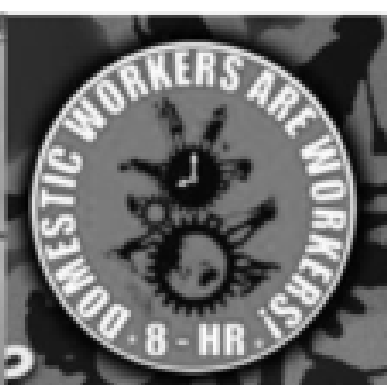
維多利亞公園：針對印尼籍家事勞動

九龍城：針對泰籍家事勞動

油麻地：針對尼泊爾籍家事勞動



組織內，同國籍/民族一起共事



與非政府組織合作

## Organizing Migrant Domestic Workers



In different districts/chapters

Sunday activities:

Filipinos in Central; Indonesians

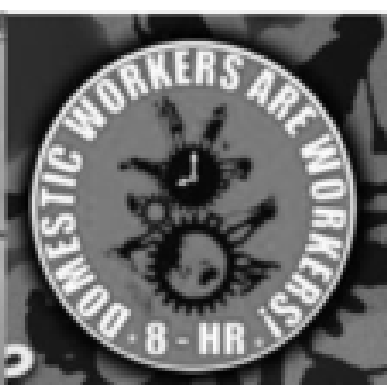
in Victoria Park; Thais in

Kowloon City; Nepalis in Yau

Ma Tei;



Working together with nationality/ethnic based organizations



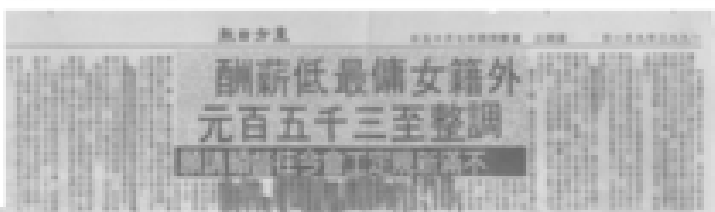
Partnership with NGOs



由香港貿易工會聯盟(HKCTU)贊助予亞洲家事勞動工會(ADWU)之評估營



超過500名外籍家事勞動參與蠟燭守夜活動，為妻爭取葛洛莉亞·巴蘭(Gloria Barlaan)之死因調查。她在遭僱主指控偷竊後被解僱，而後於1993年10月31日，她在香港遮打花園自殺。



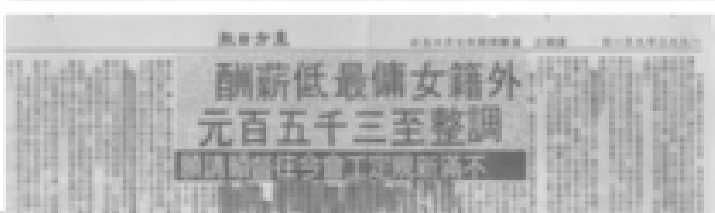
2003年，亞洲家事勞動工會(ADWU)及香港貿易工會聯盟(HKCTU)抗議爭取工資提高



ADWU evaluation camp, with support of HKCTU



Candle vigil attended more than 500 MDW to fight for investigation for the death of Gloria Barlaan. She committed suicide after dismissal by employer for accusing her theft. 31 Oct 1993, Charter Garden



ADWU and HKCTU fight for wage increase, 2003





## 建造團結力 – 本地家事勞動 及外籍家事勞動反對外傭減薪 (2001-2003年)

2001年12月2日由香港家事勞動總工會(HKDWGU)召開記者會，表示本地家事勞動工會反對外傭減薪。此舉受到所有報章媒體大肆報導且成功阻止香港政府於對外傭之減薪方案。但2003年香港政府仍對外傭減薪(港幣\$400)及課徵港幣\$400作為2003年之課稅。



香港家事勞動總工會(HKDWGU)於抗議活動時所拍攝 (反對外傭減薪)



2003年2月28日  
香港南華早報(SCMP)

## Solidarity building – local and migrant domestic workers Against wage cut 2001-2003

2 Dec 2001 Press Conference by HKDWGU, local DW union against wage cut of MDW. The action was widely reported in all newspaper and successfully stopped HK gov. to impose wage cut on MDW in 2001 but failed at last in 2003. HK gov. cut MDW wage by HK\$400 and imposed HK\$400 as levy in 2003.



HKDWGU at actions against wage cut on MDW



28.2.2003 SCMP



2002、2004、2009年之團結營



印僑瑞琳蜜妮·古拿受虐事件，香港家事勞動總工會(HKDWGU)藉此機會教育僱工們從中學習.....從中學習如何面對，並於2001年8月接待她到位於香港的庇護所-白求恩房屋 (Bethune House)



本地及外傭於團結營中之團照



Solidarity Camps, in 2002, 2004, 2009



Learnt about abuse faced by Indonesian DW, Rusmini Gunung, HKDWGU visited her at Bethune House, a shelter in HK. Aug 2001



Local & migrant domestic workers in solidarity



香港亞洲家事勞動工會聯盟(FADWU)為亞洲家事勞動工會之香港聯盟，將本地及外籍家事勞動招聚一起



FADWU, Hong Kong Federation of Asian Domestic Workers Union,  
Bringing LOCAL & MIGRANT domestic workers together





本地家事勞動參加香港貿易工會聯盟(HKCTU)舉辦之活動



自學中心



外籍家事勞動於勞動節集會  
發表言論



香港貿易工會聯盟(HKCTU)參與  
家事勞動之活動



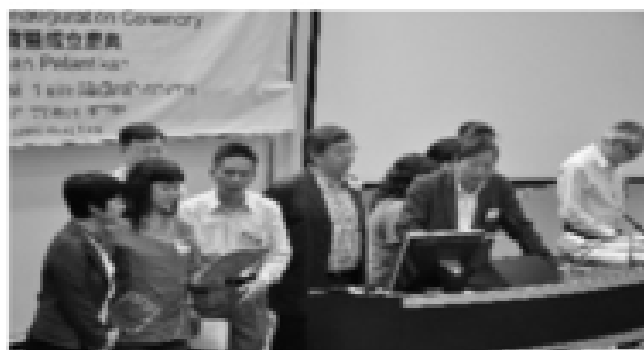
Attending HKCTU activities,  
Joined local workers together



Domestic Workers at ILC



Migrant Domestic Workers  
speak on May Day Rally



HKCTU attending  
domestic workers' event

## 菲律賓籍：家事勞動勞動發展工會 (PLUDW)-SENTRO-香港貿易工會聯盟 (HKCTU)

- “合格剝削執照” 參與研究人力仲介問題：

◆各國TU 中心 (SENTRO-, 菲律賓人) 及  
主要目標香港地區 (香港貿易工會聯盟  
(HKCTU)) 進行兩國政治提倡

◆來自菲律賓人SENTRO之組織成員提供社會工會主義、  
領導培訓及組織之訓練

◆香港貿易工會聯盟(HKCTU): 本地媒體工作、與本  
地民間組織(CSO)、工會、組織聯盟



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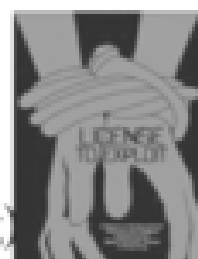
## Philippines: PLUDW-SENTRO-HKCTU

- “License to Exploit” participatory research on  
agency problems:

◆TU centres in countries of origin (SENTRO,  
Philippines) and destination (HKCTU, Hong Kong)  
to do **political advocacy in both countries**

◆Organizers from SENTRO Philippines provide  
trainings on social unionism and training for leaders;  
organizing

◆HKCTU: local media work, coalition with local  
CSOs and unions, organizing



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## 案例討論 – 其它支持家事勞動之國家

**Other country examples in advocacy  
of domestic workers**

## 美國 (USA): 已有7州成功贏得家事勞動 人權法案



- 1) 調查參議院成員，瞭解參與者是誰，哪些人是負責人且有投票權；
- 2) 擴大媒體報導及增加社交活動；
- 3) 極力爭取僱主支持：a) 向僱主團體請求支持 b) 推動跨世代護理活動

## USA: won domestic workers Bills of Rights in 7 states



- 1) Look into the Senate members, find out who are they and who are the voters they are responsible for;
- 2) Strong mass media and social media campaign;
- 3) Gain support from employers: a) Employers' group; b) Care Across Generation Campaign;



[www.caringacross.org/action/careaboutcare/](http://www.caringacross.org/action/careaboutcare/)

HOME ABOUT US TAKE ACTION NEWS CONTRIBUTE

ENTER EMAIL TO JOIN THE MOVEMENT JOIN



## The candidates need to care about care!



I have read and agree with the [privacy policy](#)

Throughout the presidential campaign, we've heard a lot of discussion of the candidates' missteps, gaffes, and divisive statements. It's been entertaining, sure, but that's no way to pick a president.

We need a more substantive presidential campaign. And the place to start is with

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## 泰國家事勞動網

- 與非政府組織之外僑連結  
以及緬甸組織
- 組織110名緬甸人  
泰國外僑
- 部級條例第14號B.E. 2555 (2012):
  - 休假：每年可有1天特休、13天國  
定假日；
  - 病假
- 標準契約



[www.idwfed.org](http://www.idwfed.org)



[@IDWFED](https://twitter.com/IDWFED)



[IDWFED](https://www.facebook.com/IDWFED)

## Network of Domestic Workers in Thailand

- Network with migrants NGOs  
and Burmese organizations
- Organized 110 Burmese  
migrant domestic workers in Thailand
- Ministerial Regulation No. 14 B.E. 2555  
(2012):
  - Holidays: 1-day off and 13 traditional  
leaves / year;
  - Sick leave
- Standard Contract



[www.idwfed.org](http://www.idwfed.org)



[@IDWFED](https://twitter.com/IDWFED)



[IDWFED](https://www.facebook.com/IDWFED)



## 阿根廷 (Argentina): 集體協議簽署



私人住宅勞工工會 (UPACP) 有 50,000 名勞動成員

Dom 家事勞動工會與就業部簽訂協議 (由私人住宅勞工工會所攝)

## Argentina: Collective Agreement signed



Union of Domestic Workers in Private Homes  
(UPACP) has 50,000 domestic workers members

Domestic workers unions engage in wage negotiations with the Employment Ministry. (Photo via UPACP)





## 與談人－龔桂蘭

### 現職

勞動部勞動力發展署跨國勞動力管理組組長

### 經歷

1. 高雄市政府勞工局科員
2. 行政院勞工委員會勞動條件處科員
3. 臺灣省政府勞工處北區職業訓練中心課員、輔導員
4. 行政院勞工委員會職業訓練局桃竹苗區就業服務中心課員、專員、課(站)長
5. 行政院勞工委員會職業訓練局外勞作業組科長、綜合規劃組專門委員
6. 勞動部勞動力發展署就業服務組專門委員、副組長



### 學歷：

中國文化大學勞工關係學系畢業

## Commentator—Kuei-Lan Kung

### **CURRENT POSITION**

Workforce Development Agency Transnational Workforce Management  
Team Leader

### **PROFESSIONAL EMPLOYMENT**

1. Officer of Kaohsiung Government Labor Department
2. Officer of Labor Condition Office in Executive Yuan Labor Committee
3. Officer & Instructor of Taiwan Provincial Government Labor Department Vocational Training Center in North District
4. Officer, Specialist & Director of Vocational Training Bureau Employment Service Center in Taosumiao District Executive Yuan Labor Committee
5. Chief of Immigrant Labor Team in Vocational Training Bureau of Executive Yuan Labor Committee and Senior Executive Office of Comprehensive Planning Team
6. Senior Executive Office & Associate Team Leader of Employment Service Team in Development Agency of Labor Department Workforce



### **EDUCATION**

Major in Labor Relations from Chinese Culture University



## 與談人—鄭津津教授

### 現職

國立中正大學法律學系教授兼系主任

### 兼職

亞洲勞動法學會（ASLL）副理事長  
行政院訴願審議委員會委員  
司法院法官評鑑委員會委員  
司法院職務評定再復核委員會委員  
考試院人權保障工作小組委員  
科技部性別平等專案小組委員  
科技部中部科學工業園區就業歧視評議委員會委員  
科技部中部科學工業園區性別工作平等訴訟法律扶助審核小組委員  
退輔會訴願審議委員會委員  
退輔會國家賠償事件處理小組委員  
交通部公路總局第五區養護工程處性騷擾防制委員會委員  
交通部公路總局嘉義區監理所性騷擾申訴評議委員會委員  
經濟部水利署第五河川局法律諮詢小組委員  
教育部國民及學前教育署建教合作專家小組委員  
教育部國民及學前教育署法制諮詢小組委員  
南部科學工業區管理局勞資爭議調解委員/獨任調解人  
臺北市政府勞資爭議調解委員/獨任調解人  
新北市政府就業歧視評議委員會委員  
臺中市政府勞資爭議仲裁委員/獨任仲裁人/調解委員  
臺中市政府教育局團體協約協商團隊委員  
雲林地方法院檢察署性騷擾申訴處理調查小組委員  
雲林縣政府家庭暴力、性侵害及性騷擾防制委員會委員  
嘉義市政府性騷擾申訴評議委員會委員  
嘉義市政府就業歧視評議委員會委員  
嘉義市政府衛生局性騷擾申訴評議委員會委員  
嘉義市警察局性別平等專案小組委員/國家賠償事件處理小組委員  
嘉義市勞資爭議調解委員/仲裁委員  
嘉義市政府婦女權益促進委員會委員  
嘉義市政府家庭暴力及性侵害防制委員會委員  
嘉義縣政府縣政顧問  
嘉義縣政府性別工作平等委員會委員  
嘉義縣政府就業歧視評議委員會委員



嘉義縣政府訴願審議委員會委員  
嘉義縣政府家庭暴力暨性侵害防制委員會委員  
嘉義縣政府性騷擾防制委員會委員  
嘉義縣政府法規審查小組委員  
嘉義縣政府公害糾紛處理委員會委員  
嘉義縣政府醫師懲戒委員會委員  
嘉義縣勞資爭議調解委員/獨任調解人/仲裁委員/獨任仲裁人  
嘉義縣大林地政事務所國家賠償事件處理小組委員  
臺南市政府就業歧視評議委員會委員  
臺南市政府觀光旅遊局工作場所性騷擾申訴處理委員  
高雄市政府婦女權益促進委員會委員  
高雄市政府就業歧視評議委員會委員  
高雄市災害防救專家諮詢委員會  
高雄市政府勞工局勞資爭議仲裁委員/主任仲裁委員/仲裁人  
臺中榮民總醫院嘉義分院性別平等小組委員  
臺糖雲林區處虎尾糖廠性騷擾評議委員會委員

### 經歷

行政院勞工委員會委員  
亞洲勞動法學會（ASLL）秘書長  
臺灣勞動法學會第6屆理事長  
美國加州柏克萊大學法學院資深訪問學者  
美國俄亥俄州律師考試及格

### 學歷

美國辛辛那提大學法學博士  
美國喬治亞大學法學碩士  
輔仁大學法學士

### 專長

勞動法、勞動政策、性別平等、法律倫理學、法學英文



## Commentator—Chin-Chin Cheng

### **CURRENT POSITION**

Director/Professor, Department of Law, College of Law  
National Chung Cheng University  
Vice President, Asian Society of Labour Law



### **EXPERIENCES**

Commissioner  
Council of Labor Affairs  
Nov., 2012~Feb., 2014

President  
Taiwan Labour Law Association  
May, 2010~May, 2012

Senior Visiting Scholar  
UC, Berkeley, June, 2005~September, 2005

Associate Professor  
Department of Labor Relations  
Chinese Culture University, August, 1994~July, 1995

Adjunct Associate Professor  
Department of Law, College of Law  
Soochow University, August, 1994~July, 1995

Adjunct Associate Professor,  
National Taiwan University of Science and Technology, August, 1994~July, 1995

**Office**

Department of Law, College of Law  
National Chung Cheng University  
168 University Road, Ming-Hsiung  
Chia-Yi, Taiwan  
Tel: +886-5-272-9156  
Fax: +886-5-272-2712  
E-mail: lawccc@ccu.edu.tw

**EDUCATION**

BL, Fu Jen Catholic University, June, 1986  
LLM, University of Georgia, College of Law, May, 1990  
JD, University of Cincinnati, College of Law, May, 1993

**LICENSE**

Ohio Bar, USA, 1994

**AREAS OF SPECIALIZATION**

Labor Law  
Employment Law  
Gender Equality Law  
Professional Responsibility



## 2016 年防制人口販運國際工作坊

專題報告  
外籍漁工勞動權益探討及剝削防制

*Keynote Speeches*  
*Fishery Workers Rights and Anti-Exploitation*  
*in Human Trafficking*



## 主持人－劉黃麗娟

### 現職

行政院防制人口販運協調會報委員  
中正大學勞工關係學系助理教授



### 經歷

2011－迄今	行政院勞工委員會人權工作小組委員
2010－迄今	中華民國保險業全國總工會顧問
2009 年 1 月－迄今	行政院防制人口販運協調會報委員
2008 年 2 月－2013 年 7 月	開南大學通識教育中心暨養生與健康行銷學系助理教授
2008 年 8 月－2011 年 7 月	開南大學國際勞力與發展研究中心研究員兼執行長
2004－迄今	行政院勞工委員會社會對話小組委員 (2004 年迄今)

### 學歷

比利時魯汶大學社會學博士

### 專長

國際遷移與社會融合、社會對話、比較勞力政策與勞資關係

## Moderator — Li-Chuan Liuhuang

### **CURRENT POSITION**

Coordination Meeting on Human Trafficking Prevention, Executive Yuan  
Assistant Professor, Department of Labour Relations, National Chung  
Cheng University



### **PROFESSIONAL EMPLOYMENT**

2011 — Present	Committee on Human Rights, Council of Labor Affairs, Executive Yuan
2010 — Present	Consultant, National Federation of Taiwan Insurance Industry
2009 — Present	Coordination Meeting on Human Trafficking Prevention, Executive Yuan
2008.2 — 2013.7	Assistant Professor, General Education and Health Center and Health Marketing Department, Kainan University
2008.8 — 2011.7	Researcher and CEO, International Labor and Development Research Center, Kainan University
2004 — Present	Subcommittee on Social Dialogue, Council of Labor Affairs, Executive Yuan

### **EDUCATION**

Ph.D. Sociology, University of Leuven, Belgium

### **EXPERTISE**

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



## 2016 年防制人口販運國際工作坊

從全球漁業供應鏈探討漁工剝削  
*Fishery Workers Exploitation from  
Perspective of Global Supply Chains*

主講人：**Azmath Jaleel**  
英國卡地夫大學研究員

Speaker: **Azmath Jaleel**  
Research Associate, CU, UK



## 講者－Azmath Jaleel

### 現職

卡迪夫大學研究助理  
倫敦國際船員權利中心顧問



### 經歷

2010 年 3 月至今

卡迪夫大學研究員、梅斯公司附屬研究員

2014 年 12 月至今

擔任卡迪夫大學塞文河口夥伴關係研究員，研究一項威爾斯政府 2015 年要更新沿海目錄的計劃 (2013 年已更新一次)

2013 年 2 月至 2013 年 7 月

擔任卡迪夫大學塞文河口夥伴關係的研究員，研究一項威爾斯政府要更新沿海目錄的計劃

2010 年 1 月至 2010 年 3 月

海上作業專員

擔任顧問業務，亞洲開發銀行(ADB)出資重組作業計劃，以及馬爾地夫首都主要環礁間港口的效率改善

2008 年 11 月至 2009 年 6 月

資深海事組織專員

擔任顧問業務，亞洲開發銀行(ADB)出資重組計劃、馬爾地夫海事管理，以及協助發展機構和建構地位。

2003 年 7 月至 2003 年 10 月

海運顧問

在加拿大公司以及 LEA 公司工作，通過馬爾地夫的基多顧問公司，向亞洲開發銀行(ADB)提出區域技術援助計畫(TA)，請求出資運輸計劃，為了要發展主要的馬爾地夫國家運輸計劃

2002 年 4 月至 2003 年 9 月

海事顧問 (特約)

從事提供海事及海洋相關服務。包括：檢查船隻狀況、船隻損害檢查、船隻測量，及對於購買船隻如何選擇，需提出專業技術層面的建議，還有管理海事、提供私人機構相關的安全資源。

## 自傳

Azmath Jaleel 博士於卡迪夫大學擔任研究助理，同時身為倫敦國際船員權利中心顧問。他的研究涵蓋包括：海事及海洋管理，著重於船員福利及人權研究；擁有卡迪夫大學的社會科學博士學位、世界海事大學航運管理碩士學位，以及新加坡理工學院海洋工程的技術文憑。Azmath Jaleel 博士是一級海洋工程師及特許海洋技師。

他有航海經驗也曾在航運管理局任職，從事負責航員教育、訓練及執照取得，還有執行船隻的法定檢驗，包括港口國管理(PSC)檢查。賈里歐博士對海事及海洋環境有關的多項計劃，都提供顧問業務的服務，包括：亞洲開發銀行(ADB)及星展線上 EC 銀行的出資，還有發表論文和出書。

## 學歷

2007 年 英國卡迪夫大學社會科學博士學位

1995 年 瑞典世界海事大學航運科技管理碩士學位

1986 年 新加坡理工學院海洋工程的技術文憑

## 專業職務

2013 年 2 月至今 卡迪夫大學研究助理&倫敦國際船員權利中心顧問

1996 年至 2002 年 3 月馬爾地夫交通部擔任多項職務，包括主任

1986 年至 1992 年馬爾地夫國家航運有限公司海洋工程師

## 技能

一級海洋工程師合格證書

## 出版物書籍

海洋資源及管理之羅德里奇手冊

(2015 年，羅德里奇出版社及英國倫敦 Earthscan 出版品)

漁民與強盜：海上的小偷、奴隸及暴力 (2015 年，冥王星新聞出版品)

偉大商路。陳述陸海商業及船貨歷史 (2012 年，康威出版品)

104 -118 期刊

期刊出版：

珊瑚礁情形和管理途徑：就馬爾地夫情況而言

2013 年，出版於海洋與海岸線管理第 82 卷，第 104- 118 期

亞洲東部地區海洋與海岸線管理之法律依據和制度比較分析

2012 年，出版於海洋與海岸線管理第 62 卷，第 43-53 期



## Speaker — Azmath Jaleel

### **CURRENT POSITION**

Research Associate, Cardiff University Consultant,  
Seafarers' Rights International, London



### **PROFESSIONAL EMPLOYMENT**

Feb 2013 – ongoing	Research Associate <i>Cardiff University. Cardiff</i>
June 2014 - ongoing	Consultant <i>Seafarers' Rights International. London.</i>
1996 – Mar 2002	Various positions incl. Director <i>Min. of Transport. Maldives</i>
1986 - 1992	Marine Engineer

### **EDUCATION**

2007	PhD Social Science. <i>Cardiff University. UK</i>
1995	MSc. Tech. Management of Shipping. <i>WMU. Sweden</i>
1986	Tech. Dipl. in Marine Engineering <i>Singapore Polytechnic. Singapore</i>

### **SKILL**

Marine Engineer COC Class1

## **BIOGRAPHY**

Dr Azmath Jaleel is a Research Associate at Cardiff University and a Consultant to Seafarers' Rights International, London. His research interests include maritime and marine management with focus on the welfare and human rights of seafarers. With a PhD. in Social Science from Cardiff University, MSc. in Shipping Management from the World Maritime University and a Technical Diploma in Marine Engineering from the Singapore Polytechnic, Dr Jaleel is a Class 1 Marine Engineer and a Chartered Marine Technologist.

He has sea-going experience and also worked in the maritime administration where he was responsible for the seafarers' education, training and licensing and also carried out statutory surveys of ships including PSC inspections. Dr Jaleel has provided consultancy on various maritime and marine environment related projects including ADB and EC funded ones and has published papers and made contributions to books.

## **PUBLICATIONS**

Book contributions:

Routledge Handbook of Ocean Resources and Management. Earthscan. Routledge (2015)

Fishers and Plunderers: Theft, Slavery and Violence at Sea. Pluto Press (2015)

The Great Trade Routes. A history of cargoes and commerce over land and sea. Conway Publishing (2012)

Journal publications:

The status of the coral reefs and the management approaches: The case of the Maldives

Ocean & Coastal Management 82 (2013) 104 -118

Comparative analysis of institutional and legal basis of marine and coastal management in the East Asian region. Ocean & Coastal Management 62 (2012) 43 - 53



# 漁民困境： 受迫害的一群

Azmath Jaleel和Alastair Couper  
Seafarers' Rights International (SRI)

# THE PLIGHT OF FISHERS: Exploited and abused

Azmath Jaleel and Alastair Couper  
Seafarers' Rights International (SRI)

背景

違反人權的問題

小範圍漁民

租賃專屬經濟海域

違法捕魚

國家無法保衛海域

海域政治爭奪

產業（遠洋）漁民

聘僱

工作與生活條件

報復

法律條款

建議

**BACKGROUND**

**ISSUES and VIOLATIONS of human rights**

Small scale fishers

Leasing out EEZ

Illegal fishing

Nations' inability to protect own waters

The geopolitical battle

Industrial (Distant water) fishers

Recruitment

Working and living conditions

Retaliation

**Legal Provisions**

**Recommendations**



## 背景 — 危險的職業

捕魚是最危險的職業之一。

「根據海事暨海巡署的統計，2013年的漁民死亡率為100,000分之32.9；2009年更高達100,000分之106。另一方面，同樣為我們帶來食物的農業，同期農民死亡率僅為100,000分之8。」 (*Barry, J Dec 2014*)

「美國最危險的職業依然是漁民。即便美國政府為了改善漁夫困境而實施一連串的措施，阿拉斯加經濟漁業依然是美國數一數二危險的產業。」 (*Bloomberg, 2015*)

來源：2014年12月10日，倫敦，英國，海巡署統計數據。2014年12月10日。  
http://www.maritime.co.uk/2014/12/10/the-most-dangerous-jobs-in-employment/。2015年12月10日。  
http://www.bloomberg.com/news/articles/2015-12-10/fishing-is-one-of-the-most-dangerous-jobs-in-the-us

## BACKGROUND – dangerous profession

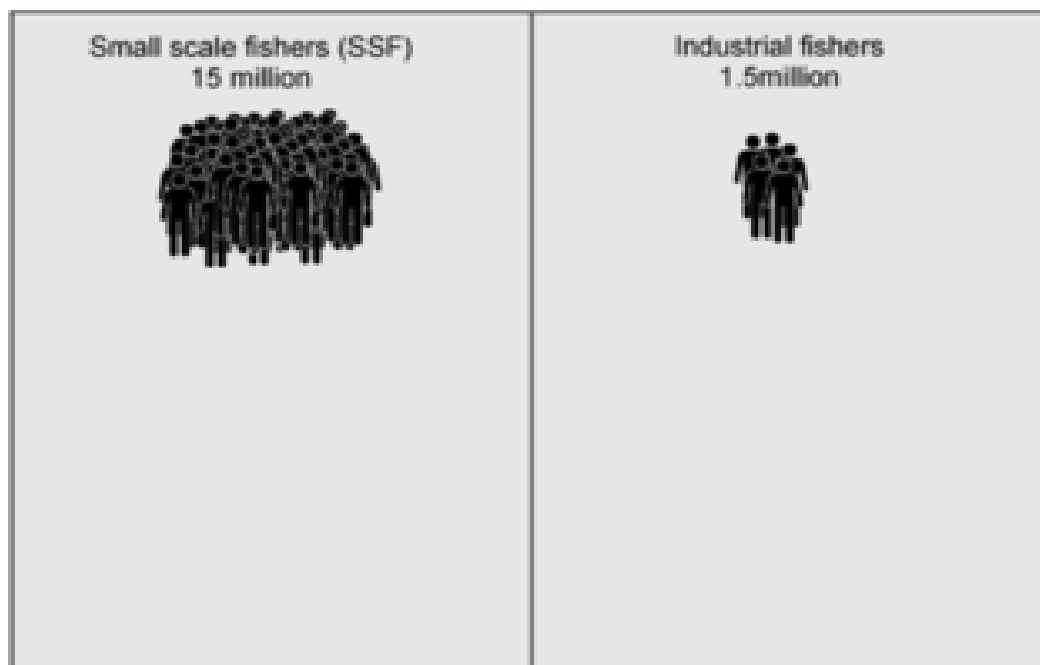
Fishing is one of the most dangerous industrial professions

“In 2013, the nationwide death rate for fishermen in the UK was 32.9 per 100,000, according to the Maritime and Coastguard Agency; in 2009, the rate climbed to a staggering 106. Agriculture, another hard line of work that brings us our bounties, saw only eight deaths per 100,000 workers in the same period.” (*Barry, J Dec 2014*)

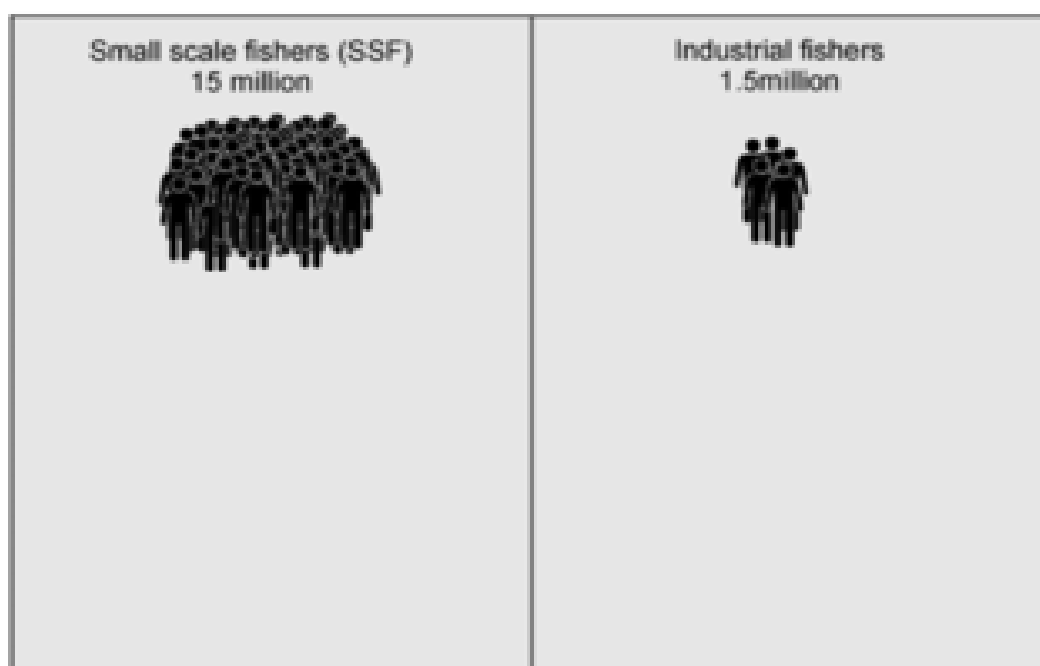
“America's Most Dangerous Job Is Still Fishing. Alaska's commercial fishing industry remains one of the most dangerous in the United States, despite a series of government regulations designed to help fishermen in the state.” (*Bloomberg, 2015*)

Source: Maritime and Coastguard Agency, Bureau of the Statistics of the Department of the UK, 2014.  
http://www.maritime.co.uk/2014/12/10/the-most-dangerous-jobs-in-employment/。2015年12月10日。  
http://www.bloomberg.com/news/articles/2015-12-10/fishing-is-one-of-the-most-dangerous-jobs-in-the-us

## 背景－漁民



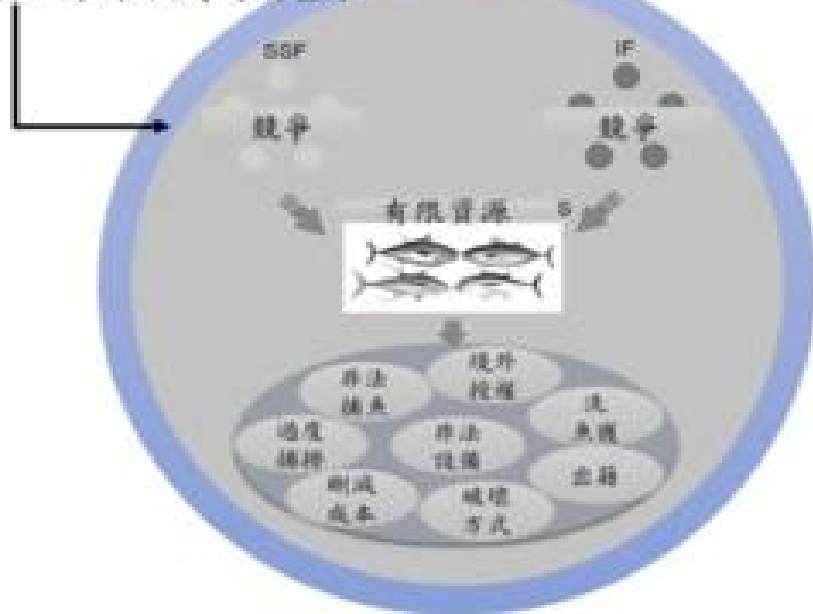
## BACKGROUND – the fishers



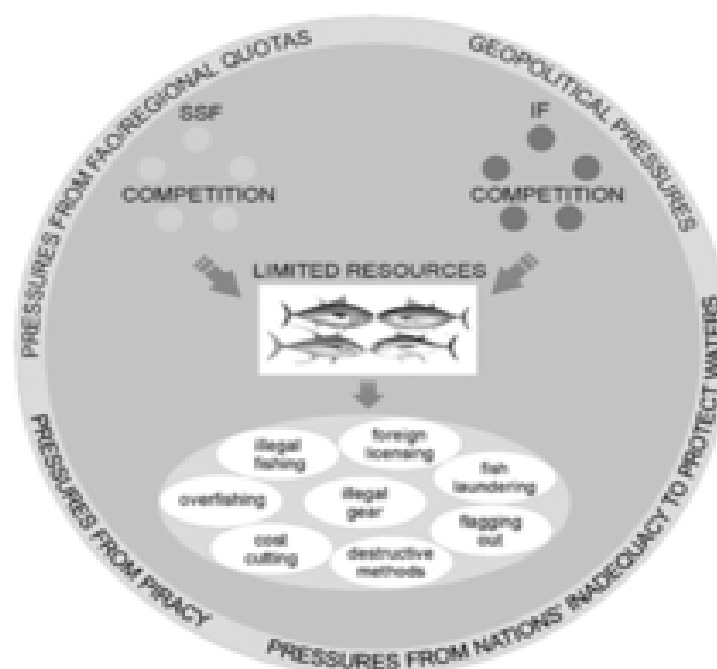


## 背景－環境

來自FAO/地區數量的壓力 海域政治爭奪的壓力



## BACKGROUND — the environment



## 背景－環境



違反人權的情況變得更嚴重  
(程度不同)

## BACKGROUND — the environment



PROMOTES HUMAN  
RIGHTS VIOLATIONS  
(some more than others)



# 違反人權和社會權的問題 小規模漁民

外籍漁船的捕魚權

國家獲得權利金

本地漁民失去漁獲與收入

非法捕魚（蠶食）

本地漁民失去漁獲與收入- 生計

導致對峙-犯罪和逮捕

國家無法保衛海域

本地漁民失去漁獲與收入-生計

導致對峙-犯罪和逮捕-甚至成為海盜

漁民被當作海域政治爭奪的籌碼

鼓勵漁民在自行宣稱的經濟海域邊界捕魚

導致漁民被逮捕、犯罪甚至是消失。

漁民困境：先施報的一隅

Azmath Jalied(1) Alastair Cooper (SRJ)

## ISSUES and VIOLATIONS of human rights including social rights

### The Small Scale Fishers

Fishing rights for foreign fishing vessels

State gets a royalty

Native fishers lose their fish and income

Illegal fishing (encroachment)

Native fishers lose their fish and income - livelihood

Leads to confrontation – criminal charges and arrest

Nations' inability to protect own waters

Native fishers lose their fish and income - livelihood

Leads to confrontation – criminal charges and arrest – perhaps even piracy

Fishers used as pawns in the geopolitical battle

Fishers are encouraged to fish in the extremes of self-declared EEZs

Leads to arrests, criminal charges and often disappearances.

THE PLIGHT OF FISHERS: Exploited and Abused

Azmath Jalied and Alastair Cooper (SRJ)

# 違反人權和社會權的問題

產業漁民

聘僱

無合約

苛刻合約

走私與奴役

漁民困境：危機中的一瞥

Armath Jaleel (S); Alastair Cooper (SRI)

## **ISSUES and VIOLATIONS of human rights including social rights**

The Industrial Fishers

Recruitment

No contracts

Unfair contracts

Trafficked and enslaved

THE PLIGHT OF FISHERS: Exploited and Abused

Armath Jaleel and Alastair Cooper (SRI)



# 違反人權和社會權的問題

## 產業漁民

工作條件

工作時數長（18-22小時）

無訓練

缺乏安全設備

缺乏醫療照護

使用童工

暴力

性侵

死亡

漁民困境：危機中的一瞥

Armath Jaleel (S); Alastair Cooper (SRI)

# ISSUES and VIOLATIONS of human rights including social rights

## The Industrial Fishers

Working conditions

Long hours of work (18-22 hours)

No training

Lack of safety equipment

Lack of medical care

Child labour

Violence

Sexual abuse

Deaths

THE PLIGHT OF FISHERS: Exploited and Abused

Armath Jaleel and Alastair Cooper (SRI)

# 違反人權和社會權的問題

產業漁民

殺人

漁民—受害者

漁民問題：全球漁業的一瞥

Aamath Jaleel (SRI) Alastair Couper (SRI)

## **ISSUES and VIOLATIONS of human rights including social rights**

The Industrial Fishers

Murder

Fishers – the victims

THE PLIGHT OF FISHERS: Exploited and Abused

Aamath Jaleel and Alastair Couper (SRI)



# 違反人權和社會權的問題

產業漁民

殺人

受害者成為加害者

漁民困境：危機中的一瞥

Armath Jaleel (SRI) Alastair Couper (SRI)

## **ISSUES and VIOLATIONS of human rights including social rights**

The Industrial Fishers

Murder

Victims turned perpetrators

THE FLIGHT OF FISHERS: Exploited and Abused

Armath Jaleel and Alastair Couper (SRI)

# 違反人權和社會權的問題

## 產業漁民 遣返

漁民困境：全球貿易的一瞥

Armath Jaleel (SRI) Alastair Couper (SRI)

# ISSUES and VIOLATIONS of human rights including social rights

## The Industrial Fishers Repatriation

THE PLIGHT OF FISHERS: Exploited and Abused

Armath Jaleel and Alastair Couper (SRI)



# 違反人權和社會權的問題

## 產業漁民 遺棄

漁民遺棄：全球範圍內的一瞥

Aamath Jaleel(i); Alastair Couper (SRI)

# **ISSUES and VIOLATIONS of human rights including social rights**

## **The Industrial Fishers Abandonment**

THE PLIGHT OF FISHERS: Exploited and Abused

Aamath Jaleel and Alastair Couper (SRI)

# 違反人權和社會權的問題

## 產業漁民

### 跳船

漁民困境：從地獄到天堂

Azmath Jalavi (IR) Alastair Cooper (SR)

# ISSUES and VIOLATIONS of human rights including social rights

## The Industrial Fishers

### Jump ship

THE FLIGHT OF FISHERS: Exploited and Abused

Azmath Jalavi and Alastair Cooper (SR)



# 違反人權和社會權的問題

## 產業漁民 逮捕

漁民困境：全球貿易的一瞥

Armath Jaleel (I); Alastair Couper (SRI)

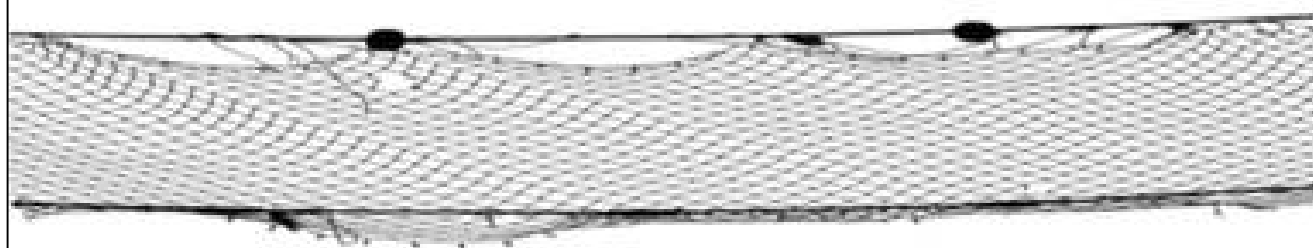
# **ISSUES and VIOLATIONS of human rights including social rights**

## The Industrial Fishers Arrests

THE PLIGHT OF FISHERS: Exploited and Abused

Armath Jaleel and Alastair Couper (SRI)

# 法律條款 國際法依據/建議



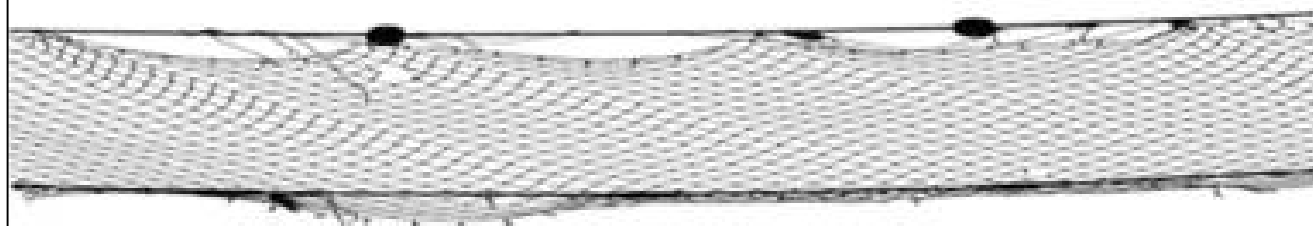
漁民困境 - 全球當中的一個

THE FLIGHT OF FISHERS: Exploited and Abused

Azmath Jaleel and Alastair Cooper (SRG)

# Legal Provisions

## International legal instruments/ recommendations



THE FLIGHT OF FISHERS: Exploited and Abused

THE FLIGHT OF FISHERS: Exploited and Abused

Azmath Jaleel and Alastair Cooper (SRG)



# 有人在乎嗎？

## 非政府組織關注漁民 困境的例子

漁民困境：受迫害的一群

Aamath Jaleel & Alastair Couper (SRI)

# **Anyone Cares?**

## Few examples of NGO focus on fishers' plights

THE PLIGHT OF FISHERS: Exploited and Abused

Aamath Jaleel and Alastair Couper (SRI)

## 更多需要做的事

落實並加強執行國際法與準則

執行捕魚工作公約188條

進行研究，了解前述不當行為的嚴重性，特別是逮捕的人數、環境、監禁條件、法律保證等。了解情況後，才能進行法律分析，向IMO、ILO及FAO等國際組織提供建議。

由下往上的方式 — 透過非政府組織與消費者組織呼籲拒買血汗漁民所捕撈的漁獲或生產的產品，對違反法規者施加壓力

漁民困境：受迫害的一群

Aamath Jaleel & Alastair Couper (SRI)

## More Needs to be done

Implementation and better enforcement of international laws and guidelines

Bring into force the Work in Fishing Convention 188

Undertake research to understand the extent of these atrocities, especially arrests: numbers, circumstances, conditions of detention, legal representations etc. in order to do legal analysis to make recommendations to International Organisations such as IMO, ILO and FAO

Bottom up approach - bring pressure on the perpetrators from NGOs and consumer groups by boycotting fish and products that have the blood of the fishers

THE FLIGHT OF FISHERS: Exploited and Abused

Aamath Jaleel and Alastair Couper (SRI)



**謝謝聆聽**

**Thank you**

全球防制漁工剝削案例探討漁工權益保障  
*Global Anti-Trafficking Case Studies on  
Fishery Workers Rights Protection*

主講人：**Glenn Simmons**  
奧克蘭大學研究員

Speaker: **Glenn Simmons**  
Principal Investigator- Mapping Human Trafficking in New  
Zealand



## 講者—Glenn Simmons

### 專業經歷

- 2014 年至今 奧克蘭大學紐西蘭亞洲學會研究員
- 2014 年至 2015 年 奧克蘭大學“制定紐西蘭人口販運”主要研究者
- 2012 年至 2016 年 “重建紐西蘭海洋漁獲量(1950 年至 2013 年)”  
主要研究者，紐西蘭亞洲學會及牛津大學與英國  
哥倫比亞在“周圍海計劃”上為合作夥伴。

### 學歷

- 2014 年 取得奧克蘭大學國際貿易系博士學位(中小型企  
業成長及創業能力:以經濟學家伊迪絲·潘洛斯的  
觀點來看紐西蘭海產業)
- 2009 年 取得奧克蘭大學管理學碩士學位 - 企業創業成長
- 2007 年 取得奧克蘭大學企業管理碩士學位
- 2007 年 取得奧克蘭大學企業管理畢業證(線上學習)

### 專業領域

- 野生捕撈及水產養殖漁業
- 商業模式及全球價值鏈
- 非法、未報告及未受管制(IUU)捕魚
- 移民勞工剝削
- 遠洋漁業受到人口販運的強迫勞動

### 專業經歷

- 2014 年至今 國際刑警組織人口販運專家組員

### 自傳

Glenn Simmons 著手於“促進海鮮食品業增值”這個在奧克蘭大學紐西蘭亞洲學會的研究計劃。這個計劃設法協助漁業為他們所付出的勞力，能夠持續創造、傳遞和獲得更多的價值。從 2008 年開始，他的研究涵蓋：商業模式、全球價值鏈、非法、未報告及未受管制(IUU)捕魚、勞工行為以及人口販運強迫勞動的全球漁業勞工，這些都是他研究的範圍。

Glenn Simmons 憑著他的經驗在中國大陸、香港、冰島、印尼、日本、紐西蘭、挪威及菲律賓這些國家，都有承接工作，包含與海鮮食品業的全球價值鏈相關的工作。

因著他在紐西蘭的研究，2011 年時引起其部長的探查，使政府政策有了重大轉變。法規規定所有外國租船要在 2016 年 5 月 1 日前於紐西蘭重新懸旗，並且新法規為了保護移民勞工，將對移民勞工剝削列為嚴重的刑事犯罪。並且改用販運防制法來認定，人口販運實際上在國內是可以的。在 2012 年 8 月，格列及兩位合作研究員榮獲院長獎。此獎項代表他的研究獲得認可，他的研究影響到外國租船在紐西蘭海域補漁的漁民權益。



## Speaker — Glenn Simmons

### **PROFESSIONAL EMPLOYMENT**

- 2014-now      Research Fellow, The New Zealand Asia Institute, University of Auckland.
- 2014-2015    Principal Investigator  
                  ‘Mapping Human Trafficking in New Zealand’. The University of Auckland.
- 2012-2016    Principal Investigator  
                  ‘Reconstruction of marine catches for New Zealand (1950-2013)’. The New Zealand Asia Institute and University of Oxford in partnership with the Sea Around Us Project, University of British Columbia.



### **EDUCATION**

- 2014            University of Auckland, PhD in International Business (SME growth and entrepreneurial abilities: A Penrosian approach to the New Zealand seafood industry)
- 2009            University of Auckland, Master of Management - Entrepreneurial Business Growth
- 2007            University of Auckland, MBA - Business Administration
- 2006            University of Auckland, PGDipBus - Business Administration

### **FIELDS OF INTEREST**

Wild capture and aquaculture fisheries  
Business Models and Global Value Chains  
IUU fishing  
Migrant worker exploitation  
Human trafficking for forced labour in distant water fisheries

### **PROFESSIONAL EXPERIENCES**

- 2014-now      Member of the INTERPOL Specialist Group on Trafficking in Human Beings

### **BIOGRAPHY**

Dr Glenn Simmons manages the research project ‘Value Adding in the Seafood Industry’ at the New Zealand Asia Institute, University of Auckland. This project seeks to assist fisheries businesses sustainably create, deliver and capture more value from their activities. Since 2008 his research has encompassed business models, global value chains, IUU fishing, labour practices, and trafficking for forced labour in the fishing industry - globally. Glenn has undertaken empirical work in China, Hong Kong, Iceland, Indonesia, Japan, New Zealand, Norway, and in the Philippines covering the whole of seafood global value chains (net to plate).

His New Zealand research led to a Ministerial Inquiry in 2011, major shifts in government policy, and the enactment of laws requiring all foreign charter vessels to be reflagged to New Zealand by 2016, making the exploitation of migrant workers a serious criminal offence, and changes to anti-trafficking legislation to recognize that human trafficking can be domestic in nature. In August, 2012 Glenn and two co-researchers received the Deans Award: a special award recognizing the impact of research concerned with human rights issues on-board foreign charter vessels fishing in New Zealand's waters.



## 2016 年防制人口販運國際工作坊

漁業管理：人口販運下的強迫勞動，  
刻意忽視還是無意間疏忽？

Glenn Simmons 博士

紐西蘭奧克蘭大學亞洲研究中心  
(New Zealand Asia Institute, the University of Auckland)

簡報對象：

2016年防制人口販運國際工作坊

台灣台北

2016年7月28日



**Fisheries management: Human trafficking  
for forced labour an ignored or overlooked dimension?**

Dr Glenn Simmons

New Zealand Asia Institute  
The University of Auckland, New Zealand

Presentation to:

2016 International Workshop on Strategies for Combating Human Trafficking

Taipei, Taiwan

28<sup>th</sup> July 2016

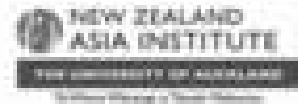




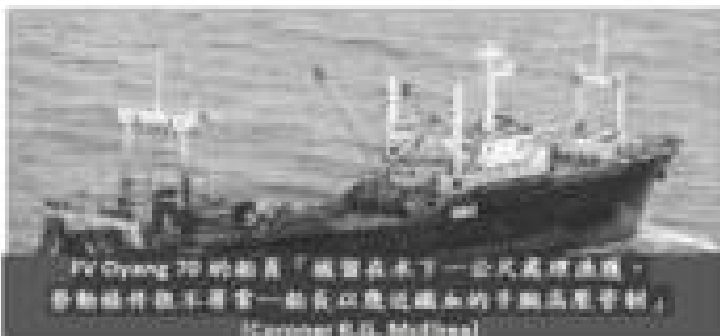
## 海上奴隸(影片)

## Slaves of the Ocean (video)

## 背景介紹



- 2008年，研究在探討誤捕中意外展開，發現一種以強迫勞動與非法、未報告、不受規範(IUU)漁業為基礎的「低成本」商業模式。2010年8月，韓國漁船「Oyang 70」沉船事件讓這個模式意外曝光；
- 2011年，眾多移民船員走下靠岸於紐西蘭的南韓漁船，揭發船上有如割割奴隸般的勞動環境與待遇；
- 研究架構：巴爾摩議定書(Palermo Protocol)，以及人口販運與勞工割割等相關國際勞工組織與歐洲委員會(ILO-EC)指標；
- 完成超過500場半結構化深度訪談，430場訪問遠洋漁船，105場訪問南極洲捕魚的IUU漁船，其中大多數在南西蘭和印尼海域作業。



## Background



- Research began serendipitously in 2008 – identified a ‘low road cost driven’ business model underpinned by the use of forced labour and IUU fishing. The sinking of the *Oyang 70* in August 2010 illuminated the model;
- In 2011, large numbers of migrant crew walked off South Korean foreign charter fishing vessels in New Zealand, citing slave like labour conditions and treatment;
- Research framework: *Palermo Protocol*, and the ILO–EC operational indicators of trafficking for labor exploitation.
- Completed over 500 in-depth semi-structured interviews. 430 from distant water fishing vessels and 105 from 8 IUU Antarctic toothfish vessels – mainly in NZ and Indonesia.



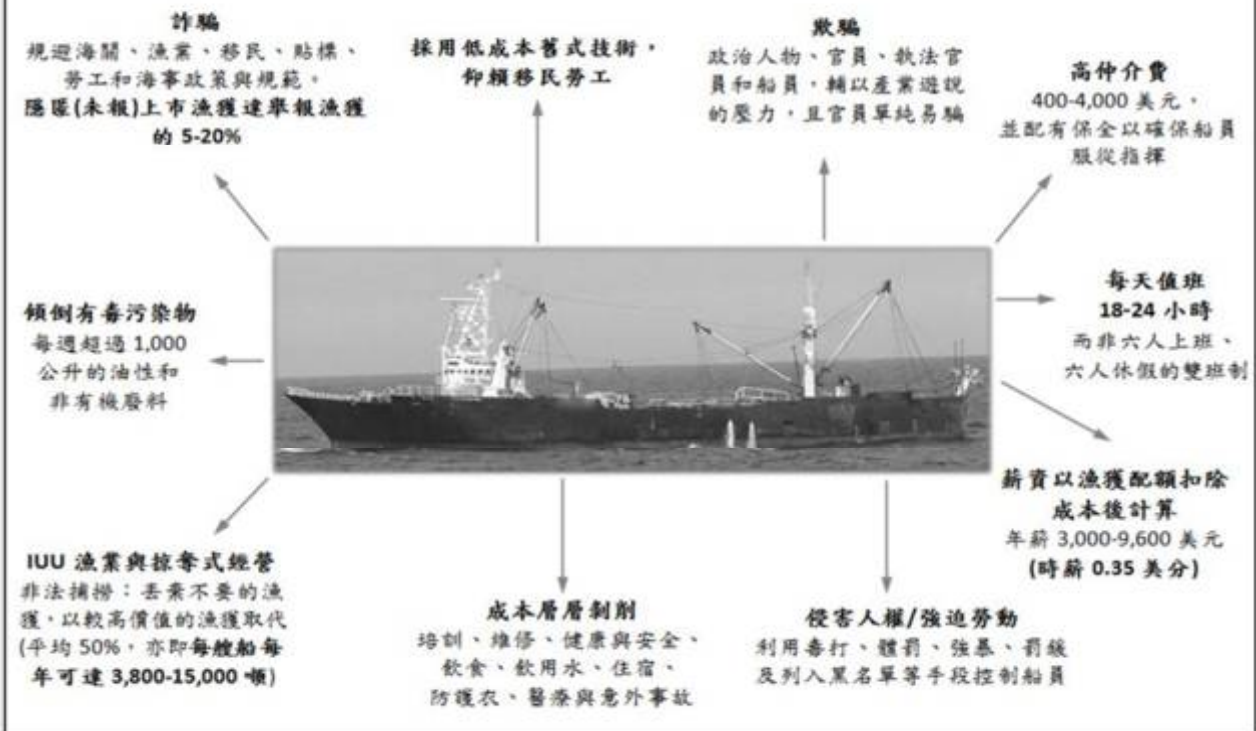


## 2016 年防制人口販運國際工作坊

### 低成本商業模式： 利益掛帥，不符常理

價值主張：產量極大化，層層剝削成本。

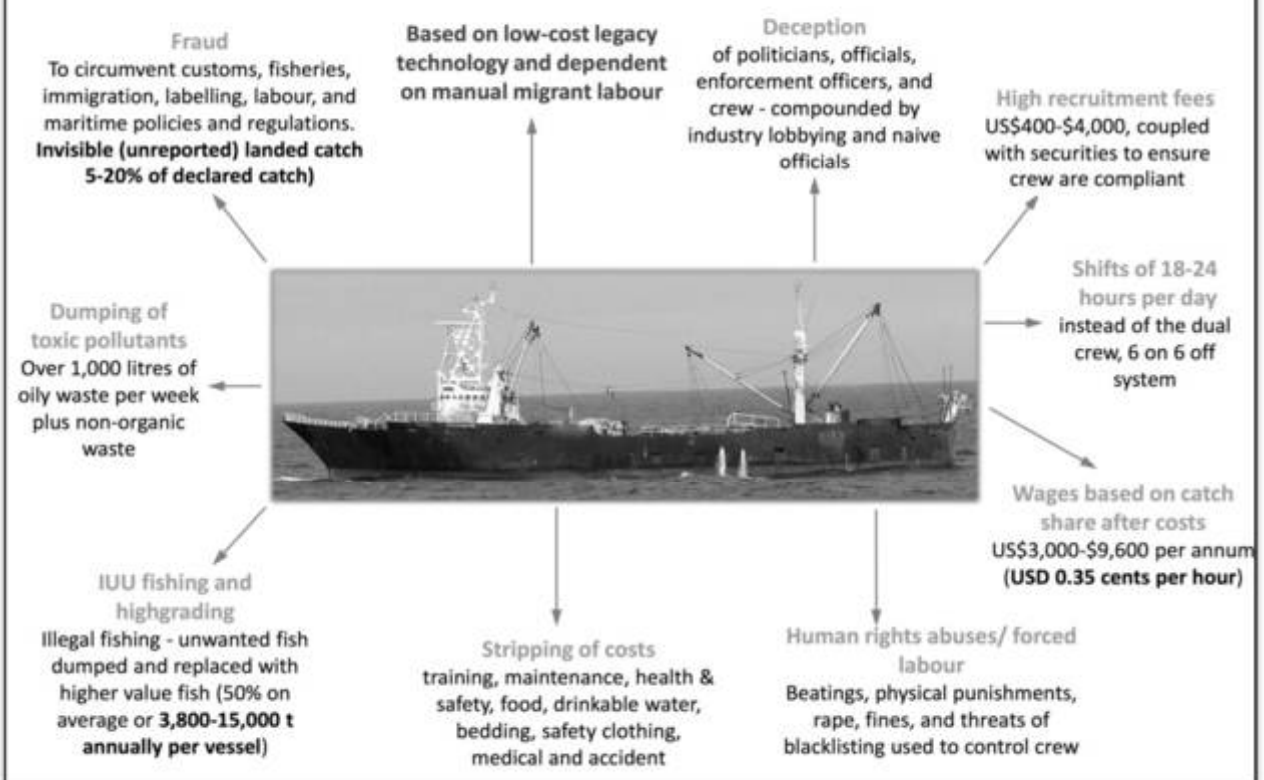
以秘密進行、規避風險、反競爭的經營文化為基礎。



### The low road business model: Regulated in principal but not in practice

Value proposition: maximising production and stripping of costs.

Underpinned by secretive, risk-averse, anti-competitive cultures.



## 招募階段：強迫與欺騙

NEW ZEALAND  
ASIA INSTITUTE  
THE UNIVERSITY OF AUCKLAND  
Te Whare Wānanga o Tāmaki Raukōwhiri

- 受僱後，當地薪資每月 96 美元；
- 向人力仲介支付工作安置費(400-3,500 美元)，並需保證遵守先決條件及提供擔保。
- 仲介費通常是以房子、土地和摩托車抵押借貸；
- 簽約 2 年，承諾每月 100-500 美元；履行合約義務後支付 50-100% 薪資；
- 欺騙有關真實雇主、薪資以及工作和生活條件等相關資訊；
- 船員不知道其實共有三份合約；
- 違約罰金最高可達 10,000 美元。



## Recruitment Stage: Coercion and Deception

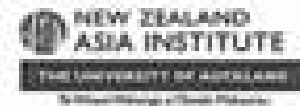
NEW ZEALAND  
ASIA INSTITUTE  
THE UNIVERSITY OF AUCKLAND  
Te Whare Wānanga o Tāmaki Raukōwhiri

- Local wage US\$96 per month, if employed;
- Job placement fee (US\$400-\$3,500) to the manning agent, provided condition precedent guarantees and collateral.
- Borrowed agent fees often secured against house, land, and motorbike;
- Signed 2 year contract promising \$US100-\$500 per month. 50-100% paid after completion;
- Deceived about real employer, wages, work and living conditions;
- Unknown to crew there were three contracts;
- Fines of up to USD 10,000 if breaking contract.





## 紐西蘭僱傭合約條款範例

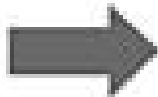


### 個人工作合約

#### 締約雙方

仲介 PT. Sandi Genesis Samuel  
僱主 DONG NAM Corporation, Ltd. Korea.  
與

Mr. HADI



- f) 凡未受韓國船員抽打/虐待，船員應自擔離職船員之來回交通費，以維持船上紀律。

「乙方自願在漁船上工作，且完全服從及遵守甲方訂定之規範。」

## Example of New Zealand employment contract clauses



### INDIVIDUAL WORKING AGREEMENT

#### Between

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

Mr. HADI



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

"The Second Party is willing to work as crewman on fishing ship and be completely submissive and obedient to the rule established by the First Party."

## 船上生活：剝削與壓迫

- 護照和船員手冊遭船長沒收；
- 在有如貧民窟的惡劣環境中生活：  
「海上的冷凍庫——一個人聽聞的生活條件彷彿貧民窟——絕對有侵害人權的嫌疑，這些船隻就是載著奴隸的漁船」(政府觀察員)。
- 鐵鏽顏色的飲用水；食物上鎖，配量供應；船員必須吃乾掉的麵包、腐爛的豬肉和魚餌；  
「像老鼠一樣過著不潔的生活」(政府觀察員)。
- 缺乏防護衣/道具；
- 尋求醫療照護遭拒，對傳染病(傷寒)置之不理；
- 掩蓋意外事故，未依規定通報；
- 長達 70 小時的值班時間，船員不得不服用提神藥物，將自己綁在設備上，哀求船主給予休息時間，或在工作期間睡覺；
- 被迫在空白或不符實際情況的帳表上簽名，並接受不合法律規定的工資扣減；  
「要是有人挺身反抗，通常會經帶到隱密的小房間暴打一頓，這顯得很對大家心知肚明」(勞工局，2004 年，第 15 頁)。



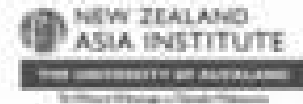
## On board the vessel: Exploitation and Coercion

- Passports and seaman's books confiscated by captains;
- Lived in horrific, slum-like conditions;  
*"A floating freezer...absolutely appalling conditions just like a slum...there are definitely human rights abuses out there, they are slave ships"* (government observer).
- Drinking water a rusty colour; food supplies locked up and rationed; fed stale bread, pork, and rotten fish bait;  
*"Live like rats"* (government observer).
- Little protective clothing/safety gear;
- Denied medical treatment; contagious disease ignored (typhoid);
- Accidents covered up and not reported;
- Shifts up to 70 hours caused crew to use stimulant drugs, tied to equipment; begged for a break, or fell asleep while working;
- Forced to sign blank or false timesheets and accept unspecified illegal deductions from pay;  
*"If anyone stands against this abuse, it has been known for them to be taken to a private cabin and beaten"* (Dept of Labour, 2004, p15).





## 船上生活：剝削與壓迫



- 時常在暴力威脅下工作，嚴重侵犯人身的情況屢見不鮮；
- 不人道的待遇如家常便飯：
  - 「我與身障難民船員遭到懲處，他們要我在惡劣的天氣中[到甲板上罰站，從下午一點站到傍晚六點]，期間不得進食及喝水。
  - 「吃午餐的時候，水手長用農車的帶套蓋住我的頭，然後一直打我的後腦勺，最後我連呼吸都有困難。」
- 被剝奪言論自由，嘴巴用封條膠帶貼住；
- 若有船員跳海脫逃，船長宣稱以信號槍射殺；
- 勒令進入零下 40 度的冷凍庫，身上只著睡衣。
- 性侵害事件頻傳：
  - 「我的船員同事在船艙中慘遭強暴，就在我下鋪。每出海一趟總要發生好幾次……幹部常威脅我們保守秘密。」
- 船員不能輕易離開船隻：船長聘請保衛「軍用打手」；
- 被迫參與環境犯罪和 IUU 漁業活動。
- 上層脅迫對主管機關和調查人員說謊。

## On board the vessel: Exploitation and Coercion



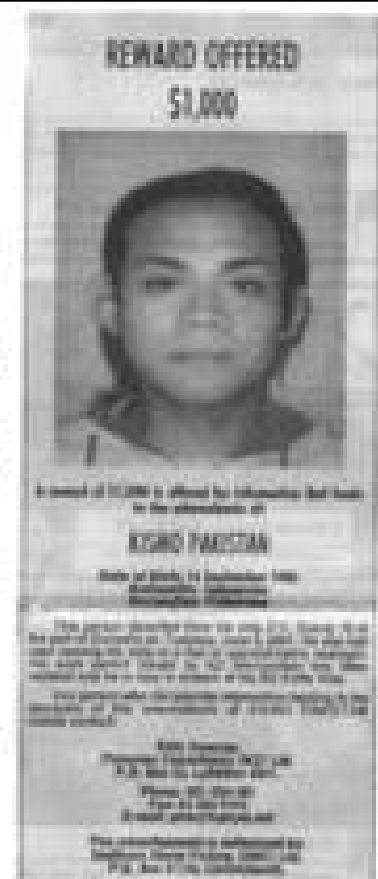
- Worked under constant threat of violence, aggravated assaults common;
- Inhumane punishments common:
  - "They punished me because I connected the wrong cable. They told me to stand up [on the deck in poor weather] from 1 until 6 o'clock in the evening" without food and water.*
  - "while eating lunch, the Bosun put a rice sack over my head and punched the back of my head until I had trouble breathing".*
- For talking, mouth taped over with packing tape;
- Crew jumped overboard to escaped being shot by captain with a flare gun;
- Ordered into the -40 degree freezer in pyjamas.
- Incidents of sexual abuse common:
  - "my crew member [was] raped in my cabin, beneath my bunk, many times on each trip...to make us shut our mouths the officer paid money".*
- Crew could not easily leave their vessels – security guards employed to “watch and follow”;
- Forced to participate in environmental crimes and IUU fishing.
- Coerced to lie to authorities and investigators.

## 離職

### 離職的五種情況

1. 合約到期前被遣返回國(例如生病、受傷、不努力工作、不斷抱怨)，這類船員通常面臨拿不到薪資、依合約條款受罰或名列黑名單等下場；
2. 部分船員棄船而去，導致嚴重後果，例如需付 10,000 美元罰金或失去家人住的房子；
3. 有人下船後揭發公司未付薪資和形同剝削的工作條件，例如 2011 年曾有數艘南韓漁船的船員因抗議而罷工，但卻收到罰款或會列入黑名單；
4. 合約到期但延遲下船，最後的薪資受到不合理或非法刪減及/或金額稀少；
5. 死亡。

務必瞭解所有面向(包含離職)，才能瞭解移民漁工被由人口販運而為強迫勞動受害者的真實全貌。

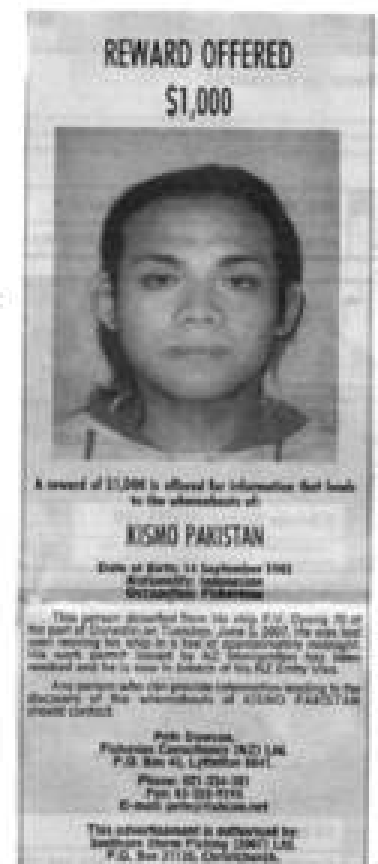


## Exit Stage

### Five points of exit

1. Sent home before completing contract (e.g. illness, injury, not working hard enough, complaining), where crew faced non-payment of wages, contract penalties, and blacklisting;
2. Some crew deserted their vessels with severe consequences e.g. fines up to US \$10,000, loss of family home;
3. Others walked off their vessels claiming non-payment of wages and exploitative conditions: In 2011, crew from several South Korean vessels did this and were threatened with fines and blacklisted.
4. Completed contract, but exit delayed, final wages subject to unreasonable or illegal deductions and/or money skimmed off;
5. Death.

It is crucial to take account of all stages, including exit, to properly understand trafficking for forced labour of migrant fishing crew.





船員身故後，其家人仍逃不過遭制劑的命運

我的妻子和已故船員(Oyang 70 先生)的遺孀 Eula 帶著丈夫的遺孀證書到中介，向中介、韓國船東的中介遞交船東的死亡證明書。如果船東不承認，中介和中介的經理會派人一起到船東處，Eula 帶著遺孀證書，向中介遞交一份。船東的經理會問她是否可以申請，這世上對船東還有公平正義。」(機密文件，2010 年 10 月 16 日私人通訊記錄)。

Exploitation extended to the families, even after death

"My wife and Eula widow of deceased (victim Oyang 70), take the death certificate to the agency. They said husband's insurance money has not come from the Korean agent and if you want to get insurance money, you must live/sleep with the director of the AGENCY for a few days...after Eula back she cried loudly and could not speak. Then she asked where should she complain, whether there is justice and righteousness on earth" (Confidential pers comm. 16 October 2010).

逃離不人道對待後，  
仍有未履行契約的後果



「船員不想被列入黑名單，我很確定，他們這麼做一定會被封殺。  
他們一回到雅加達，印尼仲介公司絕對會馬上提告索賠，到時他們就要損失大  
筆金錢，還有可能入獄。  
如果他們回到印尼時身無分文，怎麼辦？他們沒有半毛錢，失去家人撫養的一  
切，包括家庭破裂，他們也會因此失去家庭，沒錢什麼辦法也沒有。  
可憐啊，這些船員，即使回到家鄉，生活也已支離破碎，我們不可能給他們錢，  
即使我們損失一百萬，也不會賠償他們！永遠不會！我會對他們的行為感到遺  
憾，但僅此而已！不人道的對待是我的錯，我們的錯，可憐的船員…」(漁業公  
司總經理，2012 年)。



紐西蘭外國航運船隻上侵犯人權的現象如此普遍，如此明目張膽，  
而且顯然會持續下去，政治上勢必得採取因應行動。

Consequences of not finishing the contract,  
even if escaping inhumane treatment



*"Crew member they doesn't want to on the blacklist, I'm sure I'm sure, they will be  
blacklisted.*

*If they return to Jakarta the Indonesian agent will raise the suit, claim damages  
sure 100%, so they lost big money and risk to jail.*

*If they return to Indonesia without money, what are they going to do? They are  
bankrupt, they lost everything with the family, include the family too, they lost the  
family too, no money.*

*Poor crew, when they return to home they really their life is miserable. We no  
ready to pay, even we lost a million dollar we are not! no never! Really regret  
their behavior I consider, but no more! Inhumane treatment my fault, our fault,  
poor crew..." (Fishing company managing director, 2012).*



The abuses in NZ's foreign charter sector were so offensive, so obvious and  
clearly going to continue that action had to be taken as a political necessity.



## 紐西蘭官方回應



內閣質詢(2012 年)引發外籍漁船產業的相關討論，進而促成重大改革：

- 提升監管力道，例如監督團體 MOSS 著眼於仲介是否確實遵循法規，由觀察員全面把關；
- 提高《紐西蘭移民實務手冊：國外漁船船員規範》(Immigration New Zealand Operational Manual: Foreign Crew of Fishing Vessels Instructions)第 2012/18 號公告之強度，該稿由業主自發遵循的作業規範(2006 年)，加入內閣質詢的重要建議事項：
  - 聘僱合約必須遵守紐西蘭法律，例如仲介費用須由僱主負責。
  - 紐西蘭船主必須擔任僱主角色，保證船員的工作條件和薪資。
  - 薪資必須繳付所得稅，直接匯入個別船員的銀行帳戶，不得由仲介經手。
  - 勞工局每年稽核薪資及扣繳狀況。
  - 仲介監督團體制定工作與生活標準並強制實施。
- 《漁船(外籍租賃船隻與其他船隻)修正案》：所有外籍租賃漁船現在必須懸掛紐西蘭國旗，觀察員擁有勞動條件檢查員的職權；
- 《移民修正案(第 2 號)》：剝削移民勞工列為刑法重大違規項目，最高可判處 7 年徒刑與/或 100,000 紐西蘭元罰鍰(2015 年 5 月生效)；
- 《組織犯罪及反貪腐立法》(Organised Crime and Anti-corruption Legislation Bill)：使紐西蘭的法規與巴勒摩議定書一致，我們的研究強調，人口販運可能發生於國內，且不一定牽涉暴力(2015 年 10 月生效)。

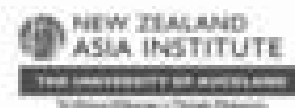
## New Zealand's response



A Ministerial Inquiry (2012) into the foreign charter sector led to major regulatory reform:

- Increased oversight e.g. Inter-agency compliance group, MOSS, 100% observer coverage;
- Strengthened *Immigration New Zealand Operational Manual: Foreign Crew of Fishing Vessels Instructions: Circular No. 2012/18*. Replaces the voluntary Code of Practice (2006) incorporating key recommendations of the Ministerial Inquiry;
  - Employment contracts must follow New Zealand law i.e. agent fees paid by the employer.
  - NZ Charterer must be the employer who must guarantee crew conditions and wages.
  - Wages subject to Income tax, paid into individual crew bank accounts - not through agents.
  - Annual Dept of Labour audits of wage payments and deductions.
  - Work and living standards set out and enforced by inter-agency group.
- *Fisheries (Foreign Charter Vessels and other Matters) Amendment Bill*: All foreign chartered fishing vessels must now fly the New Zealand flag, observers given labour inspectors powers;
- *Immigration Amendment Bill (No 2)*: Makes the exploitation of migrant workers a serious criminal offence: up to 7 years' imprisonment and/or NZD \$100,000 fine (enacted May 2015);
- *Organised Crime and Anti-corruption Legislation Bill*: brings New Zealand into line with the *Palermo Protocol*. Our research highlighted that human trafficking can be domestic in nature and does not always involve the use of force (enacted October 2015).

## 南韓官方回應



啟動跨部會調查：6個單位共有 16 名官員參與

- 相關單位包括：南韓國土、運輸及海洋事務部、南韓外交部貿易部、南韓法務部，以及南韓海巡署刑事部。
- 九家公司和船上幹部被控偽造、傷害、妨礙自由、暴力和性侵犯。兩家漁業公司的高階管理人員分別判處兩年有期徒刑。

修訂《海員法》，以保障船員福祉、促進就業，並提升工作安全。

- 設立船員勞資關係委員會(Seafarer Labor Relations Commission)。
- 設立熱線中心，專責處理申訴及提供諮詢。
- 改善生活與工作條件，提高安全和衛生標準。
- 船隻每三年需接受檢查，以確保船員的勞動條件和生活水準符合最低標準。

修訂《遠洋漁業條例》

- 提供部會層級的法律規定，除了改善工作條件，也藉此實施相關措施，以保障非南韓籍船員的人權。
- 侵害人權的業者將面臨撤銷執照吊銷的處分。

## Korea's response



Launched inter-ministerial investigation: 16 officials from six agencies

- Included, Ministry of Land, Transport and Maritime Affairs; Ministry of Foreign Affairs and Trade; Ministry of Justice; and Criminal Affairs Division of Korean Coast Guard.
- Nine company and vessel officers prosecuted for forgery, assault, obstruction, violence, and sexual assault. Two fishing company executives each receive two year jail terms.

Amended *Seafarers Act* to improve crew welfare, facilitate employment, and enhance job security.

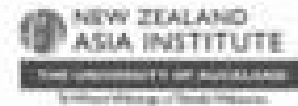
- Established Seafarer Labor Relations Commission
- Established a call center to deal with complaints and offer counselling.
- Improves living and working conditions, and safety and hygiene standards.
- Every three years vessels inspected to ascertain whether the labor standards and living standards of seafarers meet the minimum standards.

Amended *Distant Water Fisheries Development Act*

- Provides for Ministerial regulation to improve working conditions and implement measures to protect the human rights of non-Korean crew.
- Cancellation of fishing license for human rights violations.



## 勞動現場的深入觀察



- 漁船幹部遭控海拋不費的漁獲和控舉式捕撈，後來經紐西蘭政府判處有罪(並沒收 4 艘南韓漁船)；
- 然而，販運人口以達到強迫勞動目的的行為卻從未遭受法律制裁：我們始終「不願意或無法解決這個產業中的問題，甚或感到無能為力」許多外國租船公司因而變本加厲，繼續高壓剝削船員」(紐西蘭勞工局，2012 年)；
- 紐西蘭勞動稽查單位提升調查技能，主動監督漁船狀況；
- 證據指出，國家相關機構目前採用的工具效果不彰，導致長打擊遠洋漁船販運人口、強迫勞工勞動方面的成效極低甚；
- 需要跨國、跨組織的共同合作，才能解決跨國人口販運，乃至於漁船上強迫勞動的相關問題；
- 「低成本」捕撈模式本質上就容易與強迫勞動和漁業資源耗竭掛勾，因此有必要由多組織同時且全面地強制執法。

我們發現，遠洋漁船上慘不忍睹的剝削行為，  
其實符合國際刑法對於人口販運與強迫勞動的法定條件。

## Final insights from the field



- Vessel officers prosecuted and convicted by the New Zealand government for fish dumping and highgrading (4 South Korean vessels confiscated);
- BUT, no prosecutions for human trafficking for forced labour: We have been "unwilling or unable to fully resolve problems in the industry ... [this] allowed the operators of many foreign charter vessels to exploit crew members under their control" (NZ Dept of Labour, 2012);
- New Zealand labour inspectorate upskilled and now proactively monitoring fishing vessels;
- The evidence suggests institutions at the state level - using ineffective tools - have been ineffective in combating human trafficking for forced labour on distant water fishing vessels;
- Internationally cross-border inter-agency coordination is needed in order to address the interconnectedness of transnational human trafficking for forced labour in fisheries;
- Holistic multi-agency enforcement approach needed, as the use of forced labour and fisheries resource crimes are intrinsic to the 'low road cost driven' fisheries business model.

We found the nefarious activities on board distant water fishing vessels match the legal criteria for human trafficking for forced labour under international criminal law.

## 這不只是犯罪



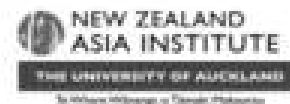
「這是每個人都應該關心的議題，因為這貶抑了我們共有的人性。這是每個社群都應該關心的議題，因為這傷害了組成社會的人際網絡。這是每個企業都應該關心的議題，因為這扭曲了市場生態。這是每個國家都應該關心的議題，因為這危害了公眾健康，也加劇了暴力和組織犯罪。我指的是人口販運的不公不義和惡形惡狀。」

一個亟需工作的人，最後發現自己「困在漁船上」賣命工作，卻只能賺取微薄的薪水，企圖逃跑還會遭到毒打。這是奴役。此時此刻，船上有人雙手流血也得忍痛拋網捕魚。他們相信自己值得更好的生活，過著有尊嚴的人生，但他們不確定有沒有人關心他們的處境。

我們注意到了，我們聽到了，我們願意捍衛你們的尊嚴。我們和你們一樣，深信只要有機會，你們必能創造與能力等值的生活，一個值得追求的昇昇人生。

挺身對抗人口販運是這個時代追求人權的重要課題，我們攜手努力。」  
[美國總統歐巴馬，柯林頓全球行動計畫年會，2012年9月25日]

## And, it's more than a crime



"It ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime. I'm talking about the injustice, the outrage, of human trafficking.

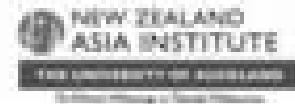
When a man, desperate for work, finds himself...on a fishing boat...toiling, for little or no pay, and beaten if he tries to escape - that is slavery. Right now, there is a man on a boat, casting the net with his bleeding hands, knowing he deserves a better life, a life of dignity, but doesn't know if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

We see you. We hear you. We insist on your dignity. And we share your belief that if just given the chance, you will forge a life equal to your talents and worthy of your dreams.

Our fight against human trafficking is one of the great human rights causes of our time".  
[President Obama, Clinton Global Initiative Annual Meeting, 25 September 2012].

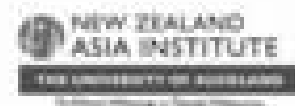


## 相關著作詳細資料



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## 韓國保障外籍漁工防制人口販運成效 及案例探討

### *Anti-Trafficking Achievements of Fishery Workers Protection and Case Studies : Korean Perspective*

主講人： **Kim NamGyu**  
韓國海洋漁業部漁業政策處處長

Speaker : **Kim NamGyu**  
Director of Ministry of Oceans and Fisheries

## 講者—Kim NamGyu

### 現職

海洋水產部航海員政策部部長

### 經歷

2015 年 4 月至今	海洋水產部航海員政策部部長
2013 年 12 月至 2015 年 4 月	釜山港務局(BPA)合作總幹事
2013 年 4 月至 2013 年 12 月	海洋水產部沿海運輸部門祕書
2012 年 10 月至 2013 年 4 月	韓國國土、交通及海洋事務部投資評估小組祕書
2004 年 2 月至 2012 年 12 月	國家政策協調室/海洋水產部/企劃財政部副主任



### 學歷

1983 年 3 月至 1989 年 2 月	關東大學-政府行政管理學系學士學位
1979 年 3 月至 1982 年 2 月	江陵高中

## Speaker—Kim NamGyu

### CURRENT POSITION

Chief, Department of Sailor Policy, Ministry of Oceans & Fisheries

### PROFESSIONAL EMPLOYMENT

Apr. 2015 – Present	Chief, Department of Sailor Policy, Ministry of Oceans & Fisheries (MOF)
Dec. 2013 – Apr. 2015	Director General of Cooperation, Busan Port Authority (BPA)
Apr. 2013 – Dec. 2013	Secretary, Department of Coastal Shipping, MOF
Oct. 2012 – Apr. 2013	Secretary, Investment Assessment Team, Ministry of Land, Transport & Maritime Affairs
Feb. 2004 – Dec. 2012	Office for Government Policy Coordination/ MOF/ Ministry of Strategy & Finance



### EDUCATION

March 1983 – Feb. 1989	B.A. in Government Administration, GwanDong University
March 1979 – Feb. 1982	GangReung High School



## 김 남 규

### 직 위

해양수산부 선원정책과장



### 주요경력

'04. 2 '12.10 ~ 국무조정실 해수부 기재부 사무관  
'12.10 '13. 4 ~ 국토해양부 투자심사팀 서기관  
'13. 4 '13.12 ~ 해양수산부 연안해운과 서기관  
'13.12 '15. 4 ~ 부산항만공사 협력관 (BPA)  
'15. 4. ~ 현 재 해양수산부 선원정책과장

### 학력사항

'79. 3 '82. 2 강릉고등학교  
'83. 3 '89. 2 관동대학교 행정학과





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- II. 外籍船員在韓之受僱人數統計
- III. 外籍船員在韓之受僱相關法律及條例
- IV. 外籍船員在韓之受僱人數核定及僱用程序
- V. 改善外籍船員在韓之工作環境及人權維護



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- I . Introduction to Korea's Foreign Seafarer Policy
- II . Foreign Seafarer Employment Statistics
- III. Laws & Regulations Relating to Foreign Seafarer  
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- IV. Determining the Number of Foreign Seafarers and the  
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- III. 외국인 선원 고용 관련 법령**
- IV. 외국인 선원 고용규모 결정 및 절차**
- V. 외국인 선원 근로여건 및 인권 개선 방안**

# I . 前言 – 外籍船員在韓政策



# I . Introduction to Foreign Seafarer Policy





# I . 한국의 외국인 선원 제도 소개

## I. 前言 – 外籍船員在韓政策

### ☐ 韓國〈船員法〉設立目的

此法專為特殊海事勞工所設立，延伸自陸地工作受用之〈勞動基準法〉。此法已受採用，用以保障船員生活品質以達標準水平，並且再行改善。

### ☐ 韓國〈船員法〉內容

- 規範用意

- 全體船員安全秩序遵守、工作環境及福利、確保工作是否符合安全標準以及教育訓練的安排，以上用意皆為了提升船員素質。

- 實施依據

- 包含有關船員勞工的船員法、船舶安全法、漁船船員及災害補償保險法以及國際勞工組織公約。



## I. Introduction to Korea's Foreign Seafarer Policy

### ☐ Purpose of the Seafarer Law

Separate from the land-based labor laws such as the Labor Standards Law, laws specifically designed taking into account the special nature of maritime labor have been adopted to guarantee and improve the basic living standards for seafarers.

### ☐ Main Content of the Law

- Formal Meaning

- To promote seafarer qualifications by regulating matters relating to maintaining order on the ship for the sake of the onboard community's safety, the working conditions and welfare for the seafarers, and the seafarers' employment security and education and training.

- Practical Meaning

- To encompass the Vessel Employee Law, the Vessel Safety Law, the Fishing Vessel Seafarer and Disaster Compensation Insurance Law and the ILO conventions regarding seafarer labor.





# I. 한국의 외국인 선원제도 소개

## ☞ 선원법 제정 목적

해상 근로의 특수성을 고려하여 선원의 기본적 생활을 보장·향상시키기 위하여 육상근로자에게 적용되는 근로기준법 등 근로관계법령과 별개로 제정·운영

## ☞ 선원법의 주요 내용

### ▪ 형식적 의미

- 선박공동체의 안전을 확보하기 위한 선내질서의 유지, 선원의 근로조건과 복지, 선원의 직업안정 및 교육·훈련에 관한 사항 등을 규정함으로써 선원의 자질향상을 도모하고 있음

### ▪ 실질적 의미

- 선박직원법, 선박안전법, 어선원 및 어선재해보상보험법, 국제노동기구(ILO)의 선원노동관련 협약 등이 포함

## I. 前言 – 外籍船員在韓政策

☐ 韓國《船員法》適用範圍如下：

### 1. 船舶

- 總重量5噸(或5噸以上)之韓國船、總重量20噸(或20噸以上)之漁船以及取得韓國國籍之外國租船

### 2. 船員

- 個人受僱為船員勞工，且身為船舶航行組織之成員

☐ 未經受訓完成之船員於海上航行時，不適用此法。

### 3. 船主

- 根據此法規定，適用對象範圍包含船主、船舶管理承包商、代理商以及租船者，租船者即是受到信任且賦予責任來行使船舶運作及承擔責任和義務的人。



## I. Introduction to Korea's Foreign Seafarer Policy

☐ The Seafarer applies to the following:

### 1. Vessel

- Vessels of Korean nationality with a total tonnage of five tons or more; fishing vessels of a total tonnage of 20 tons or more; and vessels of foreign nationality chartered under the condition of acquiring Korean nationality

### 2. Seafarer

- Individuals hired to provide labor as members of the sailing organization of a vessel to which the Seafarer Law applies

☐ The Seafarer Law is not applicable to the seafarer in training who boards the ship with the goal of becoming a seafarer.

### 3. Vessel Owner

- This includes the owners of vessels; and vessel management contractors, agents and vessel charterers who are trusted with the responsibilities relating to vessel operations and take over the duties and obligations of vessel owners under the Seafarer Law.





## 1. 한국의 외국인 선원제도 소개

### ☞ 선원법 적용대상

#### 1. 선박

- 대한민국 국적의 총톤수 5톤 이상 선박, 총톤수 20톤 이상 어선, 대한민국 국적을 취득할 것을 조건으로 용선한 외국선박

#### 2. 선원

- 선원법이 적용되는 선박의 항행조직의 일원으로 근로를 제공하기 위하여 고용된 사람
- ☞ 선원이 될 목적으로 실습을 위하여 선박에 승선하는 사람, 즉 실습선원은 선원법을 적용받지 않음

#### 3. 선박소유자

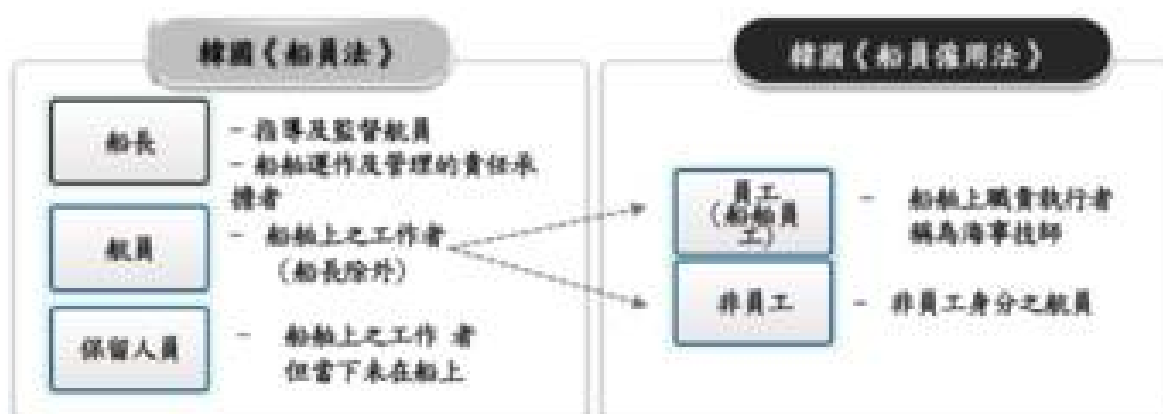
- 선박소유자, 선주로부터 선박의 운항에 대한 책임을 위탁받고, 선원법에 따른 선박소유자의 권리 및 책임과 의무를 인수하기로 동의한 선박관리업자, 대리인, 선채용선자 등을 포함

# I. 前言 – 外籍船員在韓政策

## ▣ 船員分類

根據韓國《船員法》規定，船員分為三類：船長、航員及保留人員。

航員通常分為員工及非員工；但是，韓國《船員法》及《船員僱用法》對員工的定義並不一致。

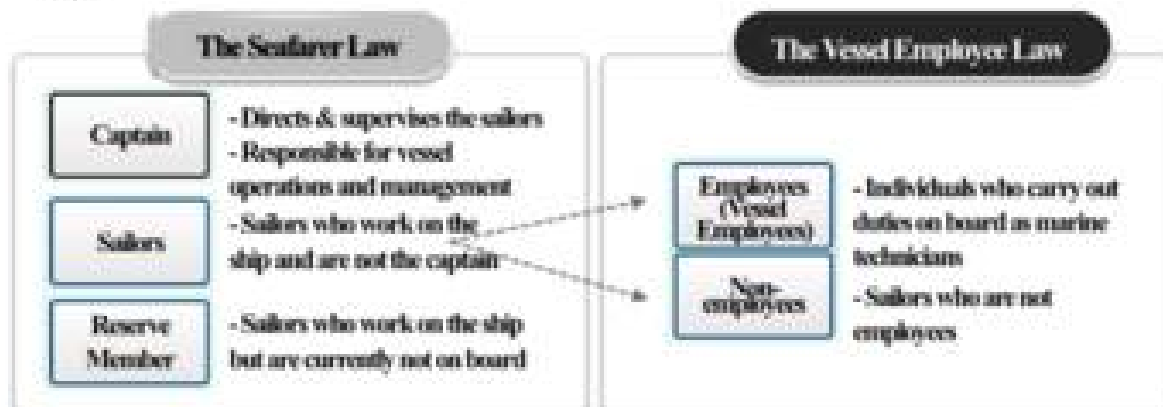


# I. Introduction to Korea's Foreign Seafarer Policy

## ▣ Categorization of Seafarers

Under the Seafarer Law, the seafarers are categorized into the captain, the sailors and the reserve members.

The sailors are usually divided into employees and non-employees, but the definitions of the employee do not coincide between the Seafarer Law and the Vessel Employee Law.





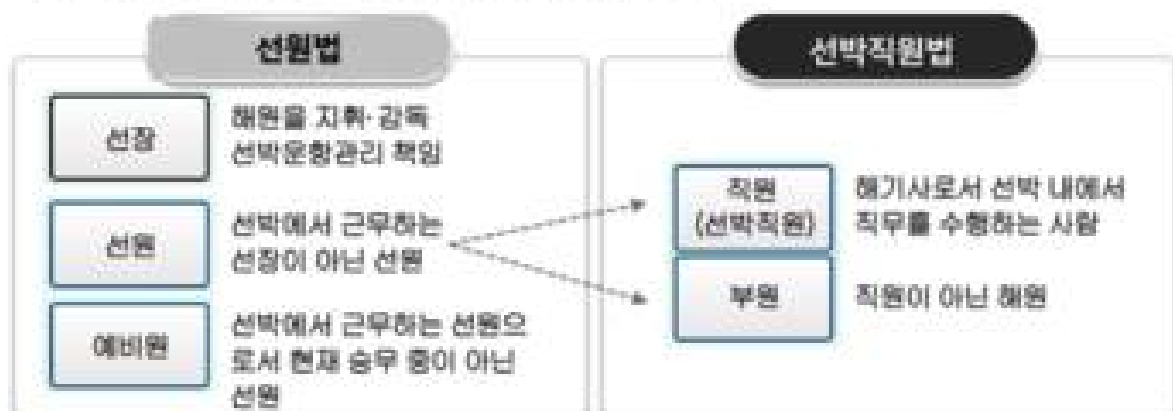
## I. 한국의 외국인 선원제도 소개

### ☞ 선원의 구분

선원법에 따라 선원은 선장, 해원, 예비원으로 구분하고, 해원은 직원과 부원으로 구분

해원은 일반적으로 선박직원법에 따라 직원과 부원으로 구분하나,

선원법과 선박직원법상 직원의 범위는 일치하지 않음



## II. 外籍船員在韓之受僱人數 統計



## II . Foreign Seafarer Employment Statistics





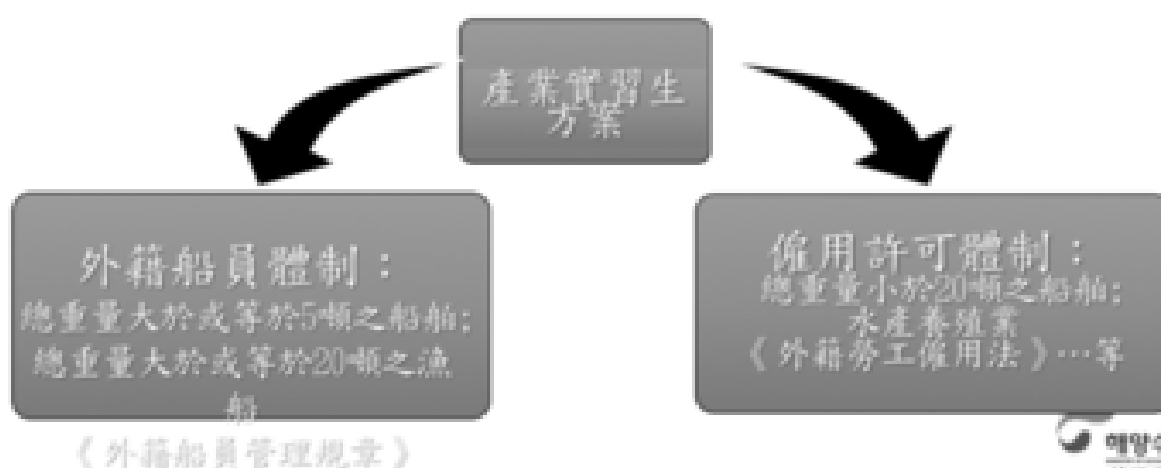
## II. 외국인 선원 고용 현황

## II. 外籍船員在韓之受僱人數統計

### ▣ 背景

貨方面臨船員人才短缺問題，因為新一代年輕工作者認為這不是一份具有吸引力的工作，工作條件不佳，例如：航行期間長以及陸上已有大量工作機會可供挑選。

- 為填補船員人才短缺，1991年，政府開始開放外籍船員可登上韓籍遠洋商船，且逐漸擴張到遠洋漁船及沿海船舶這兩個領域。

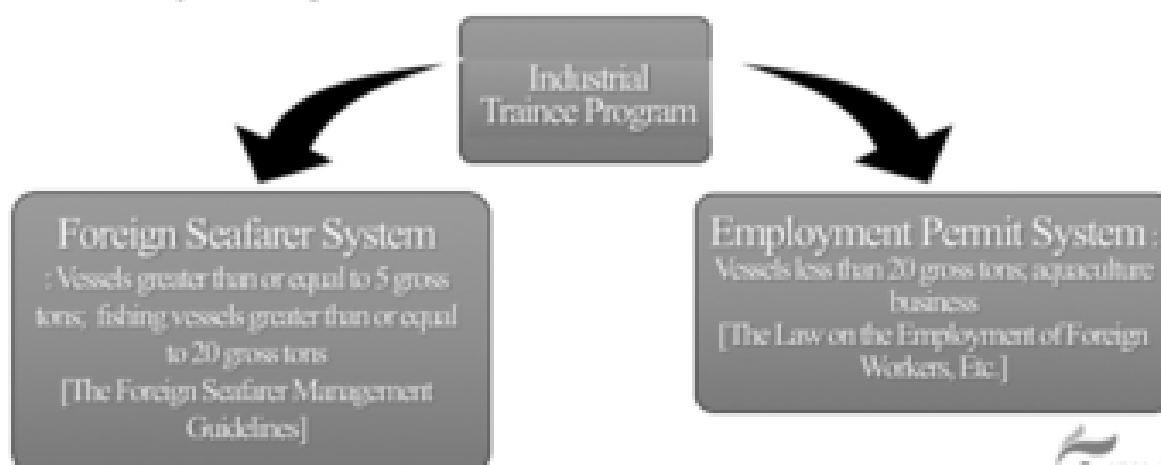


## II. Foreign Seafarer Employment Statistics

### ▣ Background

The industry has faced with an imbalance in seafarer supply as the young generation workforce find it unattractive to work as seafarers because of the unfavorable working conditions, such as long voyages, and plenty of employment opportunities available on land.

- To secure a stable supply of seafarers, the government began to allow seafarers of foreign nationality to board the ocean-going merchant vessels of Korean nationality in 1991 and has gradually expanded it to include the deep-sea fishing vessels and offshore vessels.



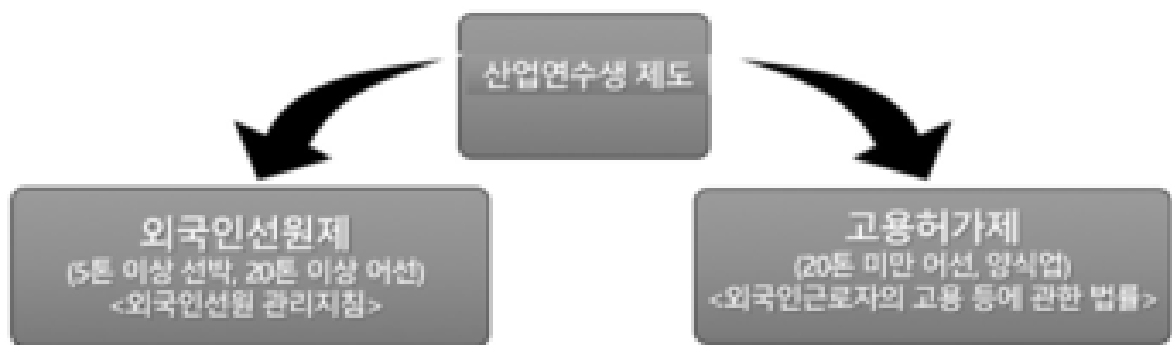


## II. 외국인 선원 고용 현황

### ㉠ 도입배경

장기간 항해 등 열악한 근무환경, 육상의 일자리 확보 용이 등 젊은 인력의 선원 취업 기피로  
선원인력 불균형 발생

- 선원의 안정적 확보를 위해 '91년부터 대한민국 국적 외항상선에 외국인 선원 승선 허용  
이후 원양어선, 연근해어선 등으로 단계적으로 확대



## II. 外籍船員在韓之受僱人數統計

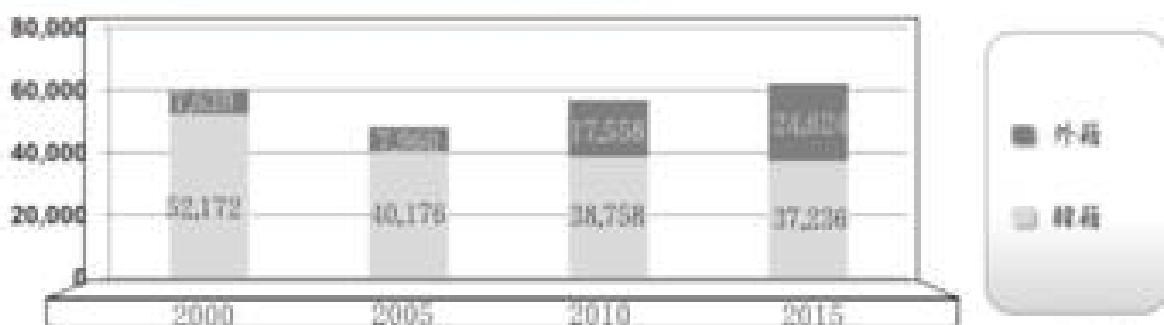
### ▣ 外籍船員在台僱用統計

2015年年底前，依據對船員之需求人數，有62,000名僱用船員，其中只有37,000名韓籍船員，其餘25,000名皆為外籍。

- 十年前，大多數的外籍船員僱用為非正式員工，但現今海事技師的比例正逐漸上升。

\* 外籍海事技師: ('00) 0 → ('05) 139 → ('10) 1,040 → ('15) 2,267

僱用趨勢：韓籍和外籍船員比例



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韓國海洋水產部

## II. Foreign Seafarer Employment Statistics

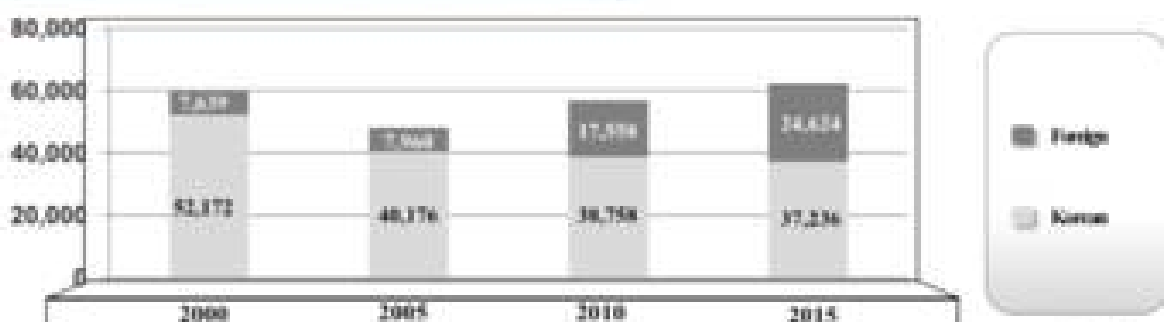
### ▣ Foreign Seafarer Employment Statistics

Of the 62,000 seafarers that were needed and hired as of the end of the 2015, only 37,000 were Koreans, and 25,000 were foreign nationals.

- Ten years ago, the majority of the foreign seafarers hired were non-employees, but at the present, the ratio of the marine technicians is gradually increasing.

\* Marine technicians of foreign nationality: ('00) 0 → ('05) 139 → ('10) 1,040 → ('15) 2,267

Employment trend: Ratio of Korean and foreign seafarers



해양수산부  
韓國海洋水產部



## II. 외국인 선원 고용 현황

### ㉠ 외국인 선원 고용 현황

'15년말 선원 수요는 예년 62천명이나, 취업 선원은 37천명으로, 약 25천명을 외국인 선원으로 충원

- 외국인 선원 고용은 '10년 이전에는 대부분 부원이었으나, '10년 이후에는 점차적으로 해기사 충원이 확대되고 있는 추세
- 외국인 해기사 : ('00) 0 → ('05) 139 → ('10) 1,040 → ('15) 2,267명

국적 선원 및 외국인 선원 고용추이



## II. 外籍船員在韓之受僱人數統計

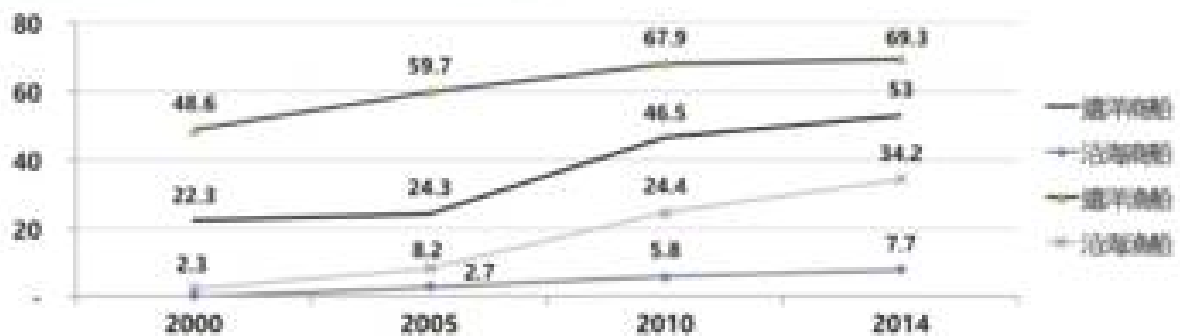
### ▣ 外籍船員在台僱用統計

從2010年開始，外籍船員的比例大幅提升，已成為僱主仰賴的人力來源。

- 從圖表中遠洋商船的数据可看出，外籍船員僱用比例於2000年為22.3%，2010年提升至46.5%，而2015年再次提升達到53.0%。

- 而就沿海漁船而言，2000年之比例為2.3%，2010年提升至24.4%，而2015年也再次提升達到34.2%。

外籍船員僱用比例以產業數據呈現



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韓國海洋發展部

## II. Foreign Seafarer Employment Statistics

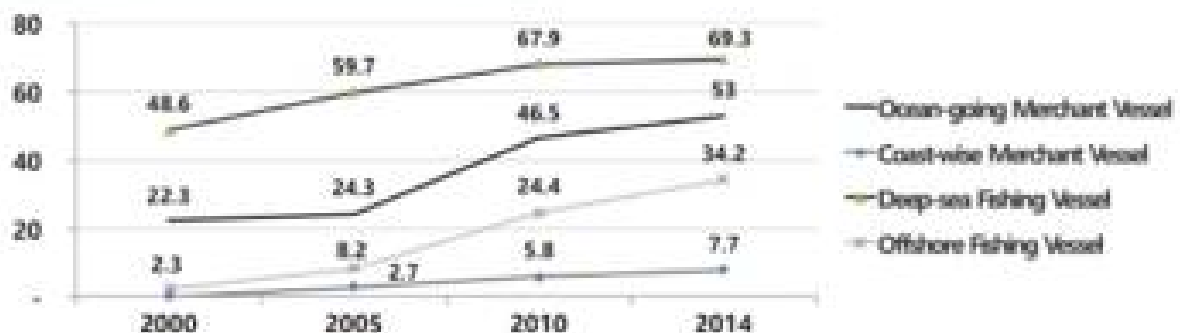
### ▣ Foreign Seafarer Employment Statistics

Dependency on foreign seafarers has drastically increased since 2010.

- For ocean-going merchant vessels, the figure increased from 22.3% in 2000 to 46.5% in 2010, and again to 53.0% in 2015.

- For off-shore fishing vessels, the figure rose from 2.3% in 2000 to 24.4% in 2010, and again to 34.2% in 2015.

Ratio of Foreign Seafarers by Industrial Segments



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韓國海洋發展部



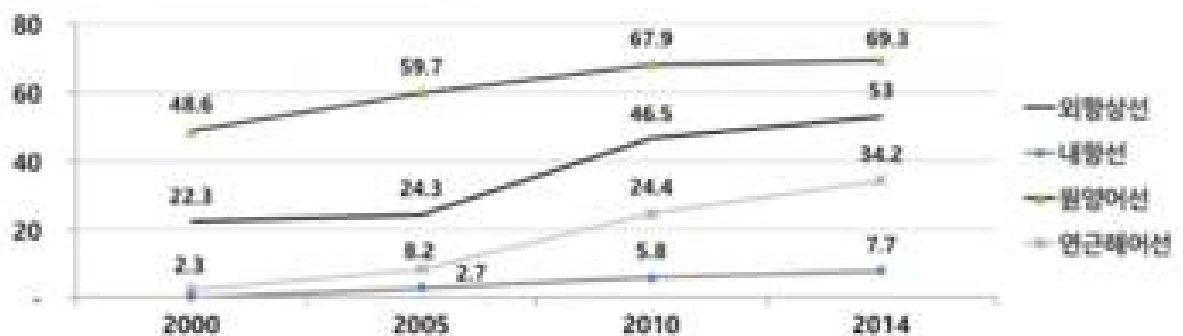
## II. 외국인 선원 고용 현황

### ㉠ 외국인 선원 고용 현황

'10년 이후 외국인 선원 의존도가 급격히 증가

- 외항상선은 '00년 22.3%에서 '10년 46.5%, '15년에는 53.0%까지 증가
- 연근해어선은 '00년 2.3%에서 '10년 24.4%, '15년에는 34.2%까지 증가

업종별 외국인 선원 비율



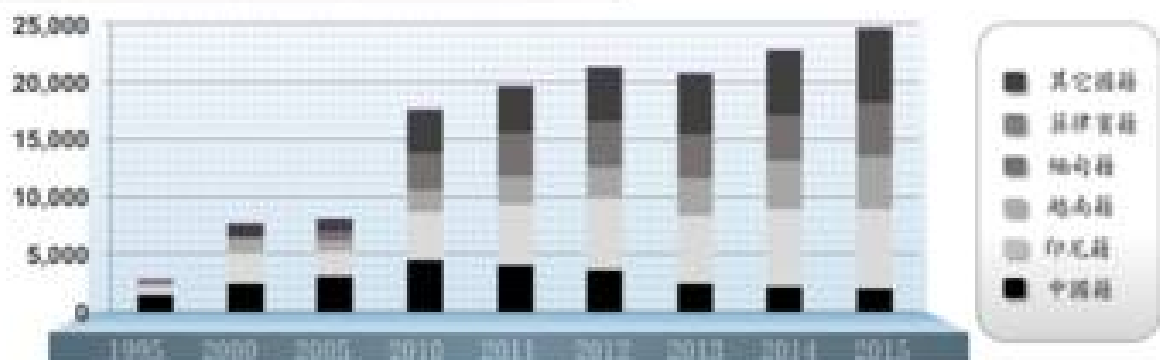
## II. 外籍船員在韓之受僱人數統計

### ▣ 外籍船員在韓之受僱人數統計（以不同國籍區分）

有關外籍船員之國籍，從菲律賓籍、緬甸籍、越南籍到中國籍都有。

- 在早期，大多數為中國人，但近幾年來，最大多數的人已改成印尼人，其次是菲律賓人、緬甸人和越南人。

外籍船員在韓之受僱人數統計（以不同國籍區分）



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韓國海軍本部

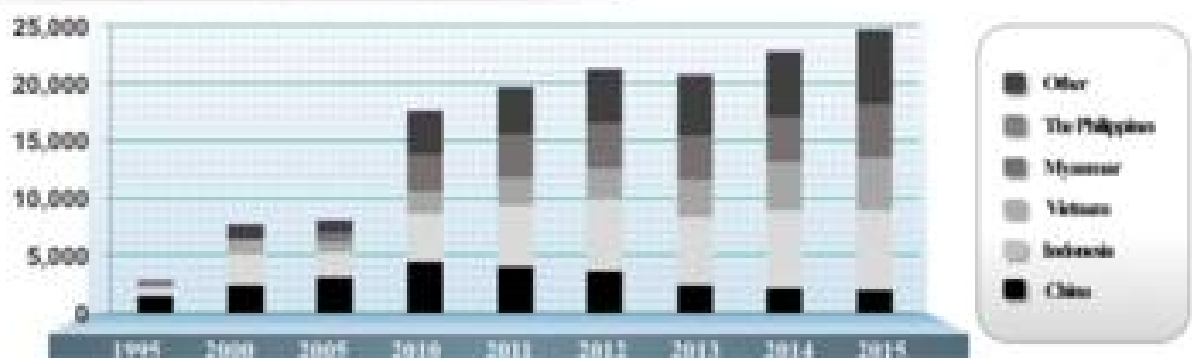
## II. Foreign Seafarer Employment Statistics

### ▣ Foreign Seafarer Employment Statistics (by nationality)

Nationalities of the foreign seafarers range from the Philippines to Myanmar, Vietnam and Chinese.

- In the early days, the majority was Chinese but in recent years, Indonesians account for the majority, followed by Filipinos, Myanmar and Vietnamese.

Foreign Seafarer Employment Statistics (by nationality)



해양수산부  
韓國海軍本部



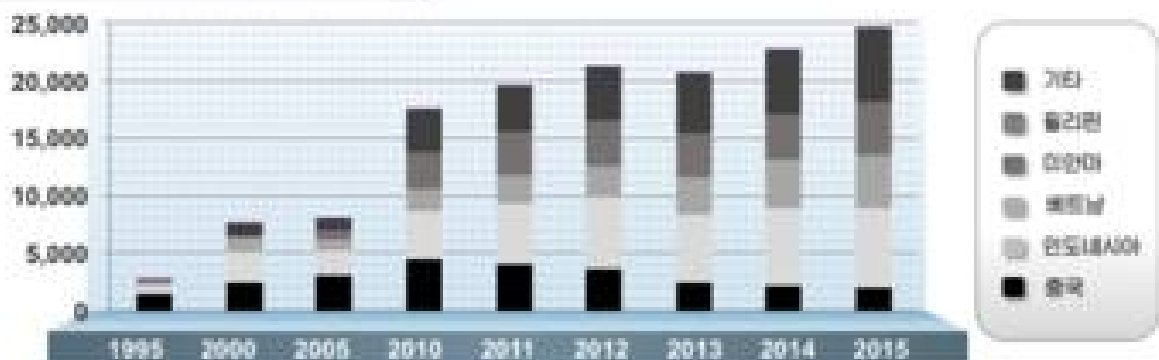
## II. 외국인 선원 고용 현황

### ④ 외국인 선원 고용 현황(국적별)

외국인 선원의 국적별 현황은 필리핀, 미얀마, 베트남, 중국 선원임

- 외국인 선원 도입초기에는 대부분 중국인이었으나, 최근에는 인도네시아인이 가장 많고, 필리핀, 미얀마, 베트남인이 비슷한 수준임

외국인 선원 고용현황(국적별)



### Ⅲ. 外籍船員在韓之受僱相關 法律及條例



### III. Laws and Regulations Relating to Foreign Seafarer Employment





### Ⅲ. 외국인 선원 고용 관련 법령

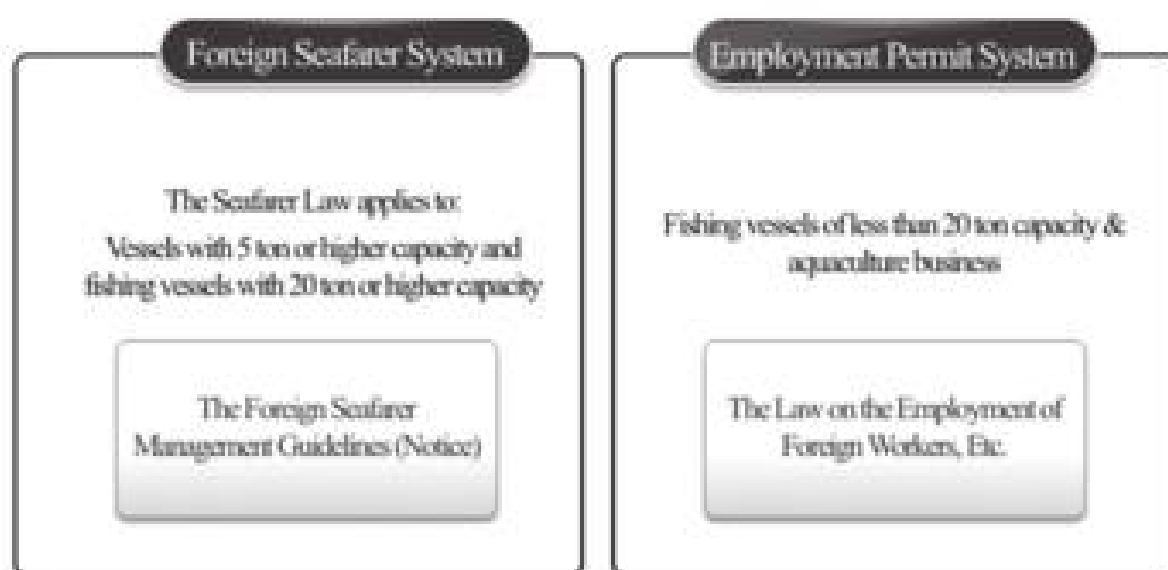
### III. 外籍船員在韓之受僱相關法律及條例

#### ▣ 外籍勞工體制簡介



### III. Laws & Regulations Relating to Foreign Seafarer Employment

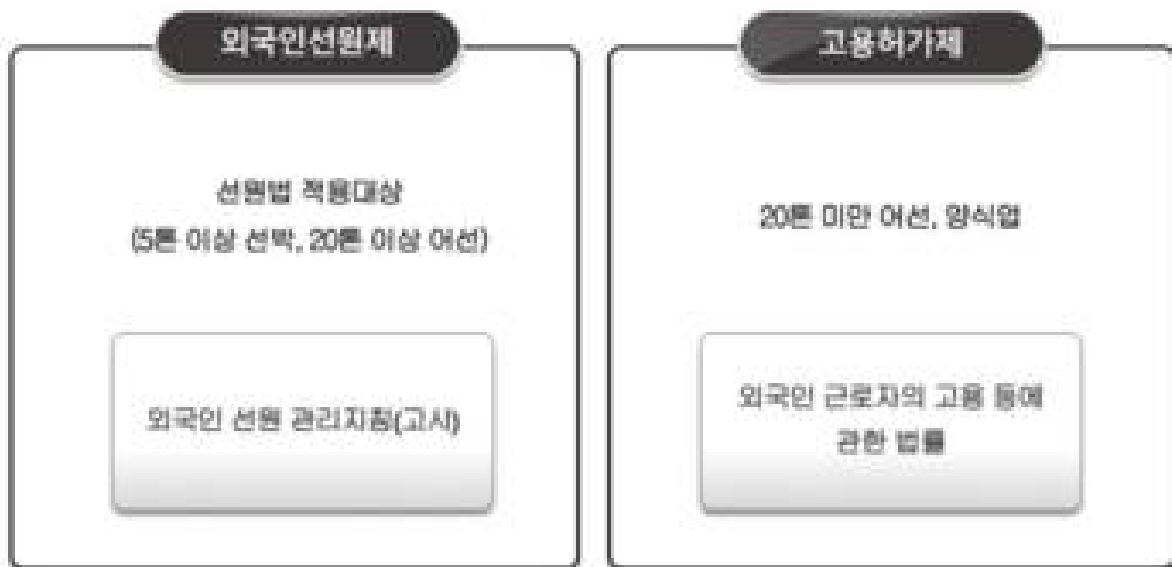
#### ▣ The Foreign Labor Introduction System





### III. 외국인 선원 고용 관련 법령

#### ☞ 외국인 근로자 도입제도



### III. 外籍船員在韓之受僱相關法律及條例

#### ▣ 外籍勞工僱用體制

##### ◆ 外籍與韓籍船員受用於同等法律及條例。

- 不過，基於國籍考量因素，由韓國海洋水產部制定之《外籍船員管理規章》詳細說明僱用程序及相關實施規定。

※《外籍船員管理規章》包含14項規定涵蓋錄用標準、國籍錄用標準、僱用程序、外籍船員管理以及工作狀況回報。

##### ◆ 在20噸以下的小船或水產養殖業之船舶上工作之外籍船員受用於外籍勞工於陸地工作的法律及條例，而非與韓國《船員法》同等。

☞《外籍船員管理規章》…等等。(由韓國僱用及勞動部管轄)



### III. Laws & Regulations Relating to Foreign Seafarer Employment

#### ▣ Foreign Worker Employment System

##### ◆ The same laws and regulations apply to seafarers of foreign nationality as those of Korean nationality when they board a vessel to which the Seafarer Law applies.

- However, considering the fact that they are foreign nationals, the Foreign Seafarer Management Guidelines (Notice by the Ministry of Oceans & Fisheries) specifying the employment procedures and related provisions are being implemented.

※ The Guidelines consist of 14 provisions covering from the determination of employment criteria and employment procedures, the management of foreign seafarers and the reporting of their employment status.

##### ◆ For foreign workers working on a small fishing boat or for an aquaculture business, the same laws and regulations as those apply to those foreign workers working on land, instead of the Seafarer Law.

☞ The Law on the Employment of Foreign Workers, Etc. (under the jurisdiction of the Ministry of Employment & Labor)





### Ⅲ. 외국인 선원 고용 관련 법령

#### ☞ 외국인 근로자 도입제도

- ◆ 외국인 선원도 선원법 적용대상 선박에 승선하는 경우 대한민국 국적의 선원과 동일하게 법령이 적용됨
  - 다만, 외국인 선원의 특성을 감안하여 외국인선원 고용절차, 관리에 관한 사항을 「외국인선원 관리지침(해수부 고시)」을 제정·문용
    - ※ 고용기준 결정 및 고용절차, 외국인선원의 관리, 고용현황 보고 등 총 14개 조문으로 구성
- ◆ 선원법을 적용받지 않는 소규모 어선원, 양식업 등에 근로하는 외국인 근로자는 육상에 취업하는 외국인 근로자와 동일한 법령과 절차를 적용 받음
  - ☞ 외국인근로자의 고용 등에 관한 법률(고용노동부 소관)

## IV. 外籍船員在韓之受僱人數 核定及僱用程序



## IV. Determining the Number of Foreign Seafarers and the Employment Process





## IV. 외국인 선원 고용 규모 결정 및 절차

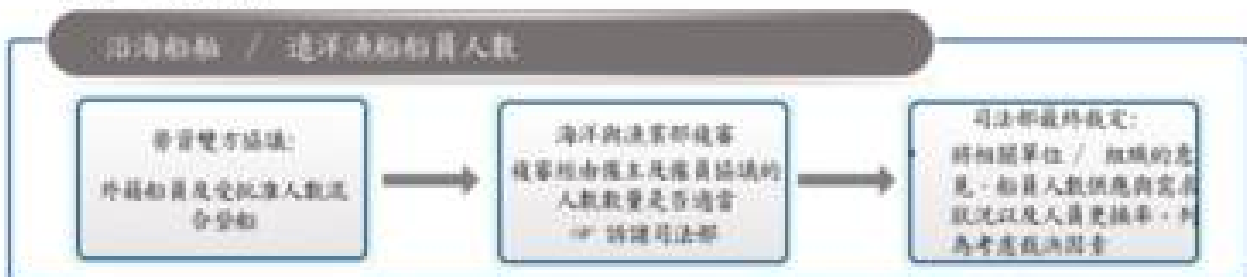
## IV. 外籍船員在韓之受僱人數核定及僱用程序

### ▣ 外籍船員在韓僱用人數

僱用人數及僱用標準由韓國工會及僱主組織商議決定。

- 僱主：(商業) 韓國船主協會及韓國航運協會  
(漁業) 韓國遠洋漁業協會及韓國漁業合作聯盟
- 僱員：船員勞工協會組織 (例如：韓國海員工會聯盟) 及國家遠洋漁業工會

- 2014年，沿海船舶外籍船員指派人數：沿海船 - 1,000名；沿海遊船乘客 - 100名；沿海漁船 - 15,100名



## IV. Determining the Number of Foreign Seafarers and the Employment Process

### ▣ Number of Foreign Seafarers

The number of employees and employment criteria are determined through consultation between the labor unions and the employer organization.

- Employer: (Merchant) The Korea Ship-owners Association and the Korea Shipping Association  
(Fishing) The Korea Overseas Fisheries Association and the National Federation of Fisheries Cooperatives
- Employee: Seafarer labor union organizations (ex: Federation of Korean Seafarers' Unions) and the National Deep-sea Industry Labor Union

- No. of seafarers of foreign nationality allotted for coastwise/offshore vessels (2014): Coastwise - 1,000; coastwise cruise passenger - 100; and offshore fishing - 15,100





## IV. 외국인 선원 고용규모 결정 및 절차

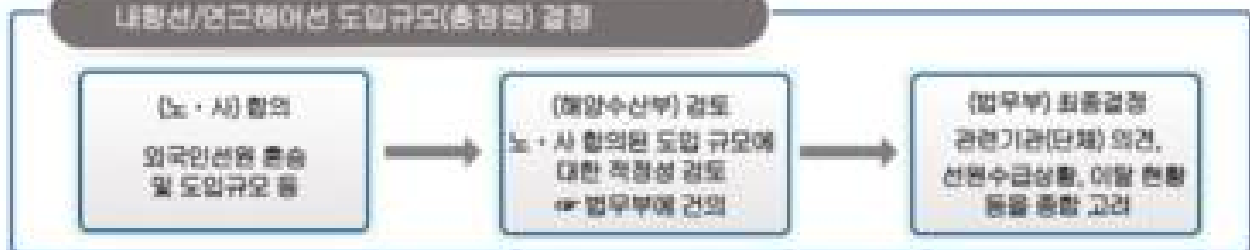
### ㉠ 고용 규모

노동조합 단체와 사용자 단체간 합의를 통해 업종별 고용규모, 고용기준 등을 결정

- 사용자측 : (상선분야) 한국선주협회, 한국해운조합  
(어선분야) 한국원양산업협회, 수산업협동조합중앙회
- 노동자측 : 선원노동조합연합단체(해상노련 등), 전국원양산업노동조합

- 내항선/연근해어선 외국인선원 고용 정원('14년 기준) : 내항선원 1,000명, 내항 순항여객선원 100명, 연근해어선원 15,100명

#### 내항선/연근해어선 도입규모(총정원) 결정



## IV. 外籍船員在韓之受僱人數核定及僱用程序

### ▣ 外籍船員合格標準，因船舶類別而有所不同

類別	標準
遠洋商船	[重要船舶] 最多不可超過6名; [一般船舶] 除了船長和總工程師這兩個職位之外，其餘的職務可自行決定
遠洋漁船	船舶檢驗證書顯示：職員總人員達85% * 鑑於非僱員人數短缺，外籍船員僱用比例大約為55%（統計至2015年11月11日之數據）
沿海漁船	不可超過全體船員的60%，而且每一艘船最多6名
沿海商船	[商船] 每一艘船非僱員人數最多8名; [載客船] 每一艘船非僱員人數最多3名

## IV. Determining the Number of Foreign Seafarers and the Employment Process

### ▣ Criteria for Allowing Foreign Seafarers by Vessel Type

Category	Criteria
Ocean-Going Merchant Vessel	[Essential Vessels] Up to 6 non-employees; [Regular Vessels] Own discretion except for the captain and the chief engineer
Deep-sea Fishing Vessel	Up to 85% of the total headcount listed on the vessel inspection certificate * Given the shortage of non-employees, the number was increased by 55% (as of Nov. 11, 2015)
Offshore Fishing Vessel	Within the limit of 60% of the crew and up to 6 per vessel
Coastwise Merchant Vessel	[Merchant] Up to 8 non-employee per vessel; [Passenger] Up to 3 non-employee per vessel



## IV. 외국인 선원 고용규모 결정 및 절차

### ▣ 업종별 외국인 선원 도입 기준

구 분	도 입 기 준
외항상선	(물수선박) 부원 6명 이내, (일반선박) 선·기관장 제외하고 자율
원양어선	어선검사증서 상 부원 총 인원의 85% 이내 * 부원의 부족한 점을 감안, 당초 55%에서 증원('15. 11. 11.)
연근해어선	승선원의 60% 범위 내에서 적당 최대 6명
내항상선	(상선) 부원 최대 8명/척, (여객선) 부원 3명/척

## IV. 外籍船員在韓之受僱人數核定及僱用程序

### ▣ 僱用程序

- 1 船主（或船主組織）招募外籍船員，然後，花三天的時間對他們進行教育訓練（韓國禮儀一等），完成之後，雙方簽訂勞工協議書。
- 2 船主聽從來自船員工會的意見，將船員工作狀況報告給地方海洋水產局總部，當局會視地方商業狀況而定。
- 3 地方海洋水產局總部於官方工作報告上用印，以作為確認收到憑據，然後將上呈韓國移民署受審。
- 4 移民署(MOI)審核通過後，將頒發簽證給外籍船員，使得他們從今後能合法入境及登船。



## IV. Determining the Number of Foreign Seafarers and the Employment Process

### ▣ Employment Process

- 1 The ship owner (or the ship owners organization) recruits foreign seafarers and educate them on the essentials (Korean culture, etc.) for three days and signs a labor agreement with them.
- 2 The ship owner hears the opinions of the seafarers union and submits the employment report to the head of the local Oceans & Fisheries Administration that has jurisdiction over the place of its business.
- 3 The head of the local Oceans & Fisheries Administration impress the official seal on the official employment report to confirm its receipt and notify the fact to the Korea Immigration Office that has jurisdiction.
- 4 The MOI (the Immigration Office) issues visas to the foreign seafarers to allow them to enter the country and board the ship.





## IV. 외국인 선원 고용규모 결정 및 절차

### ㉠ 고용 절차

- 1 선박소유자(또는 선주단체)가 외국인 선원을 선발하여 현지에서 선원생활에 필요한 한국문화 등 교육(3일간) 실시하고, 근로계약을 체결
- 2 선박소유자는 선원노동조합의 의견을 청취 후 사업장 소재지를 관할하는 지방해양수산청장에게 고용신고서를 제출
- 3 지방해양수산청장이 고용신고서에 수리용 공인을 날인하여 발급하고, 수리내용을 관할 출입국관리소장에게 신고내용 통보
- 4 법무부(출입국관리소)가 외국인 선원에 대하여 비자발급 → 선원입국 승선

## V. 外籍船員在韓之工作環境 及人權改善方法



## V. How to Improve the Working Conditions and Human Rights for Foreign Seafarers





## V. 외국인 선원 근로여건 및 인권 개선방안

## V. 改善外籍船員在韓之工作環境及人權維護

### ▣ 前言

2011年，有一群外籍船員於遠洋船上（屬於Sajo Oyang漁業公司之船舶），他們在紐西蘭非法捕漁且惡意霸船，非政府組織顯示出，對船業進行監控這件事情已提升其意願。

- 此外，外籍船員人數比例接近所員的40%，加強工作狀況的監控以及相關政策是必然的。（NITA新聞報導）

### ▣ 主要影響

#### 1 與“外交政策委員會”結合

- ◆ 根據外籍勞工政策的根本計劃（五年的國家計劃），中央行政機構及地方當局有多個護密計劃已開發且將會落實。

- 致力於促進外籍勞工就業力，避免歧視，提升對於文化差異性的理解，預防對外籍勞工有侵犯人權的事件發生以及全面改善工作環境。



## V. How to Improve the Working Conditions and Human Rights for Foreign Seafarers

### ▣ Background

Since the 2011 incident where a group of foreign seafarers who had been on board a deep-sea fishing vessel (the Sajo Oyang) in the New Zealand seas deserted the ship, NGOs have shown an increased level of interest and the media are monitoring the industry regularly.

- Also, as the ratio of foreign seafarers is nearing 40% of the total seafarer population, stronger working condition supervision and policy is required.

### ▣ Main Efforts

#### 1 An Interagency “Foreigner Policy Commission”

- ◆ According to the Basic Plan for Foreigner Policy (a 5-year national plan), the central administrative agencies and local authorities develop and implement detailed execution plans.

- Makes efforts to facilitate foreign workforce employment, avoid discrimination, promote understanding of cultural diversity, prevent human rights violations against foreigners and improve overall working conditions.





## V. 외국인 선원 근로여건 및 인권 개선 방안

### ▣ 추진 배경

뉴질랜드 수역내 원양어선(사조 오양호)에 승선중인 외국인 선원의 단체이탈 사건('11년)을 계기로 국내·외의 NGO단체 관심증가 및 언론에서 수시로 모니터링 실시

- 아울러, 외국인 선원에 관해 취업선원의 약 40% 수준까지 차지함에 따라 외국인 선원의 근로감독 강화 등 정책적 관심 증가 필요

### ▣ 추진 내용

#### 1 법부처 차원의 '외국인 정책위원회' 운영

- ◆ 외국인정책 기본계획(5년 단위 국가계획)에 따라 중앙행정기관 및 지방자치단체에서 세부실행계획을 수립·추진

- 외국인의 고용, 차별방지과 문화의 다양성에 대한 이해증진 및 외국인에 대한 인권침해 예방, 근로조건 개선 노력



## V. 改善外籍船員在韓之工作環境及人權維護

### ▣ 主要影響

#### 2 對船員的監事層面提升廣度和制定更多嚴格罰款

- ◆ 為提升船員認證申請效率，已得大使館和領事館大力協助，同時進行與船員祖國合作關係之增進。
  - \* 2013年，大使館和領事館提供的服務領域以及其工作流程，被列入《海員法實施條例及施行細則》。
- ◆ 為加強船員在沿海漁船上工作受到更多監督，地方海洋及水產局將船員之監督人員增加，且指派其著重於增進遠洋漁業基本知識。
  - \* 當局監督人員漸漸增多，是因國際勞工組織《海事勞工公約》之規定（2016年增加9名；2020年將增加83名）。
- ◆ 採用更嚴格的處罰條例，為保護船員於船上工作時不遭遇暴力、恐嚇及監禁問題（違者處最高五年有期徒刑，或罰金五千萬）。



## V. How to Improve the Working Conditions and Human Rights for Foreign Seafarers

### ▣ Main Efforts

#### 2 Increased worker supervision capabilities and more strict penalties

- ◆ To enhance efficiency in processing visa applications by seafarers by strengthening the role of the embassies and consulates and increasing cooperation with their home countries.
  - \* In 2013, the scope of services offered by embassies and consulates and their work processes were incorporated in the Enforcement Ordinance for the Seafarer Law and the Enforcement Rules.
- ◆ To strengthen work supervision of seafarers boarding the offshore fishing vessels by increasing the number of seafarer work supervisors working at the local Oceans & Fisheries Administration and assign work supervisors to major deep-sea fishing bases.
  - \* The number of Administration's work supervisors will be increased gradually in connection with the implementation of the ILO's Maritime Labor Convention. (To add 9 by 2016 and 83 by 2020)
- ◆ To adopt more strict penalties for on-board violence, intimidation and/or confinement (up to 5 years in prison or up to 50 million won in fine).





## V. 외국인 선원 근로여건 및 인권 개선 방안

### ▣ 추진 내용

#### 2 선원근로감독 역량 확충 및 처벌규정 강화

- ◆ 해외공관의 역할 및 관련부처 협조체계를 강화하여 해외에서의 선원관련 업무를 효율적으로 추진
  - 해외공관의 업무범위 및 업무처리절차를 선원법시행령·시행규칙에 구체적으로 규정('13)
- ◆ 지방해양수산청의 선원근로감독관을 충원하여 연근해어선의 선원근로감독을 강화하고, 주요 원양어업 거점에 선원근로감독관 파견
  - 지방청 근로감독관은 R.O의 해사노동협약 이행과 연계하여 단계적으로 충원 추진 중 ('16년까지 9명 충원, '20년까지 83명 충원 예정)
- ◆ 선박내 폭행, 협박, 감금 등에 대해서는 형법보다 엄한 처벌(5년이하 징역 또는 5천만원 이하 벌금형 처벌)

## V. 改善外籍船員在韓之工作環境及人權維護

### ▣ 主要影響

- 3 目的為加強教育外籍船員，協助他們更容易適應新的工作環境及文化

提供外籍船員有關韓國文化的教育訓練，以及在遠洋和沿海漁船上能夠熟悉其工作環境（訓練由船主組織承辦）。

- 當他們入境韓國後，第一件事，需要參加為期三天的教育訓練課程，才能登船工作，開啟他們在韓國的新生活。

#### 外籍船員教育訓練

- 登船前：基本船員職責認知；基本船舶安全認知以及實際地登上漁船
- 登船後：瞭解船上生活；瞭解韓語及韓國文化；學習基本補漁技術和知識



## V. How to Improve the Working Conditions and Human Rights for Foreign Seafarers

### ▣ Main Efforts

- 3 To strengthen education for foreign seafarers to help them adapt more easily to new workplace and new culture

To provide foreign seafarers with training in Korean culture and hands-on experience of their on-board working conditions in deep-sea and offshore fishing vessels (training to be hosted by a ship owner organization).

- They will be required to participate in a three-day training course after entering Korea and before boarding the ship to help them adapt to their life in Korea.

#### Foreign Seafarer Education

- Before entry: Basics of seafarer duties; basic understanding of vessel safety; and actual boarding of a fishing boat
- After entry: Understanding on-board life; understanding of the Korean language & culture; and basics of fishing





## V. 외국인 선원 근로여건 및 인권 개선 방안

### ㉮ 추진 내용

#### 3 외국인 선원의 문화, 작업환경 적응을 위한 교육 강화

외국인 선원에 대한 한국 문화 교육 및 승선실습을 실시하여 원양 및 연근해어업의 작업환경 체험 실시(선주단체 주관)

- 입국 후에도 승선 전 한국생활 적응을 위한 교육과정(3일)도 운영

#### 외국인 선원 교육 내용

- (입국 전) 선원업무기본, 선박기초안전 및 어선 승선 실습
- (입국 후) 선상생활의 이해, 한국어, 한국문화, 어업기초기능

## V. 改善外籍船員在韓之工作環境及人權維護

### ▣ 主要影響

#### 4 有關沿海漁船工作之外籍船員調查

每一年都會對僱主、僱員及政府進行調查，調查外籍船員的工作狀況，修正並改善他們不滿意之處。

**1** 實施方法：一對一面談及問卷調查 – 調查員會到船員的住處或工作地進行拜訪及調查。

**2** 調查主題：是否有簽訂工作標準協議書，且持有一份船員母語版協議書；薪資或福利是否有產生延遲；是否持有護照、外國人登錄證及/或銀行存摺；是否有面臨任何暴力虐待及其他違反人權的狀況。

**3** 修正措施：若有面臨薪資發放延遲問題，將會申請付款命令；若有違抗此命令，該案將被上呈至檢察官辦事處。



## V. How to Improve the Working Conditions and Human Rights for Foreign Seafarers

### ▣ Main Efforts

#### 4 A survey on foreign seafarers working on offshore fishing vessels

An annual survey will be conducted jointly by the employer, the employee and the government on the foreign seafarers' working conditions to correct and improve unsatisfactory situations.

**1** Methodology: Face-to-face interviews and questionnaires – the staff will visit the seafarers at their residence or worksite.

**2** Survey topics: Whether they signed a standard work agreement and were given a copy in their own languages; whether they have wages and/or benefits in arrears; whether they have their passports, foreigner registration cards and/or bankbooks with them; and whether there are any violence, abuse and other violations of human rights.

**3** Corrective actions: In case of wages in arrears, an order to pay will be issued and in case of disobeying the order, the case will be sent to the prosecutor's office.





## V. 외국인 선원 근로여건 및 인권 개선 방안

### ㉠ 추진 내용

#### 4 연근해어선 외국인 선원 실태조사 실시

노·사·정 합동으로 외국인 선원들의 근로실태조사를 실시(연 1회실시)하여 미흡한 부분은 시정조치 및 개선방안을 마련 추진

- 1 조사방법 : 외국인 선원 숙소, 시업장 등에 방문하여, 직접 면담 또는 설문지 작성을 통한 조사
- 2 조사내용 : 표준근로계약서 작성 및 자국어 계약서 소지 여부, 월급, 수당 등의 연체 여부, 여권, 외국인등록증, 통장 등의 본인 소지 여부, 폭행·폭언 등의 인권 침해 여부 등
- 3 조치사항 : 임금체불 시 지급 명령 및 미 이행시 사건 송치 등 조치

## V. 改善外籍船員在韓之工作環境及人權維護

### ☞ 主要影響

#### 5 為外籍船員提供投訴專線

將為外籍船員提供投訴專線，讓他們有管道能自由地訴說及討論其問題

##### 可溝通語言

- 國家漁業合作聯盟：中國、印尼、越南、斯里蘭卡、東帝汶
- 韓國船員僱用及福利中心：印尼、越南、中國

##### 可諮詢範圍

範圍很廣泛，例如：如何匯款到家鄉、簡易翻譯、適應新文化的問題、薪資發放延遲以及辭職。



## V. How to Improve the Working Conditions and Human Rights for Foreign Seafarers

### ☞ Main Efforts

#### 5 Offering a Grievance Hotline for Foreign Seafarers

A foreigner grievance hotline will be offered to allow foreign seafarers to call and discuss their problems freely.

##### Languages available

- National Federation of Fisheries Cooperatives: Chinese, Hindi, Vietnamese, Sri Lankan and East Timorese
- Korea Seafarers' Employment & Welfare Center: Indonesian, Vietnamese and Chinese

##### Topics covered

A wide-ranging issues, from how to send money back home to simple translations, problems adapting to a new culture, wages in arrears and to quitting the job.





## V. 외국인 선원 근로여건 및 인권 개선 방안

### ▣ 추진 내용

#### 5 외국인 선원 고용상담 핫라인 운영

외국인 선원이 고용이 있을 경우, 자유롭게 상담할 수 있도록 「외국인 고용상담센터」를 설치 운영

##### 상담가능언어

- 수협중앙회 : 중국어, 인디아어, 베트남어, 스리랑카어, 몰타모르어
- 한국선원고용복지센터 : 인도네시아어, 베트남어, 중국어

##### 상담내용

자국에 월급 송금 방법 등의 간단한 용역부터, 부적응, 임금체불, 합직상담까지 다양한 상담 가능



## V. 改善外籍船員在韓之工作環境及人權維護

### ▣ 主要影響

#### 6 船主負責監督及管理外籍船員

如果外籍船員以受到人權侵犯或惡化工作環境為由提出離職，船主需為此承擔責任，且受限於一年內不可再僱用外籍船員。

- 若有外籍船員未經報告擅自離開工作崗位，是因船主未盡工作指導義務，則將對船主進行強制限制僱用權責。

#### 7 提高外籍船員尊嚴之實施辦法

創造一種讓外籍船員適應韓國文化的環境，以及讓他們感到身為韓國船員的一份子是抵值得驕傲的！

- 表現良好、未犯錯之長期工作船員，將會得到認證；而韓國當局也將為他們舉辦相關韓國活動慶典。
- 船主組織也將會替其船員及家人擔任活動之主持人。至於遠洋商船，則會在船員家人返回港口前，於船上舉行活動慶典。



## V. How to Improve the Working Conditions and Human Rights for Foreign Seafarers

### ▣ Main Efforts

#### 6 The ship owner is responsible for supervision and management of foreign seafarers.

If a foreign seafarer quits citing human rights violations or worsening of working conditions as the reason, the ship owner will be held responsible and restricted from hiring foreign seafarers for one year.

- If a foreign seafarer leaves without reporting because the ship owner did not meet his/her supervision duties, hiring restriction will be imposed.

#### 7 To implement measures to boost foreign seafarers' pride

To create an environment that helps foreign seafarers adapt to Korean culture and take pride in being part of the crew for a Korean vessel.

- Recognition will be given to those who have worked for a long term without any incidents; and Korean cultural events will be held for them.
- The ship owner organizations will host special events for the seafarers and their families; for ocean-going merchant vessels, on-board events will be held for the families upon their returning to the port.





## V. 외국인 선원 근로여건 및 인권 개선 방안

### ▣ 추진 내용

#### 6 외국인 선원은 선박소유자 책임으로 관리·운영

외국인 선원이 인권침해, 근로여건의 악화 등으로 이탈자 발생할 경우 선박소유자 책임으로 간주하여 1년간 외국인선원 고용제한

- 선박소유자(사업주)가 외국인 선원 관리소홀로 무단이탈자가 발생할 경우 선박소유자에게 경고, 외국인선원 고용제한 과징금 부여

#### 7 외국인 선원의 자긍심 고취방안 마련

외국인 선원이 한국문화에 적응하고, 한국 선박에 종사하는 선원으로서 자긍심을 갖고 일할 수 있도록 여건 조성

- 장기승선·무사고 선원에 대한 포상 및 한국문화행사 초청 실시
- 선주단체별 선원가족 초청행사, 외항상선의 경우 해당국 입항시 해당 항안에서 선원가족 초청 선상 이벤트 실시 등



## 與談人—劉士豪

### 現職

銘傳大學法律系專任教授

### 經歷

#### (一) 學校經歷

1. 銘傳大學法律系專任助理教授 (2001.8-2006.4.30)
2. 銘傳大學科技法律系專任副教授 (2006.5.1-2007.7)
3. 銘傳大學財金法律系專任副教授兼系主任 (2007.8-2010.2)
4. 銘傳大學法律學院代理院長 (2009.2-2009.8)
5. 銘傳大學財金法律系專任教授 (2009.8-2014.1)
6. 銘傳大學法務室主任 (2010.2-2012.7)
7. 銘傳大學法律系專任教授(2014.2-迄今)

#### (二) 校外服務經歷

1. 行政院勞工委員會訴願審議委員會委員(2002.1.1~迄今)
2. 行政院勞工委員會大量解僱勞工勞工訴訟及必要生活費用補助審核小組委員(2005.2.1~迄今)
3. 行政院勞工委員會大量解僱勞工時勞動市場變動趨勢評估委員會委員(2002.9.1~迄今)
4. 行政院勞工委員會積欠工資墊償基金管理委員會委員 (2002.01.01-2003.12.31)
5. 行政院原住民族委員會法規委員會委員(2002.05.01~迄今)
6. 行政院原住民族委員會就業促進委員會委員(2002.06.01~迄今)
7. 行政院原住民族委員會原住民基本法推動小組委員(2006.03.01~迄今)
8. 行政院原住民族委員會訴願審議委員會委員(2009.1.1~迄今)
9. 桃園縣勞資爭議主任仲裁委員(2009.1.1~迄今)
10. 中國人民大學法學院訪問學者 (2009.6.16-2009.7.2)
11. 經濟部中小企業處法規調適小組副召集人(2011.1~迄今)

#### (三) 學術團體經歷

1. 臺灣法學會勞工法與社會法組主任委員 (2006.1-2006.12)
2. 臺灣勞動法學會理事 (2006.8-2008.4)
3. 臺灣法學會理事 (2006.12-2008.8)
4. 臺灣勞動法學會學報執行編輯 (2008.2-2009.8)
5. 臺灣勞動法學會秘書長 (2008.4-2009.2)
6. 臺灣勞動法學會常務理事 (2008.4-2014.6)
7. 臺灣勞動法學會理事長(2014.6-迄今)

### 學歷

1. 國立政治大學法學士(1984.8-1988.6)
2. 國立政治大學勞工研究所碩士(1990.8-1994.1)
3. 德國特里爾大學比較法學碩士(1994.9-1996.7)
4. 德國特里爾大學法學博士(1996.8-2001.9)





## Commentator— Shih-Hao Liu

### **CURRENT POSITION**

Professor of Ming Chuan University Law School

### **EDUCATION**

JD University of Trier, Germany,

Master of Comparative Law,

Master of the Labour Institute of Political University, LL.B.



### **AREAS OF EXPERTISE**

Labor law, Civil law, Social law

## 與談人—施俊毅

### 現職

行政院農業委員會漁業署漁政組組長

### 經歷

1. 遠洋商船三副、二副
2. 臺北市南港區公所辦事員
3. 臺北市政府建設局市場管理處督導員
4. 臺灣省政府農林廳漁業局技佐、技士、股長
5. 行政院農業委員會漁業署科長、簡任技正、副組長、組長

### 學歷

國立臺灣海洋大學應用經濟研究所碩士

### 學術專長領域

漁業行政、水產技術



## Commentator—Chun-Yi Shih

### CURRENT POSITION

Director, Fisheries Regulation Division Fisheries Agency, Council of Agriculture Executive Yuan

### EXPERIENCE

Junior Technical Specialist, Fisheries Administration, Department of Forestry, Taiwan Provincial Government

Associate Technical Specialist, Fisheries Administration, Department of Forestry, Taiwan Provincial Government

Leader, Fisheries Administration, Department of Forestry, Taiwan Provincial Government

Section Chief, Fisheries Agency, Council of Agriculture, Executive Yuan Senior Technical Specialist, Fisheries Agency, Council of Agriculture, Executive Yuan

Deputy Director, Fisheries Regulation Division, Council of Agriculture, Executive Yuan

Director, Fisheries Regulation Division, Council of Agriculture, Executive Yuan

### EDUCATION

Graduated from Institute of Applied Economics, National Taiwan Ocean University, Gain Master's degree

### FIELDS OF INTEREST

Fisheries Policy and Administration, Fisheries Technology





## 與談人—陳炳勳

### 現職

1. 臺灣基督長老教會/平安基金會所屬海員漁民服務中心主任
2. 臺灣基督長老教會牧師

### 經歷

臺灣基督長老教會傳道師(2 年)、牧師，紐西蘭基督長老教會牧師  
紐西蘭奧克蘭臺灣基督長老教會牧師，澳洲墨爾本臺福基督教會牧師(共約 25 年)。



### 學歷

1. 臺灣神學院道學碩士班畢(1989.6)
2. 臺灣神學院牧範學博士班肄業(論文中)

### 學術專長領域

1. 教牧關顧諮商協談
2. 婚姻諮商與協談
3. 青少年諮商與協談

## Commentator—Ping-Hsun Chen

### CURRENT POSITION

1. Director of P.C.T Seamen's/Fishermen's Service Center
2. Pasto of the Presbyterian Church In Taiwan

### EDUCATION

1989.6 Taiwan Theological College and Seminary



## 會場交通方式

- 地點：福華國際文教會館 1 樓前廳
- 地址：臺北市新生南路三段 30 號
- 交通資訊網址：[http://intl-house.howard-hotels.com.tw/CT\\_AsiaPacific1.php?Psn=4986](http://intl-house.howard-hotels.com.tw/CT_AsiaPacific1.php?Psn=4986)

### 開車

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

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

### 捷運

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

### 公車

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



## Transportation

- Venue : 1F, Visionary Hall, Howard Civil Service International House
- Address : No. 30, Sec. 3, Shin-Sheng South Road. Taipei, 106, Taiwan
- Website : [http://intl-house.howard-hotels.com/CT\\_AsiaPacific2.php?Psn=5539](http://intl-house.howard-hotels.com/CT_AsiaPacific2.php?Psn=5539)

### Car

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

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

### MRT

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

### Bus

- 【Longan Elementary School】Bus No: 52, 253, 280, 284, 290, 311, 505, 907, 0 South, Zhinan 1
- 【Daan Forest Park】Bus No: 3, 15, 18, 52, 72, 74, 211, 235, 237, 278, 295, 626
- 【Heping-Xinsheng Intersection】Bus No: 253, 280, 290, 311, 505, 642, 0 South, Zhinan 1 and Zhinan 5
- 【Wenzhou Street Corner】Bus No: 3, 15, 18, 74, 235, 237, 254, 278, 295, 907, 291, 672
- 【Civil Service Development Institute】Bus No: 52, 253, 280, 284, 290, 291, 311, 505, 642, 907, 0 South, Zhinan 1