

目錄

Contents

會議緣起	
Introduction	03
會議資訊	
General Information	04
·····································	
Agenda	05
議事規則	
Rules of Procedure	07
議題一:人口販運國際性發展之探討及防制策略	
Session 1: International Development of Human Trafficking and Prevention Strategies	
	09
議題二:從網路世界談兒少性剝削及性觀光	
Session 2: Talking about Children and Adolescent Sex Exploitation and Sex Tourism from Perspective of Cyber World	the 109
議題三:人口販運罪中勞力剝削之探討	
Session 3: Labor Exploitation in Human Trafficking	155





會議緣起

基於「人口販運」係為跨國境且嚴重危害基本人權之犯罪,內政部移民署為配合聯合國將每年7月30日訂為「反人口販運國際日」,且為深入探討防制人口販運議題,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,爰擴大辦理國際工作坊。本次邀請美、英、瑞士、日、韓、泰、越南、印尼、菲律賓及柬埔寨等國家政府及國際非政府組織專家學者共同與會,分別探討人口販運國際性發展之探討及防制策略、從網路世界談兒少性剝削及性觀光及勞力剝削等議題,藉此機會尋求與他國官方及非官方組織未來合作之機會。

Introduction

Human trafficking is a cross-border major crime that seriously violates the human rights, and the United Nations designated July 30 as the World Day against Trafficking in Persons. In light of this, the National Immigration Agency of the Ministry of the Interior organized this international forum to promote in-depth discussions of human trafficking prevention, enhance victim protection mechanism with the help of NGOs, and seek to work with the public sector and NGOs in the future. Experts from the public sector as well as NGOs from the U.S., U.K., Switzerland, Japan, South Korea, Thailand, Vietnam, Indonesia, the Philippines and Cambodia are invited to this workshop, where they will address the international development of human trafficking and prevention strategies, child sex exploitation on the Internet, sex tourism, labor exploitation, and so on.



會議資訊 General Information

會議日期 / Date

2015年07月29日/July 29, 2015

指導單位 / Advisor

內政部 / Ministry of the Interior

主辦單位 / Organizer

內政部移民署 / National Immigration Agency, Ministry of the Interior

外交部 / Ministry of Foreign Affairs

勞動部 / Ministry of Labor

交通部觀光局 / Tourism Bureau, M.O.T.C.

同步翻譯耳機 / Simultaneous Interpretation

主辦單位提供同步翻譯耳機兌換服務·需要此項服務者·請持您的兌換券(置於識別證套內)至報到處旁兌換·

Simultaneous interpretation service is available beside the registration desk. Please remember to return the headset after the meeting.

吸菸區 / Smoking Policy

整棟會議中心皆為禁菸區:

Smoking is prohibited at all times in the meeting room.

行動電話 / Mobile phone

Please note that the mobile phone must be switched off during all sessions.

會議期間請將您的手機關機或調為靜音模式。



會議議程 Agenda

民國 104 年 07 月 29 日(星期三) July 29, 2015 (Wednesday)

地點:臺北市張榮發基金會國際會議廳 11 樓

Venue: Taipei Evergreen International Convention Center (11F)

時間 Time	議程 Agenda
08:30-09:00	報 到 Registration
	開幕致詞暨合照 Opening Ceremony, Welcome Remarks and Group Picture
	內政部陳部長威仁 Mr. Wei-Zen Chen, Minister of Ministry of the Interior
09:00-09:30	美國在臺協會酈副處長英傑 Mr. Brent Christensen, Deputy Director of the Taipei Office of
	American Institute in Taiwan
	中華民國馬總統英九 Mr. Ying-Jeou Ma, President of the Republic of China
	口販運國際性發展之探討及防制策略
	nternational Development of Human Trafficking and Prevention Strategies
	行政院防制人口販運協調會報葉委員毓蘭
	r: Dr. Sandy Yeh, committee member of Cabinet Anti-TIP Task Force
09:30-10:10	從美國的角度來看人口販運 Trafficking in Persons: U.S. Perspectives
	主講人: 美國在台協會政治組官員 Ms. Laura Anderson
	Speaker: Ms. Laura Anderson, Political Officer of AIT
	茶叙 Refreshment
10:30-11:00	跨國犯罪如何影響人口販運 How Transnational Crime Affects Human Trafficking
	主講人:美國喬治麥遜大學教授 Dr. Louise Shelley
	Speaker: Dr. Louise Shelley, Professor in the School of Public Policy at George Mason
	University
11:00-11:30	移民與販運之關係 The Relationship between Migration and Trafficking
	主講人:國際勞工組織前處長 Constance Thomas
	Speaker: Dr. Constance Thomas, former Director of ILO
11:30-11:50	與談人:泰國朱拉隆功大學亞洲研究移民學院亞洲研究中心主任 Ms. Supang
	CHANTAVANICH、勞動部勞動力發展署陳昌邦專門委員及內政部移民署移民事務組李臨鳯組長
	Commentators: Ms. Supang CHANTAVANICH, Director of Asian Research Center for Migration
	Institute of Asian Studies, Chulalongkorn University, Mr. Chang-Bang Chen, Senior Specialist,
	Cross-border Workforce Management Division, Ministry of Labor and Ms. Ling-Fong Lee,
	Director of Immigration Affairs Division National Immigration Agency, Ministry of the Interior
	雙向交流 Q&A Discussion
	午餐 Lunch Break
	網路世界談兒少性剝削及性觀光
	alking about Children and Adolescent Sex Exploitation and Sex Tourism from the Perspective
of Cyber Wo	
	政院防制人口販運協調會報李委員麗芬 Moderator:Ms. Li-Feng Lee, committee member of
	-TIP Task Force
13:30-14:00	泰國查處兒少性剝削之現況 How Thai Authorities Cope with Children and Adolescent Sex
	Exploitation Cases
	主講人:泰國外事局 Mr. Apichat Joom Suriboonya 局長
	Speaker: Major General Mr. Apichat Joom Suriboonya, Commander of Foreign Affairs
	Division, Thailand

14:00-14:30	我國查處網路犯罪面臨的挑戰及解決-從人口販運性剝削之角度談起 The Challenges and
	Solution of Tackling Cyber Crimes in Taiwan-From the Perspective of Sex Exploitation
	主講人:東吳大學助理教授李相臣
	Speaker: Dr. Eric Lee, Assistant Professor of Soo Chow University
14:30-14:50	與談人:英國非政府組織「看不見」執行長 Mr. Andrew Wallis、衛生福利部保護服務司郭彩
	榕簡任視察及內政部警政署刑事警察局葉碧翠股長
	Commentators: Mr. Andrew Wallis, CEO of Unseen Ms. Tsai-Jung Kuo, Senior Executive
	Officer, Department of Protective Services, Ministry of Health and Welfare and Ms. Pi-Tsui Yeh
	(Tracy), Sub-Division Chief of Crime Prevention Affairs Division of Criminal Investigation
	Bureau
	雙向交流 Q&A Discussion
	茶叙 Refreshment
	、口販運罪中勞力剝削之探討
	Labor Exploitation in Human Trafficking
	女院防制人口販運協調會報焦委員興鎧
	: Dr. Cing-Kae Chiao, committee member of Cabinet Anti-TIP Task Force
15:30-16:00	人口販運和現代奴役-英國漁工剝削 Human Trafficking and Modern Day Slavery-The
	Exploitation of Fishery workers in the UK
	主講人:英國僱工執照管理局局長 Paul Broadbent
	Speaker: Mr. Paul Broadbent, Chief Executive of Gangmasters Licensing Authorities,
16:00-16:30	韓國漁業移工的人口販運和勞力剝削 Human Trafficking and Labor Exploitation of Migrant
	Workers in Fishing Industry of Korea
	主講人:韓國移民聯盟官員 Sagang Kim 博士
	Speaker: Dr. Sagang Kim, Migration and Human Rights Institute Solidarity with Migrants
16:30-17:00	與談人:柬埔寨法律及安全移民計畫專案經理 Mr. Sokchar Mom,、中華勞資關係協進會康長健
	秘書長、勞動部勞動力發展署陳昌邦專門委員及漁業署漁業組施俊毅組長
	Commentators: Mr. Sokchar Mom, Program Manager, Legal and Safe Migration Program in
	Cambodia; Mr. Stephen Kang, Secretary General of Association of Industrial Relations; Mr.
	Chang-Bang Chen, Senior Specialist, Cross-border Workforce Management Division, Ministry of
	Labor and Mr. Jiunn-Yih Shih, Director of Fishery Regulation Division, Fisheries Agency
17:00-17:20	雙向交流 Q&A Discussion



議事規則

項目	進行方式
專題報告	演講時間依議程進行・結束前 3 分鐘第一次舉牌提醒・時間終了舉牌提醒・
與談時間	與談人時間,結束前3分鐘第一次舉牌提醒,時間終了舉牌提醒.
雙向交流	雙向交流開放與會來賓,提問前請先舉手

Rules of Procedure

Item	Description
Keynote Speakers	Duration of lecture depends on the agenda.
	When there are 3 minutes left, we will hold a sign to notify you of the
	remaining time.
	When time's up, we will hold the sign again to notify you.
	Commentary Time
Panelists	When there are 3 minutes left, we will hold a sign to notify you of the
railelists	remaining time.
	When time's up, we will hold the sign again to notify you.
Panel	To give an inquiry please raise your hand before you remark
Discussions	To give an inquiry, please raise your hand before you remark.



【議題一】

人口販運國際性發展之探討及防制策略
Session 1
International Development of Human
Trafficking and Prevention Strategies



【議題一】人口販運國際性發展之探討及防制策略

主持人簡介

葉毓蘭

現職:

- (一) 總統府人權諮詢委員會委員
- (二) 行政院防制人口販運協調會報委員
- (三) 行政院永續發展委員會委員
- (四) 內政部人權小組委員
- (五) 經濟部、交通部、警政署性別平等委員
- (六) 內政部外籍配偶照顧輔導基金管理會委員、內政部全國 新住民火炬計畫中央推動小組委員
- (七) 内政部警政署廉政會報委員
- (八) 臺北市政府市政顧問(治安組)
- (九) 新北市、桃園市家庭暴力及性侵害防治委員會委員
- (十) 桃園市政府婦女權益促進委員會委員
- (十一) 臺灣民主基金會董事
- (十二) 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
- (十三) 中華警政研究學會秘書長、亞洲警察學會秘書長

經歷:

- (一) 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)
- (二) 亞洲警察學會會長(2009-2010)
- (三) 行政院人權保障推動小組委員
- (四) 婦女救援基金會董事長、董事
- (五) 臺灣民主基金會監察人
- (六) 中央警察大學行政警察學系主任兼警察政策研究所所長、外事警察學系主任、圖書館兼世界警察博物館館長、推廣教育訓練中心主任
- (七) 内政部家庭暴力及性侵害防治委員會委員
- (八) 臺北市政府婦女權益促進委員會、家庭暴力及性侵害防治委員會委員
- (九) 教育部性別平等教育委員會委員、臺北市性別平等教育委員會委員
- (十) 高雄縣政府家庭暴力防治委員會委員
- (十一) 內政部犯罪防治研究中心委員
- (十二) 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

學歷:

美國伊利諾大學(芝加哥)公共政策分析博士





Session 1: International Development of Human Trafficking and Prevention Strategies

About Moderator

Sandy (Yu-Lan) Yeh

CURRENT POSITION

Adjunct Professor, Graduate School of Police Policy, Central Police University

Member, Presidential Advisory Committee on Human Rights, Taiwan

Member, Anti-human Trafficking Coordination/Supervisory Council, Executive Yuan, Taiwan

Member, Board of Trustee, Taiwan Foundation for Democracy Secretary General, Association of Asian Police Study Secretary General, Chinese Association of Police Studies, Taiwan



PROFESSIONAL EXPERIENCES

- Chair, Department of Administration Police & Director, Graduate School of Police Policy,
 Central Police University, till Aug. 2014
- Visiting Fellow, Center for Northeast Asian Policy Studies, Brookings Institution, U.S. 2011
- President, Association of Asian Police Studies, 2009~2010.
- Member, Board of Trustees, Taipei Women Rescue Foundation, 2004~2010
- President, Taipei Women's Rescue Foundation, October 2006~September 2008
- Commissioner, Gender Equity Education Committee, Ministry of Education, Taiwan, 2000~2008
- Chair, Department of Foreign Affairs Police, Central Police University, August 2004 July 2007
- Commissioner, Gender Equality Education Committee, Ministry of Education, Taiwan, October 1999-September 2007
- Commissioner of Women's Right Promotion Committee, Taipei City, March 2000 Feb. 2005
- Director, University Library & the World Police Museum, Central Police University, Taoyuan, Taiwan, August 2002 August, 2004
- Director, Center for Continuing Education & Training, Central Police University, Taiwan, August 1998-August 2001
- Lecturer & Project Advisor, Government Official Training Institute, Taipei Municipal Government, January 1997 - present
- Advisor to the Director General, Taiwan Provincial Police Administration Taiwan, January 1997 present
- Producer and Host, "Sunday Forum", National Public Broadcasting System, Taiwan, July 1997 –
 December 1997
- Associate Professor, Central Police University, Taoyuan, Taiwan, August 1994 present

EDUCATION

PhD Public Policy Analysis-Political Science University of Illinois at Chicago (1994)
Dissertation Topic: Innovation of Police Policy: A Study of Community Policing



【題目】從美國的角度來看人口販運

主講人簡介

艾如蘭

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,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兩年擔任領事 官。

艾氏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。





Title: Trafficking in Persons: U.S. Perspectives

About Speaker

Laura Anderson

Laura Anderson joined the U.S. Foreign Service in 2007 and assumed her assignment in the Political Section of the American Institute in Taiwan 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 for two years 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.

Trafficking in Persons: U.S. Perspectives

LAURA ANDERSON 艾如蘭
POLITICAL OFFICER 政治官
AMERICAN INSTITUTE IN TAIWAN 美國在台協會





Objectives 目標

- ► Learn how U.S. law handles human trafficking. 美國法律如何處理人□販運
- ▶ Discuss human trafficking trends in the United States. 美國人口販運趨勢
- ▶ Discuss challenges to prosecuting trafficking cases. 起訴人口販運案件之挑戰
- ▶ Review U.S. case studies. 美國人口販運案例研析
- ▶ Discuss misconceptions. 人口販運之錯誤觀念



Human Trafficking in U.S. Law

美國的人口販運相關法律

Trafficking Victims Protection Act (TVPA) of 2000:

A Victim-Centered Approach

人口販運被害者保護法: 以被害者為中心的思維



- 1. Sex trafficking
- 2. Labor trafficking

人口販運被害者保護法所定義之

「情節嚴重的販運」:

- 1. 性販運
- 2. 勞力販運

TVPA Reauthorization Acts (2003, 2005, 2008, & 2013)

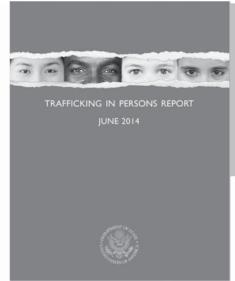
人口販運被害者保護法再授權法

U.S. Department of State TIP Report

美國國務院 人口販運報告

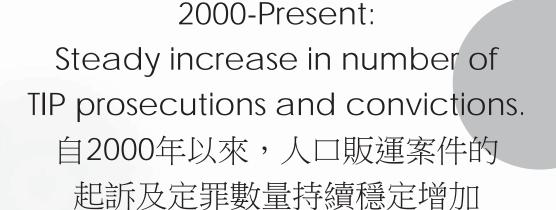
Report available at: 可上網下載: www.state.gov/j/tip

Taiwan narrative in Chinese: 台灣部分的中文翻譯: http://www.ait.org.tw/zh/trafficking-in-persons-report.html



Human Trafficking Trends in the United States

美國的人口販運趨勢



Most prosecutions and convictions are for sex trafficking.

性販運占人口販運起訴及定罪之大宗

Traffickers are using online tools to lure and traffic victims. 人口販子利用線上工具 來吸引和販運被害者

In the United States, trafficking frequently occurs in these sectors: 在美國,人口販運常發生於下列行業:

- ▶Massage 按摩業
- ▶Hotel services 飯店業
- ▶Hospitality 餐飲業
- ▶Agriculture 農業
- ▶Manufacturing 製造業
- ▶Janitorial services 清潔服務

- ▶Construction 建築業
- ▶Health and elder care 醫療與養老機構
- ▶Domestic service 家庭幫傭

And in these venues:

人口販運常發生於下列場所:

- ▶Bars 酒吧
- ▶Farm worker camps 農民營
- ▶Factories 工廠
- ▶Restaurants 餐廳
- ▶Suburban homes 郊區住宅
- ▶Private clubs 私人俱樂部
- ▶Karaoke bars KTV

- ▶Strip clubs 脫衣舞俱樂部
- ▶Health clubs 健康俱樂部
- ▶Massage parlors 按摩店
- ▶Nightclubs 夜店
- ▶Saunas / Spas 三溫暖
- ▶Modeling studios 模特兒工作室
- ▶Escort services 伴遊服務

Most common warning signs?

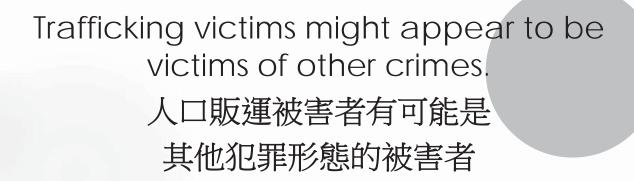
常見的徵兆?

- ▶ Work and living conditions 工作與生活條件
- ▶ Mental health or abnormal behavior 心理健康或不正常行為
 - ▶Physical health 生理健康
 - ▶Lack of control 缺乏掌控權
 - ▶Other signs? 其他徵兆?

Challenges Specific to Human Trafficking

人口販運的特殊挑戰

Victims are sometimes perceived as criminals. 被害者有時被視為罪犯



Victims rarely self-identify. 被害者通常沒有自覺

Victims are sometimes moved between various locations. 被害者有時會被送至不同地點

Evidence must be collected quickly. 蒐證必須儘速完成

U.S. Case Studies 案例研析

Sex Trafficking: 性販運: Andrew Blane Fields

- Used drugs to create addiction and dependency
 - 利用藥物讓被害人上癮並產生依賴
- ▶ Sentenced to 33 years, nine months 判刑33年又9個月



Labor trafficking: 勞力販運: Jefferson and Elnora Calimlim

- ▶ Used threats of physical harm and restraint of Filipina woman working as a domestic servant.
 暴力威脅並監禁菲律賓女傭,迫使其提供勞務
- ▶ Sentenced to six years in prison. 判刑六年



Victim Misconceptions

對被害者的錯誤觀念

"There is no human trafficking here." 「這裡不會有人口販運」

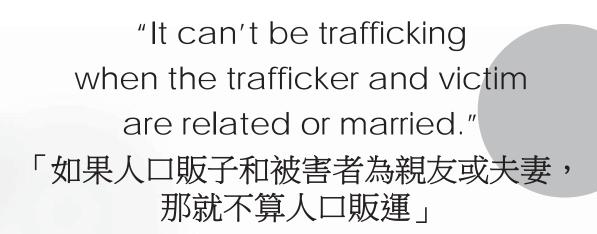
"The victims knew what they were getting into." 「被害者很清楚他們要面對的是什麼」

"The victim was paid for services." 「被害者從勞務獲得報酬」

"The victim had freedom of movement."
「被害者可以來去自如」

"Trafficking involves the crossing of borders." 「所謂販運必須有跨越國界的事實」

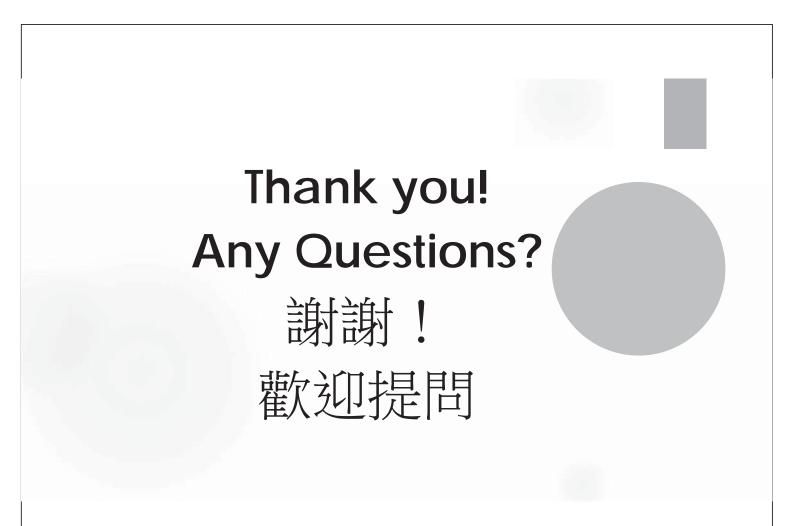
"The trafficker's actions are culturally appropriate."
「人口販子的所作所為在文化上是合理恰當的」



"They are not trafficking victims because they are criminals."
「他們是罪犯,
所以不能算是人口販運被害者」

"They can leave when they want." 「他們隨時都可以離去」

"Men cannot be trafficking victims." 「男性不會是人口販運被害人」





【題目】跨國犯罪如何影響人口販運

主講人簡介

Louise Shelley

Louise Shelley 是 Omer L. and Nancy Hirst Endowed 的主席,主持公共智庫,並擔任政策、政府及國際事務學院的教授。她是喬治麥遜大學恐怖主義、跨國犯罪及貪腐中心(TraCCC)的創辦人及主任。2015 至 2017 年間她將首次加入 Andrew Carnegie Fellow,她目前正在撰寫新書《非法貿易:全球挑戰》(Illicit Trade: Global Challenge),由普林斯頓大學出版社出版,書中檢視了非法貿易對永續地球的影響,以及真實世界及虛擬世界中非法貿易的差異。她近期的著作包括:《齷齪的糾葛:貪腐、犯罪及恐怖主義》(Dirty Entanglements: Corruption, Crime and Terrorism)(劍橋大學出版社、2014 年)、《人口販運:全球視野》(Human Trafficking: A Global



Perspective) (劍橋·2010 年) 早期著作包括《維持蘇聯社會治安》 (Policing Soviet Society)、《蘇聯律師的工作生活》 (Lawyers in Soviet Work Life) 以及《犯罪及現代化》 (Crime and Modernization)。

Shelley 博士校閱多本跨國犯罪及貪腐相關的著作,並撰寫多篇相關文章及書籍章節。她在世界經濟論壇「組織犯罪及非法貿易全球議程理事會」服務六年,亦為一開始組織犯罪全球議程理事會的共同主席。她目前是世界經濟論壇人口販運小組的共同主席,也是「反跨國組織犯罪全球倡議」的成員以及美國外交關係協會的終生會員。她曾榮獲多項研究獎金及獎項,包括古根漢及兩項傅爾布萊特研究獎金,從事蘇聯研究並於墨西哥教書,也獲得兩項麥克阿瑟基金會研究獎金,一項研究後蘇聯時代的組織犯罪,最近一項研究非國家行為者在核走私扮演的角色。Shelley 教授也榮獲多項其他的研究獎金,研究後蘇聯時代組織犯罪、洗錢、人口販運及非法野生動物貿易。Shelley 博士曾多次於美國國會為上述議題作證,並於歐洲安全與合作組織、經濟合作暨發展組織、聯合國及其他國家及國際組織的論壇中演講,她經常出現在美國及國際媒體上。



Title: How Transnational Crime Affects Human Trafficking

About Speaker

Louise Shelley

Louise Shelley is the Omer L. and Nancy Hirst Endowed Chair, the chair for a public intellectual as well as University Professor in the School of Policy, Government and International Affairs. She is the founder and Director of the Terrorism, Transnational Crime and Corruption Center (TraCCC) at George Mason University. During 2015-2017, she will be an inaugural Andrew Carnegie Fellow. She is presently working on her book *Illicit Trade: Global Challenge* for Princeton University Press that examines the impact of this trade on sustainability of the planet and the differences between illicit trade in the real and virtual world. Her most recent books are: Dirty Entanglements: Corruption, Crime and Terrorism (Cambridge



University Press, 2014) and Human Trafficking: A Global Perspective (Cambridge, 2010). Her earlier books include: Policing Soviet Society, Lawyers in Soviet Work Life and Crime and Modernization.

Dr. Shelley has edited books and written dozens of articles and books chapters on the subject of transnational crime and corruption. She served for six years as a member of the Global Agenda Councils on Organized Crime and Illicit Trade of the World Economic Forum (WEF) and was the initial co-chair of the global agenda council on organized crime. She presently co-chairs a group within the WEF on human trafficking. She is a member of the Global Initiative against Transnational Organized Crime and a life member of the Council of Foreign Relations. She is the recipient of many fellowships and prizes including the Guggenheim and two Fulbrights for research in the Soviet Union and teaching in Mexico and two grants from the MacArthur Foundation, the first addressing post-Soviet organized crime and most recently one on the role of non-state actors in nuclear smuggling. Professor Shelley has received many other research grants on post-Soviet organized crime, money laundering, human trafficking and illicit wildlife trade. Dr. Shelley has testified for the United States Congress repeatedly on these issues and has addressed fora of the OSCE, OECD, the United Nations and other national and international bodies. She appears in the media frequently both in the US and internationally.

跨國犯罪如何影響人口販運

Louise Shelley

美國喬治麥遜大學

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How Transnational Crime Affects Human Trafficking

Louise Shelley,
Hirst Chair and University Professor
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涉及人口販運之跨國犯罪集團

- 跨國犯罪是許多形式人口販運的主要行為者,包 含性、勞動、領養、器官等販運
- 比起世界其他地區,亞洲的人口販運在跨國犯罪活動佔有更重要的地位
- 有些契約關係已偷渡開始,後來變成販運

Transnational Crime Groups involved in Human Trafficking

- Transnational crime is key actor in many forms of human trafficking including sex, labor, adoptions, organs
- In Asia, human trafficking is more central to transnational crime activity than in other regions of the world
- Some contractual relationships that start out as smuggling, terminate as trafficking

人口販運的特色

- 進入成本低
- 受害者流動性高
- 開發中國家的性販運受害者多未為成年,但已開發國家不是如此,美國例外
- 很多外國受害者的販運發生在自己種族的社群中, 如:拉丁族裔妓院,華人及亞裔則是發生在同族群 的社區中
- 勞工販運主要發生在亞洲大規模的製造業,其他 地區則是建築業

Characteristics of the Business

- Entry costs are low
- Mobility of the victims is high
- In developing countries, many sex victims are minors but not in developed countries except in US
- Much trafficking of foreign victims occurs within their own ethnic community, i.e. Latino brothels, Chinese and Asians within their communities
- Labor trafficking important in large scale manufacturing in Asia, in construction in other regions

人口販運的成長

- 全球人口販運大幅成長的原因很多一一勞工、家庭幫傭、性販運、強迫婚姻、行乞、器官
- 多數受害者是勞工販運
- 約1200萬名受害者中,絕大多數是女性,兒童也愈來愈多
- 全球化及不斷擴大的經濟差距、貪腐全球化、區域衝突增加都助長人口販運
- 世界每個角落都有受害者

Growth of Human Trafficking

- Enormous rise in human trafficking world wide for numerous purposes—labor, domestic servitude, sex trafficking, forced marriages, begging, organ
- Majority of victims are trafficked for labor
- Majority of the approx 12 million victims are women and increasingly children
- Globalization and increasing economic disparity, globalized corruption and rise of regional conflicts contribute to this growth
- No part of the world without victims

電腦及人口販運

- 電腦助長兒童色情影像、兒童性觀光及性人口販運的成長
- 有專門廣告女性性交易的網站
- 黑暗網路上也有非法交易,黑暗網路與網路不同, 只能透過特殊程式進入(目前黑暗網路上有五萬個網站,很多都連到亞洲)
- 金錢透過電匯、西聯匯款及信用卡與網路掛勾

Computers and Human Trafficking

- Computers have facilitated the growth of child pornography and child sex tourism and sex trafficking
- Web sites exist on the web advertising women particularly for the sex trade
- Illicit business also exists on the dark web, not the same as the Internet, accessed only through special programs (presently 50,000 websites operate in this space, many connected to Asia)
- Money connected to internet flows through wire transfers, Western Union and Credit cards

販運者是誰?

- 許多因容易入行、需要的初期資本不多成為販運者
- 許多幫凶來自合法經濟活動
- 亦從事毒品走私及人口販運的國際犯罪集團、家族 企業、如外交官及外國企業主管等個人帶著「傭人」 一起過來
- 通常比毒品走私者教育程度較高
- 衝突及弱勢族群讓這些投機者有機可乘一一見北非、 緬甸

Who are the traffickers?

- Wide range of traffickers facilitated by easy entry into business and limited initial capital needed
- Important range of facilitators from the legitimate economy
- international criminal syndicates who also move drugs and people, Mom and pop family operations, individuals such as diplomats and foreign business executives who arrive with "servants"
- Often more educated than drug traffickers
- Opportunists thrive on conflicts and vulnerable people—see N. Africa, Myanmar

販運者是誰?

- 非洲(尤其是西非及北非)、亞洲(中國、山口組、東南亞)、拉丁美洲、中東(尤其是土耳其)、後蘇聯、 巴爾幹半島組織
- 搬到歐洲的美國飆車族
- 很多邊境及領事館的政府官員協助販運者, 這也是合法世界的幫凶
- 女性有顯著代表性的唯一犯罪活動

Who are the Traffickers?cont.

- African (especially West and North), Asian—Chinese, Yakuza and SE Asian), Latin American, Middle Eastern (particularly Turkey), Post-Soviet, Balkan organizations
- American motorcycle gangs who have moved to Europe
- Wide range of facilitators from government officials at borders and in consulates, also from legitimate world
- Only area of criminal activity in which women are significantly represented

販運組織內的不同角色

- 投資者
- 招募者
- 運送者
- 貪腐的政府官員或保護者
- 線民
- 領隊和船(航)員
- 執法者
- 收債人(經濟合作暨發展組織報告)

Roles within Trafficking Organizations

- Investors
- Recruiters
- Transporters
- Corrupt public officials or protectors
- Informers
- Guides and Crew Members
- Enforcers
- Debt Collectors (OECD Report)

販運者需要什麼?

- 販運人口的供給
- 偽造文件, 包含護照及簽證
- 藏身處
- 周全的交通聯繫
- 透過網路或名片行銷產品的能力
- 移轉及轉手利潤的能力
- 幌子公司

What do traffickers need to carry out business?

- Supply of people to be trafficked
- False documents including passports and visas
- Safe houses
- Well developed transport links
- Ability to market their product through web or business cards
- Ability to move and dispose of profits
- Front companies

從事合法經濟活動的幫凶是誰?

- 公寓及公寓建築的主人
- 計程車司機
- 卡車司機及卡車主人
- 酒吧及飯店(小旅館, 甚至高級連鎖飯店也是)
- 專業服務提供者一一會計師、律師
- 電匯及哈瓦拉(類似地下錢莊)員工
- 貪腐的官員
- 網路服務供應商

Who are the facilitators from the legitimate economy?

- Owners of apartments and apartment buildings
- Taxi drivers
- Truck drivers and truck owners
- Bars and hotels (both small and even high end franchises)
- Providers of professional services—accountants, lawyers
- Employees of wire transfer and hawala networks
- Corrupt officials
- Internet Service Providers

誰是受害者?

- 通常是窮人、教育程度低,但也不一定,因為勢力 龐大的犯罪集團會從東歐及前蘇聯販國家販運受 過教育的女性
- 受害者通常是販運者的朋友或親戚
- 很多年輕女性變成家庭幫傭、娼妓、被迫結婚
- 男性受害者大多是強迫勞工
- 流離失所的人、衝突及戰亂的受害者

Who are the victims?

- Often the poor and uneducated but not necessarily as powerful crime groups traffic educated women from Eastern Europe and former USSR
- Victims are often friends or relatives of the traffickers
- Many young women and girls for domestic servitude, prostitution and forced marriages
- Men trafficked largely for forced labor
- Displaced people, victims of conflicts

與其他犯罪的關係

- 一些人口販運組織有很多面向,從事毒品走私及人口販運,有時候也販運如武器等其他商品
- 人口販運牽涉身分盜用、偷渡、貪腐、簽證欺詐、 偽造文書、洗錢
- 販運人口可以循毒品交易的路線,或毒品走私可以 自成一路
- 一些地方人口販運的監獄不足一一見「防制洗錢金融行動小組」報告
- 人口走私的背後有許多幫凶,這些幫凶通常是合法經濟體制裡貪腐的人
- 一些地方販運人口的網絡也可以拿來運送恐怖份子, 如:巴基斯坦、土耳其的庫德工人黨
- 偽造

Linkages to Other Crimes

- Some human trafficking organizations are multi-faceted trading in drugs and people and sometimes other commodities such as arms
- Human trafficking has been linked to identity theft, smuggling, corruption, visa fraud and the production of false documents and money laundering
- Trafficked people can follow the same routes as the drug trade or the drugs can go in one direction
- Some human trafficking run out of prisons—see Fatf report
- Smuggling of people builds on large numbers of facilitators often part of legitimate economy who have been corrupted
- The same networks that move people can also be used in some parts of the world to move terrorists, exs. In Pakistan and PKK in Turkey
- Counterfeiting

創造的利潤

- 人口販運創造的利潤差異很大,取決於受到剝削的人數、服務的市場部門(高端vs.移工)、販運是販運者的主業還是副業(意即販運者販運女性以支援其他非法活動)
- 利潤很少沒收充公, 所以這種犯罪有利可圖

Profits Generated

- Profits generated from human trafficking vary enormously depending on number of individuals who are exploited, the sector of the market that is serviced (upscale vs. migrant workers) and whether the trafficking is a primary or auxiliary activity of the traffickers (i.e. the traffickers are providing trafficked women to support other illicit activities)
- Profits are rarely confiscated, therefore this crime pays

利潤差異(以美國為例)

- 兩位德州某大學的烏茲別克研究人員在18個月內 利用兩位少女賺了40萬美金
- 前蘇聯國家應召女郎白色蕾絲一案中,年營業額是700萬美元,利潤豐厚
- 蒙哥馬利郡的拉丁妓院一案中,每年利潤100萬美元,女性保留一部分的盈餘
- 「萍姐」(鄭翠萍)的販運華人生意價值4,000萬美元

Variations in profits (US exs.)

- 2 Uzbek researchers at a university in Texas generated \$400,000 from 2 girls in 18 months
- White lace case of call girls from post-Soviet states was \$7 million annual business with substantial profits
- Latino brothel case in Montgomery County generated \$1 million annual profits, women kept part of earnings
- Sister Ping had a \$40 million business moving Chinese

利潤一一以歐洲為例

- 荷蘭的Sneep案(每位女性1,000歐元)中,同時 販運100至200位女性,所以20年後利潤將是每年 2,500到4,000萬歐元。
- 販運血汗工廠及農業勞工的利潤低很多
- 販運兒童行乞的利潤是販運女性利潤的10到20% (估計值),每位兒童100歐元

Profits—European case

- Sneep case in the Netherlands (1000 euros per woman), 100-200 women trafficked at the same time, therefore in 20 years, profits are 25-40 million per year
- Much lower profits—workers trafficked for sweat shops and agriculture
- Child trafficking for beggars brings in 10-20% of that for women (estimate) at 100 euros per child

利潤一一亞洲經驗

- 性販運的利潤依剝削地區而異
- 漁業及捕蝦業販運的報酬很低, 但還是讓生意賺錢
- 隨著性販運的意識抬頭, 中國經驗顯示女性獲取 的利潤較多
- 工廠的勞工販運中,通常勞工剝削是維持競爭力 的關鍵

Profits—Asian Experience

- In sex trafficking, profits range by region and area of exploitation
- In fishing industry and shrimp, very low payments, but keep business profitable
- As awareness has increased of sex trafficking,
 Chinese experience shows that woman gain more of the profits
- In labor trafficking in factories, labor exploitation is often key to staying competitive

人口販運產業

- 看似混亂的行為其實有模式可循
- 人口販運反映了合法商業的貿易模式
- 販運模式並非自成一格,而是受到歷史、文化、 先前奴隸模式、女性地位及產權的影響
- 各大洲的販運者通常互有關連

Business of Human Trafficking

- There are patterns that exist within what seems to be chaotic behavior
- Human trafficking mirrors the patterns of trade followed in licit commerce
- Trafficking patterns are not sui generis but are shaped by history, culture, past patterns of slavery, status and property rights of women
- Traffickers often linked across continents

不同模式的販運

- 超級市場模式——從墨西哥到美國
- 自然資源模式 - 從前蘇聯國家到美國
- 貿易發展模式 - 從中國
- 皮條客模式一一美國境內販運,通常是青少年
- 奈及利亞販運一一非洲奴隸
- 北非到義大利

Different Models of Trafficking

- Supermarket Model

 from Mexico to US
- Natural Resource Model—from former Soviet states to US
- Trade and Development Model—from China
- Pimp Model—Domestic Trafficking in US, often of juveniles
- Nigerian trafficking—African slavery
- North African to Italy

超級市場模式--從墨西哥到美國

- 販運數量大、成本低、依運送的人口數獲利
- 販運的進入成本低
- 販運和違法經濟的其他元素並無區隔一一與貪腐、 武器及毒品交易有關,許多行之有年的販毒集團轉 而從事人口販運
- 因為只在乎數量, 不在乎人, 所以死亡率很高
- 邊境安全措施增加, 導致成本增加
- 很多是勞工販運, 但也有性剝削

Supermarket Model- from Mexico to US

- High volume and low cost of trafficking, profits made on number of individuals moved
- Entry costs into trafficking are low
- Trafficking is not separate from other elements of illicit economy—linked to corruption, arms and drug trade, many established drug groups moving into this area
- High fatalities because concern is on volume and not individual
- Costs have increased with increased border security
- Much of this for labor trafficking but also sexual exploitation

自然資源模式一一從前蘇聯國家到美國

- 把女性當成木材及石油般販賣,不在乎她們未來 發展
- 因為不須依賴舊的受害者來招募新的, 所以人權 受到嚴重侵害
- 人口販運並非用來發展社會
- 嚴重侵害受害者的人權
- 利潤通常浪費掉或移轉到海外

Natural Resource Model—from former Soviet states to US

- Women are sold off like timber and oil with no concern for future development
- High levels of human rights violations because not dependent on past victims to recruit future victims
- Human trafficking is not used for development of society
- Major human rights violations against victims
- Profits are often dissipated or moved to offshore locale

貿易發展模式一一從中國

- 生意從頭到尾整合,所以獲利最高,如:亞洲遊輪 案在華盛頓及紐約創造6,000萬美元的利潤(估計 10%來自販運)
- 依據對受害者及其家庭的了解來招聘
- 多數受害者是男性, 但也有少部分女性
- 受害者的人權侵害有其後果
- 洗錢轉回中國, 用以發展

Trade and Development Model—from China

- Makes maximum profits as business is integrated from start to finish, i.e. Asian cruise case generated \$60 million in profits (10% estimated from trafficking) in DC and New York
- Recruitment based on knowledge of victims and families
- Most victims are male but also small proportion of women
- Human rights abuses of victims have consequences
- Money laundered back to China for development

皮條客模式--美國境內販運,通常是青少年

- 常常彼此合作的小型個體企業主形成鬆散的網絡
- 以心理戰術和毒品嚴重操控受害者
- 消費高、儲蓄率低
- 根據美國聯邦調查局的分析, 受害者被迫賣淫七年
- 利潤豐厚,每個皮條客控制的女性可能每晚至少賺 1,000美元
- 賺的錢都沒有累積留存

Pimp Model—Domestic Trafficking in US, often of juveniles

- Small individual entrepreneurs who often work together as loose networks
- Serious manipulation of victims through psychological tactics and drugs
- High consumption and low rate of savings
- Victims, according to FBI analyses, survive 7 years in prostitution
- Significant profits as each girl controlled by a pimp may generate at least \$1000 nightly
- Profits dissipated

西非模式一一新形式的傳統奴隸

- 連結歐洲和奈及利亞的國際網絡, 通常透過僑民
- 以巫毒嚴重操控受害者
- 罪犯通常用相同的路線來販運毒品及人口
- 很多招募者以前曾是販運的受害者
- 和受害者簽約並「強制執行」
- 獲利送回家鄉, 通常投資其他的非法活動

West African model—traditional slavery in new form

- International networks connecting Europe and primarily Nigeria, often through diaspora
- Serious manipulation of victims through voodoo
- Criminals often use same routes for drugs and people
- Many recruiters were once trafficking victims
- Contracts developed with victims and "enforced"
- Profits returned home and often invested in other illegal activity

北非到義大利

- 最近出現大規模販運,常常是撒哈拉以南非洲的 人民試圖逃離貧窮和戰亂而逃到歐洲去
- 義大利新的跨國犯罪團體彼此合作一一黑手黨、 貪腐官員、前右翼恐怖份子與走私者合作,以獲得 販運勞工的補貼
- 死亡率是所有人口販運裡最高的

North Africa to Italy

- Recent rise of large scale trafficking as individuals often from sub-Saharan Africa seek to reach Europe and escape poverty and conflict
- There is cooperation of new transnational crime groups in Italy—mafia, corrupt officials and former right-wing terrorists work with smugglers to get subsidies for trafficked laborers
- Highest rates of fatalities of any human trafficking

執法與金錢的流向

- 比起有組織的犯罪集團、其他如毒品等非法網絡, 執法單位追蹤販運者的獲利較不成功
- 沒收充公有限
- 找到的利潤是匯票、房地產、海外財產
- 一些文化中, 販運者的獲利都浪費在奢侈的生活 (特別是美國的皮條客, 有些中國模式不是如此)

Law Enforcement and Money Trails

- Law enforcement has been less successful at tracing profits of traffickers than they have of organized crime groups and networks operating in other illicit areas such as drugs
- Confiscation has been limited
- Profits that have been found are in money orders, real estate, and overseas property
- In some cultures, profits of the traffickers wasted in high living (especially by pimps in US, not part of Chinese model)

人口販運留下哪些財務足跡?

- 運送受害者相關的費用
- 性服務收費使用的信用卡, 如:使用的幌子公司
- 讓販運女性白天有事做的活動, 如:衛星電視
- 在網路上購買兒童色情片的付款方式和其他跡象
- 租公寓或其他設施, 以作為妓院或宿舍

What kind of financial footprint does human trafficking leave?

- Charges related to movement of victims
- Credit cards related to charging for sexual services,
 ie. Front companies which are used
- Activities used to keep trafficking women occupied during the day, i.e. satellite tv
- Payments related to purchases of child pornography and other signs on Internet
- Rental of apartments and other facilities used for brothels or to house workers

如何洗錢、運錢?

- 現金快遞業者、匯款人
- 電匯, 如:西聯匯款
- 地下錢莊
- 銀行轉帳--通常用假身分
- 幌子公司
- 透過賭場
- 以貿易為本的轉帳——消費品、汽車

How is money laundered and moved?

- Cash couriers, money remitters
- Wire transfers, i.e. Western Union
- Money orders
- Underground banking
- Bank transfers—often using false identities
- Front companies
- Through casinos
- Trade based transfers—ie. Consumer commodities, cars

利潤投資在哪裡?

- 住宅、商用房地產
- 夜店、餐廳
- 汽車經銷商
- 貪腐以維持組織運作
- 其他形式的非法貿易, 如: 毒品

What are the profits invested in?

- Residential and commercial real estate
- Nightclubs and restaurants
- Car dealerships
- Corruption to sustain the organization
- Other forms of illicit trade, i.e. drugs

執法限制

- 相較於問題的規模,案件量少
- 聯合國人口販運議定書頒布後調查和起訴量增加, 但一年還是只有幾千件
- 資產充公與遣返受害者數量皆有限
- 懲罰既不確定也不嚴厲, 因此嚇阻效果差
- 必須視為首要之務,並串連其他更優先處理的犯罪活動,如:毒品

Limits of Law Enforcement

- Few cases relative to the size of the problem
- Investigations and Prosecutions have increased since Protocol on Human Trafficking but still only in the thousands annually
- Limited confiscation of assets and repatriation to the victims
- There is neither certainty nor severity of punishment, therefore little deterrence
- Need this to be prioritized as well as linked to other more high prority crimes, i.e drugs

我們可以做什麼?

- 提升勞動販運及性販運問題的意識
- 成為良好謹慎的消費者,要求供應鏈中沒有利用任何販運勞工
- 減少消費者對產品及性服務的需求
- 要求並鼓勵企業改變
- 發宣導
- 股東年會上請代理人表示關切
- 帶動消費者抵制產品

What can we do?

- Raise awareness of problem of labor and sex trafficking
- Be good and careful consumers, demand that supply chains be free of trafficked labor
- Reduce demand among consumers for products and sexual services
- Involve and motivate corporations to change
- Initiate on-line campaigns
- Use of stock proxies at annual meetings of shareholders to express concern
- Initiate consumer boycotts of products

提升意識

- 網路媒體宣導,如: <u>www.slaveryfootprint.org</u>
- 消費者行動主義,如: <u>http://action.sumofus.org/a/lidl-living-wage-campaign/?sub=homepage</u> (捕蝦業)
- 伊莫卡利農場工人揭露連鎖速食業者的虐待 http://ciw-online.org/blog/tag/taco-bellboycott/;連鎖速食廳使用販運及受剝削勞工生 產的番茄,美國消費者抵制該餐廳,促成速食產 業的改變

Raising Awareness

- Online media campaigns, i.e. <u>www.slaveryfootprint.org</u>
- Consumer activism, i.e.
 http://action.sumofus.org/a/lidl-living-wage-campaign/?sub=homepage (with shrimp industry)
- Immokalee Farm workers raised awareness of abuse by fast food chains,i.e. http://ciw-online.org/blog/tag/taco-bell-boycott/; US consumers boycotted restaurants that used tomatoes produced by trafficked and exploited workers. Let to change in the fast food industry

要求並鼓勵企業參與

- Verite 防治供應鏈的販運 http://www.verite.org/, 很多是美國跨國公司
- 世界經濟論壇一一讓企業參與打擊人口販運 http://www.weforum.org/reports/hedging-riskcombating-human-trafficking-insights-private-sector
- 觀光業,與「國際終止童妓」組織合作 http://www.ecpat.net/

Involving and Motivating Corporations

- Verite, protections against trafficking in supply chains--http://www.verite.org/, many for global American companies
- World Economic Forum—involvement with corporate world on human trafficking, i.e.
- http://www.weforum.org/reports/hedging-riskcombating-human-trafficking-insights-private-sector
- Tourism industry, works with ECPA, http://www.ecpat.net/



【題目】移民與販運之關係

主講人簡介

Constance Thomas

現為訪問教授、講師及獨立顧問·2015 年自國際勞工組織辦公室退休。

曾為國際勞工組織工作基本原則與權利部處長·負責 主導國際勞工組織童工、強迫勞動、非歧視及結社自由的 技術專案。

Thomas 女士於 1990 年加入世界勞工組織·擔任國際勞動標準部門的法律官員,2004 年至 2010 年間擔任國際勞工組織中國及蒙古辦公室的主任,派駐北京。



Thomas 女士亦曾在國際勞工組織位於西班牙港的加勒比海地區辦公室服務,擔任國際勞動標準、勞動法及性別議題的資深專員。1998 年她被任命為國際勞動標準部性別及就業科的科長,該單位負責將標準應用於同工同酬、非歧視、肩負家庭責任之勞工、移工等。在該單位服務期間,她同時也負責國際勞工組織與聯合國消除婦女歧視委員會及其他聯合國人權及協議單位之間的聯繫。

Thomas 女士於 1980 年通過加州律師考試,在加入世界勞工組織之前曾於奧克蘭 Moore and Bell 法律事務所、舊金山 McTernan, Stender and Walsh 法律事務所擔任協理律師,專長是憲法、公民權利法、就業及勞動法。

1984 至 1990 年間她也擔任世界勞工組織的專家顧問,專攻非歧視、工作條件、勞資關係、安全及健康、勞動標準、人權及性別等議題。

Thomas 女士畢業於俄亥俄州立大學及聖地牙哥大學法學院‧她曾在許多大學擔任客 座講師及教授‧並發表許多論文‧研究國際法、國際勞動標準、平等及童工等議題。



Title: The Relationship between Migration and Trafficking

About Speaker

Constance Thomas

Currently a visiting professor, lecturer and independent advisor. Retired from the International Labour Office (ILO) in 2015.

Former Director of the ILO's Fundamental Principles and Rights at Work Department where she was responsible for directing the ILO technical programmes on child labour, forced labour, non-discrimination and freedom of association.



Ms. Thomas joined the ILO in 1990, where she was a legal officer in the International Labour Standards Department. From 2004 until 2010, Ms. Thomas was the Director of the ILO Office for China and Mongolia stationed in Beijing.

Ms. Thomas has also worked in the ILO Sub-regional Office for the Caribbean in Port of Spain as a Senior Specialist on International Labour Standards, Labour Law and Gender Issues. In 1998 she was appointed Section Chief of the Equality and Employment Branch of the International Labour Standards Department which addressed the application of standards on equal pay, non-discrimination, workers with family responsibilities and migrant workers. In this capacity, she was also the ILO liaison to the UN Committee on the Elimination of Discrimination Against Women (CEDAW) and other UN human rights and treaty bodies.

Ms. Thomas passed the California Bar in 1980 and prior to joining the ILO was an associate attorney in the law firm of Moore and Bell in Oakland, and McTernan, Stender and Walsh in San Francisco, specializing in constitutional, civil rights, employment and labour law.

From 1984 to 1990 she also served as an ILO consultant/expert in the areas of non-discrimination, working conditions, industrial relations, safety and health, labour standards, human rights and gender issues.

Ms. Thomas is a graduate of the Ohio State University and the University Of San Diego School Of Law. She has been a guest lecturer/professor in numerous universities and has been widely published on topics including international law, international labour standards, equality and child labour.

移民與販運之關係

管理移民、保護移工、打擊人口販 運及勞力剝削

Constance Thomas 2015

The relationship between migration and trafficking

Managing migration, protecting migrant workers and combatting trafficking and labour exploitation

Constance Thomas 2015

背景

全球化的世界中,國家境內、國與國之間的貧富差距擴大,已開發國家對便宜勞力的需求增加,人口移動更為方便,通信和廣播技術進步,以及西方世界富裕的(誇大)形象全球廣為人知。

Context

A globalized world with increasing polarities of wealth both within and between countries, with an increased demand for cheap labour in developed countries, with increased possibilities for travel and telecommunications broadcasting, and (exaggerated) images of western wealth around the world

大綱

- ■移民概況、販運和強迫勞動的程度
- ■關係概要
- ■概念釐清
- ■因應措施
- 指南:相關國際勞動工具
- 強迫勞動議定書概要及建議

Outline

- Overview of migration and extent of trafficking and forced labour
- Overview of the relationship
- Conceptual clarity
- Response measures
- Guidance: Relevant International Labour Instruments
- Overview of new forced labour protocol and recommendation

移民概況 (1)

- 全球有2.32億國際移民,佔全球人口3.2%
- 多數現在的國際移民都跟找工作有關,超過90% 的移民是移工及其家庭
- 預估有7.4億人在自己國內遷徙
- 移民總數自2000年以來增加5700萬,其中過去三年內增加19%

Migration overview (1)

- Globally there are 232 million international migrants, representing 3.2 per cent of the global population.
- Most international migration today is related to seeking employment. More than 90 per cent of all international migrants are workers and their families.
- There are an estimated 740 million people who migrate internally within their own country.
- The total number of migrants has risen by 57 million since 2000 and 19% of this increase occurred within the past three years

移民概況 (2)

- 48%國際移民是女性,其中愈來愈多女性因 為工作移民
- 預估八分之一的移民年齡介於15到24歲之間
- 2013年自出生地移居其他國家的移民中,以 亞洲人最多

Migration overview (2)

- 48 per cent of all international migrants are women, who are increasingly migrating for work.
- It is estimated that one in eight migrants are between the ages of 15 and 24.
- In 2013, Asians represented the largest diaspora group residing outside their major area of birth.

移民概況 (3)

- 向第三方借錢的移工變成強迫勞工的風險增加
- 2100萬人淪為強迫勞工,販運全球,其中910萬人(44%)之前因為工作關係移民

Migration overview (3)

- Migrant workers who borrow money from third parties face an increased risk of being in forced labour.
- 21 million people are in forced labour and trafficked globally. Of this figure, 9.1 million people (44%) were migrating for work

強迫勞動的程度(1)

- 近2100萬人是強迫勞動的受害者 - 1140萬是 女性,950萬是男性
- 近1900萬名受害者**受到私人個體和企業的剝削** ,超過200萬名受害者**受到國家和叛亂集團的剝 削**
- 約90%發生在私營經濟中,常常與全球價值鏈及 販運有關
- 最有關的部門包括家務勞動、農業、營造業、製造業、娛樂事業

Extent of forced labour (1)

- Almost 21 million people are victims of forced labour 11.4 million women and girls and 9.5 million men and boys.
- Almost 19 million victims are **exploited by private individuals or enterprises** and over 2 million **by the state or rebel groups**.
- About 90 percent occurs in the private economy, often linked to global value chains and trafficking.
- Domestic work, agriculture, construction, manufacturing and entertainment are among the sectors most concerned.

強迫勞動的程度 (2)

- 受到私人和企業剝削的受害者中,450萬人是強迫性剝削的受害者
- 私營經濟的強迫勞動**每年**創造**1500億美 元的不法獲利**
- **移工**和**原住民**特別容易成為強迫勞動的 受害者

Extent of forced labour (2)

- Of those exploited by individuals or enterprises, 4.5 million are victims of forced sexual exploitation.
- Forced labour in the private economy generates US\$ 150 billion in illegal profits per year.
- Migrant workers and indigenous peoples are particularly vulnerable to forced labour.

關係概要

- 販運和強迫勞動的受害者佔總移民的比例低
- 正相關:移民增加,販運風險也隨之增加
- 強迫勞動者有很大比例是移民和販運受害者
- 性別面向有顯著差異

Overview of Relationship

- Victims of trafficking and forced labour small percentage of all persons migrating
- Positive correlation: As migration increases, risk of trafficking increases
- Significant percentage of those in forced labour are migrants and victims of trafficking
- Gender dimensions significant and vary

移民容易成為販運及強迫勞動 的受害者

- 借款人
- 非正規經濟的勞工
- 臨時及約僱勞工
- 低技能
- 年紀輕
- 非法身分
- 資訊不足
- 流離失所
- 不只是地下經濟的人

Migrants more vulnerable to trafficking and forced labour

- Borrowers
- Informal economy workers
- Temporary and contract workers
- Low skilled
- Young persons
- Irregular status
- Uninformed
- Displaced persons
- Not only those in the underground economy

販運和走私的差異

- 移民走私的定義為:「為了直接或間接 獲取財務或其他物質利益,採購人口並 讓其非法進入一當事國,而該人口並非 當事國的國民或永久居民。」
- ■剝削並非其中要素

DISTINCTION BETWEEN TRAFFICKING AND SMUGGLING

- Smuggling of migrants is defined as "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident".
- Exploitation not a factor

販運

- 2000 年《聯合國打擊跨國組織犯罪公約》 及預防、壓制及懲治販運人口(特別是 婦女及兒童)補充議定書
- 預防並打擊人口販運、保護並協助販運 受害者、加強國家之間的合作以達成這 些目標

Trafficking

- 2000 UN Convention against Transnational Organized Crime (Palermo Convention) and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.
- To prevent and combat trafficking in persons, to protect and assist victims of trafficking and to promote cooperation among States to achieve these objectives.

定義

「在本議定書中:

(a) 『人口販運』係指為剝削目的,以暴力威脅或暴力手段或其他形式的脅迫、綁架、欺詐、欺騙、濫用權力、濫用脆弱境況、收受酬金或利益以取得另一人之同意以控制某人等手段來招募、運送、轉移、窩藏或接收人員。剝削至少應包括利用他人賣淫或進行其他形式之性剝削、強迫勞動或服務、奴役或類似奴役之做法、勞役或摘除器官。」

definition

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

缺乏有尊嚴的工作與強迫勞動 或奴役的差異

■ 並非所有令人無法接受的工作形式都是 強迫勞動

Distinction between lack of decent work and forced labour or slavery like practices

■ Not all unacceptable forms of work constitute forced labour

定義

- 國際勞工大會第29號強迫勞動公約
- 係指一切勞動或服務,得自於某種懲罰之威脅,而非出於本人自願者(第29號強迫勞動公約第2條)
- 意指利用暴力、威脅或更加隱密的方式 來脅迫他人工作,如累積債務、扣留身 分文件或威脅向移民當局告發

Definition

- ILO Convention No 29.
- all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily (Article 2, C29)
- refers to situations in which persons are coerced to work through the use of violence or intimidation or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities.

強迫勞動、當代形式的奴隸、負債擔保、 人口販運是相近術語,但法律上的含意並 不完全相同。很多導致勞力剝削的奴隸和 人口販運情況,在國際勞動組織1930年第 29號強迫勞動公約中的強迫勞動定義中皆 有涵蓋,此公約2014年才剛審查更新。

Forced labour, contemporary forms of slavery, debt bondage and human trafficking are closely related terms though not identical in a legal sense. Most situations of slavery and human trafficking that result in labour exploitation are covered by the definition of forced labour outlined in the ILO Forced Labour Convention, 1930 No, 29, which has just been reviewed and brought up to date in 2014.

適當的因應

- 多管齊下解決以下問題:貧窮、移民、勞動市場、有尊嚴的工作、人權及勞工權利、性別平等、兒童保護及犯罪
- 防治、保護、制裁、救濟措施;
- 從勞力供給及需求著手;
- 跨部門及部會;
- 協調一致的作法;
- 反映政府、勞工、企業及公民社會的對話

Appropriate responses

- Multifaceted approach addressing poverty, migration, labour markets, decent work, human and labour rights, gender equality, child protection, and crime
 - Measures of prevention, protection, sanctions and remedial action;
 - that address both supply and demand of labour;
 - that reach across sectors and ministries;
 - that are coordinated and coherent;
 - that reflect government, labour, business and civil society dialogue

因應層級

- ■政治
- ■法律
- ■政策及計畫
- 招聘公司作法
- 受害者協助服務
- ■執法
 - 刑法
 - 勞動法
 - 邊境管制

Levels of response

- Political
- Laws
- Policies and prgrammes
- Recruitment Agency practices
- Services for victim assistance
- Law enforcement
 - Criminal law
 - Labour law
 - Border control

公平招聘行動

- 旨在協助預防人口販運,藉由加強勞工流動 提升發展獲利
- 國際雇主組織、國際工會聯合會、國際私營 就業服務機構業聯盟
- ■全球移民小組、反人口販運跨機構協調小組 ,特別是國際移民組織、世界銀行、聯合國 人權高級專員辦公室、聯合國毒品暨犯罪辦 公室

FAIR RECRUITMENT INITIATIVE

- Seeks to help prevent human trafficking and enhance development gains from labour mobility
- International Organization of Employers (IOE), the International Trade Union Confederation (IT UC) and the International Confederation of Priva te Employment Services (CIETT).
- With the Global Migration Group and the Inter-Agency Coordination Group against Trafficking in Persons agencies, in particular IOM, World Bank, OHCHR and UNODC.

公平招聘行動

- ■提升全球對各國及國際招聘的知識
- ■強化法律、政策及執行
- 提升公平企業標準
- 促進社會對話及夥伴關係

Fair Recruitment Initiave

- Enhance global knowledge of national and international recruitment
- Strengthen laws, policies and enforcement
- Promote fair business standards
- Forster social dialogue and partnerships

國際勞動工具

- 強迫勞動公約(1930年第29號)
- 廢止強迫勞動公約(1957年第105號)
- 最惡劣形式兒童勞動公約(1999年第182 號)
- 1930年第29號強迫勞動公約議定書(2014年)
- 強迫勞動建議書(2014年第203號)

International Labour Instruments

- Forced Labour Convention (No. 29 of 1930)
- Abolition of Forced Labour Convention (No. 105 of 1957)
- Worst Forms of Child Labour Convention (No. 182 of 1999)
- Protocol to the Forced Labour Convention No 29, 1930 (of 2014)
- Forced Labour Recommendation (No 203 of 2014)

國際勞動工具

- 1949年就業移民公約(修訂)(第97號)
- 1975年移民勞工(補充條款)公約 (第143號)
- 1997年私營就業機構公約(第181號)

International Labour Instruments

- Migration for Employment Convention (Revised), 1949 (No. 97)
- <u>Migrant Workers (Supplementary</u> Provisions) Convention, 1975 (No. 143) -
- Private Employment Agencies Convention, 199 (No 181)

第29號公約涵蓋範圍

- 對「強迫或強制勞動」一詞有廣泛定義,而非列舉禁止的作法。
- 廣泛的定義涵蓋強迫勞動的傳統作法,如奴隸或類似 奴隸作法的遺毒,以及眾多形式的債務擔保和最近幾 十年出現的新形式強迫勞動,如人口販運。
- 此定義不只涵蓋由私人實體所施加之強迫勞動,亦包含由國家當局所施加之強迫勞動,因此要求批准此公約之會員國發展出完善的法律及政策框架,以剷除所有形式的強迫勞動。

Coverage of C29

- Broad definition of the term "forced or compulsory labour" rather than enumerating a list of prohibited practices.
- Broad definition covers traditional practices of forced labour, such as vestiges of slavery or slave-like practices, and various forms of debt bondage, as well as new forms of forced labour that have emerged in recent decades, such as human trafficking.
- Forced labour imposed not only by private entities but also by state authorities is covered by this definition. Ratifying States are therefore required to develop a comprehensive legal and policy framework to combat forced labour in all its forms.

哪些國家尚未批准第29號公約?

- ■阿富汗 - 考慮中
- 汶萊 - 考慮中
- 中國 (不承諾)
- 南韓(非徴兵制)
- ■馬紹爾群島(沒有資料)
- 帛琉 (新會員國)
- 吐瓦魯(新會員國)
- 美國 (不打算加入)

Who has not ratified C29?

- Afghanistan considering
- Brunei Darusalam considering
- China (no commitment)
- Rep of Korea (non-military conscription)
- Marshall Islands (no info)
- Palau (new Member)
- Tuvalu (new Member)
- United States (no intention)

例外(第二條)

- (a) 軍事服務
- (b) 正常公民義務
- (c) 為法院判決之結果,但其勞動或服務應受主管機關之監督及管理,而從事該工作的個人,不得由私人、公司及社團任意僱用或受其處置
- (d) 緊急事變
- (e) 簡易社區服務

Exceptions (Art. 2)

- (a) military service
- (b) normal civic obligations of the citizens;
- (c) consequence of a conviction in a court of law, under the supervision and control of a public authority and not hired to or placed at the disposal of private individuals, companies or associations;
- (d) cases of emergency
- (e) minor communal services

懲罰

第25條

■ 非法徵用強迫或強制勞動者,當以觸犯 刑法論處,凡批准本公約之會員國有義 務,使其刑事之懲罰,應屬允當並嚴格 執行。

Punishment

Article 25

■ The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

2014年議定書及建議書

- ■國際勞工大會通過第29號強迫勞動公約議定 書以及第203號強迫勞動建議書。
- 強化防治及剷除、受害者保護及救濟措施(包括賠償)等整合作法,詳列相關規定,涵 蓋上述三個領域將採取之不同作法。
- ■未修改第29號公約或巴勒摩議定書中對販運 之定義。

Protocol and Recommendation 2014

- International Labour Conference adopted a new Protocol to C29, and a new Recommendation on Forced Labour No. 203.
- To reinforce an integrated approach to prevention and elimination, victim protection and remedies (including compensation) and set out detailed provisions concerning the various measures to be taken in these three areas.
- No changes to definitions in C29 or the Palermo Protocol on trafficking.

預防

第29號議定書第2條:

- 教育雇主及可能的受害者
- 立法及勞工檢查之涵蓋範圍
- 招聘及安置之保護
- 從根本原因著手

Prevention

Art 2 of P29:

- Educating employers and possible victims
- Coverage of legislation and labour inspection
- Protection during recruitment and placement
- Address root causes

第203號建議書

第3款:尊重人權 - - 結社自由、歧視是根本原因、童工

第4款:更直接的措施 - - 意識、技能訓練、法律涵蓋範圍及執行、社會安全 / 社會保護網、考量風險、統籌作法等。

Recommendation No. 203

Para. 3: Respect human rights –

Freedom of association, discrimination as root cause, child labour

Para. 4: More direct measures –

Awareness, skills training, coverage and enforcement of legislation, social security/social protection floors, take account of , *inter alia*, risks, coordinated efforts, etc.

保護

■ 第29號議定書第3條:

■ 所有會員國應採取有效措施以鑑別、釋放、保護所有強迫或強制勞動受害者,使其康復、復原,並提供其他形式之協助與支持。

Protection

■ Art 3, P29:

■ Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.

- 第203號建議書:
- 6. 不論受害者在訴訟過程中合作與否, 都應鑑別並釋放、保護受害者
- 7.「確保主管當局有權不起訴或懲處被 迫參與違法活動的強迫或強制勞動受害 者,如果他們被迫參與違法活動是強迫 或強制勞動所導致之直接後果。」

R203:

- 6. Identify and release, protect victims irrespective of cooperation in prosecution.
- 7. 'ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.'

- 8.「剷除勞務招聘及雇用機構之虐待及詐欺行為」
- 9.「滿足受害者立即援助及長期康復、 復原之需求」
- 兒童、移民特別措施

- 8. 'eliminate abuses and fraudulent practices by labour recruiters and employment agencies'
- 9. 'meet the needs of all victims for both immediate assistance and long-term recovery and rehabilitation'
- Special measures for children, migrants

救濟措施

- 第29號議定書第4條:
- ■「不論強迫或強制勞動受害者在其所在國領土的法律地位,都應確保所有受害者能取得適當、有效的救濟措施,例如賠償」

Remedies

■ P29, Art. 4:

'ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation'

■ 第203號建議書:

- 受害者......能有效利用法院、法庭和其他解決機制來尋求補救,例如賠償和損害賠償金
- 受害者可以從加害者尋求賠償和損害賠償金
- 無論受害者是否身在該成員國或其在該國的法律地位 如何,都能在該國尋求適當的行政、民事和刑事補救

■ R203:

- victims ... have effective access to courts, tribunals and other resolution mechanisms, to pursue remedies, such as compensation and damages
- victims can pursue compensation and damages from perpetrators
- victims can pursue appropriate administrative, civil and criminal remedies in that State, irrespective of their presence or legal status in the State

執行

- 第29號公約:適當的刑事處分
- 第203號建議書,第13款:藉由.....加強 執行:
- (a)給予如勞動監察機構等相關主管當局必要的權責、 資源和培訓;
- (b) 除刑事處分外之其他處罰措施,如:沒收利潤;
- (c) 確保法人能承擔法律責任;以及
- (d) 加強受害人鑑別的努力,包括發展指標.

Enforcement

- C29: Adequate penal sanctions
- **R203**, para. 13: strengthen enforcement ... by:
- (a) giving to the relevant authorities, such as labour inspection services, the necessary mandate, resources and training;
- (b) imposition of penalties, in addition to penal sanctions, such as the confiscation of profits;
- (c) ensuring that legal persons can be held liable; and
- (d) strengthening efforts to identify victims, including by developing indicators.



【議題一】人口販運國際性發展之探討及防制策略

與談人簡介

Supang Chantavanich

國籍

泰國

現職

泰國朱拉隆功大學社會及人類學系榮譽教授

學歷

1969: 泰國朱拉隆功大學英文和哲學系學士

1972: 法國格勒諾布爾第二大學 社會學研究所碩士 1976: 法國格勒諾布爾第二大學 社會學研究所博士



獲獎記錄:

2002-2004 泰國研究基金資深研究員

2003 朱拉隆功大學傑出研究獎,研究計畫:「東亞及東南亞的泰國移工:區域經

濟衰退之下泰國移民政策之前景」

2005 泰國國家研究委員會社會學傑出學者



Session 1: International Development of Human Trafficking and Prevention Strategies

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1969: B.A. (Hon.) in English and Philosophy, Chulalongkorn University

1972: Maitrise en Sociologie, Universite de Grenoble II

1976: Doctorat du 3e cycle en sociologie (Mention Tres bien),

Universite de Grenoble II Present Position: Professor Emeritus; Department of Sociology and Anthropology



2002-2004 TRF Senior Research Scholar, Thailand Research Fund.

2003 Most Outstanding Research Award, Chulalongkorn University. Research

project on "Thai Migrant Workers in East and Southeast Asia: the Prospects of Thailand's Migration Policy in the Light of the Regional Economic Recession."

2005 Most Outstanding Researcher in Sociology, National Research Council

Thailand.





【議題一】人口販運國際性發展之探討及防制策略

與談人簡介

陳昌邦

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- (一)勞委會職業訓練局科長
- (二)勞委會訴願審議委員會科員
- (三)勞工保險局辦事員
- (四)行政院環保署訴願審議委員會專員、秘書

學歷

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Senior Specialist, Cross-Border Workforce Management Division, Ministry of Labor

Experiences

Section Chief, Vocational Training Council, Council of Labor Affairs
Officer, Administrative Appeals Committee, Council of Labor Affairs, Executive Yuan
Clerk, Bureau of Labor Insurance

Secretary, Environmental Protection Administration, Executive Yuan

Education

Bachelor, Department of Law, National Taiwan University



【議題一】人口販運國際性發展之探討及防制策略

與談人簡介

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內政部移民署移民事務組組長

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防制人口販運、移民規劃、移民輔導、移民機構管理、 外國人及大陸地區人民居留定居業務



經歷

內政部社會司科長 - 社會福利政策、立法與行政 內政部移民署移民事務組副組長 - 移民政策、移民服務措施、防制人口販運立法與宣導 內政部移民署入出國事務組組長 - 移民服務資源網絡建置與運用 - 入出國事務管理

學歷

中興大學社會學系社會工作組學士臺灣大學社會學研究所碩士



Session 1: International Development of Human Trafficking and Prevention Strategies

About Commentator:

Ling-Fong Lee

Current Position

Director, Immigration Affairs Division, National Immigration Agency, Ministry of the Interior

Primary Focus

Human trafficking prevention, Immigration Plan, Immigration Counseling, Immigration agency management, Foreign nationals and people of the Mainland China area residence and settlement business)



Experiences:

- Section Chief, Society Division, Ministry of the Interior (Social Welfare Policy, Legislative and Administrative)
- Deputy Director, Immigration Affairs Division, National Immigration Agency, Ministry of the Interior (Immigration Policy, Immigration Services Action, Prevention of trafficking legislation and advocacy)
- Director, Entry and Exit Affairs Division, National Immigration Agency, Ministry of the Interior (Immigration Services Resources Network deployment and application, Entry and Exit Affairs management)

Education:

Bachelor, Department of Sociology, National Chung Hsing University Master, Department of Sociology, National Taiwan University



【議題二】

從網路世界談兒少性剝削及性觀光

Session 2 Talking about Children and Adolescent Sex Exploitation and Sex Tourism from the Perspective of Cyber World



【議題二】從網路世界談兒少性剝削及性觀光

主持人簡介

李麗芬

職務

台灣展翅協會秘書長(ECPAT Taiwan)(1996年迄今) 國際終止童妓組織東亞區執委(the east Asia representative to ECPAT International Board of Trustees,2014迄今) 行政院防制人口販運協調會委員(2006年迄今) 行政院兒童及少年福利與權益推動小組(2014年迄今) 台灣女人連線理事(2006年迄今)

學歷

東海大學社會學系畢

榮譽

推動防制人口販運工作有功社會人士獎(移民署·2012年) 紫絲帶獎(衛生福利部·2014年)



Session 2: Talking about Children and Adolescent Sex Exploitation and Sex Tourism from the Perspective of Cyber World

About Moderator:

Li-Feng Lee

Current Position

1996~	Secretary-general, ECPAT, Taiwan
2006~	Executive Committee Member, Human Trafficking Prevention coordination
	committee, Executive Yuan, Taiwan
2006~	Director, Taiwan Women's Link
2014~	Executive Committee Member, The East Asia representative to ECPAT
	International Board of Trustees, Taiwan
2014~	Child and Youth Welfare Equity Promote Team, Executive Yuan, Taiwan

Education

Department of Sociology, Tunghai University

Honor

- Community Award, Meritorious Work to Promote the Prevention of Human Trafficking (National Immigration Agency, 2012)
- Purple Ribbon Award (Ministry of Health and Welfare, 2014)



【題目】泰國查處兒少性剝削之現況

主講人簡介

Apichat Joom Suriboonya

現職

外事處處長 泰國國際刑警組織局長 跨國犯罪協調中心秘書

工作經歷

- 1988 大都會警察局第五分隊審查官
- 1991 大都會警察局北部都會分局調查員
- 1994 泰國皇家警察副助理總警
- 1995 泰國皇家警察副局長助理
- 1997 大都會警察局 Sutthisan 派出所行政監察
- 1999 泰國皇家警察副助理總警
- 2002 外事處行政部副監
- 2004 外事處外交關係督導
- 2007 外事處泰國國際刑警組織督導
 - 跨國犯罪協調中心總幹事
 - 亞洲區域人口販運國家項目主管
- 2008 外事處及泰國國際刑警組織副局長
 - 跨國犯罪協調中心助理秘書
- 2013 外事處處長
 - 泰國國際刑警組織局長
 - 跨國犯罪協調中心秘書

學歷

皇家警察學院公共行政(警察)學士 朱拉隆功大學政治學碩士 澳洲新南威爾斯卧龍崗大學跨國犯罪防治碩士 澳洲查爾斯史都華大學保全維安學院博士



Title: How Thai Authorities Cope with Children and Adolescent Sex Exploitation Cases

About Speaker:

Apichat Joom Suriboonya

Current Position

Commander of Foreign Affairs Division

Head of NCB Interpol Thailand

Secretary of Transnational Crime Coordination Centre (TCCC)

Work Experiences

- 1988 Inquiry Officer, Sub-Division 5, Metropolitan Police Bureau
- 1991 Investigator, North Metropolitan Police Division, Metropolitan Police Bureau
- 1994 ADC to Assistant Commissioner General of Royal Thai Police (RTP)
- 1995 Assistant ADC to Deputy Commissioner General of RTP
- 1997 Administrative Inspector, Sutthisan Police Station, Metropolitan Police Bureau
- 1999 ADC to Assistance Commissioner General of RTP
- 2002 Deputy Superintendent of Administrative Sub-Division, Foreign Affairs Division
- 2004 Superintendent of Foreign Relations, Foreign Affairs Division (FAD)
- 2007 Superintendent of Interpol Bangkok, FAD
 - -Chief of staff, Transnational Crime Coordination Centre (TCCC)
 - -Country Project Officer, Asia Regional Trafficking in Persons (ARTIP)
- 2008 Deputy Commander, FAD & NCB Interpol Thailand
 - -Assistant Secretary, TCCC
- 2013 Commander of Foreign Affairs
 - -Head of NCB Thailand Division
 - -Secretary of TCCC

Education

Bachelor of Public Administration (Police), Royal Police Cadet Academy
Master of Political Science, Chulalongkorn University
Master of Transnational Crime Prevention, University of Wollongong, NSW, Australia
PhD, School of Security and Policing, Charles Stuart University, Australia



【題目】我國查處網路犯罪面臨的挑戰及解決-從人口販運性剝削之角度談起

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訪問學者:美國芝加哥約翰馬歇爾法學院

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Title: The Challenges and Solution of Tackling Cyber Crimes in Taiwan-From the Perspective of Sex Exploitation

About Speaker:

Eric Lee

Current Position

Central Police University - Adjunct Instructor Soochow University - Adjunct Assistant Professor

Work Experience

National Policy Agency, Ministry of the Interior - Director of Information Management

National Policy Agency, Ministry of the Interior, Criminal Investigation Bureau - Deputy Commissioner of Technology Crime Prevention Center

National Policy Agency, Ministry of the Interior, Criminal Investigation Bureau - Commander of 9th Investigation Corp. (Computer Crime Investigation)



Education

Visiting Scholar: The John Marshall Law School, Chicago, Illinois

Master's Degree : Dept. of Computer Science, University of Alabama at Birmingham, USA Bachelor's Degree : Central Police University Department of Public Security(Communications

Group)

我國查處網路犯罪面臨的挑戰及解決-從人口販運性剝削之角度談起

李相臣

The Challenges and Solution of Tackling Cyber Crimes in Taiwan-from the Perspective of Sex Exploitation

Eric Lee

AIT 2014 我國人口販運問題報告

- 一. 強迫勞動和性販運之目的地
 - ■勞動
 - 1. 印尼、中國大陸等東南亞國家約50萬人
 - 2. 製造業、營造業、漁業與家庭看護、幫傭
 - 3. 過高之仲介費與貸款利率,使揹負債務
 - ■性販運
 - 1. 假結婚
 - 2. 不實受雇機會

2014 Trafficking in Persons Report - Taiwan

- 1. The destinations of forced labor and sex trafficking
 - Labor
 - (1) Around 500 thousands labors from iSoutheast Asian countries, Indonesia and China.
 - (2) Manufacturing industry, construction industry, fishing industry, family caregiver, and helper.
 - (3) Overpriced brokerage fees and high loan rates lead to debts for workers.
 - Sex trafficking
 - (1) Fraudulent marriage
 - (2) Fraudulent job opportunity

AIT 2014 我國人口販運問題報告(續)

- 二. 少數性販運之來源地
 - ■不實廣告到日本、澳洲與英美等國工作,被迫賣 淫

2014 Trafficking in Persons Report – Taiwan – (con.)

- 2. Origins of sex trafficking
 - Falling victims to false advertising of working in Japan, Australia, U.K. and the U.S., and being forced into prostitution.

網路科技特徵

- 一. 網路蒐尋(人肉搜尋)
- 二. 熱門軟體功能了解(App 、 Line、FB 、Wechat)
- 三. 新科技了解(Big date、Bitcoin、Cloud、 Third payment Wear device)
- 四. 網路追查
 - > IP
 - > WWW
 - ➤ E-mail
 - ▶駭客入侵

The Features of Internet 1. Internet search (Search Engine)

- 2. Learning the functions of popular software (Application, Line, Facebook, WeChat)
- 3. Learning new technologies (Big data, Bitcoin, Cloud, Third-party payment, Wearable device)
- 4. Tracing on the Internet
 - > IP
 - > WWW
 - ➤ E-mail
 - > Hacking attacks

網路科技特徵(續)

- 五. 數位證據
 - ▶手機
 - ▶雷腦
 - **>**
- 六. 攝影機 (Google Map)
- 七. Gps
- 八. ETC
- 九. 感應刷卡、聲波
- 十. 電話詐欺、網路竊密、個資外洩・・等案類

The Features of Internet Technology -2

- 5. Digital evidence
 - ➤ Mobile phone
 - **≻** Computer
 - >
- 6. Camera (Google Map)
- 7. GPS
- 8. ETC
- 9. sensor, sound wave
- 10. Phone scam, Internet theft, leakage of personal information...etc.

網路在人口販運可能之犯罪角色

- 一.場所
 - ■刊登不實廣告
 - ■仲介交易

- 二.工具
 - ■網站、即時通訊軟體
 - ■電子郵件
 - ■社群網站
 - ■仲介APP

The potential role of internet in human trafficking crimes

- 1. Places
 - Publishing false advertising
 - Broker of trades

- 2. Tools
 - Website, IM software
 - E-mail
 - Social networks
 - Applications of brokerage

網路在人口販運可能之犯罪角色(續)

三.方法

- ■偽冒身份詐欺
- ■探悉個資誘騙
- ■掌控上網習慣分析喜好
- ■植入木馬病毒偷窺資訊

The Internet's potential role in human trafficking crimes - 2

3. Means

- Fraud with fake identification.
- Spying on people's personal information in order to trick them.
- Knowing one's web surfing habit to analyze his preferences.
- Planting malware to spy on information.

網路特性

- ■24小時e指通
- ■隱匿
- ■真偽難辨
- ■資料永久保存
- ■數位落差

The Characteristics of the Internet

- 24hrs accessible to service
- Concealment
- Difficulty in distinguishing the authenticity
- Data can be saved forever
- Digital divide

面臨挑戰

- ■跨國
- ■多語言文化
- ■難以追查
- ■使用紀錄未保留
- ■監聽不易
- ■新科技技術興起、犯罪手法翻新

Challenges

- Cross-national
- Multi-languages and cultures
- Difficult to trace
- Failing to save use records
- Difficult to tap
- With the rise of new technologies, criminal methods also change.

可能解決方向

- ■加強已執行工作內容
- ■網路搜尋
- ■保存資料
- ■跨國合作
- ■部分實名制之運作(兒童部分)

Possible Solutions

- Enhancing works that have been carried out
- Internet search
- Saving data
- Cross-national cooperation
- Partly operating with real-name system (for children)

案例研析

Case study

報告完畢 敬請指教

This is the end of my presentation.

Your opinion is much appreciated.
Thank you!



【議題二】從網路世界談兒少性剝削及性觀光

與談人簡介

Andrew Wallis

Andrew Wallis · 皇家文藝學會院士 · 獲頒官佐勳章 · 是「看不見」公益組織的創辦人暨執行長 · 此公益組織致力打造一個沒有奴隸的世界 · 曾獲頒獎項 · 他主持社會正義中心工作小組的關鍵報告:《奴役在這裡發生:協助英國打擊現代奴隸》 · 此報告提供政府、執法機關及企業完整的方針 · 以期共同剷除英國奴役 · 公認為英國「現代奴隸法」的制定推手。他與執法機關及企業合作 · 並提供打擊、剷除現代奴隸的相關諮詢。2013年他獲頒



Directory for Social Change 的影響人士獎·獲選皇家文藝學會院士·並於 2015 年自英國女王壽辰授勳名單獲頒大英帝國最優秀勳章官佐勳章·以表彰其打擊現代奴隸及人口販運的貢獻。

他同時也與政治人物共同推動《英國企業供應鏈透明(消弭奴隸)法》,亦為 Frank Field 國會議員審查小組的成員,制定《現代奴隸法》。他與全球非政府組織及企業合作,發展因應現代奴隸的系統做法。他曾任英國人口販運跨政府部會小組成員及英國內政部人口販運聯合策略小組主席,他也是歐盟人口販運公民社會平台的成員。他經常與各大媒體合作,例如:BBC 新聞、BBC News 24、Radio 4 Today、天空新聞台、Local BBC News、半島電視台、CNN 國際版、衛報(平面及廣播)、星期日泰晤士報、Radio 5 Live、LBC、BBC全球服務。

在創立「看不見」公益組織之前,Andrew 曾從事商業分析、House of Fraser 百貨零售的商業管理、西英格蘭大學專案管理,並管理一座教堂,目前擔任多個公益組織的董事。



Session 2: Talking about Children and Adolescent Sex Exploitation and Sex Tourism from the Perspective of Cyber World

About Commentator:

Andrew Wallis

Andrew Wallis, OBE, FRSA, is founder and CEO of Unseen, an award winning charity, working towards a world without slavery. He is the Chairman of the Working Group for the Centre for Social Justice's landmark report: 'It Happens Here: Equipping the United Kingdom to fight modern slavery' which gave a comprehensive road map for government, statutory authorities and business to eradicate slavery in the UK and now acknowledged as the catalyst for the UK's Modern Slavery Act. He advises and



collaborates with statutory agencies and businesses on how to combat and eradicate modern slavery. In 2013 he won the Influencer Award from the Directory for Social Change and was elected a Fellow of the Royal Society of Arts in recognition of his work in combatting modern slavery and human trafficking. In 2015 he was awarded an OBE in the Queen's Birthday Honours List for services to the Eradication of Human Trafficking and Modern Slavery.

He has also worked with politicians to bring the Transparency in UK Company Supply Chains (Eradication of Slavery) Bill before Parliament and was a member of Frank Field MP Review Panel that worked on the Modern Slavery Bill. He works internationally with NGOs and businesses to develop a coordinated response to modern slavery. A former member of the UK Government's Inter Departmental Ministerial Group (IDMG) on Human Trafficking and Chair of the Human Trafficking Joint Strategy Group at the UK's Home Office. He is a member of the EU Civil Society Platform on Trafficking in Human Beings. Works regularly with media outlets such as: BBC News; BBC News 24; Radio 4 Today; Sky News; Local BBC News; Al Jazeera; CNN International; The Guardian (Print and Broadcast); The Sunday Times; Radio 5 Live; LBC; and BBC World Service

Prior to founding Unseen Andrew had a career in business analysis followed by commercial management in the retail sector with House of Fraser, project management with the University of the West of England and led a church. He currently serves on the board of a number of charities.



「看不見」

創辦人暨執行長 Andrew Wallis 爵士



Unseen

Andrew Wallis OBE

Founder and CEO

我們在做什麼?



我們的使命

致力打造一個沒有奴隸的世界

我們認為達成此目標最有效、全面的方式就是從以下三方面著手:

支持倖存者

提供利害關係人訓練、建議及資源

影響體制改變

What we do



Our Mission

Working towards a world without slavery

We believe the most effective way of achieving this is to tackle the issue holistically in three ways

Supporting Survivors

Equipping Stakeholders

Influencing Systemic Change

支持倖存者





Supporting Survivors





支持倖存者





Supporting Survivors





影響體制改變



2011年6月-2013年3月 主持社會正義中心報告《奴役在這裡發生》

2013 年 8 月 - 2013 年 12 月 報告催生了英國《現代奴隸法》

2013 年 12 月- 2015 年 3 月 《現代奴隸法》草案 立法前之預審委員會

2015年3月26日 法案獲御准一《現代奴隸法》



Influencing Systemic Change



June 2011 - March 2013
Chaired the Centre for Social Justice Report: 'It Happens Here'

August 2013 – Dec 2013
Report was catalyst for the UK Government to bring forth the Modern Slavery Bill

Dec 2013 - March 2015

Draft Modern Slavery Bill

Pre-legislative Scrutiny Commission

26 March 2015
Bill received Royal Assent - Modern Slavery Act



影響體制改變



英國《現代奴隸法》-2015年3月26日

此法案是執法機關解決現代奴隸問題的工具·確保犯罪者受到與其令人髮指罪行的相應嚴懲,強化受害者支持與保護。

- 法案包括以下條款
 - 將既有違法行為整併、簡化為單一法案
 - 確保犯罪者受到與其令人髮指罪行的相應嚴懲一包含死刑
 - 為保護現代奴隸受害者, 頒佈新命令, 以提升法院必要時限制個體的能力
 - 設立獨立反奴隸委員,以改善、協調因應現代奴隸之作法
 - 導入奴隸及人口販運受害者之辯護
 - 英國國務卿有責任發布受害者識別及服務之法定指引

Influencing Systemic Change

UK Modern Slavery Act - March 26, 2015

The act will give law enforcement the tools to tackle modern slavery, ensure perpetrators can receive suitably severe punishments for these appalling crimes and enhance support and protection for victims.

- The act includes provisions to
 - consolidate and simplify existing offences into a single act
 - ensure that perpetrators can receive suitably severe punishments for these appalling crimes including life sentences
 - introduce new orders to enhance the court's ability to place restrictions on individuals where this is necessary to protect people from the harm caused by modern slavery offences
 - create an independent anti-slavery commissioner to improve and better coordinate the response to modern slavery
 - introduce a defence for victims of slavery and trafficking
 - place a duty on the secretary of state to produce statutory guidance on victim identification and victim services

影響體制改變



英國《現代奴隸法》-2015年3月26日

此法案是執法機關解決現代奴隸問題的工具,確保犯罪者受到與其令人髮指罪 行的相應嚴懲,強化受害者支持與保護。

- 法案包括以下條款
 - 讓國務卿能制定受害者識別及支持之相關法規
 - 制定單獨為兒童販運倡議之規定
 - 頒布新的賠償命令,以鼓勵法院將自加害者沒收之資產賠償予受害者
 - 填補法律缺口, 讓執法單位能阻擋疑似載有或販運奴隸之船隻
 - 要求達一定規模的公司每年公開其確保公司或供應鏈內沒有現代奴隸之措施

Influencing Systemic Change

UK Modern Slavery Act - March 26, 2015

The act will give law enforcement the tools to tackle modern slavery, ensure perpetrators can receive suitably severe punishments for these appalling crimes and enhance support and protection for victims

- The act includes provisions to
 - enable the secretary of state to make regulations relating to the identification of and support for victims
 - make provision for independent child trafficking advocates
 - introduce a new reparation order to encourage the courts to compensate victims where assets are confiscated from perpetrators
 - close gaps in the law to enable law enforcement to stop boats where slaves are suspected of being held or trafficked
 - require businesses over a certain size threshold to disclose each year what action they have taken to ensure there is no modern slavery in their business or supply chains

供應鏈透明化



透明化之義務適用所有符合下述條件之商業組織(法人團體及夥伴關係,無論在何處成立法人公司或夥伴關係):(I)在英國經營企業或企業部分業務(管轄權規定),以及(2)營業額超過特定最低門檻(營業額規定)。

英國政府在2015年2月的評議中清楚表示管轄權規定無實質重要性要件, 亦即任何實體即使只有一小部分的業務在英國境內,也可能因觸法遭逮 捕。

而營業額規定主要針對大型企業,已徵詢大眾意見以設定營業額門檻,諮詢後提議門檻設在3600萬到10億英鎊之間,但目前的報告顯示門檻較可能**設在6000萬英鎊**上下。

Transparency in Supply Chains



The transparency obligations apply to all commercial organisations (corporate bodies and partnerships, wherever incorporated or formed) which (i) carry on a business or part of a business in the UK (the Jurisdiction Requirement) and (ii) have a turnover above a certain minimum threshold (the Turnover Requirement)

The Government made it clear in its February 2015 consultation that there is no materiality to be applied to the Jurisdiction Requirement i.e. an entity may be caught even if only a small part of its business is conducted in the UK

In terms of the Turnover Requirement, the stated intention is to only catch larger businesses. A public consultation has been undertaken to establish what the turnover threshold should be. The consultation proposes a threshold of anywhere between £36 million and £1 billion but current reports suggest that a threshold of around £60 million is likely.

估計利潤



每年 1500 億美元

超過 Nike、Google 及 Starbucks 的加總營收,而且這還是保守估計。

或換句話說...是以下企業的利潤總額:



ExonMobil







nseen

Estimated Profits

\$150 billion per annum

More than the combined **revenue** of Nike, Google and Starbucks. And this is a **conservative** figure.

Or put another way...the combined **profits** of:



ExonMobil







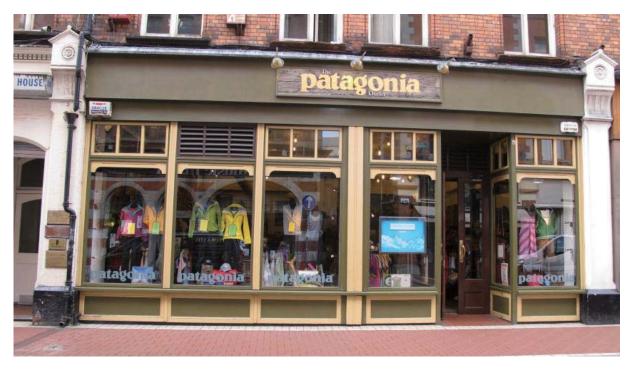
Patagonia





Patagonia





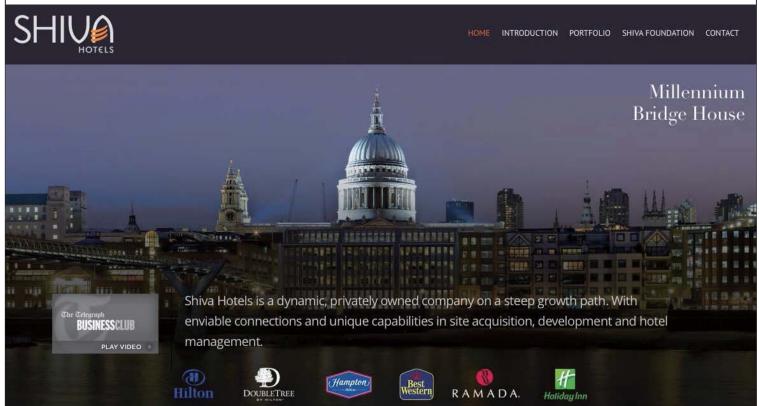
Shiva 飯店與「看不見」





Shiva Hotels and Unseen





Shiva 飯店 與「看不見」





Shiva Hotels and Unseen





飯店餐旅業



「在五星級飯店以及最骯髒破舊、以小時計費的賓館發生。」

Carlson 企業事務部副總裁 Tammy Lee Stanoch

Hotels and Hospitality Sector



"It happens in hotels that are five star hotels and it happens in the sleaziest, slummiest rent by the hour hotels"

Tammy Lee Stanoch, VP of Corporate Affairs for Carlson

人口販運及奴隸對飯店有何影響

利用飯店作為成人及孩童性剝削的場所

員工是強迫或強制勞動的受害者,尤其是經由不肖仲介機構招聘或轉包的員工 供應飯店的產品與服務來自強迫或強制勞動、勞工剝削、不道德的勞動

How might trafficking and slavery impact a hotel?



Use of a hotel for the sexual exploitation of adults and children

Staff, and in particular those recruited or subcontracted via unscrupulous agencies, being victims of forced or bonded labour

Products and services supplied to the hotel being produced by forced or bonded labour, labour exploitation and unethical labour practices

直接或間接支持奴隸



投資

財産

供應鏈

產品來源

員工來源

政策及作法

旅遊

Supporting Slavery directly or indirectly



Investments

Property

Supply chain

Sourcing of products

Sourcing of staff

Policies and practices

Travel

商業案例?



道德義務

法律義務

財務影響

品牌建立

企業形象保護

商譽風險

利潤風險

What is the business case?



Moral Obligation

Legal Obligation

Financial Impact

Brand Building

Protection of Corporate Identity

Risk to Reputation

Risk to Profit

行動計畫



自我告知

找出關鍵風險領域

發展並納入政策及治理程序

發布聲明

訓練員工, 讓員工參與

通報活動

互相學習

Plan of action



Inform yourself

Identify key risk areas

Develop and include in policy and governance procedures

Make a statement

Engage and train staff

Report on your activities

Learn from others

提供利害關係人訓練、建議及資源

反奴隸夥伴關係

ANTI-SLAVERY PARTNERSHIP

Equipping Stakeholders





反奴隸夥伴關係



策略性區域團體成員

亞芬與索麥塞地區警察隊 看不見 當地政府當局夥伴 就業暨國民年金事務部(DWP) 英國稅務海關總署(HMRC) 英國國民健康服務機構 皇家檢控署(CPS) 國家打擊犯罪調查局(NCA) 西南地區組織犯罪調查小組(Zephyr) 僱工執照管理局(GLA) 英國簽證與移民局(UKVI) Business West

Anti Slavery Partnership



Strategic Regional Group Members

Avon and Somerset Constabulary
Unseen
Local Government Authority Partners
Department of Work and Pensions (DWP)
Her Majesty's Revenue and Customs (HMRC)
National Health Service England
Crown Prosecution Service (CPS)
National Crime Agency (NCA)
South West ROCU (Zephyr)
Gangmasters Licencing Authority (GLA)
UK Visas and Immigration (UKVI)
Business West



現代奴隸供給因以下需求而生:

便宜的勞工 便宜的商品 便宜的服務

便宜的性 便宜的器官

我們必須開始發展系統式的解決方案. 以剷除奴隸

Modern Slavery is a **supply** business caused by **demand** for:



CHEAP labour CHEAP goods CHEAP service

CHEAP sex **CHEAP** organs

We must begin to develop systemic solutions to end slavery

歷史的教訓



「你可以假裝沒看見,但你再也不能說自己不知道。」 William Wilberforce

「讓自己習慣首先看失敗的可怕後果,接著定睛看你眼前耀眼的獎品。當你漸漸失去力氣,感到疲累時,讓充滿生氣的景象重新點燃你的決心,重新注入活力,喚醒逐漸削弱的靈魂能量。」

William Wilberforce

Lesson from history



"You may choose to look the other way but you can never say again that you did not know."

William Wilberforce

"Accustom yourself to look first to the dreadful consequences of failure; then fix your eye on the glorious prize which is before you; and when your strength begins to fail, and your spirits are well nigh exhausted, let the animating view rekindle your resolution, and call forth in renewed vigour the fainting energies of your soul."

William Wilberforce



謝謝聆聽 懇請賜教

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Thank you

Any questions?

andrew@unseenuk.org www.unseenuk.org



【議題二】從網路世界談兒少性剝削及性觀光

與談人簡介

郭彩榕

現職

衛牛福利部保護服務司簡任視察

經歷

臺北市政府社會局社工員、科員 內政部家庭暴力及性侵害防治委員會科員、編審、編審兼組長、 視察兼組長



學歷

臺灣大學社會學系社會工作組學士、臺北大學社會工作研究所碩士

Session 2: Talking about Children and Adolescent Sex Exploitation and Sex Tourism from the Perspective of Cyber World

About Commentator:

Tsai-Jung Kuo

Current Position

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

Education

Master, Department of Social Work, National Taipei University Bachelor, Department of Social work, National Taiwan University

Experience

Social Worker, Department of Social Welfare, Taipei City Government.

Officer, Department of Social Welfare, Taipei City Government

Executive Officer, Domestic Violence and Sexual Assault Prevention Committee, Ministry of Interior

Executive Officer and Chief, Domestic Violence and Sexual Assault Prevention Committee, Ministry of Interior

Inspector and Chief, Domestic Violence and Sexual Assault Prevention Committee, Ministry of Interior



【議題二】從網路世界談兒少性剝削及性觀光

與談人簡介

葉碧翠

現職

刑事警察局預防科少年股股長

經歷

刑事警察局國際刑警科警務正 (2007-2013) 警政署外事警官隊警務正 (2005-2007) 保六總隊第一警官隊、第二警官隊組員 (1998-2005)



學歷

中央警察大學犯罪防治系 犯罪防治研究所博士班 (2013~) 臺北大學犯罪學犯罪學研究所碩士 (2001-2003) 中央警察大學犯罪防治系 學士 (1994-1998)

Session 2: Talking about Children and Adolescent Sex Exploitation and Sex Tourism from the Perspective of Cyber World

About Commentator:

Pi-Tsui Yeh (Tracy)

Current Position

Sub-Division Chief of Crime Prevention Affairs Division of Criminal Investigation Bureau

Work Experience

Lieutenant- Colonel of Criminal Investigation Bureau (2006-2013) Lieutenant- Colonel of National Police Agency (2004-2006) Second-Lieutenant of Special Police 6th Headquarters (1998-2004)

Education

PhD Student, Central Police University, Taiwan, R.O.C., Department of Crime Prevention & Correction (2013~)

Major: Police Administration and Criminal Investigation, National Taipei University, Taiwan, R.O.C., (2001-2003)

Central Police University, Taiwan, R.O.C., Master of Crime Prevention & Correction (1994-1998)



【議題三】

人口販運罪中勞力剝削之探討

Session 3
Labor Exploitation in
Human Trafficking



【議題三】人口販運中勞力剝削之探討

主持人簡介

焦興鎧

現職

中央研究院歐美研究所兼任研究員 國立臺灣大學法律學院兼任教授 行政院防制人口販運協調會報委員

重要經歷

國立臺灣大學法律學院法律學系兼任教授 總統府性別平等小組委員 行政院防制人口販運協調會報委員 臺北市性騷擾防治委員會委員 財團法人國家政策研究基金會特約研究員

學歷

美國史丹福大學法律科學博士候選人 美國哈佛大學法學碩士 英國牛津大學及德國海德堡大學深造 國立臺灣大學法學碩士及法學士





Session 3: Labor Exploitation in Human Trafficking

About Moderator:

Cing-Kae Chiao

Current Position

Research Fellow, Institute of European and American Studies, Academic Sinica, ROC Adjunct Professor, College of Law, National Taiwan University Committee Member of Cabinet Anti-TIP Task Force



Major Experience

2005- Research Fellow, Institute of European and American Studies,
Academic Sinica, ROC 1990-2004 Associate Research Fellow, Institute of European and
American Studies, Academia

Sinica, ROC

1983-1990 Associate Research Fellow, Institute of American Culture, Academia Sinica, ROC 1979-1983 Assistant Research Fellow, Institute of American Culture, Academia Sinica, ROC 2002-2004 Member, Subcommittee of Human Rights of the Presidential Office, Taipei, Taiwan,

ROC

1994-2007 Member, Committee of Statutes and Administrative Regulations, Council of Labor Affairs, Executive Yuan, ROC 1995- Member, Commission on Employment Discrimination, Taipei City, ROC

2002- Member, Commission on Gender Equality in Employment, Council of Labor Affairs, Executive Yuan, ROC

Education

1986-1991 Stanford Law School, J.S.D. Candidate.

1985-1986 Harvard Law School, Special Student.

1984-1985 Harvard Law School, LL.M.

1975-1979 Oxford University, Graduate Study.

1971-1974 Graduate School of Law, National Taiwan University, LL.M.

1966-1970 Department of Law, National Taiwan University, LL.B.



【議題三】人口販運和現代奴役-英國漁工剝削討

主講人簡介

Paul Broadbent

Paul Broadbent 是英國僱工執照管理局局長,此政府機構主要負責處理現代奴隸、人口販運、勞工剝削等問題,與公私部門、跨政府單位、國家及國際執法單位合作密切。在此之前,Paul 於警界服務三十年,曾任首席警官、高級警官、資深調查員、嚴重及有組織犯罪調查局局長,率領調查複雜、跨單位的重大組織犯罪。他是負責帶領諾丁罕郡警察恢復常規措施的首席警官團隊成員,在其三年任期內績效改善計畫使全國犯罪率降至三十五年來最低。Paul 曾指揮許多重大事件之警力因應,包含 2007 年夏季水災、2011 年 8 月暴動、反恐調查及環保份子抗議活動。Paul 自聯邦調查局



及緝毒局受訓結業,擁有理科碩士學位。他曾獲得傅爾布萊特計畫研究獎金,研究美國殺人案件訊問、幫派文化、臥底方法,並獲得 Chartered Security Professional 專業認證。



Title: Human Trafficking and Modern Day Slavery-The Exploitation of Fishery Workers in the UK

About Speaker:

Paul Broadbent

Paul Broadbent is CEO of the Gangmasters Licensing Authority, a government agency addressing modern slavery, human trafficking and exploitation of workers, working closely with public/private sectors, cross government and national and international law enforcement agencies. Prior to this Paul enjoyed a 30 year career in policing as a Chief Officer, Police Commander, Senior Investigating Officer, and former head of Serious and Organised Crime, leading complex and multi-agency major organised crime investigations. He was part of the Chief Officer team drafted in



to recover Nottinghamshire Police from special measures and led the performance and change programme that saw the force deliver the largest crime reductions nationally for the three years of his tenure and crime at its lowest levels for thirty five years. Paul has commanded many and varied major incidents and events including the policing response to the summer 2007 floods, the riots in August 2011, counter terrorism investigations and environmentalist protest. Paul is a Graduate of the FBI and DEA Academies and holds a Master of Science Degree. He is a Fulbright Fellowship Alumni having researched multiple homicide enquiries, gang culture and undercover policing methods across the USA. He is a Chartered Security Professional.



【題目】韓國漁業移工的人口販運和勞力剝削

主講人簡介

Sagang Kim

現職

移民及人權機構移民陣線研究員

研究經歷

2014 研究顧問

〈非法移民兒童的人權保護及社會融合〉

2013 共同研究員

〈農工及家畜業移工的人權條件〉

2012 共同研究員

〈漁業移工的人權條件〉

2011 專案經理/單獨研究員

〈釜山慶尚南道區非法移工及其家庭的健康狀況〉



學歷

2010 美國加州洛杉磯南加州大學

都市規劃博士

博士論文:韓國移工政策之挑戰:安頓及當地公民身分



Title: Human Trafficking and Labor Exploitation of Migrant Workers in Fishing Industry of Korea

About Speaker:

Sagang Kim

Current Position

Research Fellow of Migration and Human Rights Institute Solidarity with Migrants

Research Experience

2014 Research Consultant< Human Rights Protection and Social Integration for Undocumented Migrant Children>

2013 Co-researcher

< Human Rights Conditions of Migrant Workers in Agro-livestock Industry>

2012 Co-researcher

< Human Rights Conditions of Migrant Workers in

Fishing Industry>

2011 Project Leader/ Sole Researcher

< Health Conditions of Undocumented Migrant

Workers and Their Families in Busan-Kyeongnam Area>

Education

2010 Ph.D. in Urban Planning

University of Southern California, Los Angeles, CA, USA

Dissertation Title: Challenging Migrant Worker Policies in Korea: Settlement and

Local Citizenship





Human Trafficking and Labor Exploitation of Migrant Workers in Fishing Industry of Korea

Sagang Kim

Migration and Human Rights Institute
Solidarity with Migrants

內容

- 1. 韓國漁業的移工制度
- 2. 外來漁工的人口販運和勞力剝削
- 3. 韓國漁業人口販運和勞力剝削之保護與防範

Contents

- 1. Labor Migration Systems for Korea's Fishing Industry
- 2. Human Trafficking and Labor Exploitation of Migrant Fishers
- 3. For Protection and Prevention of Human Trafficking and Labor Exploitation in Korea's Fishing Industry





漁業的移工制度

制度	就業許可制度	外國船員制度	
漁業類型	近海漁業 (20 噸以下) 和水產養殖	近海漁業 (超過 20 噸)	遠洋漁業
國籍	印尼、斯里蘭卡、東帝 汶、中國、越南等	越南、印尼、中國	印尼、越南、菲律賓、緬甸、中國等
受僱人數	5,340 (2014 年 8 月)	7,913 (2014年12月)	3,551 (2014年12月)
主管政府 機關	僱用勞動部	海洋流	魚業部

Migration Systems for Fishing Industry

System	Employment Permit System	Foreign Seaf	arers System
Types of Fishery	Offshore Fishery (under 20 tons) & Aquaculture	Offshore Fishery (over 20 tons)	Deep-sea Fishery
Nationality	Indonesian, Sri Lankan, East Timorese, Chinese, Vietnamese, etc.	Vietnamese, Indonesian, Chinese	Indonesian, Vietnamese, Filipino, Burmese, Chinese, etc.
Number Employed	5,340 (Aug. 2014)	7,913 (Dec. 2014)	3,551 (Dec. 2014)
Govt. Body in Charge	Ministry of Employment and Labor	Ministry of Oceans and Fishery	

招募與安置程序

□ 就業許可制度

(雇用勞動部 (南韓)

□ 審查 - 招募

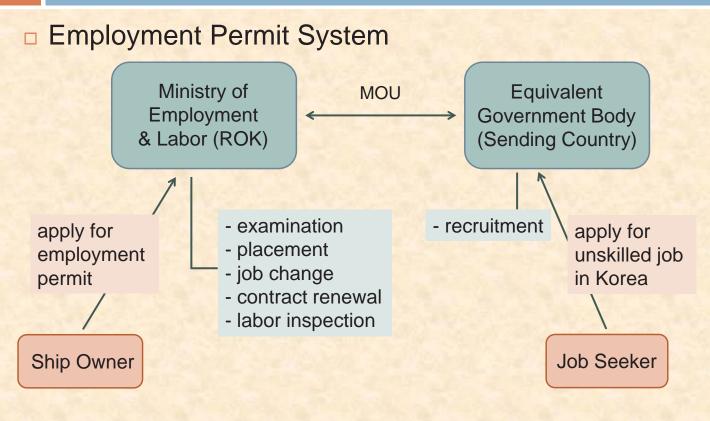
□ 申請就業許可

□ 審查 - 投工作 - 續約 - 勞動檢查

Recruitment and Placement Procedures

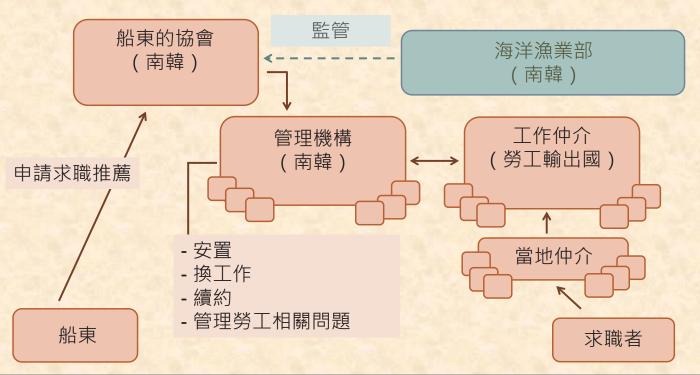
船東

求職者



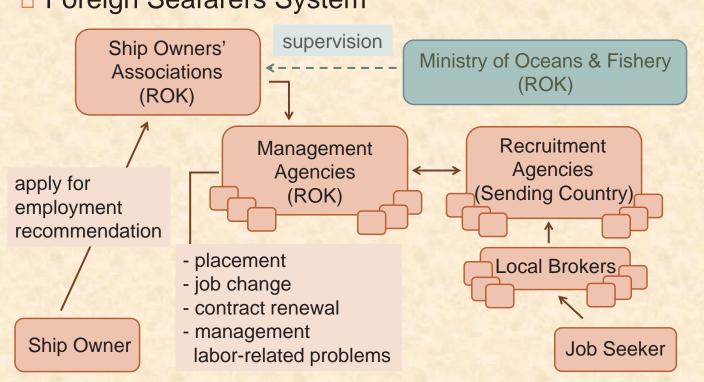
招募與安置程序

□外國船員制度



Recruitment and Placement Procedures

Foreign Seafarers System



漁業現況

- □高度仰賴外來漁工
- 韓國漁工勞動力短缺及老化
- 外來漁工比例:41%

	韓國人	移工	總計	比例
遠洋	1,572	3,551	5,123	69%
近海	15,216	7,913	23,129	34%
總計	16,788	11,464	28,252	41%

- □工作環境差
- 工時長、低薪、強迫勞動等
- 外來漁工逾期滯留/逃跑率:35%

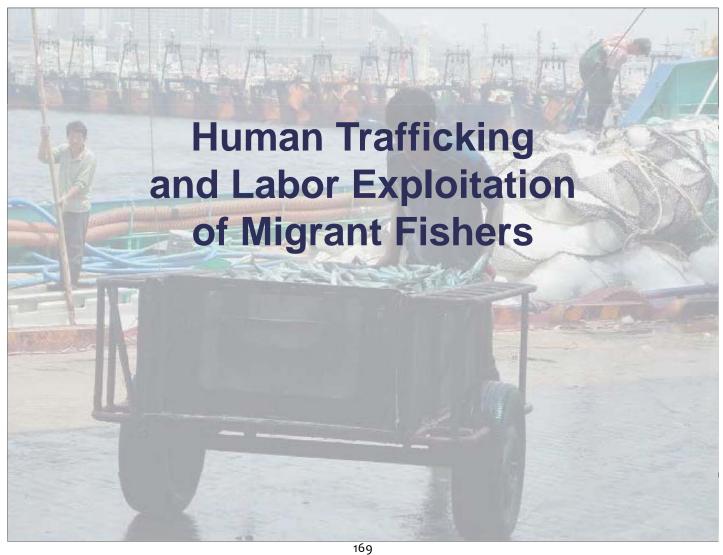
Current Status of Fishing Industry

- High Dependence on Migrant Fishers
- Labor shortage and aging of Korean fishers
- The proportion of migrant fishers: 41%

	Koreans	Migrants	Total	Proportion
Deep-sea	1,572	3,551	5,123	69%
Offshore	15,216	7,913	23,129	34%
Total	16,788	11,464	28,252	41%

- Poor Working Conditions
- Long working hours, low wages, forced labor, etc.
- The overstay/breakaway rate of migrant fishers: 35%



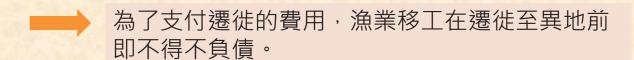


負債遷徙至異地

□ 遷徙至外地的高成本

	近海	遠洋
遷徙成本	5,000~15,000 美金	1,000~3,000 美金
	(* 官方分許的費田上	限是 3 000 美全)

- 經紀佣金和招募仲介費
- 存款、土地所有權、個人證券作為抵押
- 預付費用給管理機構



Migration with Debt

High Migration Cost

	Offshore	Deep-sea
Cost of Migration	5,000~15,000 USD	1,000~3,000 USD
(* Officially allowed fee is up to 3,000 USD)		

- Brokerage fees and recruitment agency fees
- Money deposit, land title, personal security as collateral
- Advance fees to management agencies
- Migrant fishers cannot but get into debt before migration in order to afford the cost.

低薪工時長

- □過長的工時
- 平均每天工作超過十二小時
- 漁獲量大時超過二十四小時沒有休息
- 休假不足或根本沒有休假
- □低薪、遲發薪水或未發薪水
- 未參與漁獲配額制度
- 最低工資比韓國漁工低
- 無論工時長短,月薪固定不變
- 僱主經常遲發或未發薪水

Long Work Hours with Low Pay

- Excessively Long Working Hours
- Over 12 working hours per day on average
- No rest for over 24 hours on days of big catches
- Lack of holidays or no holidays at all
- Low Pay, Late Pay, or No Pay
- Excluded from the share-of-the-catch system
- Lower minimum wage than Korean fishers
- Fixed monthly wage regardless of working hours
- Late or non-payment is common

強迫勞動

- □強迫勞動的跡象
- 控制抵押品
- 沒收護照或其他身份證明文件
- 扣押薪水且/或沒收存摺
- 威脅解僱或遣返移工
- 言語和/或肢體暴力
- 監禁



上述行為皆以防止外來漁工逃跑和/或非法滯留而合理化。

Forced Labor

- Signs of Forced Labor
- Collateral bondage
- Confiscation of passport and other IDs
- Wage hold back and/or confiscation of bankbook
- Threats to dismiss or deport
- Verbal and/or physical violence
- Confinement



All are justified as the means to prevent migrant fishers to break away and/or stay in the country illegally.

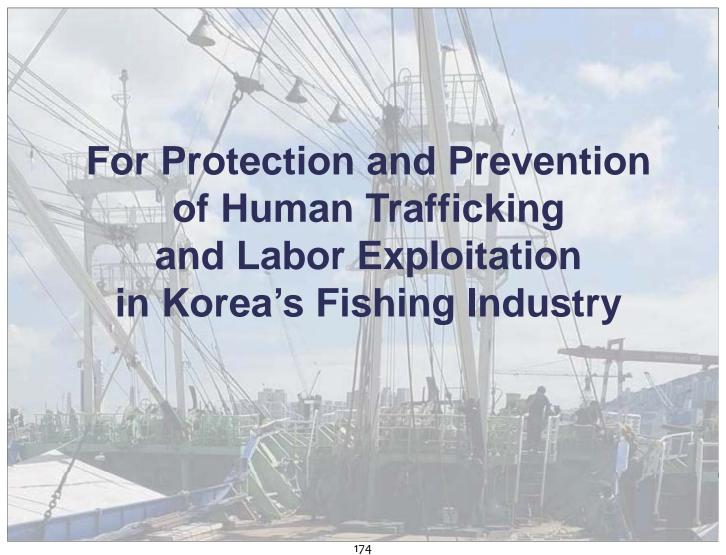
問題持續存在的原因

- □矯正問題的障礙
- 報告問題時的語言和地點障礙 (針對外來漁工)
- 無能力或不願解決問題 (針對管理機構和政府)
- □缺乏保護措施
- 鮮少意識到人口販運和勞力剝削
- 國內無法律或規範防制人口販運

Reasons for Persistent Problems

- Barriers to Redressing Problems
- Language and location barriers to report problems (for migrant fishers)
- Inability or unwillingness to solve problems
 (for management agencies and the governments)
- Lack of Protective Measures
- Little awareness in both human trafficking and labor exploitation
- No domestic laws or regulations against human trafficking





非政府組織保護外來漁工的努力

- □給外來漁工的活動
- 籌辦定期推廣計劃
- 提供諮詢、教育、法律和醫療援助
- □提高意識
- 進行研究並推廣研究發現
- 利用新聞發佈和媒體訪問
- □督促政府
- 提出正式的問題、正式申訴等。
- 使用聯合國機制影響政府
- 透過法律途徑改變現行的不正當行為

Efforts to Protect Migrant Fishers by NGOs

- Activities for Migrant Fishers
- Organizing regular outreach programs
- Providing counseling, education, legal & medical help
- Awareness Raising
- Conducting researches and publicizing the findings
- Using press releases and media interviews
- Pressing the Government
- Sending formal questions, official complaints, etc.
- Using UN mechanisms to influence
- Using litigation to change prevailing unjust practices

建議未來努力的方向

- □更全面的研究
- 遠洋漁業外來漁工的工作條件
- 勞工輸出國的勞工招募方法
- 所有利益相關者的利益和問題
- □改革外國船員制度
- 排除私人機構
- 納入保護機制
- □發展打擊人口販運的措施
- 國內反人口販運法規範的立法
- 國際合作管控移民機構

Suggestions for the Future

- More Comprehensive Researches
- Conditions of migrant fishers in deep-sea fishing industry
- Recruitment practices in sending countries
- Interests and issues of all stakeholders
- □ Reform of Foreign Seafarers System
- Exclusion of the private sectors
- Inclusion of the protective mechanisms
- Development of anti-Human Trafficking Measures
- Domestic legislation of anti-human trafficking law
- International cooperation to control the migration institutions



【議題三】人口販運中勞力剝削之探討

與談人簡介

Sokchar Mom

現職

兒童與婦女法律服務組織 法律及安全移民計畫 專案經理

專業工作經歷

2009 迄今 法律及安全移民計畫專案經理

2004 - 2008 兒童與婦女法律服務組織防治計畫專案主任

2002 - 2004 兒童與婦女法律服務組織法律援助計畫法務助理

2000-2004 柬埔寨法律援助組織法務助理



自傳

我叫 MOM SOK CHA,出生於 1978 年 5 月 12 日,當時正值 Khmer Rough 政權期間,我的家鄉是柬埔寨 BATTAMBANG 省的偏鄉。2000 年我自法學院畢業,專攻私法及國際法,畢業後開始在柬埔寨法律援助組織擔任法務助理至 2002 年為止。之後參與另一個非政府組織「兒童與婦女法律服務組織」,該組織致力解決性別暴力及人口販運等議題,我從 2002 年開始在「兒童與婦女法律服務組織」服務至今,希望解決柬埔寨及跨國人口販運及移民的問題。

我經常參與許多國家、地方及國際層級的工作坊及國際會議,以了解人口販運及移民的最 新發展,並和其他與會者分享我對於柬埔寨移民問題的了解及知識。

多年來我也參與柬埔寨人口販運及移民的研究,之前也直接協助遭販運的人口及遭受虐待的移工,並參在國家及地方層級的政策遊說工作。

我目前擔任法律及安全移民計畫的專案經理,負責處理販運問題、提供販運受害者直接協助、推動改變及販運受害者的權利保護。



Session 3: Labor Exploitation in Human Trafficking

About Commentator:

Sokchar Mom

Current Position

Program Manager, Legal and Safe Migration Program Legal Support for Children and Women (LSCW)

Professional Employment

2009 – Present	Program Manager for Legal and Safe Migration
	Program (LASMP)
2004 – 2008	Project Officer for Prevention Project of LSCW
2002 – 2004	Legal Assistant for Legal Aid project of LSCW
2000 – 2004	Legal Assistant of Legal Aid of Cambodia (LAP)



Biography

My name is MOM SOK CHA, I was born on May 12th 1978 duirng the Khmer Rough Regime in one of the remote area of BATTAMBANG province of Cambodia. I graduated from school of law in 2000 on the subject of private and international law. I started to work as legal assistant for one legal aid organization called Legal Aid of Cambodia after my graduation in 2000 until 2002 and then I engaged with another NGO called Legal Support for Children and Women (LSCW) who deal with Gender Based Violence and Human Trafficking issue. I worked for the Legal Support for Children and Women (LSCW) in 2002 until now in order to deal with Trafficking and migration issue in Cambodia and also cross-border.

I used to attend many workshops and conferences both national, regional and international levels in order to learn the new development with regards to human trafficking and migration issue and also to share my knowledge and understanding over the issue of migration in Cambodia to the other participants.

I also involved in conducting research on the issue of human trafficking and migration in Cambodia for many years and in addition I also used to provide direct assistant to trafficked person and abused migrant workers and lobby for policies change at national and regional levels.

Currently, I am working as the Program Manager for Legal Support for Children and Women and is responsible in dealing with trafficking, provide direct assistant to trafficked person, advocate for their right and advocacy change.



【議題三】人口販運中勞力剝削之探討

與談人簡介

康長健

現職

中華民國勞資關係協進會秘書長 勞動部不當勞動行為裁決委員會委員 國際勞動法暨社會保障學會執行委員

曾任

國際勞資關係協會理事

學歷

國立政治大學政治研究所碩士



Session 3: Labor Exploitation in Human Trafficking

About Commentator:

Stephen Kang

Current Position

Secretary General, Association of Industrial Relations, R.O.C. Commissioner, Tribunal for Unfair Labour Practices, Ministry of Labour Executive Member, International Society for Labour & Social Security Law

Experience

Council member, International Industrial Relations Association (1994-2010)

Education

Master Degree, Graduate School of Political Science, National Cheng-Chi University



禁止強制勞動國際勞動基準之發展趨勢---對我國的啟示

壹、核心國際勞動基準與禁止強制勞動

核心國際勞動基準中有兩項是規範強迫勞動者·為 1930 年第 29 號強迫勞動公約及 1957 年第 105 號廢止強迫勞動公約,其目的在剷除各種形式的強迫或強制勞動,以實踐在工作中之權利。

一、第 29 號強迫勞動公約(Forced Labour Convention)

國際勞工組織在改善勞動條件,建立社會正義,然而在二十世紀初期,許多社會仍存有各種不同型式的強迫勞動。強迫或強制勞動的原因,不外是生產或服務的目的,或是作為制裁或懲罰的手段:而要求強迫或強制勞動之主體,或為國家,或為私人或私人團體:其可能之依據,或為國家之法令,也可能係屬非法:實施的方式則或是公開,或秘密進行。國際勞工組織期能在完全廢止強迫勞動前,對強迫勞動能予以規範,以為過渡的措施,遂於1930年第14屆國際勞工大會通過第29號強迫勞動公約。1

(一) 強迫勞動之定義及廢止

該公約第 2 條第 1 項首先界定"強迫或強制勞動(forced or compulsory labour)"·為係指一切勞動或服務,得自於某種懲罰之威脅,而非出於本人自願者而言。

但同條第 2 項認為下列勞動或服務非屬強迫或強制勞動,包括:(a)任何勞動或服務,為義務兵役法所徵取,而純屬軍事性質者;(b)任何勞動或服務,為完全自治國正常公民義務之一部分者;(c)任何勞動或服務,為法院判決之結果者,但其勞動或服務,應受主管機關之監督及管理,而從事該工作的個人,不得由私人、公司及社團任意僱用或受其處置;(d)任何勞動或服務,因緊急事變而徵取之者;所謂緊急事變,係指戰爭或已發生或即將發生之災害、如火災、水災、饑荒、地震、惡性的傳染病,或寄生蟲病,禽獸侵害,昆蟲及植物之毒害,概言之,凡危害全體或一部份人民生存或福祉之任何情況;及(e)社區成員所履行的某種簡易服務,而與該社會有直接之利益關係,得視為該社區成員之普通公民義務者,但此項服務之需要與否,該社區成員或其直接代表應有受諮詢之權。

國際勞工組織雖承認強迫或強制勞動存在的事實,但要求凡批准本公約之會員國,應允諾在最短可能期間內,廢止各種強迫勞動。(第1條第1項)同時要求在全面禁止前的過渡時期,只有因公共目的及作為例外措施,且遵守本公約下列之條件及保證下,始得使用強迫或強制勞動。(第1條第2項)

¹ 本公約全文,見 ILO, International Labour Conventions and Recommendations, 1919-1951. Vol. 1, Geneva: International Labour Office, 143-153 (1996).



(二) 徵用強迫勞動之例外規定

該公約提出,主管機關不得徵取或允許徵取強迫或強制勞動,為私人或公司或社團之本身利益;(第4條第1項)若有此情形者,凡會員國於批准本公約,須於本公約發生效力之日起,將此種強迫或強制勞動完全廢止之。(第4條第2項)凡私人、公司或社團之獲得特許經營權者,不得因此而涉及使用任何強迫或強制勞動,以從事生產或採集其欲利用或販售產品。(第5條第1項)如該種特許中已附此類強迫或強制勞動權利者,此項條件,應從速取消。(第5條第2項)此外,縱使行政官員負有鼓勵所屬人民在其管轄下從事勞動之責任時,仍不得強迫全部或個別成員為私人,公司或社團之利益而勞動。(第6條)

唯一的例外,在部落社區被認可之酋長,如未受領其他方式之適當報酬者,得允許其在規定之下享受個人之勞務,並須採取一切必要措施防止濫用。(第7條第3項)但無行使行政職權之酋長,不得使用強迫或強制勞動。(第7條第1項)又,有行政權之酋長,在獲得主管機關的明確許可時,依據本公約第10條之規定,得徵用強迫或強制勞動。(第7條第2項)

(三) 徵用強迫勞動之對象及條件

第 29 號公約不但對被徵用強迫或強制勞動的對象有嚴格限制·且對強迫或強制勞動的勞動條件亦有嚴格規範·包括:勞動的期間(第 12 條)、工時(第 13 條)、工資(第 14 條)、職業災害(第 15 條)、勞務提供地點(第 16 條)、離開居住地從事建築及維護工程的工作(第 17條)、離開居住地從事挑夫及船夫的工作(第 18 條)及種植工作(第 19 條)。

(四) 徵用強迫勞動之監督及懲罰

該公約主張徵用強迫或強制勞動應予監督·第 24 條規定·管轄僱用強迫或強制勞動之條例·應採適當辦法·嚴格實施·或將監督自願勞動之檢查機關擴大範圍,同時監督強迫或強制勞動·或另採其他適當辦法。同時·應採取各種方法·確保被徵用之強迫或強制勞動者·知悉此條例。

最後,該公約主張非法徵用強迫或強制勞動者,當以觸犯刑法論處,凡批准本公約之 會員國有義務,使其刑事之懲罰,應屬允當並嚴格執行。(第 25 條)

第 29 號公約在上世紀三o年代作為全面廢止強迫或強制勞動前的過渡工具,而允許在特定的例外情形得徵用強迫或強制勞動,但對被徵用為強迫或強制勞動者所應保證的勞動條件,即便在現今觀之,仍有許多發人深省之處。

二、第 105 號廢止強迫勞動公約(Abolition of Forced Labour Convention)

國際勞工組織注意到聯合國的世界人權宣言,並注意到 1956 年聯合國廢除奴隸、奴隸

販賣及類似奴隸之制度與實務的補充公約。又·1930 年強迫勞動公約於 1932 年 5 月 1 日生效,已有二十餘年,故於 1957 年第 40 屆國際勞工大會通過第 105 號廢止強迫勞動公約。2該公約扣除一般條款及雜項條款,主要內容只有兩條。

該公約的主張為,凡批准本公約之國際勞工組織會員國允諾禁止且不使用任何形式之強迫或強制勞動。包括:(a)作為政治壓迫或政治教育之工具或作為對持有或發表與現存政治、社會、或經濟制度相異之政見或思想者之懲罰;(b)作為一種旨在經濟發展而動員並使用勞工之方法;(c)作為勞動紀律之工具;(d)作為對參加罷工之懲罰;及(e)作為對種族、社會、國籍、或宗教歧視之工具。(第 1 條)

該公約並要求凡批准本公約之國際勞工組織會員國允諾採取有效措施,以求立即且完全廢止公約第一條所指之強迫或強制勞動。(第2條)

貳、禁止強迫勞動之國際發展趨勢

國際勞工組織自 2011 年第 100 屆國際勞工大會通過第 189 號家事勞工公約後,就未有通過任何新的公約,惟於 2014 年第 103 屆國際勞工大會通過強迫勞動公約議定書(Protocol to the Forced Labour Convention, 1930)³

該議定書前言表明禁止強迫或強制勞動是基本權利,強迫或強制勞動違反人權及人類之尊嚴,造成貧窮的延續,並阻礙尊嚴勞動的達成。並確認 1930 年第 29 號強迫勞動公約及 1957 年第 105 號廢止強迫勞動公約在對抗各種形式之強迫或強制勞動上扮演關鍵角色,但在執行上仍有落差,因而需有額外的措施。

強迫或強制勞動的脈絡及形式已有改變,以強迫或強制勞動為目的的人口販賣,其間 涉及性剝削,此已逐漸引起國際的關懷,需要採取緊急行動予以有效地剷除。在私部門的 經濟活動中,被強迫或強制勞動的勞工數目增加,某些經濟部門特別脆弱,某些勞動族群 成為強迫或強制勞動之受害者的風險較高,尤其是移民。

第 29 號公約第 2 條所定義的強迫或強制勞動·是覆蓋所有形式及表徵的強迫或強制勞動·且應毫無差別地適用所有的人類。因而,批准該公約的會員國有義務將強迫或強制勞動以刑事犯論處,並確保法律刑度要適當,且須嚴格地執行。要有效且持續地抑制強迫或強制勞動,以有助於確保雇主間的公平競爭,並對勞工予以保護。

該議定書對公約之強迫或強制勞動的定義再予確認,因此本議定書所指之措施應包括 對以強迫或強制勞動為目的之人口販賣的特定行動。(第1條第3項)並要求為使公約抑制強

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² 本公約全文,見 ILO, International Labour Conventions and Recommendations, 1952-1976. Vol. 2, Geneva: International Labour Office, 88-90 (1996).

³ 本議定書全文,參見

http://www.ilo.org/wcmsp5/groups/public/---ed norm/---relconf/documents/meetingdocument/wcms 248900.pdf.

迫或強制勞動的義務生效,各會員國應採取有效措施以預防及消滅其使用,對受害者提供保護,並予以適當且有效的救濟,例如賠償,對強迫或強制勞動的肇事者予以制裁。(第1條第1項)同時,各會員國為有效且持續地抑制強迫或強制勞動,應與雇主及勞工組織諮詢,發展一個國家政策及行動方案,此涉及主管機關的系統性行動,如果適當,協調雇主及勞工組織以及其他相關團體。(第1條第2項)且會員國應相互合作確保預防及消除所有形式的強迫或強制勞動。(第5條)而適用本議定書及公約規定之措施,在與有關之雇主及勞工組織諮商後,應由國家法律或規章或由主管機關決定之。(第6條)

在預防強迫或強制勞動所採取之措施方面·該議定書主張應包括:(1)教導及告知個人以防止其成為強迫或強制勞動的受害者·特別是被視為弱勢者;(2) 教導及告知雇主以防止其涉入強迫或強制勞動的實務;(3)矢志努力以確保:(i) 有關預防強迫或強制勞動之立法的覆蓋及實施適用所有勞工及經濟部門·如果適當·包括勞動法;及(ii)負責執行該立法之勞動檢查服務或其他服務予以強化。(4) 在招募及安置的過程中·保護個人避免被濫用及欺詐的實務·特別是移民勞工;(5)支持公私部門依法調查以預防及因應強迫或強制勞動的風險;及(6)處理提高強迫或強制勞動之風險的根本原由及因素。(第 2 條)

對於強迫或強制勞動的受害者,該議定書提出各會員國應採取有效措施對所有強迫或強制勞動的受害者予以指認、解救、保護、恢復及身心重建,以及提供其他形式的協助及支持。(第 3 條)同時,各會員國應確保所有強迫或強制勞動的受害者都能得到適當及有效的救濟,例如賠償,不論其在國家領土之存在或法律地位。(第 4 條第 1 項)且主張各會員國應依據其法律制度之基本原則採取必要措施,確保主管機關有權對強迫或強制勞動的受害者不予起訴或判刑,因其涉入非法活動而被迫犯下強迫或強制勞動之直接結果。(第 4 條第 2 項)

最後該議定書規定強迫勞動公約第1條第2、3項及第3條至第24條之過渡條款應予刪除。(第7條)亦即1930年之強迫勞動公約主要內容只剩下第1條第1項「凡批准本公約之會員國·應允諾在最短可能期間內·廢止各種強迫勞動」;第2條強迫或強制勞動之定義;及第25條「非法徵用強迫或強制勞動者,當以觸犯刑法論處,凡批准本公約之會員國有義務,使其刑事之懲罰,應屬允當並嚴格執行。」

2014年第 103 屆國際勞工大會通過強迫勞動公約議定書之同時又通過第 203 號強迫勞動(補充措施)建議書,該建議書分從預防、保護、救濟、執行及國際合作等方面指引會員國如何貫徹落強迫勞動公約及強迫勞動公約議定書的各項規定及保證。4

參、結語

在二十一世紀,強迫或強制勞動已與移民勞工、婦女、兒童、甚至人口販運連結,強 迫或強制勞動具有新的時代意義。現在必須要以更寬廣的脈絡來處理強迫或強制勞動,特 別是針對弱勢之移民勞工以強迫或強制勞動為目的的人口販運。就我國勞動法而言,對外

⁴ 本建議書全文,參見



籍勞工的任用;對婦女、童工的工作時間及地點;對介入他人之勞動契約抽取不法利益; 對強迫或強制勞動等都有規範,且對違反者課以刑責(就業服務法及勞動基準法),但其貫徹 落實仍有賴勞動檢查機構確實執行檢查工作。當然,勞工本身行使其團結權,藉集體的力 量來保護自身的權利,始為根本之道,此乃是國際勞工組織一貫的主張。

然而,從事家事勞動的外籍幫傭,因工作地點之故,加上雇主及幫傭本人未必有強迫 或強制勞動的概念及意識,因而若發生有強迫或強制勞動之實務,外界實難知悉,而無從 處置。故主管機關在外籍幫傭入境時有加強宣導之必要,使其對在我國工作及生活有更佳 的準備,並能意識及了解強迫或強制勞動的實務,以避免有強迫或強制勞動的情事。



The Trend in International Labour Standards and the Suppression of Forced and Compulsory Labour: Lessons for Taiwan

 Core International labour Standards and the Suppression of Forced or Compulsory Labour

Forced Labour Convention, 1930 (No. 29), and Abolition of Forced Labour Convention, 1957 (No. 105), are the cores of International labour Standards. The aim of these two conventions is to abolish all forms of forced or compulsory labour and to safeguard people's rights in the workplace.

A. Forced Labour Convention, 1930 (No. 29)

The International Labour Organization (ILO) has endeavored to improve working conditions and ensure social justice, but different forms of forced or compulsory labour still exist in the early 20th century. Forced or compulsory labour is used for production or providing services and can be exacted by a country, an individual, or a private entity. The use of forced or compulsory labour may be illegal or based on national law, and it can be carried out in public or shrouded in secrecy. The ILO hopes that, with a view to complete suppression, recourse to forced or compulsory labour can be subject to the regulations during the transitional period, which is why it adopted the Forced Labour Convention (No. 29)⁵ at the 14th International Labour Conference in 1930.

1. The Definition of Forced or Compulsory Labour and Its Abolition

Article 2.1 defines forced or compulsory labour as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

According to Article 2.2, forced or compulsory labour shall not include: (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character; (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country; (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations; (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a

⁵ For full text please refer to: ILO, International Labour Conventions and Recommendations, 1919-1951. Vol. 1, Geneva: International Labour Office, 143-153 (1996).



calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population; (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

While the ILO acknowledges the existence of forced or compulsory labour, it demands that each Member of the ILO which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period (Article 1.1). In addition, with a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees provided in this Convention (Article 1.2).

2. Exceptions of Recourse to Forced or Compulsory Labour

According to the Convention, the competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations (Article 4.1). Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member's ratification of this Convention is registered by the Director-General of the International Labour Office, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member (Article 4.2). No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade (Article 5.1). Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible (Article 5.2). In addition, officials of the administration, even when they have the duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations or upon any individual members thereof to work for private individuals, companies or associations (Article 6).

The only exception is that chiefs who are duly recognised and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses (Article 7.3). However, chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour (Article 7.1). In contrast, chiefs who exercise administrative



functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of the Convention (Article 7.2).

3. The Exaction of Forced or Compulsory Labour and Conditions

Forced Labour Convention (No. 29) not only imposes strict restrictions on the exaction of forced or compulsory labour but also on the working conditions, including working period (Article 12), working hours (Article 13), wages (Article 14), occupational accidents or sickness (Article 15), workplaces (Article 16), leaving place of residence for works of construction or maintenance (Article 17), for the transport of persons or goods (Article 18), and for cultivation (Article 19).

4. Supervision and Penalties for the Exaction of Forced or Compulsory Labour

The Convention proposes that the exaction of forced or compulsory labour shall be supervised. Article 24 stipulates that adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted.

Last but not least, the Convention proposes that the illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced (Article 25).

Forced Labour Convention (No. 29) served as an instrument during the interim period in the 1930s with a view to the abolition of forced or compulsory labour. While it allows the exaction of forced or compulsory labour under specific conditions, it ensures the protection of the person who may be taken for forced or compulsory labour. Such regulations are still thought-provoking even to the present day.

B. Abolition of Forced Labour Convention (No. 105)

Having noted the Universal Declaration of Human Rights (UDHR) adopted by the United Nations and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery in 1956, and that it had been more than two

decades since the Forced Labour Convention came into force on May 1, 1932, the ILO adopted the Abolition of Forced Labour Convention (No. 105)⁶ at the 40th International Labour Conference in 1957. There are only two main articles in this Convention excluding general and miscellaneous provisions.

According to this Convention, each Member of the ILO which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour: (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; (b) as a method of mobilising and using labour for purposes of economic development; (c) as a means of labour discipline; (d) as a punishment for having participated in strikes; (e) as a means of racial, social, national or religious discrimination (Article 1).

The Convention also requires that each Member of the ILO which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1 of the Convention (Article 2).

II. Trend in the Abolition of Forced Labour Worldwide

Given that no new convention had been adopted since the adoption of the Domestic Workers Convention (No. 189) at the 100th International Labour Conference in 2011, the ILO adopted the Protocol to the Forced Labour Convention, 1930⁷, at the 103th International Labour Conference in 2014.

The preamble of the Protocol states that it recognizes that the prohibition of forced or compulsory labour forms part of the body of fundamental rights, and that forced or compulsory labour violates the human rights and dignity of millions of women and men, girls and boys, contributes to the perpetuation of poverty and stands in the way of the achievement of decent work for all. It also recognizes the vital role played by the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105), in combating all forms of forced or compulsory labour, but that gaps in their implementation call for additional measures.

The Protocol recognizes that the context and forms of forced or compulsory labour have changed and trafficking in persons for the purposes of forced or compulsory labour, which may involve sexual exploitation, is the subject of growing international concern and requires urgent action for its effective elimination. In addition, there is an increased number of

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⁶ For full text please refer to: ILO, International Labour Conventions and Recommendations, 1952-1976. Vol. 2, Geneva: International Labour Office, 88-90 (1996).

For full text please refer to:

http://www.ilo.org/wcmsp5/groups/public/---ed norm/---relconf/documents/meetingdocument/wcms 248900.pdf.



workers who are in forced or compulsory labour in the private economy. Certain sectors of the economy are particularly vulnerable, and certain groups of workers have a higher risk of becoming victims of forced or compulsory labour, especially migrants.

The definition of forced or compulsory labour under Article 2 of the Forced Labour Convention (No. 29) covers forced or compulsory labour in all its forms and manifestations and is applicable to all human beings without distinction. As a result, Members that have ratified the Convention are obliged to make forced or compulsory labour punishable as a penal offence, and to ensure that the penalties imposed by law are really adequate and are strictly enforced. In addition, Members should take effective and sustained measures to suppress forced or compulsory labour, contributing to ensuring fair competition among employers as well as protection for workers.

The Protocol reaffirms the definition of forced or compulsory labour contained in the Convention, and therefore the measures referred to in the Protocol include specific action against trafficking in persons for the purposes of forced or compulsory labour (Article 1.3). In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour (Article 1.1). Meanwhile, each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organizations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers' and workers' organizations, as well as with other groups concerned (Article 1.2). In addition, Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour (Article 5). The measures taken to apply the provisions of the Protocol and of the Convention shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned (Article 6).

With regard to the measures to be taken for the prevention of forced or compulsory labour, the Protocol proposes that they shall include: (a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour; (b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices; (c) undertaking efforts to ensure that: (i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and (ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened; (d) protecting persons, particularly

migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process; (e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and (f) addressing the root causes and factors that heighten the risks of forced or compulsory labour (Article 2).

According to the Protocol, each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support (Article 3). Meanwhile, each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation (Article 4.1). In addition, each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour (Article 4.2).

The Protocol stipulates that the transitional provisions of Article 1, paragraphs 2 and 3, and Articles 3 to 24 of the Convention shall be deleted (Article 7). In other words, only the following articles of the body of the Forced Labour Convention, 1930 (No. 29), are left: Article 1.1 "Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period."; Article 2 concerning the definition of forced or compulsory labour; and Article 25 "The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced."

The ILO adopted the Forced Labour (Supplementary Measures) Recommendation (No. 203)⁸ along with the Protocol to the Forced Labour Convention, 1930, at the 103th International Labour Conference in 2014. This Recommendation addresses the measures of prevention, protection, remedies, implementation, and international cooperation and offers a guideline for Members to achieve the effective and sustained suppression of forced or compulsory labour pursuant to the Forced Labour Convention and the Protocol to the Forced Labour Convention.

III. Conclusion

In the 21st century, forced or compulsory labour is linked with migrant workers, women,

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100 ILO CODE:R203

⁸ For full text please refer to:



children, and even human trafficking, and has taken on new forms. With its new manifestation, forced or compulsory labour should be dealt with in a wider context, especially human trafficking which targets forced or compulsory labour of disadvantaged migrant workers. The Labor Standards Act of Taiwan stipulates the conditions of the employment of foreign workers; working hours and workplace of woman and child labour; and interference in the labor contract of other persons to obtain illegal benefits, and forced and compulsory labour. It also penalizes those who violate the Employment Service Act and the Labor Standards Act. However, the enforcement relies on the labour inspectorate conducting checks and workers exerting their collective power to safeguard their own rights, which has been the principle that the ILO adheres to.

Nevertheless, given that foreign domestic workers work at home, and that workers themselves as well as employers may not be aware of forced or compulsory labour, other people may not know about the use of forced or compulsory labour, and in turn, may not be able to help. The competent authorities should raise foreign domestic workers' awareness upon their arrival and prepare themselves for the life and work here so that forced or compulsory labour can be prevented.



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