

# 針對美國 2019 年人口販運問題報告中

## 「對於臺灣 13 項建議」之中華民國各部會回應說明

2019.11.26

### 一、依人口販運防制法增強人口販運加害人起訴及定罪力度。

回應機關	回應說明(中文)	回應說明(英文)
司法院	<p>(一)法官對具體個案量刑之裁量，如已斟酌刑法第 57 條各款所列之情狀，且所宣告之刑符合比例原則、平等原則，亦未逾法定刑範圍，原則應予尊重。</p> <p>(二)為使法官辦理人口販運案件能妥適量刑，兼顧罪責原則、刑罰目的，並融入人民之觀點，司法院邀請審、檢、辯、學及被害人保護團體研議制定「焦點團體建議法院辦理人口販運防制法第 31 條、第 32 條之罪量刑審酌事項參考表」，並將之彙整至「刑事案件量刑審酌事項參考手冊」，於 2018 年 8 月 24 日函送各法院供法官量刑參考。</p> <p>(三)為避免量刑歧異，提升量刑之公平與透明，司法院已於「類似判決刑度資訊檢索系統」建置「從事人口販運，而違反兒童及少年性交易防制條例（現已更名為：兒童及少年性剝削防制條例）」案件之刑度檢索資訊，提供法官處理人口販運案件量刑之參考，並持續促請各級法院法官於辦理此類案件時參考上開量刑資料。</p>	<p>(1)The judge's discretion on specific cases, if the circumstances listed in the various paragraphs of Article 57 of the Criminal Law have been taken into account, and the declared punishment accords with the principle of proportionality and equality, and does not exceed the scope of statutory punishment. The sentencing should be respected in principle.</p> <p>(2)In order to enable judges to handle trafficking cases properly, to take into account the principle of guilt and the purpose of punishment, and to integrate the views of the people, the Judicial Yuan invited the representatives from the court, prosecutor's offices, law firms, academia, and the victim protection and assistance groups to formulate "the reference list for the sentencing of crimes that constitute violations of Articles 31 and 32 of the HTPA, which was devised in accordance with the results of focus group meetings, the Judicial Yuan also combined these resources into the "Guideline Manual of Sentencing circumstances in Criminal Cases", copies of which were delivered to courts of all levels to use the aforementioned sentencing materials on August 24, 107.</p> <p>(3)In order to avoid the divergence of sentencing and to promote the fairness and transparency of sentencing, the court has established "Practicing Human Trafficking in Violation of Child and Adolescent Trade Prevention Regulations" (now renamed: Child and Juvenile Sexual Exploitation and Prevention Regulations) in the Sentencing Information Retrieval</p>

		System associated with cases constituting violations of Human Trafficking Prevention Act and provide judges with references for conviction as well as sentencing for similar cases.
法務部	<p>(一)為落實對人口販運案件之重視，各地方檢察署指定專責檢察官負責辦理該類案件。</p> <p>(二)為提升檢察官偵辦人口販運案件之專業能力，2017年3月編印完成「婦幼案件辦案手冊」，網路版於2017年5月1日上線，新增「人口販運案件」專章，將相關案件類型、偵辦要領及注意事項彙整編訂，提供檢察官作為辦案參考。</p> <p>(三)每年針對專責檢察官舉辦人口販運案件實務研習會，針對人口販運法規、犯罪型態及最新手法，自查緝及審判等面向進行講授，以強化檢察官偵查人口販運案件之技巧，預計2020年初持續舉辦「防制人口販運及兒少性剝削實務研習會」。</p> <p>(四)鑑於人口販運案件之成因複雜性、被告或被害人身處國外、去向不明或資訊不對等，導致證據取得困難，以及「脆弱處境」、「使人從事勞動與報酬顯不相當之工作」等法律構成要件認定不易，法務部除提供專業法律意見予主管機關進行人口販運防制法之修訂外，所屬各檢察機關在案件偵辦上亦加強多方蒐證，以利將來案件之起訴、定罪。</p>	<p>(1)In order to implement the emphasis on human trafficking cases, the local prosecutors' offices have appointed special prosecutors to handle such cases.</p> <p>(2)In order to enhance the professional skills of prosecutors and strengthen the prosecution of TIP crimes, The MOJ published a manual on handling cases involving women and children in March 2017, with the online version being launched on May 1, 2017, a newly added sub-section on violations of the HTPA compiled the relevant case types, investigation essentials and precautions, and provided to prosecutors as a reference for handling the case.</p> <p>(3)Annual seminars on human trafficking cases for responsible prosecutors are held. It includes training on human trafficking regulations, criminal patterns and latest practices, self-examination and trials, etc., to strengthen the prosecutors' skills in investigating human trafficking cases. A hands-on workshop on the prevention of human trafficking and child and youth sexual exploitation is scheduled in early 2020.</p> <p>(4)Given the complexity of the human trafficking case, the fact that the accused or the victim is abroad, the unknown or the information is not correct, the evidence is difficult to collect. Besides, since it is not easy to identify the legal elements such as "fragile situation" and "work that is not comparable to compensation, Not only MOJ provides professional legal advice to the competent authorities to amend the Human Trafficking and Prevention Act, the prosecutorial organs of the MOJ also strengthen multi-party search in case investigation to facilitate the prosecution and conviction of future cases.</p>

	<p>(五)臺灣高等檢察署每半年定期召開之防制人口販運督導會報，邀集各檢察機關及含內政部移民署、警政署、衛生福利部等相關單位交流討論，強化縱向及橫向之業務聯繫，提升辦案效能。</p>	<p>(5)The Taiwan High Prosecutor's Office regularly holds a report on the prevention of human trafficking supervision every six months, and invites the prosecutorial organs and relevant units including the National Immigration Agency, the National Police Administration, the Ministry of Health and Welfare, etc. to exchange views, strengthen vertical and horizontal business contacts and enhance the handling of cases efficiency.</p>
<p>內政部 (警政署)</p>	<p>(一)針對人口販運犯罪，由各警察機關指定專責單位規劃專案勤務，切斷販運管道及犯罪誘因，加強查緝疑似人口販運案件。</p> <p>(二)每年 6 月至 9 月期程辦理防制人口販運工作講習班，由各直轄市、縣(市)政府警察局召訓外事科、刑事警察大隊、婦幼警察隊、少年警察隊或實際參與偵辦人口販運案件之員警，邀請實務經驗豐富的法官、檢察官，就人口販運防制法、人口販運被害人鑑別原則、偵查實務及多元文化等加以施教，提升辦案人員偵辦技巧及專業能力。</p>	<p>(1)In response to human trafficking crimes, the police agencies appoint dedicated units to plan special tasks, cut off trafficking channels and criminal incentives, and strengthen investigations into suspected human trafficking cases.</p> <p>(2)Workshops on prevention of human trafficking will be conducted from June to September each year. The municipal, county (city) government police stations will train foreign affairs departments, criminal police brigades, women and children police teams, juvenile police teams or those who actually participate in the investigation of human trafficking. Practical and experienced judges and prosecutors are invited to teach on the HTPA, the identification principle of victims of HTPA, investigation practice and multiculturalism so as to improve case officer's investigative skills and professional capabilities.</p>
<p>內政部 (移民署)</p>	<p>(一)人口販運防制法部分條文修正草案為彰顯對於防制人口販運之重視，嚴懲人口販運加害人，爰提高相關加害人所涉之犯罪類型為最輕本刑一年以上，以提高定罪刑度，達到預防及嚇阻犯罪效果。</p> <p>(二)人口販運防制法修正草案相關作業已多次盤點並召開數十次跨機關研商會議，刻正循法制程序積極審慎辦理中。</p>	<p>(1)In order to highlight the importance of preventing trafficking in human beings, the draft amendments to the provisions of the HTPA severely punish the mastermind of trafficking in persons, and raise the types of crimes involved in the relevant perpetrators to a minimum of one year's punishment and increase the conviction penalty so as to achieve prevention and deterrence of crimes.</p> <p>(2) Dozens of inter-agency conferences have been held to discuss the draft amendment to HTPA. After reviewing key issues, the drafting process will go on to reach consensus.</p>

二、判處人口販運犯罪者適度的處罰，其中應包括監禁刑期。

回應機關	回應說明(中文)	回應說明(英文)
司法院	<p>(一)司法院內網站已設立「人口販運案件研習專區」，適時補充課程講義等各類資料，供法官辦理人口販運案件時可隨時查閱參考。</p> <p>(二)司法院開設人口販運犯罪案件專業研討課程，以法院庭長、法官為對象，從政策、法制、實務等各面向增進法官對於人口販運案件專業知能。</p> <p>(三)以 2019 年為例，即邀請美國在臺協會、檢方、內政部移民署等派員擔任講座，講授包括「美國人口販運司法實務介紹」、「實務界認定之人口販運現況」、「我國防制人口販運政策及現況」等課程，並安排人口販運犯罪紀錄片賞析，期更深化法官對人口販運案件之認知。</p>	<p>(1)The Judicial Yuan has set up a Dedicated Zone within its internal website for the Research and Study of Human Trafficking Cases. Educational materials are updated to the Zone for searchers' perusal.</p> <p>(2)Judicial Yuan provides judges with courses and seminars in human trafficking that enhances professional competency in the areas of policy, legal procedures and general practice.</p> <p>(3)In 2019, for instance, officials from the American Institute in Taiwan, the prosecutors' office and National Immigration Agency under the MOI were invited to give lectures on a series of subjects, for instance, Introduction of US Judicial Practices, The Current State of Human Trafficking – a Practical View and the Current State and Policy of Human Trafficking Prevention in Taiwan. Documentaries on human trafficking were also played to deepen the attendee judges' understanding of the crime of human trafficking.</p>
法務部	<p>法務部所屬各檢察機關於案件偵辦上強化多方蒐證，經檢察官偵結起訴後，於 2018 年確定判決有罪 50 人中，遭法院判處逾六月有期徒刑者總計為 41 人(即不得易科罰金之刑度);其中，法院判處 2 年以上有期徒刑者總計為 25 人，而予犯罪者適度之處罰。</p>	<p>After the prosecutor offices under the MOJ intensified their moves on multidirectional proof gathering which concluded their investigations with indictments, 41 out of 50 convicted offenders were sentenced with prison terms (irreplaceable with fine) in 2018. To match the crime with sufficiently stringent punishment, 25 among the aforementioned offenders received prison term of 2 years and above.</p>

三、增加監督並妥適積極調查起訴懸掛臺灣國旗或臺灣所屬遠洋漁船上疑似勞力剝削的船主及資深船員。

回應機關	回應說明(中文)	回應說明(英文)
行政院農業委員會	<p>(一)行政院農業委員會漁業署(下簡稱農委會漁業署)於 2017 年起陸續增派駐外漁業專員</p>	<p>(1)The Fishery Agency, Agricultural Council of the Executive Yuan (hereinafter referred to as the Fishery Agency) has successively sent</p>

<p>(漁業署)</p>	<p>及增聘訪查員，於國內外主要卸魚港口進行外籍船員問卷訪談，以查核船主是否確實遵守「境外僱用非我國籍船員許可及管理辦法」之規定。倘發現船主違反該管理辦法，則依「遠洋漁業條例」第 26 條第 3 項及第 42 條第 3 項第 2 款規定，處船主新臺幣 5 萬至 25 萬元罰鍰，並得收回漁業證照 1 年以下。</p> <p>(二)農委會漁業署倘接獲疑似人口販運案件相關訊息後，將依據「我國境外僱用外來船員之遠洋漁船涉嫌違反人口販運防制法爭議訊息受理通報及後續處理標準作業程序」，將相關事證移送司法機關偵辦，保障外籍船員權益。</p> <p>(三)國人倘涉及違反人口販運防制法，不論是經營我國籍或外國籍漁船，都將移送司法機關偵辦。</p> <p>(四)外界常以「我國人經營外國籍漁船」勞資糾紛認為係農委會漁業署權責，惟漁業署職責係就我國人投資經營該等外籍漁船之漁撈行為，依「投資經營非我國籍漁船管理條例」予以管理；外國籍漁船（無論是否為我國人經營）與所僱船員衍生之勞資爭議，須尊重船籍國法規之管轄。</p>	<p>additional fishery commissioners and recruited interviewers in 2017 to conduct interviews with foreign crew members at major domestic and international fishing ports to check whether the owners comply with the provisions of the "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members". If the owner is found to be in breach of the management measures, the owner will be fined NTD 50,000 to 250,000 in accordance with Article 26, paragraph 3, and Article 42, paragraph 3, subparagraph 2 of the "Ocean Fisheries Act". And the fishery license will be confiscated for up to one year.</p> <p>(2) If the Fishery Agency receives the relevant information on the suspected human trafficking case, it will transfer the relevant evidence to judicial organs based on the "standard procedures for the notification and subsequent processing of disputes over the Distant Fishing Vessel employing foreign crew members abroad and suspected of violating the HTPA" to investigate and protect the rights and interests of foreign crew members.</p> <p>(3) Anyone who violates the HTPA, whether it is a fishing vessel of Taiwanese nationality or foreign nationality, it will be transferred to the judicial organs for investigation.</p> <p>(4) The labor disputes of "the national operating foreign fishing vessels" are often considered to be the responsibility of the Fishery Agency. However, the responsibility of the Fishery Agency is to manage the fishing activities of these foreign fishing vessels in accordance with the "Investment management of non-national fishing vessels Act"; The dispute over labor disputes derived from foreign fishing vessels (whether or not operated by our own people) and the employed crew shall be subject to the jurisdiction of the country of registry.</p>
<p>法務部</p>	<p>(一)農委會漁業署 2015 年 9 月 14 日函頒「我國境外僱用外來船員之遠洋漁船涉嫌違反</p>	<p>(1) The Fishery Agency issued a letter dated September 14, 2015, "standard procedures for the notification and subsequent</p>

	<p>人口販運防制法爭議訊息受理通報及後續處理標準作業程序」，對我國籍漁船倘於海外涉及人口販運犯罪時，提供駐外使館或相關單位人員應於第一時間協助蒐集資料或保存證據之依循，以利後續調查處理，法務部已於同月將前開作業程序轉達各檢察機關，促請所屬檢察機關就該類案件積極偵查相關事證。</p> <p>(二) 為使各檢察機關深入瞭解該作業程序，臺灣高等檢察署 2016 年 6 月 20 日之防制人口販運督導會報，邀請農委會漁業署人員到場進行該作業程序之主題報告，使與會各檢察機關及相關單位代表得以依照該作業程序，積極調查起訴我國遠洋漁船對外籍漁工勞力剝削等犯罪，並適時強化教育訓練。</p>	<p>processing of disputes over the Distant Fishing Vessel employing foreign crew members abroad and suspected of violating the HTPA." Therefore, at the time of the crime, the embassy or related unit personnel shall provide assistance in collecting information or preserving the evidence in the first time to facilitate follow-up investigation and handling. In the same month, the Ministry of Justice forwarded the above-mentioned procedures to every prosecutorial office, and urged the prosecutors to actively investigate relevant cases in such cases.</p> <p>(2) In order to enable the prosecutorial organs to have an in-depth understanding of the operational procedures, the Taiwan High Prosecutor's Office invited the staff of the Fishery Agency to attend the subject report of the operation procedure in the meeting regarding the Prevention of Human Trafficking Supervision on June 20, 2016. In accordance with the operating procedures, representatives of the organs and relevant units were able to actively investigate and prosecute crimes such as the exploitation of foreign fishermen by overseas fishing vessels, and strengthen education and training in due course.</p>
<p>勞動部</p>	<p>(一) 為使各縣市政府執行就業服務法第 46 條第 1 項第 8 款至第 11 款許可引進移工工作之訪查，能有明確處理作業流程，及與入出國管理機關、警察機關及海岸巡防機關業務協調聯繫，訂有「執行外籍勞工業務管理及檢查實施要點」，如經訪查發現雇主有非法僱用或指派外籍漁工從事許可外工作等相關違法情事者，依相關規定予以處分。</p> <p>(二) 倘查獲疑似勞力剝削而觸犯人口販運防制法之雇主，在起訴前，外籍船員如經鑑別為被</p>	<p>(1) In order to enable the municipal governments to implement the Employment Service Act, Article 46, paragraph 1, subparagraphs 8 to 11, permit the introduction of the transfer work, and can clearly handle the operation procedures, and coordinate with the immigration agency, police agency and the coast guard, the patrol agency's business coordination and contact has set out the "Regulation on the Implementation of Execution of Foreign Labor Business Management and Inspection". If the employer was found that he or she had illegally hired or assigned a foreign fisherman to engage in work related to the permit, he or she will be punished according to relevant regulations.</p> <p>(2) If an employer who is suspected of violating the HTPA, before the</p>

	<p>害人，即得向雇主主張單方解約，勞動部並協助轉換雇主，對加害雇主均加以註記，從嚴審核其申請聘僱案。</p> <p>(三)依遠洋漁業條例第 26 條及境外僱用非我國籍船員許可及管理辦法之有關規定，境外僱用之外籍船員係屬行政院農業委員會所管轄，由該會強化監督及調查機制，以維護其權益。</p>	<p>prosecution, the foreign crew member could claim unilateral cancellation from the employer after being identified as a victim. The Ministry of Labor shall assist in his or her conversion of the employer and take notes of the injuring employer. Therefore, the employer would be strictly reviewed before his/her next application</p> <p>(3)According to the Act for Distant Water Fishery and Regulation on the Authorization and Management of Overseas Employment of Foreign Crew Members, Foreigners employed outside the country are under the jurisdiction of the Council of Agriculture of the Executive Yuan, and it is up to the Council to strengthen the supervision and investigation mechanism to safeguard the rights and interests of the crew members.</p>
<p>海洋委員會 (海巡署)</p>	<p>(一)海巡署於接獲農委會漁業署依據「我國境外僱用外來船員之遠洋漁船涉嫌違反人口販運防制爭議訊息受理通報及後續處理標準作業程序」之疑似人口販運案件通報後，指派專人進行調查並將相關資料回復農委會漁業署綜彙。</p> <p>(二)如有通知我國司法警察機關駐外人員協助蒐證之情形，依據外交部「政府處理漁船海外急難救助案件標準作業程序」司法管轄權之處理原則，在不妨礙他國司法管轄權之情形下協同相關人員到場協處、調查或強制處分。</p> <p>(三)海巡署目前僅於日本及菲律賓派有駐外人員，接獲通知後將依「海洋委員會及所屬機關駐外人員管理要點」規定，提供相關協助。</p> <p>(四)為強化查緝有關遠洋漁船之勞力剝削案件，海洋委員會刻正訂定「海洋委員會及所屬機</p>	<p>(1)The Coast Guard appointed a special person to investigate after receiving the notification from the Fishery Agency on the basis of the standard procedures for the notification and subsequent processing of disputes over the Distant Fishing Vessel employing foreign crew members abroad and suspected of violating the HTPA. And the relevant information will be returned to the Fishery Agency.</p> <p>(2)If there are any cases in which the law enforcement agencies assigned abroad are notified to assist in the search, according to the principle of the jurisdiction in the "Government Handling Procedures for the Overseas Emergency Case of Fishing Vessels" issued by Ministry of Foreign Affairs, the assigned officer will collaborate with relevant personnel to participate in the field, investigate or do the compulsory measures without prejudice to the jurisdiction of other countries.</p> <p>(3)The Coast Guard currently only has overseas office in Japan and the Philippines. Upon receiving the notice, it will provide relevant assistance in accordance with the "Regulation regarding the Marine Commission and its affiliated personnel".</p>

	<p>關人員緝獲重大案件獎勵要點草案」，增列查獲人口販運案件獎勵規定，激勵基層同仁加強偵辦。</p>	<p>(4) In order to strengthen the investigation of labor exploitation cases involving distant fishing vessels, the Marine Commission has been enacting a draft of the "Regulation regarding the Awards for Major Cases of Marine Commissions and Subordinate Organs", adding incentives for the detection of human trafficking cases, and encouraging grassroots colleagues to strengthen investigations.</p>
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四、在港邊或海上船隻檢查時，進行全面以被害人為中心的訪談，以便篩濾外籍漁工受到強迫勞動的指標，並確保訪談時遠離主要船體，隔開船上資深船員，並在合格的通譯下協助進行

回應機關	回應說明(中文)	回應說明(英文)
<p>行政院農業委員會(漁業署)</p>	<p>(一)農委會漁業署 2018 年 7 月 20 日訂定「訪查標準化作業流程(SOP)」，列入優先訪查高風險漁船之機制。</p> <p>(二)2018 年 8 月邀請產業界及公民團體再審視該 SOP 後，於 2018 年 10 月 18 日再發布修正，以加強監督遠洋漁船之勞力問題。</p>	<p>(1) On July 20, 2018, the Fishery Agency under the Agriculture Council issued the SOP for On-Site Inspection which incorporates a mechanism that highlights fishing vessels under high-risk condition for priority inspection.</p> <p>(2) Trade associations and civic organizations in interest are invited to review the aforementioned SOP. A revised version was then issued on October 18, 2018 to strengthen monitoring of labor problems aboard distant water fleets.</p>
<p>海洋委員會(海巡署)</p>	<p>(一)海巡署就有關防制人口販運之查緝，賡續配合主管機關規劃辦理，加強救護人口販運被害人，以防止類案再發生。</p> <p>(二)有關船員訪談事項，海巡署將接獲農委員漁業署來函，配合該署依建議方式協助訪查我國籍遠洋漁船之疑似人口販運案件，避免發生海上勞力剝削情形。</p>	<p>(1) The Coast Guard Agency's police work on preventing human trafficking continues to be implemented in concert with the competent authority's direction and with an intensified effort to rescue the victims.</p> <p>(2) On matters related to interviewing crew member in avoidance of labor trafficking on high sea, The Coast Guard Agency has received a formal correspondent from the Fishery Agency requesting the former to follow the suggested method while assist in checking out suspicious human trafficking cases aboard distant water fleets.</p>

五、對於海上漁檢主管機關人員進行被害人鑑別、轉介、通報執法機關程序等方面的訓練。



回應機關	回應說明(中文)	回應說明(英文)
行政院農業委員會(漁業署)	<p>(一)農委會漁業署之執行檢查人員於國外檢查時，倘發現有疑似違反人口販運防制法相關情事時，依據「我國境外僱用外來船員之遠洋漁船涉嫌違反人口販運防制法爭議訊息受理通報及後續處理標準作業程序」，將相關事證移送司法機關偵辦。</p> <p>(二)檢查人員非具司法警察身分，無法進行被害人鑑別，惟將配合參加有關機關之防制人口販運教育訓練，正確瞭解有關機制，必要時適時通知有關權責機關辦理。</p>	<p>(1)When the inspectors of Fisheries Agency , Council of Agriculture perform inspection abroad, if they are found to be suspected of violating the relevant provisions of the Trafficking in Persons Prevention Law, they shall be based on 「Standard Operating Procedures for Information Gathering, Notification, and Subsequent Actions Concerning Violations of the Human Trafficking Prevention Act by Taiwanese Deep-Sea Vessels Employing Non-Taiwanese Crew Members」 will be transferred to the judicial authorities for investigation.</p> <p>(2) The inspectors are not judicial police officers and cannot identify the victims. However, they will cooperate to participate in the relevant organizations' education and training of human trafficking prevention, correctly understand the mechanisms for identification and protection of victims of trafficking, and notify the relevant authorities when necessary.</p>
海 洋 委 員 會 (海 巡 署)	為強化查緝人員偵辦人口販運案件技巧，2019 年辦理 2 梯次「新進偵防人員儲備訓練班」，將「人口販運案件偵查技巧及案例分享」列為施訓項目，提升查緝人員專業知能。	In order to strengthen the investigation of human trafficking cases by the officers of Coast Guard Administration, Ocean Affairs Council, in 2019, the two-step "New Investigating and Retaining Personnel Reserve Training Course" was conducted. The "Trafficking Case Investigation Skills and Case Sharing" was listed as a training program to enhance the officers' professional knowledge.
內 政 部 (移 民 署)	(一)為強化相關司法與工作人員對人口販運之辨識能力，使其具專業知識與調查知能，2019 年 9 月 25 日至 26 日辦理 2 場「防制人口販運教育訓練」，計有行政院農委會漁業署、海巡署、警政、社政、勞政、移民管理、民間團體等機關代表共 147 人次參加，課程包含「人口販運鑑別原則及通報」、「人口販運案件處分理由分析」、「人口販運偵查實務」等。	(1)In order to strengthen the relevant judicial officers and staff identification ability of human trafficking, so that they have professional knowledge and investigative knowledge, National Immigration Agency (NIA) hold two training programs for human trafficking prevention from September 25th to 26th,2019 . A total of 147 participants from Fisheries Agency, Council of Agriculture 、Coast Guard Administration, Ocean Affairs Council 、 the police administration, social affairs, labor administration, immigration management, and civil society organizations participated in the

<p>(二)內政部移民署每年持續辦理是項訓練，並與有關機關結合資源，協力提升第一線海上工作人員職能。</p>	<p>course. The courses included "Human Trafficking Identification Principles and Notifications" and "Analysis of the Causes of Human Trafficking Cases". "Human Trafficking Investigation Practice", etc. (2)NIA continues to conduct this kind of training every year and combines resources with relevant agencies to work together to improve the functions of the first-line maritime staff.</p>
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六、通過修改相關政策和立法漏洞，消除對移工收取所有招聘和服務費用，並與移工來源國協調促進直聘方案，減少在臺移工受債務脅迫案件發生。

回應機關	回應說明(中文)	回應說明(英文)
勞動部	<p>(一)移工得依其自由意志決定是否需委任仲介公司提供就業服務，並得依其自主意思，隨時以書面通知原仲介公司終止服務契約。</p> <p>(二)勞動部業規定國內仲介公司僅能向移工收取「服務費」，且須有依服務契約提供服務事實，始得收費，並不得預先收取。外國人當次入國後在臺工作累計期間，第1年、第2年及第3年起每月不得超過新臺幣1,800元、1,700元及1,500元，並由各縣市政府訪查移工收費情形；惟如雇主代移工支付服務費予仲介公司，則仲介公司不得重複向移工收取服務費。</p> <p>(三)為提供雇主多元聘僱外國人管道，減輕外國人來臺經濟費用負擔，2007年12月31日成立直接聘僱聯合服務中心。配合來源國開放政策，採階段性方式推動直接聘僱服務</p> <p>1、2008年開放雇主直接聘僱重新招募同一家庭看護工。</p>	<p>(1) According to his free will, the migrant worker can decide whether they need to appoint brokerage firms to provide employment services, and he may, at his own discretion, notify the former brokerage firm in writing of the termination of the service contract at any time.</p> <p>(2)The Ministry of Labor has stipulated that domestic brokerage firms can only charge "service fees" to migrant workers, and they must provide services before charging according to the service contract. The fees cannot be charged in advance. The fees shall not exceed NT\$1800, NT\$1700, and NT\$1500 per month from their first three years to work in Taiwan. Also, the charging situation will be investigated by the county and city governments. However, if the employer pays the service fee to the brokerage firms on behalf of the migrant worker, the brokerage firms shall not make a double billing.</p> <p>(3)In order to provide employers with multiple ways for hiring foreigners and to reduce the economic burden of foreigners who come to Taiwan, the direct employment service center was established on December 31, 2007. To cooperate with the open policy for the countries of origin, we promote direct recruitment services in manners by phases.</p> <p>i. Employers are able to directly re-recruit the same family care worker</p>

<p>2、2009 年起擴大至製造業、營造業、海洋漁撈業、機構看護工及家庭幫傭重新招募同一外國人，</p> <p>3、2015 年推動與菲律賓、越南及泰國合作「專案選工」服務，客製化引進外國人。</p> <p>4、2016 年新增直接聘僱方式期滿續聘及期滿轉換外國人服務。</p> <p>(四) 勞動部持續透過雙邊勞務聯繫管道與來源國洽談直接聘僱專案選工合作事宜，除菲律賓、泰國及越南外，2019 年成功與印尼達成合作推動製造業新聘專案選工計畫。截至 2019 年 6 月底，總計服務雇主初次招募專案選工引進 96 名外國人。</p> <p>(五) 為提升雇主使用直接聘僱意願，推動「一案到底」雇主客製化服務，由專人追蹤雇主聘僱前案件申辦進度及聘僱後主動以電子郵件、簡訊及電話通知提醒在臺辦理應辦事項。截至 2019 年 6 月採簡訊及電話方式主動提醒雇主達 9 萬 9,499 次，並持續鼓勵雇主使用「聘僱移工小幫手 APP」，便利雇主自行管理移工。</p>	<p>from 2008.</p> <p>ii. Employers are able to directly re-recruit the same manufacturing worker, the construction worker, the fishery worker, institutional care worker, and domestic helpers from 2009.</p> <p>iii. We promoted the “Workers Selecting Project” in cooperation with the Philippines, Vietnam, and Thailand to introduce foreigners in a customized manner in 2015.</p> <p>vi. We made the new direct employment methods, renewed employment service and converting service for expired foreigners in 2016.</p> <p>(4) The Ministry of Labor continued to negotiate with the countries of origin for “Workers Selecting Project” through the bilateral labor ways. In addition to the Philippines, Thailand, and Vietnam, in 2019, we successfully cooperated with Indonesia authority to promote the new workers selecting project for manufacturing workers. Total number of this service has reached 96 foreigners until the end of June 2019.</p> <p>(5) In order to enhance the employer's willingness to hire directly and promote the customized “one package service”, the agent will track the progress of the employer's pre-employment case, and he will actively inform them to deal with the to-do matters by sending e-mail, SMS, and making a phone call. Until June 2019, the reminding way by SMS and telephone has reached 99,499 times. We keep encouraging employers to use the APP called "Employment of Migrant Workers Helper" to manage their own migrant workers.</p>
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七、加強篩濾可能遭受販運族群，如涉嫌海外犯罪活動遭返回臺的個人，以及在臺灣失去居停留身份的移工，包括逃離低劣工作條件或根據自願離境計劃向移民當局自首者，並依結果轉介保護服務。

回應機關	回應說明(中文)	回應說明(英文)
法務部	(一) 法務部與大陸委員會、外交部、內政部警政署刑事警察	(1) The MOJ, the MAC, the MOFA, the Criminal Investigation Bureau, and the Taiwan High Prosecutors Office joined forces to set up an

	<p>局、臺灣高等檢察署等機關於 2016 年 6 月 3 日成立「處理兩岸跨第三地電信詐騙案件跨部會協商平臺」，整合各部會的職權，強化共同打擊跨境詐騙犯罪之效能，即時佈建蒐證並與該外國交換情資。就國人涉及跨境組織犯罪時，掌握可疑犯罪情資犯，加強注意是否有「人口販運」情事，掌握該等案件中可能遭受販運族群，以為妥適處置。</p> <p>(二)對於國外涉嫌不法活動之返臺人士，如經鑑別屬人口販運被害人，依人口販運防制法第 17 條規定由各級主管機關、勞工主管機關安置保護。</p> <p>(三)依犯罪被害人保護法第 30 條第 2 項亦將人口販運被害人納入保護對象；第 30 條第 3 項規定「其他法律對前項保護對象，有相同或較優保護措施規定者，應優先適用」，做為機關間權責分工原則；<u>同法</u>第 30 條第 4 項明定，有關被害人保護措施之提供，以在臺灣地區為限。於國外涉嫌不法活動之返臺人士，如經鑑別屬人口販運被害人，得依前述原則提供被害人協助。</p>	<p>intragovernmental consultation platform for handling cross-strait telecommunications fraud cases at third territories on June 3, 2016 to integrate interagency jurisdiction, strengthen the joint efforts to combat cross-border schemes and exchange information with the countries involved. When Taiwanese nationals are involved in cross-border organizational crimes, this platform will look into the information to see if this is a trafficking case and if anyone suspected of being trafficked.</p> <p>(2)Returnees suspected of illegal activities abroad, if identified as a victim of trafficking, the competent authorities shall protect and shelter the victims based upon Article 17 of the Human Trafficking Prevention Act (HTPA).</p> <p>(3)According to Article 30, item 2 of the Crime Victim Protection Act, the protection measures shall apply to the victims of trafficking. Article 30, paragraph 3 of the aforementioned law. "Where any other law provides the same or better protection measures to the persons under the preceding paragraph, the law shall apply to those persons first", would be regarded as the principle of division of jurisdictions between authorities. According to Article 30, Item 4 of the same Act, Provision of victim protection measures is limited to Taiwan. Returnees suspected of illegal activities abroad, if identified as a victim of trafficking, assistances can be provided in accordance with the aforementioned principles.</p>
外交部	<p>(一)刑法第 5 條(國外犯罪之適用)規定業於 2018 年 6 月 13 日修正施行，依修正後之規定，國人倘於中華民國領域外觸犯刑法第 296 條(使人為奴隸罪)及第 296 條之 1(買賣人口罪)時，均有我國刑法適用。</p> <p>(二)國人日後在外國從事跨境電信詐欺之不法活動時，倘有成員</p>	<p>(1)Article 5 of the Criminal Code (applicable to crimes committed abroad) has been amended and promulgated on June 13, 2018. According to the revised provisions, if nationals of commit Article 296 (crime of enslavement) or Article 296 (1)( crime of trading in or mortgaging humans) of this Code outside the territories of the Republic of China, this code also apply to them.</p> <p>(2)When Taiwanese nationals engage in illegal activities of cross-border</p>

	<p>行動自由遭受控制而居於類似奴隸之不自由地位者，就其中涉犯使人為奴隸罪或買賣人口罪者日後遭遣返回國後，檢察機關即得發動偵查追訴該犯罪行為，並得於偵查過程中過濾篩檢出被強迫勞動者(即被害人)，於通報有關主管機關後讓被害人接受保護機制。</p>	<p>telecommunications fraud in foreign countries in the future, the prosecutorial entities may investigate those criminal acts once they return to Taiwan. It is necessary to screen them in order to find out who may be trafficking victims during the investigation process. After the screening, inform the relevant authorities to place the victims under protection mechanism.</p>
勞動部	<p>(一)依人口販運防制法規定，勞動部將持續協助安置符合持工作簽證之人口販運被害人與疑似人口販運被害人之臨時安置保護措施，並提供必要醫療、通譯服務及其他必要協助等，對象亦包括失聯移工經鑑別為人口販運被害人或疑似被害人。</p> <p>(二)涉嫌海外犯罪活動之返臺國人，倘經鑑別為人口販運被害人，經評估如有就業服務需求，各公立就業服務機構可提供一案到底就業服務，運用職場學習及再適應計畫相關就業促進措施協助就業。</p>	<p>(1)According to the Trafficking Prevention and Control Act, The Ministry of Labor will continue to assist in the placement of victims of trafficking in persons who are eligible for work visas, and Temporary resettlement protection measures for victims suspected of trafficking in persons, and provide necessary medical care, interpreting services and other necessary assistance, etc. The subject also includes the loss of joint labor identified as a human trafficking victim or a suspected victim.</p> <p>(2)Taiwanese Returnees suspected of overseas criminal activities, if identified as victims of trafficking and need employment services, public employment service agencies can provide learning and re-adaptation program in the workplace to assist them to become employed.</p>
衛生福利部	<p>被害人經鑑別後為本國籍成年人人口販運被害人，將依規定進行相關安置保護服務措施。</p>	<p>Underage Taiwanese Victims who have been identified as victims of trafficking for will be provided sheltering and protection services.</p>
大陸委員會	<p>(一)2009年4月26日簽定「海峽兩岸共同打擊犯罪及司法互助協議」，其中雙方同意共同打擊之犯罪範圍包括人口販運，雙方並就犯罪有關之情資進行交換，協助緝捕、遣返刑事犯與刑事嫌疑犯，必要時合作協查、偵辦。兩岸可依本協議規定，進行人口販運案件的</p>	<p>(1)On April 26, 2009, the "Straits Cross-Strait Joint Crime and Judicial Mutual Assistance Agreement" was signed. In this agreement both parties agree to jointly crack down crimes, exchange information, assist arresting and removing the convicted and the suspects, and investigate crimes when necessary, including human trafficking. The two sides exchanged information about crimes. Assist in the arrest, repatriation of criminals and criminal suspects.</p> <p>(2)Strengthening screening overseas</p>

	<p>資訊交換及合作偵辦，以維民眾權益。</p> <p>(二)加強篩濾可能遭受販運之涉嫌海外犯罪活動遣返回臺者部分，相關主管機關業於「處理兩岸跨第三地電信詐騙案件跨部會協商平臺」第13次跨部會平臺提案討論通過「執行遣返嫌犯返國之執法人員，應參照『人口販運被害人鑑別參考指標』對嫌犯施以鑑別，以確認是否有人口販運被害人」。</p>	<p>Taiwanese criminal suspects who may be subject to trafficking. This subject has been discussed in "Intragovernmental consultation platform for dealing with cross-strait telecommunications fraud cases in a third place", The 13th Intragovernmental Platform meeting decided that law enforcement officers who escort suspects to return to the country should identify if those suspects are trafficking victims by reference to the "Recognition Reference Indicator for Victims of Human Trafficking".</p>
<p>內政部 (警政署)</p>	<p>(一)內政部警政署將強化返臺犯嫌之人口販運被害人鑑別程序，針對返臺犯嫌各項犯罪行為進行調查，另依「人口販運被害人鑑別原則」進行鑑別程序。</p> <p>(二)有關部會在「打擊跨境詐欺跨部會平臺」已經建立關於國人在海外犯罪案件通報流程、通報單及駐外館處檢核表中，包含後續返國時警察單位偵辦案件，內政部移民署建議增列清詢有無遭受人口販運，並將由內政部移民署國境事務大隊於入境時登錄與協助。</p> <p>(三)外交部、教育部、勞動部、內政部移民署等已加強宣導度假打工或出國工作之國人，應避免落入人口販運。</p>	<p>(1)The NPA will strengthen the procedure to identify trafficking victims among the criminal suspects returning to Taiwan. Will investigate the criminal acts of those suspected returnees and conduct identification based on the "Identification Principles for Victims of Human Trafficking"</p> <p>(2)The relevant authorities will be in the "Combating Cross-border Fraud Inter-department Platform". Has established a notification process for the nationals' overseas crime cases, a notice form and a checklist for the foreign library. Including the police unit to investigate cases when returning to the country Including the police unit to investigate cases when returning to the country The Immigration Department of the Ministry of the Interior proposes to increase the number of people who have been subjected to human trafficking, and will be logged in and assisted by the Border Affairs Bureau of the NIA.</p> <p>(3)MOFA, MOE, MOL, and the NIA have stepped up their efforts to raise awareness of the danger of falling into human trafficking for those who go on a working holiday program or work abroad.</p>
<p>內政部 (移民署)</p>	<p>內政部移民署對於逾期停(居)留外來人口，不論是自行到案或被收容者，均實施清詢，如發現疑似人</p>	<p>The NIA screens foreigners in detention and overstaying foreigners who turn themselves in. Will conduct victim-identification and put them in</p>

	口販運被害人則依規定進行被害人鑑別及安置庇護。內政部移民署對於收容部分，已訂定「移民署收容所發現疑似人口販運被害人通報作業程序」，作為清詢之標準程序。	the shelter as required once a suspected trafficking victim is found.
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八、撥用更多資源給海上檢查業務，並要求遠洋漁船使用標準化之國際海事呼叫標誌，將全數臺灣船主及掛臺灣國旗之漁船船名、各項執照、授權操作海域、境外雇用人員名單登記註冊在一個單一標準化的資料庫系統，以順暢海上檢查業務。

回應機關	回應說明(中文)	回應說明(英文)
行政院農業委員會(漁業署)	<p>(一)農委會漁業署已建置漁事有關資料庫系統，包含漁船及其境外僱用船員之基本資訊均已鍵入，可供有關業務運用。</p> <p>(二)我國總噸位 100 以上漁船，皆已具有國際海事組織(IMO)船舶識別號碼或勞氏驗船協會(LR)登記號碼。又 2019 年 3 月修正發布有關遠洋漁事之三大洋作業辦法，明訂遠洋漁船須取得前揭識別號碼，方得申請次年度遠洋漁業作業許可。目前總噸位 100 以下漁船，刻正向 IMO 或 LR 申辦中。</p>	<p>(1)Fisheries Agency , Council of Agriculture has established a fishery-related database system. The basic information of the fishing vessel and its overseas crew members has been typed for use in the relevant business.</p> <p>(2)Fishing vessels with a gross tonnage of more than 100 in Taiwan have an International Maritime Organization (IMO) ship identification number or a Lloyd's Register of Shipping (LR) registration number. In March 2019, the three ocean operations methods for ocean fishing were revised and the offshore fishing vessel must obtain the pre-existing identification number to apply for the next year's ocean fishing operation permit. At present, fishing vessels with a gross tonnage of less than 100 are enrolled in the IMO or LR.</p>

九、明確界定主管臺籍漁船監督業務之角色和責任區分，並增進主管機關間之協調。

回應機關	回應說明(中文)	回應說明(英文)
行政院農業委員會	<p>(一)有關漁工之勞動檢查部分，農委會漁業署與勞動部協調，於 2018 年 6 月起針對遠洋漁船返回我國內港口時，由 2 機關各依職掌進行查察。</p>	<p>(1)Regarding the labor inspection of the fishermen, the Fishery Agency, COA coordinated with the Ministry of Labor that when the distant fishing vessels returned to our domestic ports as of June 2018, the two agencies are in charge of each inspection.</p>

(漁業署)	<p>(二)臺籍沿(近)海漁船於境內僱用之外籍船員，由勞動部主管，依「就業服務法」管理並適用「勞動基準法」規範。</p> <p>(三)遠洋漁船於境外僱用之外籍船員，由農委會漁業署管理，依據「遠洋漁業條例」及「境外僱用非我國籍船員許可及管理辦法」規範。</p>	<p>(2)Taiwanese offshore fishing vessels which employ foreign crew members are supervised and managed by the Ministry of Labor according to the Labor Standards Act. And the foreign crew members are applied to the Employment Service Act.</p> <p>(3)Distant fishing vessels which employed foreign crew members abroad are supervised and managed by the Fishery Agency according to the Ocean Fisheries Act as well as the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members.</p>
勞動部	<p>(一)依漁船作業需求及僱用型態，漁工大抵可區分為境內僱用（近海作業漁船）及境外僱用（遠洋作業漁船）兩種類型；分工管理方式，同上述農委會漁業署所列。</p> <p>(二)勞動部自 2017 年針對海洋漁撈業進行勞動條件及職業安全衛生專案檢查，並自 2018 年起與農委員漁業署合作，選列靠岸之遠洋漁船，分由地方勞政主管機關及勞動檢查機構針對境內僱用船員勞動條件及職業安全衛生進行勞動檢查；另農委會漁業署同步針對境外聘僱船員之管理事項進行聯合稽查。</p>	<p>(1)According to the fishing boat operation demand and employment type, the fishermen can be divided into two types: domestic employment (offshore fishing vessels) and overseas employment (distant fishing vessels); the division of labor management mode is the same as the above-mentioned by Fishery Agency.</p> <p>(2)Since 2017, the Ministry of Labor has carried out inspections on labor conditions and occupational safety and health projects for the marine fishing industry. Since 2018, it has cooperated with the Fishery Agency to select the distant fishing vessels to be docked. Labor inspections shall be carried out for the employment conditions and occupational safety and health of domestically employed crew members by local labor administrations and labor inspection agencies while the Fishery Agency simultaneously conducted joint inspections on the management of crew members employed abroad.</p>

十、藉由立法，解決對家庭看護工和家事勞動者在基本勞工權益上之落差。

回應機關	回應說明(中文)	回應說明(英文)
勞動部	<p>(一)家庭看護工和家事勞工因工作特性，與受僱在事業單位工作之勞工不同，適用勞動基準法確有礙難行之處。</p>	<p>(1)Due to the nature of work, family care givers and family workers are different from those employed in public institutions. The application of the Labor Standards act does have difficulties.</p>



	<p>(二)外籍家庭看護工及家事勞工之聘僱採許可制，來臺前應與雇主簽訂書面勞動契約，其勞動條件須遵循來源國驗證之勞動契約及我國就業服務法相關規定。我國亦已與各來源國協議，外籍家庭看護工及家事勞工之最低薪資。</p> <p>(三)外籍家庭看護工及家事勞工勞動契約約定事項，已包含工資金額、應提供足夠休息時間、每7天應給1天休假等。</p> <p>(四)勞動部規劃研訂行政指導，導引勞雇雙方將基本權利義務納為勞動契約之一部，期以循序漸進方式形成社會共識，並配合長期照顧制度之推動進行檢討，持續廣納各界意見及蒐集相關資料，審慎研議</p>	<p>(2)The employment permit system for foreign family care givers and family workers shall sign a written labor contract with the employer before coming to Taiwan. The labor conditions shall be in accordance with the labor contract verified by the source country and the relevant provisions of the Employment Service Act. We also agreed with the countries of origin to provide the minimum wage for foreign family care givers and family workers.</p> <p>(3)The contract stipulations of foreign family care givers and family labor, including the amount of wages, should provide enough rest time, at least 1 day vacation every 7 days</p> <p>(4)The Ministry of Labor plans to develop administrative guidance, guiding both employers and employees to include basic rights and obligations as part of the labor contract. The Ministry look to form a social consensus in a step-by-step manner, to conduct a review in line with the promotion of the long-term care system, and continue to gather opinions from all walks of life.</p>
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十一、將鑑別人口販運被害人身份權限擴大到社會工作者和勞動檢查員。

回應機關	回應說明(中文)	回應說明(英文)
勞動部	<p>(一)依人口販運防制法第 11 規定，目前僅有司法警察及檢察官得實施人口販運被害人之鑑別，勞動檢查員並無相關權限。</p> <p>(二)又依人口販運防制法第 9 條規定，要求勞動檢查員在執行職務時，發現有疑似人口販運案件及被害人時，立即通報當地司法警察機關。</p>	<p>(1)According to article 11 of Human Trafficking Prevention Act: Only the judicial police and prosecutors have authorities to identify the victims of human trafficking. The labor inspectors do not have the authority to do that.</p> <p>(2)According to article 9 of Human Trafficking Prevention Act: When a labor inspector finds suspected human trafficking cases and victims in his duties, he should immediately inform the local judicial police.</p>
衛生福利部	<p>(一)衛生福利部主責 18 歲以上本國籍人口販運被害人安置、未滿 18 歲兒童及少年性剝削被害人保護服務等相關事宜。前者 18 歲以上本國籍者需經鑑定為被</p>	<p>(1)The Ministry of Health and Welfare is responsible for matters such as the placement for Taiwanese trafficking victims over the age of 18 and the protection for victims under the age of 18 of sexual exploitation. Person with Taiwanese Nationality who is over 18 years old must be identified</p>

	<p>害人方能接受服務；後者兒童少年性剝削被害人依人口販運防制法第 20 條規定，優先適用兒童及少年性剝削防制條例予以安置保護，兒童少年是否具人口販運被害人身分對是否適用前開條例並無影響。</p> <p>(二) 考量人口販運案件之判斷需犯罪事實之調查，應尊重檢調單位之判斷。建議人口販運鑑別工作，仍依現行人口販運防制法第 11 條規定，由司法警察機關及檢察官擔任，必要時，得請求社工人員或相關專業人員協助。</p>	<p>as a victim for receiving the above-mentioned services; victims of sexual exploitation of child and youth are subject to the provisions of Article 20 of Human Trafficking Prevention Act. They have priority to apply to Child and Youth Sexual Exploitation Prevention Act for placement and protection. Whether the child or youth is a victim of trafficking in persons or not, it has no effect on the application to the above-mentioned Act.</p> <p>(2) Judging the human trafficking case requires investigating the facts of the crime, we should respect the judgment of the prosecution and investigation authorities. We suggest that the identification of human trafficking should still be carried out by the judicial police and prosecutors in accordance with Article 11 of the current Human Trafficking Prevention Act. If necessary, social workers or relevant professionals may be requested to assist.</p>
內政部(移民署)	<p>(一) 依人口販運防制法第 11 條及第 17 條規定，內政部移民署已建制「社工陪同偵訊服務」機制，在必要之人口販運案件偵查程序時，由社工人員陪同疑似人口販運被害人在場，提供其心理關懷、法令流程諮詢及協助進行鑑別等工作事項。</p> <p>(二) 人口販運防制法修正草案第 11 條規定，已修正司法警察機關鑑別疑似人口販運被害人時，須參考社工人員或相關專業人員意見，提升社工人員在鑑別被害人程序中之職能定位。</p> <p>(三) 現行對被害人鑑別工作仍以檢察官與司法警察決定為主；社工人員或勞動檢查員是否納入鑑別主體，牽涉加害嫌疑人面向、通盤性證據調查與資料等綜合判斷及大幅變革，將持續審慎研議。</p>	<p>(1) According to Articles 11 and 17 of Human Trafficking Prevention Act, NIA has established "Social workers escort investigation service". In the necessary investigation procedures for human trafficking cases, suspected human trafficking victims are accompanied by social workers who provide psychological care, legal process consultation and assistance in identification.</p> <p>(2) According to Article 11 of the Human Trafficking Prevention Act Amendment Bill, when the judicial police authorities identify victims of suspected human trafficking, it is necessary to refer to the opinions of social workers or relevant professionals to improve the positioning of social workers in the process of identification.</p> <p>(3) Considering the investigation of human trafficking cases involving the identification of suspected crimes, comprehensive evidence investigation and comprehensive judgment of data, the current identification work is still dominated by prosecutors and judicial police. As for, whether social workers or labor inspectors can be the subjects of</p>

		identification, involves major changes in the identification mechanism. We will continue to conduct deliberate discussions.
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## 十二、改善對檢察官和法官的防制人口販運訓練的有效性。

回應機關	回應說明(中文)	回應說明(英文)
司法院	<p>(一)司法院開設人口販運犯罪案件專業研討課程，係以法院庭長、法官為對象，從政策、法制、實務等各面向增進法官對於人口販運案件之專業知能。</p> <p>(二)以 2019 年為例，即邀請美國在臺協會、檢方、內政部移民署等派員擔任講座，講授包括「美國人口販運司法實務介紹」、「實務界認定之人口販運現況」、「我國防制人口販運政策及現況」等課程，並安排人口販運犯罪紀錄片賞析，深化法官對人口販運案件之認知。</p> <p>(三)對於外界舉辦之相關人口販運案件研習課程，司法院皆轉知各法院並鼓勵法官踴躍參加。</p> <p>(四)司法院內網站已設立「人口販運案件研習專區」，適時補充課程講義等各類資料，供法官辦理人口販運案件隨時查閱參考。</p>	<p>(1)The Judicial Yuan has set up a professional seminar on human trafficking crime cases, which is aimed at court presidents and judges. It promotes the professional knowledge of judges on human trafficking cases from policy, legal system and practice.</p> <p>(2)In 2019, for example, the United States Association of Taiwan, the prosecution, and the Immigration Department of the Ministry of the Interior were invited to give lectures, including "Introduction to the US Human Trafficking Judicial Practice," "The Situation of Human Trafficking Determined by the Practical Community," and "My Defense.</p> <p>(3)For the relevant human trafficking case courses held by the other organizations, the Judicial Yuan would forward the information to other courts and encourage the judges to participate.</p> <p>(4)The "Trafficking Case Study Area" has been set up in the Judicial Yuan website to supplement the lecture notes and other materials in a timely manner for the judges' reference.</p>
法務部	<p>(一)法務部每年度均編列預算為在職檢察官辦理防制人口販運之訓練，包含邀請實務經驗豐富之檢察官、警政及社政等專業人員擔任講座，講授人口販運案件之偵</p>	<p>(1)The Ministry of Justice has budgeted for training the in-service prosecutors to conduct on the prevention of human trafficking every year. It includes inviting experienced prosecutors, policing and social affairs professionals to give lectures on networking cooperation, policy and status of implementation.</p>

	<p>查技巧、網絡合作、政策及執行現況。</p> <p>(二)2018年12月13日至14日舉辦「2018年度防制人口販運及兒少性剝削實務研習會」，安排臺灣展翅協會邀請英美檢察官、警官，引介國際關於有關法律及案例探討，促進國內外偵查實務經驗交流。</p>	<p>(2)From December 13 to 14, 2018, the "2018 Seminar on Prevention of Human Trafficking and Child Sexual Exploitation" was held. The ECPAT Taiwan invited British and US prosecutors and police officers to introduce international laws and case studies to promote domestic and international exchanges.</p>
內政部(移民署)	<p>為強化相關司法與工作人員對人口販運之辨識能力，使其具專業知識與調查知能，2019年9月25日至26日辦理2場「防制人口販運教育訓練」，計有行政院農委會漁業署、海巡署、警政、社政、勞政、移民管理、民間團體等機關代表共147人次參加，課程包含「人口販運鑑別原則及通報」、「人口販運案件處分理由分析」、「人口販運偵查實務」等，內政部(移民署)每年持續辦理是項訓練。</p>	<p>In order to strengthen the relevant judicial and staff identification ability of human trafficking, so that they have professional knowledge and investigative knowledge, from September 25 to 26, 2019, two "protection training programs for human trafficking prevention" will be conducted, including the Agricultural Committee of the Executive Yuan.</p> <p>A total of 147 participants from the Fisheries Department, the Marine Police Department, the police administration, social affairs, labor administration, immigration management, and civil society organizations participated in the course. The courses included "Human Trafficking Identification Principles and Notifications" and "Analysis of the Causes of Human Trafficking Cases". The Ministry of the Interior (NIA) continues to hold the training every year.</p>

十三、對臺灣船主漁船及掛臺灣國旗漁船上之外籍漁工，加強各項宣導人口販運通報專線電話之措施。

回應機關	回應說明(中文)	回應說明(英文)
行政院農業委員會(漁業署)	<p>(一)針對非我國籍船員之勞務契約(計有中英、中越及中印版)中，已載明遠洋船員申訴專線(國內可撥1955，國外可撥+886-2-8073-3141)，同時農委會漁業署已印製船員權益卡片發放船員瞭解自身權益及申訴專線，並經由各種管道提供給船員(國內</p>	<p>(1)In the labor contract for non-national crew members (including Chinese-English, Chinese-Vietnamese and Chinese-English editions), the distant fishing vessel Appeal Line has been set up (1955 for the domestic, +886-2-8073-3141for the international). The Fishery Agency has printed the crew's rights cards and issued to the crew members for raising the awareness of their rights and grievances, and provided them to the crew through</p>

	<p>外港口船員訪查過程發放、置於船員時常出入之公民團體辦公室，或請仲介業者轉交等)。另已發放權益宣導墊板，請漁船船主張貼或置放於漁船明顯處供船員參考。</p> <p>(二)截至 2019 年 7 月止，農委會漁業署已受理勞動部函轉之非我國籍船員 1955 申訴案件共 111 件，計協助取回薪資共 53,606 美元、取回保證金共 10,397 美元、取回護照 45 本。</p>	<p>various channels (the domestic and international port foreign crews during the inspection process, placed in the office where the crew often enters and exits, or refer to the intermediary). In addition, the rights promotion board has been issued, and the fishing boat owner is required to attach or place it in the obvious place of the fishing boat for the crew's reference.</p> <p>(2)As of July 2019, the Fishery Agency has accepted 111 complaints from the Ministry of Labor for non-national crew members through 1955, assisting in the reimbursement of a total of \$53,606 in salary, a total of \$10,397 in surety, and the retrieval of 45 passports.</p>
<p>勞 動 部</p>	<p>(一)為強化對移工之諮詢申訴網路，勞動部建置「1955 勞工諮詢申訴專線」(下稱 1955 專線)提供免付費 24 小時母語(中、英、越、泰、印尼文)服務專線電話，維護移工在臺權益，並使其能安心在臺工作。</p> <p>(二)為使外籍船員知悉 1955 專線，勞動持續以電子媒體及平面文宣加強宣導，包含透過跨國；勞動力權益維護資訊網站、移工廣播節目、移工職前講習影片、機場法令講習宣導、雇主聘前講習等管道，向有關人員宣導 1955 專線及人口販運相關法令及保護措施。</p>	<p>(1) In order to strengthen the network of consultation and appeal for migrant workers, the Ministry of Labor has established the "1955 Labor Advisory Appeal Line" (hereinafter referred to as the 1955 Special Line) to provide a 24-hour toll free native telephone service (Chinese, English, Vietnamese, Thai, Indonesian). Maintain the rights of migrant workers in Taiwan and enable them to work in peace.</p> <p>(2)In order to make the foreign crew aware of the 1955 line, the MOL continued to publicize the 1955 special line and HTPA and protection measures by promoting the use of electronic media and graphic propaganda, including through the channel of information websites of transnational labor rights protection, migrant radio programs, pre-employment training videos, law training in the airport as well as employers before employment.</p>
<p>內 政 部 ( 移 民 署 )</p>	<p>(一)內政部移民署對漁工在港口或聚集場所加強宣導在境內可撥打勞動部 1955 專線，或內政部移民署 24 小時中、英文人口販運報案專線(02)2388-3095，國外可撥打漁業署之申訴及諮詢專線+886-2-8073-3141。</p>	<p>(1)The Immigration Agency strengthen the promotion of fishermen in ports or gathering places that they could dial 1955 special line (MOL) in the territory, or the 24-hour Chinese and English human trafficking report line (02) 2388-3095 of the Ministry of the Interior or the Fishery Agency's international complaint and consultation hotline +886-2-8073-3141.</p> <p>(2)National Immigration Agency set up a daily life consultation service hotline</p>

<p>(二)內政部移民署設置之外來人士在臺生活諮詢服務熱線(0800-024-111)，如接獲疑似人口販運案件，將轉請撥打內政部移民署 24 小時(02)2388-3095 專線。</p> <p>(三)對於外國籍漁船進入我國港口，接獲外籍船員申訴為疑似人口販運被害人，將相關事證提供該國續處，以加強國際合作。</p>	<p>(0800-024-111). If a suspected human trafficking case is received, it will be transferred to the National Immigration Agency 24 hours hot line (02) 2388-3095.</p> <p>(3)For foreign fishing vessels entering our port, if foreign crew complaints as victims of suspected human trafficking is received, the relevant documents will be provided to the country where the fishing vessel was registered to strengthen the international cooperation.</p>
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