

出國報告（出國類別：訓練）

2016 年加拿大警官學院
人口販運偵查國際訓練
(Human Trafficking Investigator's Course (HTIC)
Canadian Police College)

服務機關：內政部警政署、保安警察第三總隊

姓名職稱：專員林貞莉、警員何文翔

派赴國家：加拿大

出國期間：105 年 10 月 31 日至 105 年 11 月 4 日

報告日期：106 年 1 月 3 日

摘要

因應全球化、國際化趨勢，我國警政為與國際接軌，提升我國國際能見度，積極派員參與國際警政訓練研討會，促進跨國警察人員之經驗交流及分享，並與各國發展密切夥伴關係。

本次我國薦派人員赴加拿大，參加位於首都渥太華之加拿大警官學院為期 1 週的人口販運偵查國際訓練課程，參與課程包含：全球及加拿大人口販運防制法制及現況、人口販運司法訴訟案例研析、勞工販運案例研析、受害者創傷管理、偵查技巧：被害人詢問面談技巧、情資蒐報案例研析、加拿大金融交易和報告分析中心（FINTRAC）簡介及偵查協助、偵查技巧：人口販運及臥底法制、以執法者觀點看被害人管理及偵查技巧、國內的人口販運：性剝削現況、偵查技巧：與被害人建立信任關係，以獲得配合偵辦、加拿大原住民婦女協會（NWAC）簡介及協助方案、北美區域執法人員最佳實務作法、被害人管理：配合擴大偵辦及相關協助重建系統等。

我國參與人員藉此機會，不僅與各國參加人員交換彼此國家人口販運偵查技巧及專業知能，更與加拿大檢警人員、聯合國毒品及犯罪查緝組官員，及中美洲 6 個聯合國會員國警政司法人員建立密切友好關係，助益國際警政之交流合作或情資交換功能。此外，我國參與人員體驗到加拿大警官學院先進及國際化的教育訓練體制，並將經驗帶回本國，提供警政教育訓練單位借鏡，精進相關教育訓練制度。此行圓滿達成人口販運防制法令及現況國際交流及經驗分享、相互增進犯罪偵查技巧與偵辦機制、掌握機會積極展現我國警政正面形象、提升我國警察執法效能及警察教育訓練機制、積極建立國際友誼，助益國際合作等目的。

目錄

壹、目的.....	- 5 -
貳、過程.....	- 10 -
一、課程時間.....	- 10 -
二、課程師資.....	- 10 -
三、參訓成員.....	- 12 -
四、課程內容.....	- 14 -
(一)全球及加拿大人口販運防制現況	- 16 -
(二)人口販運案件司法訴訟案例	- 17 -
(三)勞力剝削案例研析	- 18 -
(四)人口販運與創傷	- 18 -
(五)偵查技巧-正式詢問	- 19 -
(六)跨國人口販運案件	- 21 -
(七)情資蒐報案例研析	- 24 -
(八)人口販運及臥底法制	- 24 -
(九)與受害者積極建立信任關係	- 24 -
(十)加拿大金融交易和報告分析中心（FINTRAC）	- 25 -
(十一)加拿大原住民婦女協會（NWAC）	- 26 -
(十二)北美區域執法人員最佳的實務作法	- 27 -
(十三)被害人協助及重建系統	- 29 -
五、加拿大警官學院院長頒發結訓證書.....	- 31 -
六、課餘之參訪活動.....	- 31 -
(一)參訪渥太華警察之友協會	- 31 -
(二)參觀加拿大皇家騎警博物館及騎警訓練馬場騎馬	- 32 -
(三)參觀渥太華市區及市郊	- 34 -
參、心得及建議.....	- 37 -
一、心得.....	- 37 -
(一)積極正面行銷，提升我國警政形象	- 37 -
(二)踴躍創造交流機會，提升我國警政國際能見度	- 37 -
(三)積極參與討論，促進彼此精進	- 38 -
(四)倖存者親身見證，令人動容且警惕	- 38 -
(五)跨域合作，齊心協力	- 39 -
(六)杜絕受害，從根源改善，確保兒童發展需求	- 40 -
(七)善用科技及網路，製作提供線上數位課程，預先學習	- 40 -
(八)提供同步翻譯，便於國際交流	- 40 -

二、建議.....	- 41 -
(一)持續辦理國際交流與合作，增進執法效能	- 41 -
(二)加速落實法制保障，增進專業執法知能	- 41 -
(三)建立夥伴關係，達成多贏	- 42 -
(四)精進教育訓練設施，建立交流與合作平臺	- 43 -
肆、結語	- 45 -
附錄一	- 46 -
附錄二	- 48 -
附錄三	- 50 -
附錄四	- 51 -

壹、目的

因應全球化、國際化趨勢，我國警政為與國際接軌，並為國際治安貢獻心力，近年來積極與各國簽訂共同打擊犯罪備忘錄，及派員參與國際警政工作年會、研討會和國際訓練，促進跨國警察人員之經驗交流及分享，並與各國發展密切夥伴關係，共同維護全球治安。

加拿大皇家騎警（Royal Canadian Mounted Police，RCMP）^{1 2}，是加拿大的聯邦警察（Federal Police），在加拿大各地負責執行聯邦法規，並提供全加拿大國民警察（National Police Service），維護加拿大人民及社區的安全。加拿大皇家騎警是聯邦制國家中獨有的集聯邦警察、省警、市警於一體的警務機構。其於加拿大各地設有 6 個刑事偵察實驗室，在首都渥太華市設有電腦化的警務信息中心和加拿大警官學院（the Canadian Police College, CPC）³，在里賈納市設有一個培訓學校。加拿大皇家騎警，在國際上代表加拿大警察機關參加國際刑警組織（International Criminal Police Organization，Interpol），為國際刑警組織的一個會員（Police Body），同時也在 30 個國家派有聯絡官。加拿大警官學院提供加拿大警方和世界各國的警察各種先進的培訓課程⁴。

我國警方前與加拿大皇家騎警建有良好合作關係，本年度經接洽，由本署薦派專員林貞莉及警員何文翔，於 105 年 10 月 31 日至 105 年 11 月 4 日前往加拿大警官學院，參與人口販運偵查國際訓練（Human Trafficking Investigator's Course, HTIC）課程。課程包含：全球及加拿大人口販運防制法制及現況、人口販運司法訴訟案例研析、勞工販運案例研析、受害者創傷管理、偵查技巧：被害人詢問面談技巧、情資蒐報案例研析、加拿大金融交易和報告分析中心（FINTRAC）簡介及偵查協助、偵查技巧：人口販運及臥底

¹ History of the RCMP, <http://www.rcmp-grc.gc.ca/en/history-rcmp>（瀏覽日期：2016 年 12 月 1 日）。

² 加拿大皇家騎警官方網頁，<http://www.rcmp-grc.gc.ca/en/home>（瀏覽日期：2016 年 12 月 1 日）。

³ 加拿大警官學院，<https://www.cpc.gc.ca/en>（瀏覽日期：2016 年 12 月 1 日）。

⁴ 加拿大警官學院各種先進的培訓課程，<https://www.cpc.gc.ca/en/courses>（瀏覽日期：2016 年 12 月 1 日）。

法制、以執法者觀點看被害人管理及偵查技巧、國內的人口販運：性剝削現況、偵查技巧：與被害人建立信任關係，以獲得配合偵辦、加拿大原住民婦女協會（NWAC）簡介及協助方案、北美區域執法人員最佳實務作法、被害人管理：配合擴大偵辦及相關協助重建系統等。

本次國際訓練課程參與成員，除加拿大皇家騎警總部、省、市警務人員外，亦有加拿大檢察官、聯邦金融中心官員、駐巴拿馬大使、聯合國毒品及犯罪查緝組(UNODC)官員，以及 6 位來自中美洲 6 個國家或邦（巴拿馬、尼加拉瓜、瓜地馬拉、宏都拉斯、哥斯大黎加、波多黎各）之警務人員和檢察官，我國薦派人員藉此次警政國際訓練平台，積極與參與之各國代表建立友誼並進行交流活動，達到以下多項訓練及國際交流目的：

- 一、 交流分享各參與國家人口販運防制法令及現況。
- 二、 相互借鏡增進犯罪偵查技巧與偵辦機制。
- 三、 掌握機會積極展現我國警政正面形象。
- 四、 提升我國警察相關執法效能及警政教育訓練機制。
- 五、 積極建立國際友誼，助益國際合作。



圖1 座落於加拿大首都渥太華的加拿大警官學院



圖2 加拿大警官學院大門



圖3 加拿大警官學院校園



圖4 加拿大警官學院餐廳



圖5 加拿大警官學院健身房



圖6 我國參加人員致贈紀念品予加拿大警官學院院長

貳、過程

全球化造成跨國人口移動頻繁，戰亂、貧窮、經濟亦成為人口移動的原因。人口販運者將移工、移民當作商品交易，長期剝削，犯罪所得已高於毒品犯罪。人口販運不僅是人權議題，更是跨國犯罪問題，為有效打擊人口販運罪行，聯合國於 2000 年通過《打擊跨國組織犯罪公約》，及附錄二《預防、禁止和懲治人口販運行為議定書》⁵。美國積極響應，於同年通過「人口販運被害人保護法」(Trafficking Victims Protection Act，簡稱 TVPA)，對 100 多個國家防制人口販運成效進行評鑑，並於每年 6 月公布評鑑結果，強勢要求各國政府共同合作打擊人口販運犯罪，保護被害人，進而協助司法機關偵辦人口販運案件，以懲治犯罪組織。根據聯合國的統計數據，2012 年至 2014 年全球人口販運受害者有 63,251 人，其中有 80% 是女性與孩童⁶。

加拿大作為聯合國的成員，亦致力於打擊人口販運罪行，加拿大皇家騎警為提升該國及共同打擊犯罪國家之司法及執法人員執法效能，於首都渥太華之加拿大警官學院⁷舉辦「人口販運偵查國際訓練研討會」。

一、課程時間

- (一) 本次課程自於 105 年 10 月 31 日至 105 年 11 月 4 日止，為期 5 天。
- (二) 每日課程自早上 8 時開始，至下午 16 時結束。
- (三) 學院利用中午及晚上時間，安排參訪渥太華警友協會、至體育場館觀看曲棍球賽、渥太華市區觀光、參觀加拿大皇家騎警博物館及於騎警訓練馬場騎馬。

二、課程師資

課程師資，除由加拿大皇家騎警總部和數個省承辦人口販運之檢察官及偵

⁵ 聯合國打擊跨國組織犯罪公約及附件議定書 (UN Convention against Transnational Organized Crime and the Protocols Thereto)，<http://www.unodc.org/unodc/treaties/CTOC/> (瀏覽日期：2017 年 1 月 2 日)。

⁶ 聯合國 2016 年人口販運報告書 (2016_Global_Report_on_Trafficking_in_Persons)，<http://www.unodc.org/documents/data-and-analysis/glotip/> (瀏覽日期：2017 年 1 月 2 日)。

⁷ 位於首都渥太華之加拿大警官學院院區亦提供場地及設施予加拿大陸軍辦理訓練。

查員，報告案例並經驗交流外；另有加拿大的司法官，介紹人口販運案件定罪要件及訴訟案例；聯邦金融中心官員，介紹如何由金融資訊及金錢流動協助調查組織犯罪；美國聯邦調查局幹員，報告美國人口販運現況和偵查作為，以及非政府組織機構社會工作者，分享聯繫網絡資源及協助方案。



圖7 我國參訓人員與講座合影 1



圖8 我國參訓人員與講座合影 2



圖9 我國參訓人員與美國 FBI 幹員合影



圖10 我國參訓人員與 FINTRAC 講座合影

三、參訓成員

本次國際訓練課程參與成員，除加拿大皇家騎警總部、省、市警務人員外，亦有加拿大檢察官、聯邦金融中心官員、駐巴拿馬大使、聯合國毒品及犯罪查緝組(UNODC)官員，以及 6 位來自中美洲國家或邦（巴拿馬、尼加拉瓜、瓜地馬拉、宏都拉斯、哥斯大黎加⁸、波多黎各）之警務人員和檢察官，共計 38 名學員。我國薦派人員藉此次警政國際訓練平台，積極與參與之各國代表建立友誼並進行交流活動，圓滿達成多項訓練及國際交流成果。



圖11 我國參訓人員與中美洲國家學員合影 1



圖 12 我國參訓人員與中美洲國家學員合影 2

⁸巴拿馬、尼加拉瓜、瓜地馬拉、宏都拉斯，亦為我國邦交國。

<http://www.mofa.gov.tw/AlliesIndex.aspx?n=0757912EB2F1C601&sms=26470E539B6FA395>（瀏覽日期：2017 年 1 月 2 日）。



圖13 我國參訓人員與加拿大大使及聯合國緝毒組成員合影 圖 14 我國參訓人員與 FINTRAC 官員合影



圖15 我國參訓人員與加拿大執法人員合影

圖 16 我國參訓人員與加拿大檢察官合影

四、課程內容

加拿大警官學院針對各課程之需要，事先製作並提供線上數位課程，要求參與人員於實體訓練研討前，必須於網站完成線上課程，以利實體訓練時學員有基礎法制概念，便於互動交流。本課程亦有線上課程，參訓人員需於實體課程開始前，向加拿大警官學院申請個人所屬帳號密碼，並用此專用帳號密碼上網完成線上數位課程，該線上課程於完成後即關閉，無法再重複使用。



圖17 加拿大警官學院人口販運課程網頁



圖 18 人口販運課程線上課程介紹

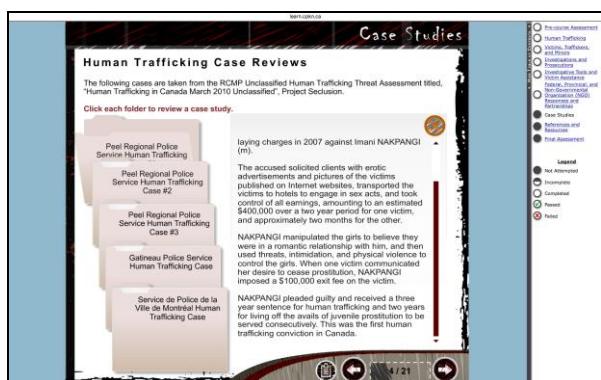
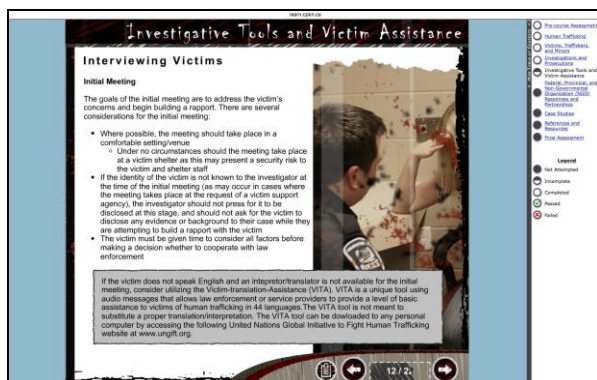


圖19 人口販運課程線上課程操作介面及部分內容

本次實體課程包含：全球及加拿大人口販運防制法制及現況、人口販運司法訴訟案例研析、勞工販運案例研析、受害者創傷管理、偵查技巧：被害者詢問面談技巧、情資蒐報案例研析、加拿大金融交易和報告分析中心（FINTRAC）簡介及偵查協助、偵查技巧：人口販運及臥底法制、以執法者觀點看被害人管理及偵查技巧、國內的人口販運：性剝削現況、偵查技巧：與被害人建立信任關係，以獲得配合偵辦、加拿大原住民婦女協會（NWAC）簡介及協助方案、北美區域執法人員最佳實務作法、被害人管理：配合擴大偵辦及相關協助重建系統等。


 CANADIAN POLICE COLLEGE						
Human Trafficking Investigator Course 16-02 October 31 – November 4, 2016						Rm. C-107 (Auditorium)
Time	Monday October 31	Tuesday November 1	Wednesday November 2	Thursday November 3	Friday November 4	
08h00	(08:00) CPC Orientation Gail Rodgers	(08:00-10:00) Victim Management Understanding the Effects of Trauma Allison Wright	(08:00-09:30) Investigative Techniques w Case Study International Interviews Cst. Victor De Moura	(08:00-10:00) Awareness of Domestic Human Trafficking for Sexual Exploitation M.O. – The Game Det. Thai Truong	(08:00-10:00) Best Practice from North American Perspective FBI – Jeffrey Stiff	
09h00	(08:45) Human Trafficking Awareness & Overview Cpl. Yves Brochu		(09:45- 12:15) Investigative Techniques Case Studies w Under Cover Det. Rob Heitzner Det. Dave Correa	(10:15-12:15) Investigative Techniques Proactive Victim Recruitment, First Approach and Building Trust Det. Thai Truong	(10:15-12:15) Victim Management Assistance/Re-integration -and - Proactive Victim Recruit. HT Best Practices HT Victim Testimonials Carly Kalish (East Metro Youth Services)	
10h00	(10:00-12:00) Legislation Mylene Tremblay Natalie Levman	(10:15-12:15) Investigative Techniques Formal Victim Interviews (Preparing, Questions to ask, Do's and Don'ts) Sgt. Martin Dick				
12h00	Lunch	Lunch (@12:15 if nec.)	Lunch (@12:15 if nec.)	Lunch (@ 12:15 if nec.)	Lunch (@12:15 if nec.)	
13h00	(13:00-14:30) Prosecution Case Study Corie Langdon	(13:00-15:00) Investigative Techniques Case Study, and Evidence Gathering Sgt. Jeff Leblanc	(13:00) Investigative Techniques Christian Lachance	(13:00-14:30) Native Women's Association of Canada HT & the Aboriginal community Lynne Groulx	(13h00) Exam	
14h00	(14:45) Labour Trafficking Case Study Corie Langdon	(15:15) FINTRAC Stéphanie Joyal Nadia Langdon	(14:45) Victim Re-integration from a Law Enforcement Perspective Anthony Mendonca	(14:45) Financial Investigative Techniques Proceeds of Crime Henry Tilio	(14h00) Review & Certificates NOTE Do not plan for departure from the class prior to 15h00	
16h00						

圖20加拿大警官學院人口販運偵查國際訓練課程表

(一)全球及加拿大人口販運防制現況

講座介紹全球人口販運防制法制及現況，並簡介加拿大防制人口販運相關法制歷史沿革及適用，包括：加拿大移民難民保護法第 118 條(Immigration and Refugee Protection Act, IRPA；Section 118)、加拿大刑法第 279 之 1 條至第 279 之 4 條(Criminal Code of Canada, CC；Section 279.01-279.0)及加拿大居民移民法(Citizenship and Immigration Canada，IRCC)，並比較人口販運(Human Trafficking, HT)與人口走私(Human Smuggling, HS)之異同、國內人口販運及跨國人口販運之異同，以及加拿大因應人口販運法制而於 2005 年設立之加拿大人口販運防制協調中心(Human Trafficking National Coordination Centre, HTNCC)之目的、功能及現況。

據加拿大人口販運防制協調中心統計，自 2005 年至 2016 年全加拿大計查獲 330 件人口販運案件，其中 67%是在安大略省查獲，25%在魁北克省查獲；94%是性剝削，6%是勞力剝削。

課中亦簡述偵辦人口販運案件常有的挑戰(如受害者的配合…)、被害的成因(如來自破碎家庭、童年缺乏支持或受虐、中輟…等)、受害者被操控的方法及階段、人口販運案件的症兆、被害人身上的跡象、受害者的心理狀態及錯誤想法、非政府組織機構協助的重要性及相關協助方案、加拿大人口販運防制協調中心的工作重點。



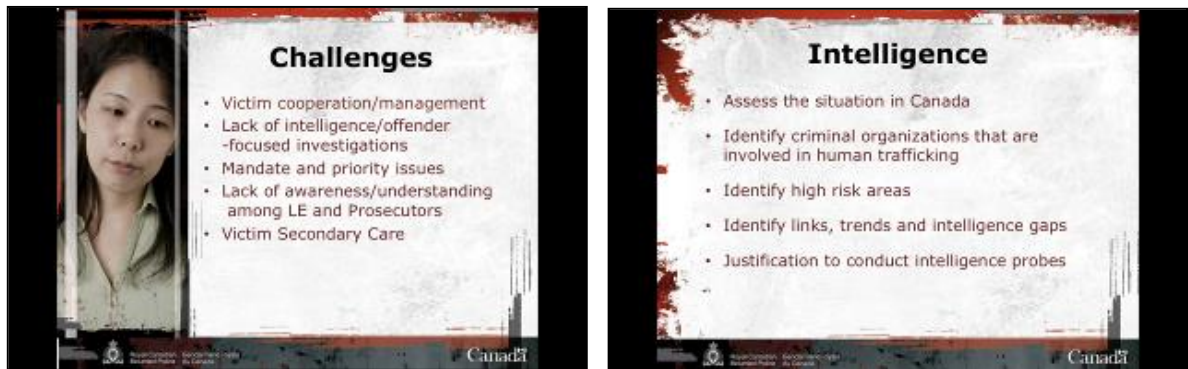


圖21 全球及加拿大人口販運防制現況課程部分內容

(二)人口販運案件司法訴訟案例

加拿大人口販運犯罪以國內案件最多，皮條客(pimp)以引誘、詐騙的手段，對被害者施行心理操控，續以脅迫壓力迫使被害者賣淫或進行其他形式的性剝削、強迫勞動或服務。執法人員要有效地起訴人口販運案件，必須清楚認識到人口販運罪行的構成要件，且需有足夠強而有力的證據予以佐證，才能對案件做有效起訴並予以定罪判刑。課程中對《聯合國打擊跨國組織犯罪公約》關於《預防、禁止和懲治販運人口特別是婦女和兒童行為議定書》第 3 條對人口販運的定義，及加拿大刑法第 279 之 1 條至第 279 之 4 條的定義做詳細分析說明(如附錄二)，並舉數個加拿大法院已對人口販運案件定罪裁判的法院案例，分析解說法律構成要件及相關佐證資料。



圖22 人口販運案件司法訴訟案例課程部分內容

(三)勞力剝削案例研析

講座提及目前處理人口販運案件受到的挑戰，包括受害者可能不願配合合作、如何取得受害者信任、從受害者處取得重要事證及線索等，相似的方法也可以運用在勞動剝削上，被害人容易面臨相關證件遭扣留，甚至是以債綁人的情形，以致被害人在人身自由被限制的情況下，非自願地提供自身勞務。被迫遭勞力剝削的受害者亦是人口販運的受害者之一。

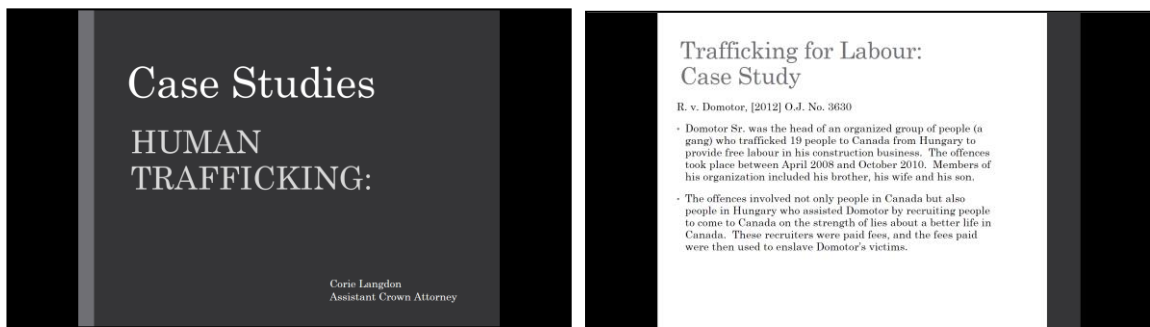


圖23 勞力剝削案例研析課程部分內容

(四)人口販運與創傷

講座介紹創傷的種類、人對創傷的三種反應、長期處於創傷下導致的身心症狀、創傷導致的錯誤自我防衛機制、創傷後的治療恢復，以及易淪為人口販運被害者的成因（童年缺乏愛或照顧、被忽略、受虐、經濟貧窮…等）、對於人口販運受害者在長期被剝削下可能造成的心身情緒的創傷、因而衍生出來獨特的錯誤自我防制機制（如：沈溺在創傷中、習得的自覺無助無能、斯德哥爾摩症--為犯罪者找藉口），以及偵查員或檢察官偵辦人口販運案件面談詢問受害者時應有的態度及應具備之專業知能。這些課程助益執法人員於偵辦此類特殊案件時，能夠具備正確及有效的專業知識，俾利在執勤時能分辨出受害者，並在第一時間詢問時能夠獲得受害者的信任，取得有利證供，使受害者願意配合偵辦，消弭人口販運罪行。

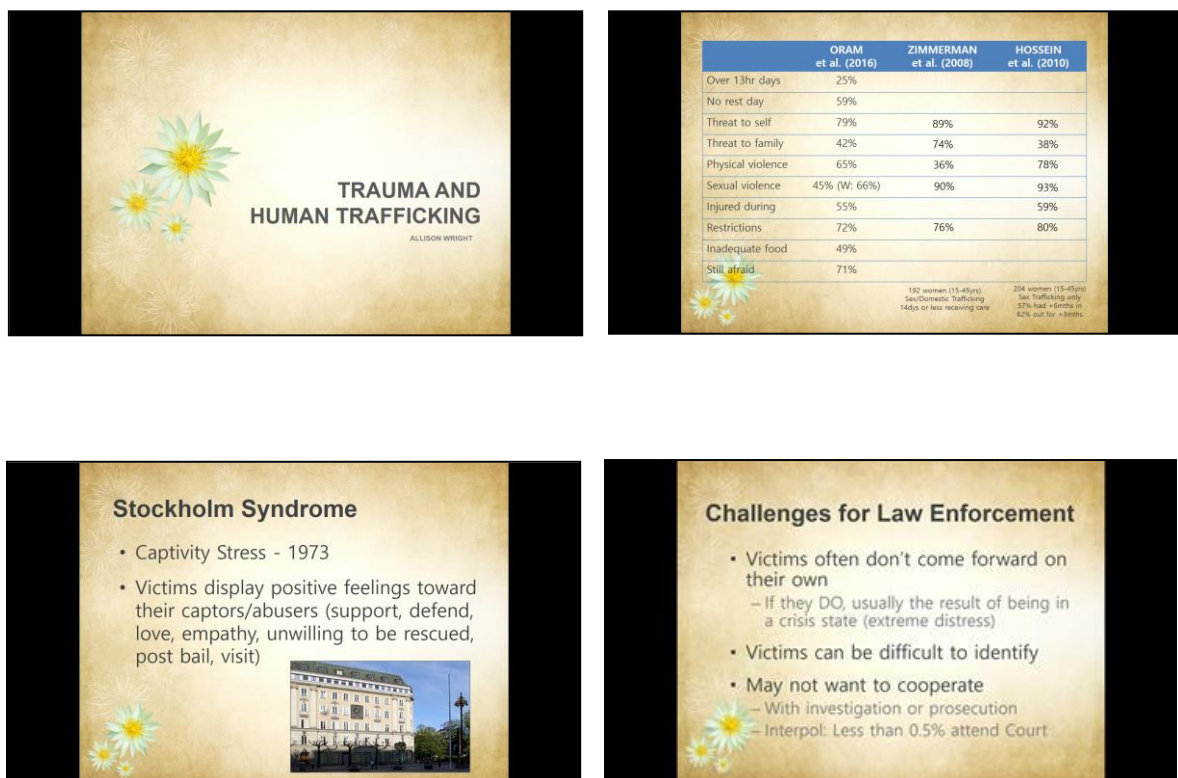


圖24 人口販運與創傷課程部分內容

(五)偵查技巧-正式詢問

講座介紹三種加拿大執法人員常用以偵訊嫌犯或詢問被害人的問案模式（REIDS, PEACE 及 PRICE），以及各種模式的程序步驟和可能使用之問題（詳見附錄一、四）。

1. REIDS 模式，北美地區法人員廣泛地使用此模式，用以偵訊詢問嫌犯，其包含下列三個步驟：

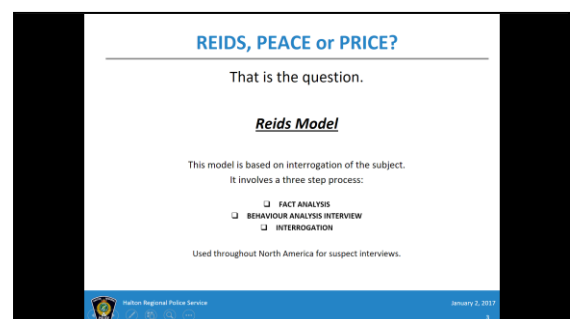
- （1）事實分析。
- （2）行為分析詢問。
- （3）偵訊。

2. PEACE 模式，英國及威爾斯地區執法人員使用此模式，用以詢問被害人及嫌犯，其包含下列五個步驟：

- (1) 計畫及準備。
- (2) 進行及解釋。
- (3) 陳述，澄清，及挑戰。
- (4) 結束。
- (5) 評估。

3. PRICE 模式，此模式原是用於認知訪談，但亦被用來詢問被害人及嫌犯，其包含下列五個步驟：

- (1) 準備。
- (2) 建立信任關係（RAPPORT）。
- (3) 獲得訊息。
- (4) 再確認。
- (5) 評估。



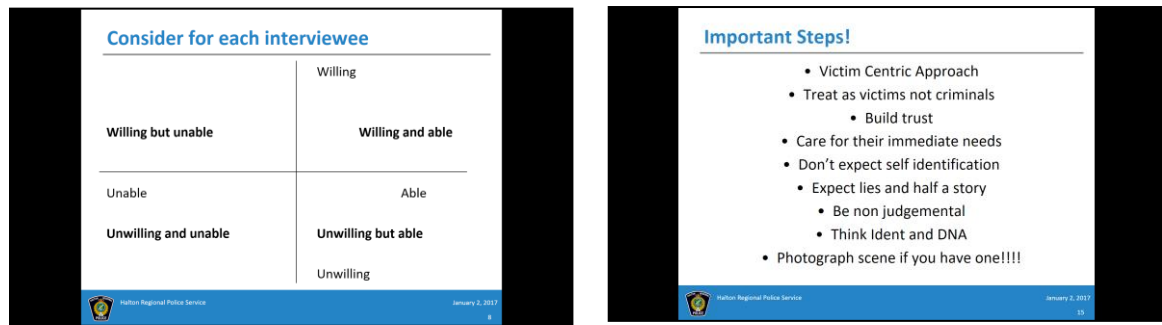


圖25 偵查技巧-正式詢問課程部分內容

(六)跨國人口販運案件

講座提到人口販運如同是現代的奴役制度，被害者可能是女人、孩童及男人，涉及性剝削或勞力剝削，全球交易金額達幾百萬美金，已成為全世界第二大犯罪，僅次於毒品犯罪。

人口販運案件，一般跡象如下：

- 1． 被監控或出入有他人陪同。
- 2． 被禁止與朋友連繫。
- 3． 無法自主地說話。
- 4． 無身分證明文件。
- 5． 不知自己身處何地。
- 6． 被運送到各地。
- 7． 無個人空間、所有物、金融記錄。
- 8． 常常被販運者遷移地點（如：經常變換地址、或無地址）。

人口販運案件被害人的身體上通常有下列跡象：

1. 有遭受暴力之跡象。
2. 有被虐待之痕跡（如：香菸灼痕）。
3. 有代表罪犯所有物的商標或圖騰。
4. 營養不足的跡象。
5. 肢體語言及臉上表情（如：恐懼、害怕）

在加拿大，易成為人口販運案被受害人的成因，與世界上其他的國家相同，通常是：

1. 童年受虐。
2. 缺少支持系統。
3. 家庭暴力。
4. 貧窮。
5. 為了生存。
6. 渴望更好的生活。

探尋人口販運受害者為何繼續留在那景況中的原因，有：

1. 不知如何逃脫，不知找誰幫忙。
2. 不知自己是人口販運的受害者。
3. 不信任警察。
4. 發展成求生的技巧，與販運者共生。
5. 害怕離開或無離開的方法。
6. 羞恥感。

執法人員在偵辦跨國人口販運案件，常遇到需克服的困難有：

1. 文化差異。
2. 宗教差異。
3. 社會經濟狀況不同。

4. 語言隔閡。
5. 來源國的制度。
6. 移民的情況。
7. 對政府當局不信任。
8. 害怕。
9. 家庭問題。
10. 法院因素。
11. 羞恥感。
12. 心理精神狀態。
13. 斯德哥爾摩症。

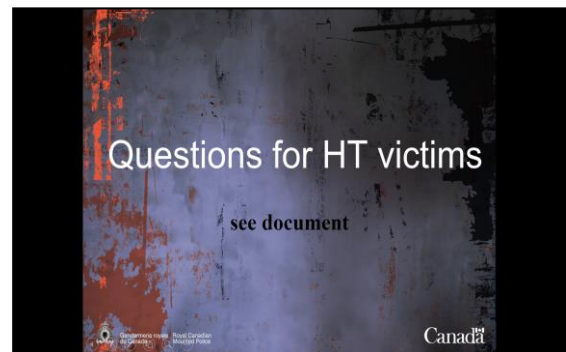
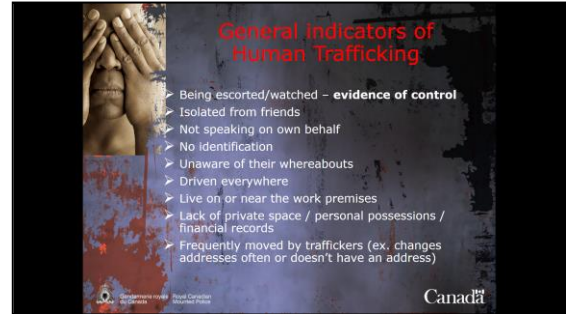
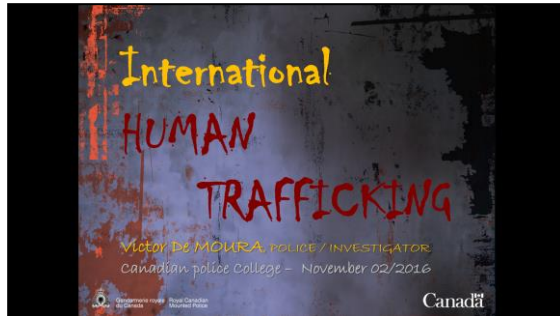


圖26 跨國人口販運案件課程部分內容

(七)情資蒐報案例研析

講座分享加拿大警方運用情資蒐報偵破人口販運案件之案例，介紹蒐集情資之方法：包括被害人證詞、開放式資源(FB、Instagram…等社群媒體)的情資，因為科技進步，開放式資源如手機上的各應用程式 APP 皆可成為蒐報工具，舉例來說，臉書的打卡及動態功能可追蹤出該犯罪者之出沒地點或照片，成為情資、證據，更能找出 IP 地址、使用者帳戶及電子郵件等訊息。另外 Backpage 是美洲最大的色情廣告網站，網站中的成人廣告及圖片常隱藏著性暗示。在這類網站上蒐查，都能即時且快速地偵查追蹤到犯罪者，迅速遏止案件發生。

(八)人口販運及臥底法制

加拿大的臥底法制及臥底偵查工作應用範圍包括：毒品、洗錢、謀殺、走私、非法移民、商業間諜及情報蒐集等案件，其中以偵查毒品案件居最多數，但其他如人口販運案件的應用也日漸增加。講座舉數個臥底偵查運用在加拿大人口販運上之案例，臥底偵查在加拿大國內臥底期間可使用化名，並申請新身份證和戶籍證明，以 6 個月為限，深入幫派，加拿大臥底法制給予相當保障。

(九)與受害者積極建立信任關係

人口販運受害者通常有創傷症候群，而執法人員偵查此類案件之破案關鍵在於取得被害人的口供證據及線索，所以執法人員如何展現同理心，與受害者建立信任關係極為重要，面談詢問的過程需以被害人為中心，以被害人的利益著想，並即時做危機評估，提供被害人必要之身心照護、避護所，以及安全計畫（包括暫時居留證）、心理諮商與重建、協助加入支持系統和其他賦能方案…等相關配套措施。(附錄三)

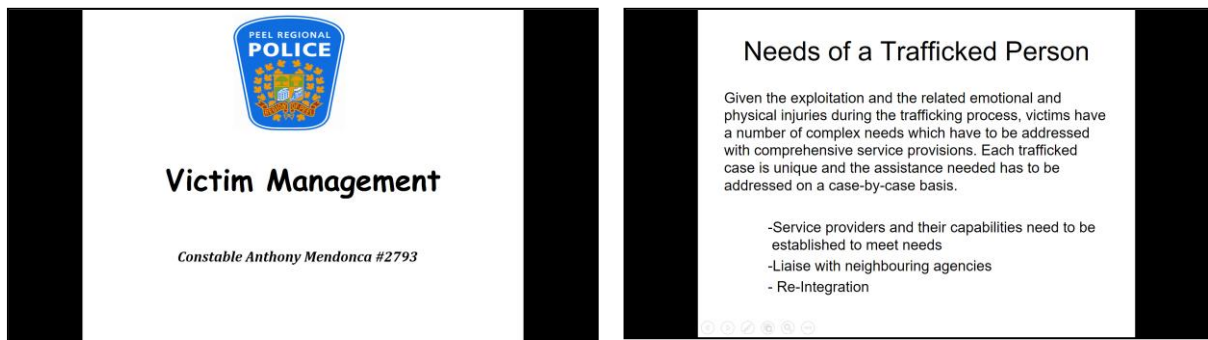


圖27與受害者積極建立信任關係課程部分內容

(十)加拿大金融交易和報告分析中心（FINTRAC）

加拿大金融交易和報告分析中心（FINTRAC）負責收集、分析、評估及提供金融情報。該中心原係為打擊洗錢犯罪而在 2000 年 7 月建立，其任務於 2001 年 12 月擴大到提供加拿大安全情報局（CSIS）調查組織犯罪與打擊恐怖份子金融交易之情資。

加拿大金融交易和報告分析中心從相關單位可以收到以下信息：

- 1．可疑交易。
- 2．疑似恐怖分子財產。
- 3．大額現金交易。
- 4．電子資金轉賬。
- 5．跨境貨幣報告。

加拿大金融交易和報告分析中心為協助加拿大警方偵辦加拿大人口販運案件，訂有專案，專案名稱為「保護（PROTECT）」。該專案的合作夥伴由加拿大數個大間銀行、FINTRAC 官員及執法人員組成，調查人口販運性交易金融資訊(如販運者的動產收益、色情廣告及購物交易)，以據此申請搜索證、執行命令，續以執行詢問偵訊作為。

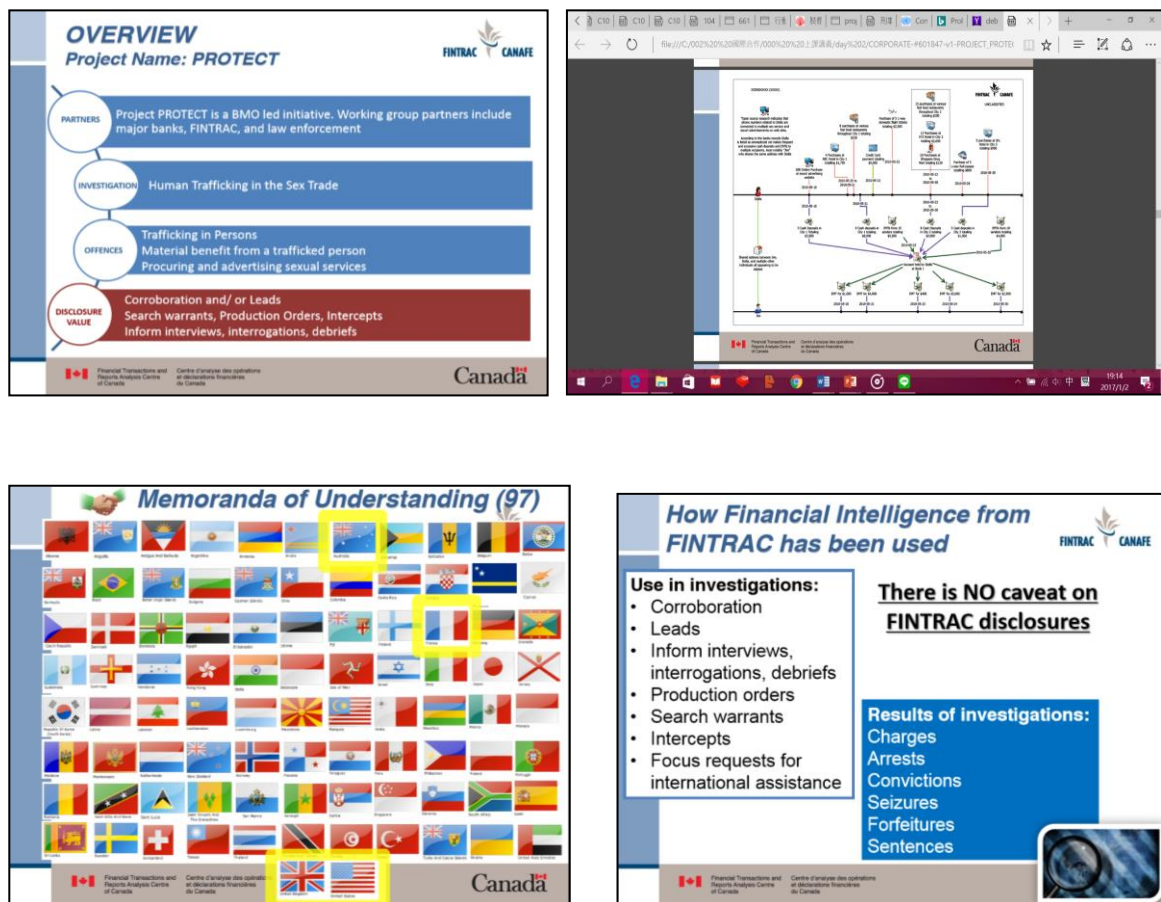


圖28加拿大金融交易和報告分析中心（FINTRAC）課程部分內容

(十一)加拿大原住民婦女協會（NWAC）

加拿大原住民婦女協會（NWAC）係於 1974 年成立，其目標係為促進、提昇和推動加拿大原住民婦女在其生活環境各種層面（如社會、經濟、文化

以及政治上）的福祉。該協會自成立以來即做為一個代表全國原住民族婦女的組織，力求實踐全加拿大原住民族婦女的平等。為實現目標，該協會與聯合國和國際特赦組織等國際組織積極合作，希望終結對原住民婦女的歧視。

加拿大原住民婦女協會針對被人口販運的加拿大原住民婦女及女孩做調查，發現其中有 79%的人童年曾被虐待；2/3 的被害者有家人就讀寄宿學校；92%的人曾被性侵；84%的人曾被家暴；98%最近或曾經流浪在外；92%想逃離賣淫。該協會提出相關的預防策略，並對有關機關團體提出改善建議，以真正且澈底地解決原住民婦女被販運被性剝削的情況。

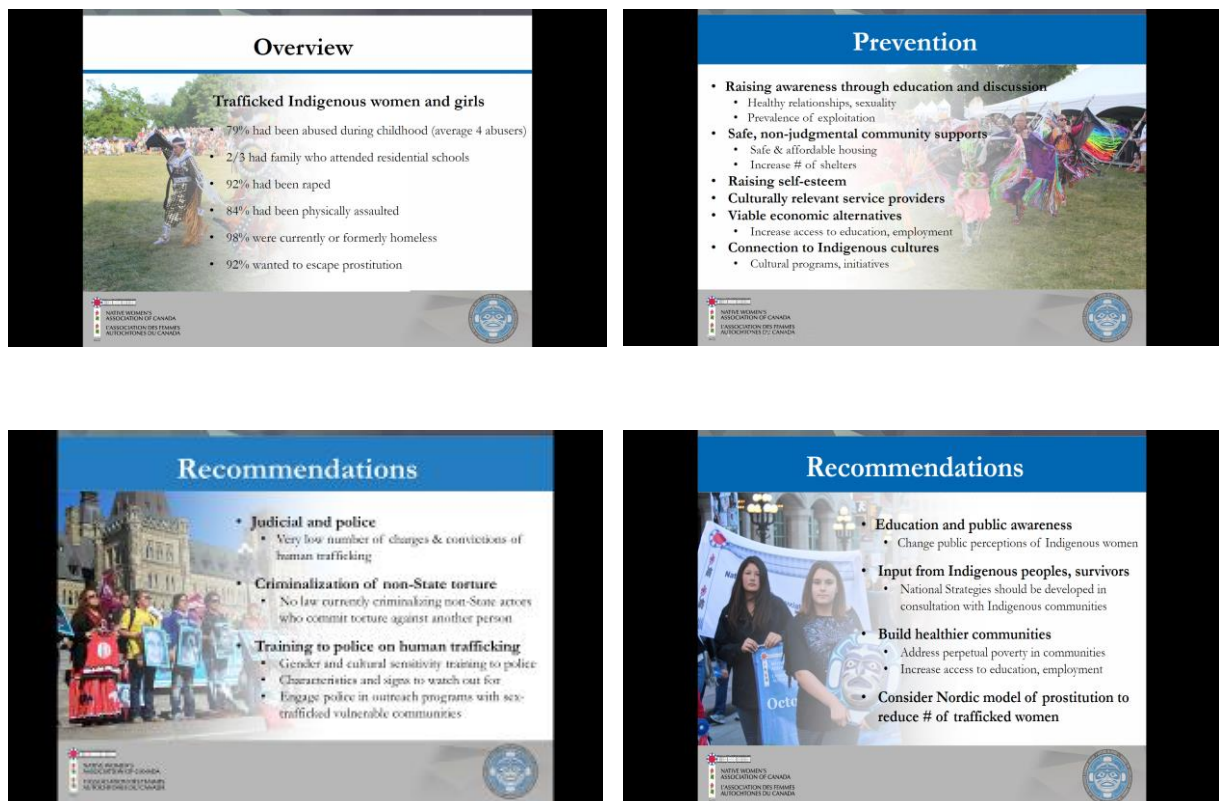


圖29 加拿大原住民婦女協會（NWAC）課程部分內容

(十二)北美區域執法人員最佳的實務作法

美國 FBI 幹員首先發給每人一個很特別的工具：小遙控器（如下圖）。

幹員在課程中提出數個問題，每人以小遙控選擇答案，作答時簡報同步顯示統計數據，藉此統計調查學員對於人口販運防制的概念及專業知識。課程中亦介紹人口販運被害者的成因、創傷特性、被害人的碎弱性及偵查人員應注意的面談態度及知識。

講座表示，據美國官方統計資料顯示，在美國 640 個人口販運案件中，約有 69%是性剝削案件，14%是勞力剝削；被害人中有 90%是女性；成為雛妓的平均年齡是 13 歲；雛妓平均被剝削期間是 7 年；超過 25%的被害者是在青少年時期被誘拐的。美國第 18 法典（犯罪及刑事訴訟程序）中第 1591 條規定有以武力、欺詐或脅迫之性販運的犯罪構成要件及刑責。第 1589 條規定有勞力剝削的犯罪構成要件及刑責。

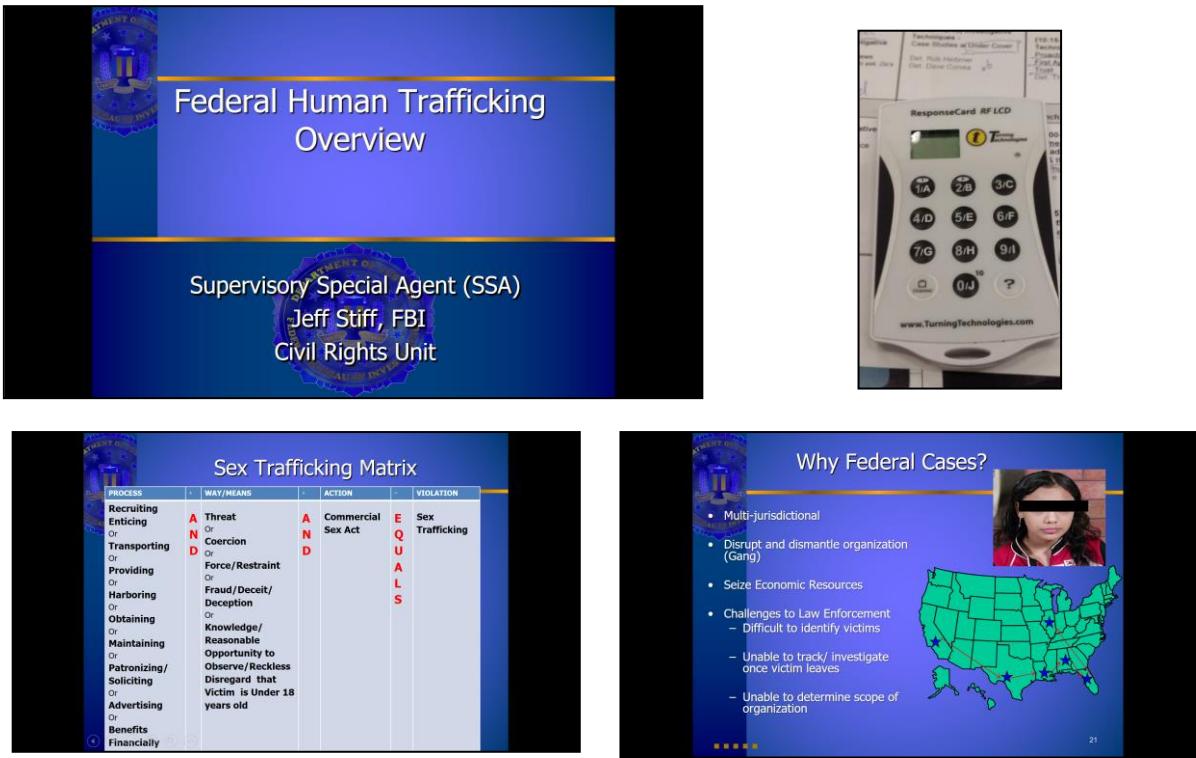


圖30 北美區域最佳的實務作法課程部分內容及小遙控器

(十三)受害者協助及重建系統

講座介紹城東青年服務中心提供人口販運性剝削受害者許多的協助服務，包括：創傷治療、同儕輔導、團體探訪、研究、工作坊及訓練等。講座亦介紹受害者創傷所引導致的身、心、情緒及人際關係的影響、何為健康的身心狀況、從倖存者的觀點看何為行得通的方法、當有效的幫助介入時發生改變的進程、如何修復心理創傷、大腦可以經由重新經驗好的人際關係而再生、心理諮商談話治療有治療效果，以及其他相關的創傷治療方法。

在課程中，該中心兩位曾被性剝削販運的受害少女，分享自己受害因素、被操控賣淫的情況、遇到能同理的偵查員，以致願意配合警方擴大偵辦，並建議偵辦此類案件的偵查員在面談時能持有正確的態度及真誠，以及在機構中接受的心理輔導和支持團體的幫助。

從倖存者的觀點看何為有用的方法：

1. 傾聽倖存者的故事。
2. 不要對他們批評論斷。
3. 盡快取得健康的需求代替物。
4. 不論倖存者是否有意願指證提告，都要支持他們。
5. 建立關係。



圖31 受害者協助及重建系統課程部分內容



圖32 被害人重建系統- NGO 底波拉之門 宣傳單張

五、加拿大警官學院院長頒發結訓證書



圖33 加拿大警官學院院長頒發結訓證書 (左圖：專員林貞莉 右圖：警員何文翔)

六、課餘之參訪活動

(一)參訪渥太華警察之友協會





圖34 參訪渥太華警察之友協會，並與本班其他學員餐敘交流

(二)參觀加拿大皇家騎警博物館及騎警訓練馬場騎馬



圖35 參觀加拿大皇家騎警博物館及騎警訓練馬場騎馬 1



圖36 參觀加拿大皇家騎警博物館及騎警訓練馬場騎馬 2



圖37 參觀加拿大皇家騎警博物館及騎警訓練馬場騎馬 3



圖38 參觀加拿大皇家騎警博物館及騎警訓練馬場騎馬 4

(三)參觀渥太華市區及市郊



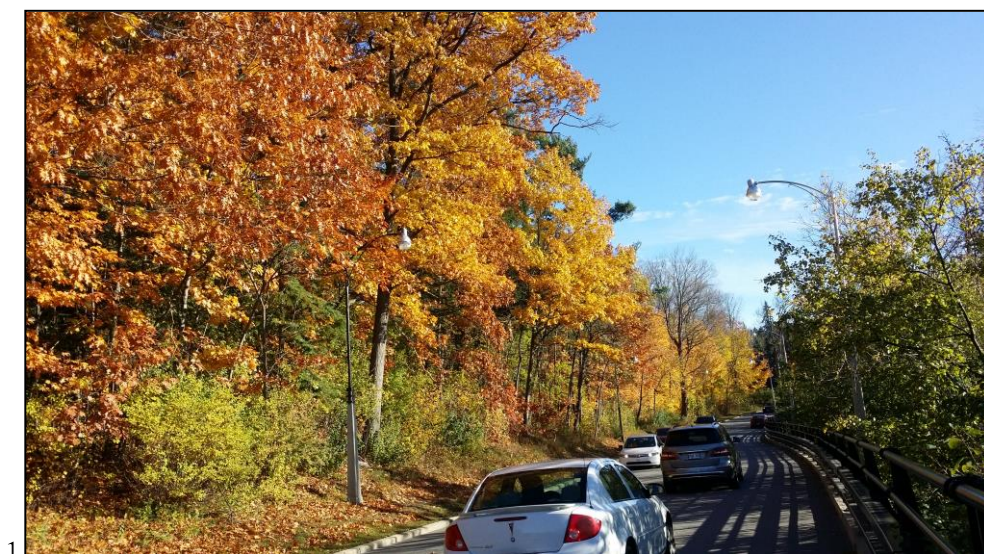
圖39 參觀渥太華市區 1



圖40 參觀渥太華市區 2



圖41 參觀渥太華市郊 1



1

圖42 參觀渥太華市郊 2

參、心得及建議

一、心得

(一)積極正面行銷，提升我國警政形象

我國參訓人員於參加本課程一開始自我介紹時，即分享我國於 2016 年 7 月破獲跨國提款機盜領案，我國警方在 7 天內迅速破案，不但抓到三名俄羅斯等外籍嫌犯，還起出超過九成的贓款（約新台幣六千萬），我國警方也因此應邀至歐洲刑警組織（EuroPol）年會分享破案經驗。我國代表參訓人員與有榮焉，本課程其他參與成員均對我國警方感到敬佩有佳，並留下良好印象。

(二)踴躍創造交流機會，提升我國警政國際能見度

加拿大警官學院提供百餘種專業訓練⁹，除加拿大本國警政及司法人員可以參加之外，亦開放給世界各國執法人員做為共同參與彼此交換經驗的平臺。本次國際訓練課程，除加拿大皇家騎警總部、省、市警務人員外，亦有加拿大檢察官、聯邦金融中心官員、駐巴拿馬大使、聯合國毒品及犯罪查緝組(UNODC)官員，以及 6 位來自中美洲國家或自由邦（巴拿馬、尼加拉瓜、瓜地馬拉、宏都拉斯、哥斯大黎加、波多黎各）之警務人員和檢察官。我國薦派人員藉此次警政國際訓練平台，積極與參與之各國代表建立友誼並進行交流活動，達到多項訓練及國際交流目的。

⁹ 加拿大警官學院課程網頁，<http://www.cpc.gc.ca/en/courses>（瀏覽日期：2017 年 1 月 2 日）

(三)積極參與討論，促進彼此精進

本課程自始至終幾乎每一位講座都提到偵辦此類案件，被害人的管理非常重要，因為破案的关键在於被害人的配合及供述，而且被害人通常有創傷症候群，因此偵查員或檢察官需注意偵辦人口販運案件面談受害者時應有的態度及應具備的專業知能。然而，在一堂由法裔偵查員做簡報時，因其自豪地陳述其在面談性剝削被害人時，用了法式幽默來對待被害人，此舉立即被來自巴拿馬的警官發言提出質疑，巴拿馬警官分享在巴拿馬針對此類案件，偵查人員均需經過訓練，而且不能以此種態度來對待性剝削被害人，我參訓人員亦適時提出我國的現況，我國依據「聯合國兒童權利公約¹⁰」之原則與精神，在 2014 年訂定「兒童權利公約施行法」，並在 2015 年修正公布「兒童及少年性剝削防制條例¹¹」及「性侵害犯罪防治法¹²」相關法條，要求警察及司法人員於調查、偵查或審判時，詢（訊）問被害人，應通知直轄市、縣（市）主管機關指派社會工作人員陪同在場，並得陳述意見，以正確對待並保障此類被害人之司法權益。接著加拿大其他的參訓人員亦發言表示，應建議加拿大重視此議題，並改善相關法制。

(四)倖存者親身見證，令人動容且警惕

最後一堂課，由 NGO 組織成員介紹其機構提供人口販運性剝削被害人之協助服務，包括：創傷治療、同儕輔導、團體探訪、研究、工作坊及訓練…等。課程

¹⁰ 我國兒童權利公約施行法，在 2014 年 5 月 20 日於立法院三讀通過、6 月 4 日總統公布，並正式於 11 月 20 日國際兒童人權日當天開始施行。將兒童權利公約予以內國法化，為日後國內進一步形塑兒童在法律規範中的地位提供了國際的基礎標準。

¹¹我國於 2015 年 2 月 4 日修正公布之「兒童及少年性剝削防制條例」，於參訓練人員出國期間修正條文尚未施行。司法院公報第 57 卷第 3 期 2015 年 3 月。<http://www.judicial.gov.tw/publish/>（瀏覽日期：2017 年 1 月 2 日）

¹²我國於 2015 年 12 月 8 日修正公布之「性侵害犯罪防治法」增訂第 15 條之 1，自 2017 年 1 月 1 日施行。司法院公報第 58 卷第 2 期 2016 年 2 月。<http://www.judicial.gov.tw/publish/>（瀏覽日期：2017 年 1 月 2 日）

中，該中心兩位曾被性剝削販運的受害少女，分享自己受害因素是因為家庭缺少愛及支持，未感受到被愛，被了解，以至於 12 歲離家時，被皮條客以疼愛、照顧之名誘騙，後被操控被迫賣淫，因幸運地遇到能同理的偵查員，該偵查員面談時態度溫和沒有批評指責，並真正關心她的人身安全及提供轉介相關支持替代生存需求方案，以致倖存者願意配合警方擴大偵辦，並因此順利破案，且將販運者起訴定罪。我參訓人員發言表達對倖存者經歷艱辛及勇敢作證的敬佩及同理肯定，倖存者當場流下被了解的眼淚，現場巴拿馬的警官亦發言肯定讚許倖存者，並請倖存者繼續幫助更多其他的被害者脫離被剝削的轄制及協助康復。其他參訓人員亦深受感動。我參訓人員再發言，請倖存者就自身的經驗對執法者提供建議，倖存者表示偵查員或檢察官的態度是關鍵因素，建議偵辦此類案件的執法人員在面談倖存者時，能持有正確及真誠的態度，不要批評指責，才能獲得倖存者的信任，以及給予緊急的安置和替代的支持方案。這些建議給全場的參訓人員極大的提醒。

(五)跨域合作，齊心協力

偵辦人口販運案件，需有全盤的配套措施，由 NGO 組織介紹提供人口販運性剝削被害者的協助服務中可以看出，政府需整合各部會及民間資源，積極與國內外非政府組織合作，鼓勵反人口販運團體，共同推動防制人口販運工作，由非政府組織或慈善機構(如天主教善牧基金會、台灣展翅協會-原台灣終止童妓協會)庇護所提供被害人在安置期間之生活照顧、心理輔導、通譯服務、法律協助、陪同偵訊及必要之醫療協助等相關保護服務。

(六)杜絕受害，從根源改善，確保兒童發展需求

本次訓練許多課程中均提到人口販運被害人的成因，將近有 70%的性剝削被害人是在孩童或少年時被誘拐，而容易被誘拐的原因是家庭親職功能不足、被虐、被性侵，以及缺乏愛和支持系統。因此，為預防犯罪，杜絕受害，應從問題根源改善，確保兒童各階段的發展需求，落實聯合國兒童權利公約及其三項擇議定書之原則及精神，確保兒童享有其幸福所必需的保護和照料、確認每個兒童均享有足以促進其生理、心理、精神、道德和社會發展的生活水準，極為重要，以防止為任何目的或以任何形式誘拐、買賣或販運兒童。

(七)善用科技及網路，製作提供線上數位課程，預先學習

加拿大警官學院針對各課程之需要，製作並提供線上課程，要求參與人員於實體訓練研討前必須先完成線上課程，以利實體訓練時學員有基礎法制概念，便於互動交流。我國參訓人員於使用時發現該課程的介面設計極為方便使用，且內容豐富，數位課程每個小階段完成時亦有小測驗，有效地增加學員之基礎法制概念。值得我國警政教育訓練單位借鏡。

(八)提供同步翻譯，便於國際交流

因為有來自許多中美洲國家的警務及司法人員參加本次課程，加拿大警官學院預備有西班牙語通譯員，為講座、中美洲國家學員及其他學員討論時進行同步翻譯，以便於國際經驗交流分享。

二、建議

(一)持續辦理國際交流與合作，增進執法效能

1. 持續派員參與世界先進國家之警政國際訓練，與各國警政司法人員交流經驗分享，增加相關法制及專業執法知能。
2. 持續與世界各先進國家之警政學院合作，簽訂教育訓練合作備忘錄，增加教育訓練交流平台及資源分享。
3. 開放我國警政專業訓練課程，更新我國警政教育訓練軟體設備，提供他國語言通譯功能，建立教育訓練交流與合作平臺，使其他國家警政司法人員能夠共同參與，俾利國際警政教育訓練交流合作。
4. 持續透過我國派駐各國駐外人員或警政境外秘書，積極洽商駐在國警政機關與我國簽定共同打擊犯罪或司法互相合作瞭解備忘錄，共同打擊犯罪，為國際治安貢獻一國之力。

(二)加速落實法制保障，增進專業執法知能

1. 加速專責人員及專業社政人員之培力訓練：為保障兒童或心智障礙之被害人於偵查或審判階段之司法權益，我國2015年修正公布「兒童及少年性剝削防制條例」及「性侵害犯罪防治法」相關法條，要求警察及司法人員於調查、偵查或審判時，詢（訊）問被害人，應通知直轄市、縣（市）主管機關指派社會工作人員陪同在場，並得陳述意見。修正案於106年1月1日施行。雖法務部於105 年3 月18 日辦理「兒童及心智障礙被害人訊問技巧及專家輔助訊問實

作解說」課程研習觀摩；內政部警政署於105年辦理2 梯「性侵害犯罪防治法第15 條之1（筆錄製作）」專業訓練，及2 梯「兒童或心智障礙者性侵害案件偵辦技巧」專業訓練，並於北、中、南三區，辦理3 場次「性侵害犯罪防治法第15 條之1專業人士協助詢（訊）問實作解說」，調訓性侵害案件專責處理人員；另衛生福利部為因應性侵害犯罪防治法第15條之1需有專業人士陪同制度，於105年12月15日訂頒「衛生福利部辦理性侵害犯罪防治法第15條之1專業人士培訓及資料留用實施計畫」。然要全面落實於每位辦理此類案件之檢察、警政、衛政及社政人員，則需積極加速辦理完成相關的培力訓練。

2. 落實人口販運案件被害人管理：各司法警察機關(法務部、移民署、警政署)司法警察於偵辦人口販運案件時，應妥善運用通譯及社政專業人員陪同偵訊服務，建立與被害人的信任關係，以獲得配合偵辦或作證意願。偵辦人員亦應全面接受陪同制度之相關專業訓練，提升實務人員專業知能及辦案能力。
3. 修正人口販運防制法：為使「人口販運防制法」犯罪處罰要件與實務執行更有效結合，並擴大保護被害人權益，應儘速修正「人口販運防制法」。

(三)建立夥伴關係，達成多贏

1. 結合民間團體，賡續積極辦理被害人庇護工作：結合民間團體，如台灣展翅協會(原台灣終止童妓協會)、天主教善牧基金會，及兒童福利聯盟文教基金會…等，積極建立夥伴關係，並由庇護所針對個案情況，訂定安全評估及保護服務計畫，提供個案輔導、陪同出庭、陪同就醫、法律協助、通譯服務、語文、技能學習及相關福利服務資源轉介，以療癒被害人身心創傷，輔導其等有自主規劃未來生涯之能力；並與在地廠商合作，協助個案外出就業，或在庇護所從事代工，使個案能賺取收入並重建生活。

2. 確保兒童發展需求，杜絕被害成因：人口販運性剝削被害人的成因，占大多數是因為在孩童或少年時家庭親職功能不足、受虐、被忽略，及缺乏愛及支持系統。因此，為預防犯罪，杜絕受害，應從問題根源改善，確保兒童各階段的發展需求，落實聯合國兒童權利公約及其三項擇議定書之原則及精神，確保兒童享有其幸福所必需的保護和照料、確認每個兒童均享有足以促進其生理、心理、精神、道德和社會發展的生活水準，至為關鍵，以防止為任何目的或以任何形式誘拐、買賣或販運兒童。我國為此於 2014 年訂定了兒童權利公約施行法，並於 105 年 11 月 8 日召開中華民國兒童權利公約首次國家報告發表記者會，未來更應積極落實保護兒童及確保兒童發展需求之相關法制及措施。
3. 廣泛運用社區服務團體或慈善事工：我國有許多社區服務團體或慈善事工，如：社團法人中華民國夢想之家青年發展協會－關懷青少年事工、社團法人中華基督教救助協會－弱勢家庭兒童課後陪讀班、1919 急難家庭救助計畫、1919 食物銀行…等，其社工志工自願免費辦理提供中輟生、晚歸與翹家青少年、弱勢家庭及功能失調家庭之孩子，免費課輔班與才藝營，使孩童可以有信任安心的場地，有愛心師長的關懷輔導，孩童也能夠在此接受品格教育，建立優良的品格及正確的價值觀，找回自信、擁有健康的未來。各級政府應多加廣泛運用社區服務團體及慈善事工，以補社會家庭功能不足之憾。

(四)精進教育訓練設施，建立交流與合作平臺

1. 開發設立國際警政教育訓練平臺：建議我國警政教育訓練單位開發設立教育訓練平臺，提供各種警政司法專業訓練課程，並開放名額給其他國家警政司法人員共同參與，以利與國際接軌，並促進國際經驗交流。
2. 製作並提供線上數位課程，節省實體授課時間及成本：建議我國警政教育訓練

單位針對各種警政司法專業訓練課程之需要，製作提供線上數位課程，要求參與人員於實體訓練研討前必須先完成線上課程，以使學員在實體訓練時有基礎法制概念，節省實體授課時間及成本。

3. 提供同步翻譯，便於國際交流：為創造國際交流合作機會，應多開放相關課程給其他國家警政司法人員共同參與，針對參與國家使用之語言，提供同步翻譯，俾利警政教育訓練國際交流合作。

肆、結語

本次參加加拿大警官學院人口販運偵查國際訓練課程，獲益良多，不僅再次一覽楓紅多彩美麗的國家，更在訓練交流的過程中，獲得許多人口販運偵查技巧及法制專業知能，最重要的是，本國參與人員與加國、聯合國緝毒犯罪查緝組職員及中美洲 6 個聯合國會員國警政司法人員建立密切友好關係，為未來交流合作或情資交換奠定良好管道。

此外，我國參與人員體驗到加拿大警官學院先進的及國際化的教育訓練體制，並將經驗帶回本國，提供我國警政教育訓練單位借鏡，並精進教育訓練體制。

我國薦派人員藉此次警政國際訓練平台，圓滿達成各國人口販運防制法令及現況的交流分享、相互增進犯罪偵查技巧與偵辦機制、積極展現我國警政正面形象、提升我國警察相關執法效能及教育訓練機制、建立良好國際友誼，助益國際合作等任務。

附錄一

Human Trafficking Questions for Victim / Complainants

1. COUNTRY OF ORIGIN

- a. Where did you live prior to coming to Canada?
- b. What was your employment! education in your home country?
- c. Did you have immediate family that either travelled with you or remained back home?

2. RECRUITMENT

- a. Who recruited you, to come to Canada?
- b. Explain the process in detail
- c. What did they promise you in terms of: (Verbatim is Best)
 1. flight arrangements and payment for ticket.
 11. accommodations,
 111. employment,
 - IV. rent,
 - V. ability to stay in contact with home
 - VI. length of stay in Canada
 - V11. Refugee Claim

3. LANDING IN TORONTO, CANADA

- a. Who met you at the airport?
- b. Explain the process in detail.
- c. What were you told to do regarding your refugee claim? (Verbatim is best)
- d. How were you treated on route to your destination?
- e. Where did they take you to live?
- f. Explain what happened in detail upon arrival at your new home.

4. LIVING CONDITIONS

- a. Describe your living arrangements in detail.
- b. Were you threatened or physically abused?
- c. Who was your main point of contact and what did they tell you.
- d. Who did you share living space with?
- e. Describe their situation in contrast to yours or the similarities.
- f. Were you involved in or did you witness any criminal activities?
- g. Were you free to come and leave as you wished?
- h. Who held your travel documents?
 1. Who controlled your money?

J. Were you employed and if so for what company and by who?

k. Were you paid for your employment.

5. EXPLOITATION I DECEPTION I

a. How did your life in Canada contrast with what you were promised in your home country?

b. Were you exploited, abused or threatened at any time from when you left your home country to today when you met the police?

6. COURT

a. Are you willing to testify in court?

b. Are you willing to remain in Canada?

c. Are you interested in employment in Canada?

d. Do you have any relatives in Canada who can assist you?

e. Do you need to contact anyone back in your home country?

附錄二

DOJ Fact Sheet

S E R V I N G C A N A D I A N S



- This offence could apply to “users” of the labour or services of trafficking victims, since “material benefit” could include sexual or other kinds of services or the receipt of drugs or other kinds of goods. The alleged offender who received the labour or service must know that it resulted, or would result, from the trafficking of a person.
- Sexual assault charges may also be warranted in cases where the evidence indicates that the suspect has “received” sexual services from a person they knew to be a trafficking victim (i.e. they knew that the victim did not consent).

Withholding or Destroying Documents (Section 279.03)

For a charge under this offence, the evidence should indicate that the suspect has:

- concealed, removed, withheld or destroyed any travel document or document that establishes or claims to establish another person’s identity or immigration status (i.e. any kind of identifying document, such as a passport, immigration papers or driver’s licence, perhaps even an airplane ticket); and
- done so to commit or facilitate the commission of the main trafficking in persons offence.

NOTE:

- This offence will apply even where the alleged offender did nothing more than hold the relevant documentation, provided that they knew the documents were being withheld from trafficking victims.

Other Relevant *Criminal Code* Offences

Other charges may be warranted, depending on the evidence, either in addition to or in place of trafficking-specific charges. Consider, for example:

- kidnapping, s.279(1); extortion, s.346(1); intimidation, s.423; assault, ss.265-268; causing

bodily harm or death by criminal negligence, ss.220 and 221; homicide, ss.229ff.; sexual assault, ss.271-273; forcible confinement, s.279(2); uttering threats, s.264.1; conspiracy, s.465; prostitution-related offences, ss.210-212, particularly living off the avails of the prostitution of a person under 18 years of age, ss.212(2) and (2.1); obtaining for consideration the sexual services of a person under 18 years of age, s.212(4); child abduction (non-parental), ss.280 and 281; child pornography, s.163.1; and organized crime provisions, ss.467.1-467.13.

***Immigration and Refugee Protection Act* Trafficking Offence (Section 118)**

For a charge under this offence, the evidence should indicate that the suspect has:

- knowingly “organized” (defined as recruiting, transporting, receiving or harbouring) the entry into Canada of another person or persons; and
- done so by means of abduction, fraud, deception or use or threat of force or coercion.

NOTE:

- This offence applies only to cases involving victims who have crossed the border into Canada (i.e. not to domestic trafficking cases).
- This offence focuses on the way in which entry into Canada is achieved, rather than the ultimate purpose of entry into Canada (i.e. exploitation); therefore, evidence of some form of deceptive, fraudulent, coercive or otherwise improper recruiting is required.
- This offence may apply in cases where victims have not or were not intended to provide labour or services, e.g. where suspects have brought children into Canada alleging they are their own in order to obtain welfare benefits.
- *Criminal Code* charges may also be warranted, in addition to charges under Section 118, such as assault, sexual assault and uttering threats.



Department of Justice
Canada

Ministère de la Justice
Canada

Canada



- This offence could apply to “users” of the labour or services of trafficking victims, since “material benefit” could include sexual or other kinds of services or the receipt of drugs or other kinds of goods. The alleged offender who received the labour or service must know that it resulted, or would result, from the trafficking of a person.
- Sexual assault charges may also be warranted in cases where the evidence indicates that the suspect has “received” sexual services from a person they knew to be a trafficking victim (i.e. they knew that the victim did not consent).

Withholding or Destroying Documents (Section 279.03)

For a charge under this offence, the evidence should indicate that the suspect has:

- concealed, removed, withheld or destroyed any travel document or document that establishes or claims to establish another person’s identity or immigration status (i.e. any kind of identifying document, such as a passport, immigration papers or driver’s licence, perhaps even an airplane ticket); and
- done so to commit or facilitate the commission of the main trafficking in persons offence.

NOTE:

- This offence will apply even where the alleged offender did nothing more than hold the relevant documentation, provided that they knew the documents were being withheld from trafficking victims.

Other Relevant *Criminal Code* Offences

Other charges may be warranted, depending on the evidence, either in addition to or in place of trafficking-specific charges. Consider, for example:

- kidnapping, s.279(1); extortion, s.346(1); intimidation, s.423; assault, ss.265-268; causing

bodily harm or death by criminal negligence, ss.220 and 221; homicide, ss.229ff.; sexual assault, ss.271-273; forcible confinement, s.279(2); uttering threats, s.264.1; conspiracy, s.465; prostitution-related offences, ss.210-212, particularly living off the avails of the prostitution of a person under 18 years of age, ss.212(2) and (2.1); obtaining for consideration the sexual services of a person under 18 years of age, s.212(4); child abduction (non-parental), ss.280 and 281; child pornography, s.163.1; and organized crime provisions, ss.467.1-467.13.

Immigration and Refugee Protection Act Trafficking Offence (Section 118)

For a charge under this offence, the evidence should indicate that the suspect has:

- knowingly “organized” (defined as recruiting, transporting, receiving or harbouring) the entry into Canada of another person or persons; and
- done so by means of abduction, fraud, deception or use or threat of force or coercion.

NOTE:

- This offence applies only to cases involving victims who have crossed the border into Canada (i.e. not to domestic trafficking cases).
- This offence focuses on the way in which entry into Canada is achieved, rather than the ultimate purpose of entry into Canada (i.e. exploitation); therefore, evidence of some form of deceptive, fraudulent, coercive or otherwise improper recruiting is required.
- This offence may apply in cases where victims have not or were not intended to provide labour or services, e.g. where suspects have brought children into Canada alleging they are their own in order to obtain welfare benefits.
- *Criminal Code* charges may also be warranted, in addition to charges under Section 118, such as assault, sexual assault and uttering threats.



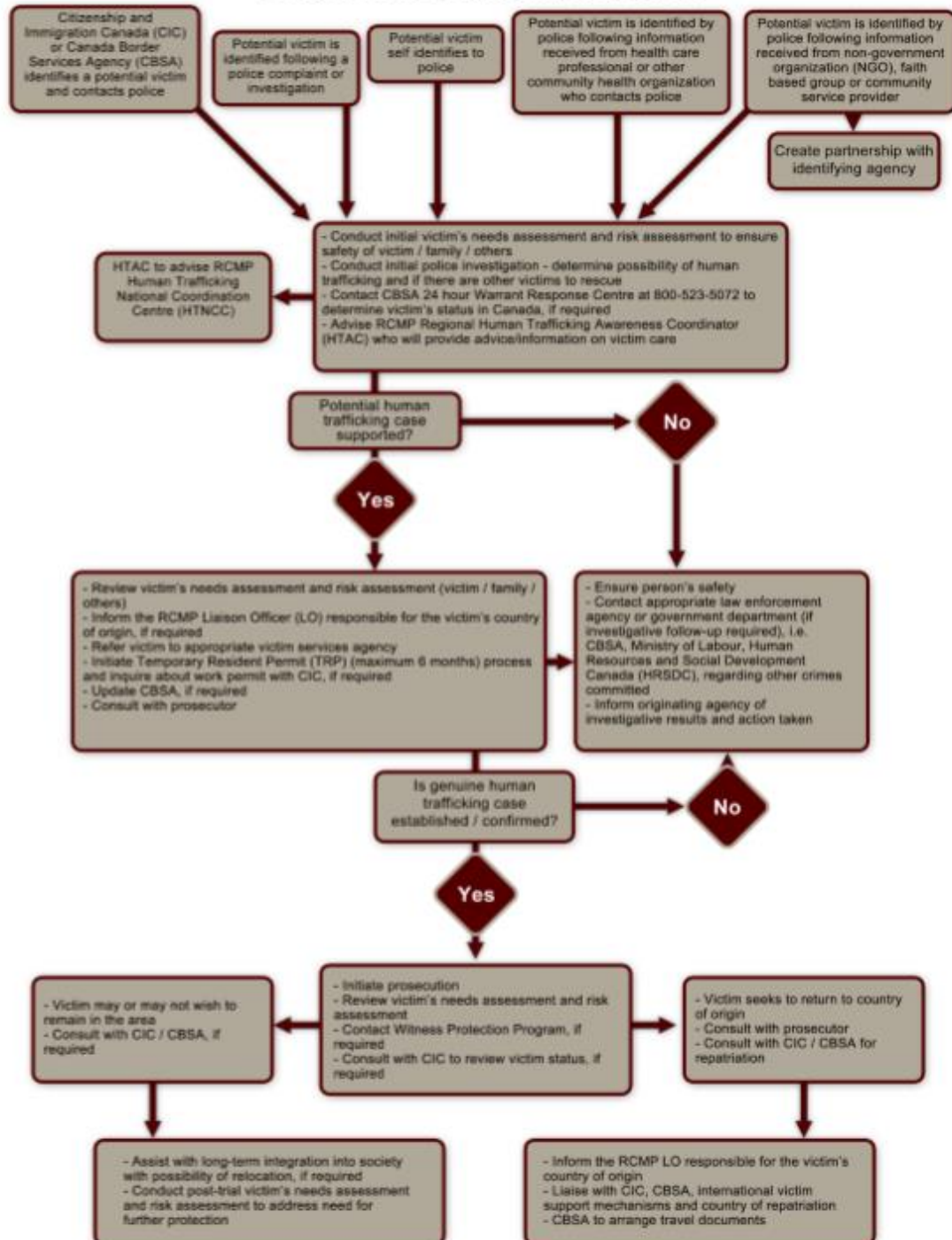
Department of Justice
Canada

Ministère de la Justice
Canada

Canada

附錄三

Human Trafficking Victims Guidelines Domestic and International Cases



Royal Canadian Mounted Police Human Trafficking National Coordination Centre (2012-04-11)

附錄四

HUMAN TRAFFICKING INTERVIEW - REVIEW SHEET

Note: This is not a list of interview questions but rather a checklist for the interviewer to ensure they have gathered all pertinent information.

Date of interview:

Location of interview:

Interviewee name:

Interviewer:

Translator:

Pimp's/Business name:

Pimp's/Business address:

Business owner's name:

Age of interviewee:

Where is interviewee from:

Date of arrival in city/town:

Date of entry into Canada (for foreign national victims):

Visa or other status (for foreign national victims):

Hometown:

Recruited by:

Promises made by recruiter:

Promises appear truthful?:

Details of transportation:

Documents/Identification taken away/by whom/reaction of victim?:

Debt incurred (and means of repayment)?:

Details of contract/promissory notes signed, if any:

Debt paid off - yes / no:

Treated differently if debt paid off?:

Ability to leave situation/work/employment.

☐ Told could not leave?: ☐ Believed could not leave. Why?:

Use of physical force?

☐ Against the interviewee: ☐ Against others:

Use of restraint(s) such as locked doors, guards, look-outs?

☐ Against the interviewee: ☐ Against others:

Use of threats?

☐ Against the interviewee: ☐ Against others:

Interviewee permitted to come and go at will?:

If interviewee did not return, what would happen to them or their family/friends?

Others permitted to come and go at will?:

If others did not return, what would happen to them?:

Interviewee was able to refuse customers (due to illness, did not like the client)?:

Interviewee was able to refuse to work?:

What would happen if the interviewee refused to work?:

Did interviewee tell anyone else about their situation?:

Note any problems with working conditions such as isolation, unsanitary conditions, lack of food, lack of medical care:

Other corroborating evidence:

Does interviewee appear to be a victim of human trafficking?:

What was the interviewee's salary?:

How much money did the interviewee make?:

Did the interviewee get to keep any of the money they made/how much?:

Did they have to turn over any of the money they made/to whom/for what purpose?:

What would happen to the interviewee/family/friends if they did not turn over the money?:

What were the interviewee's work hours?:

What were the interviewee's days off?:

SUGGESTED HUMAN TRAFFICKING INTERVIEW QUESTIONS

Do not fill out. Do not read from these questions during interview. Read and familiarize yourself with these questions to help guide you. Ideally you would like to obtain the answers to the attached questions; however you must ask them in a way that is non-threatening to the interviewee so as to build trust, such as “Can you please tell me about...”, “How do you feel about...”

Ask interviewee if there is anything that they need and explain that you are there to try to help them.

General Questions:

Goals: First questions are non-threatening to establish trust and rapport. Ask the interviewee what name they prefer to be called by so as to give them a sense of their identity back.

What is your birth name?

What name do you like to go by?

How old are you?

How do you like being in Canada (for foreign national victims)?

How do you like being in (name of city/town)?

What do you think about our winters/summers/fall/spring?

Tell me about what you like to do in your spare time?

Childhood/Family

Goals: Questions are non-threatening to establish trust and rapport. Questions also help determine whether there are continuing family contacts to establish isolations. The beginning of the interview would be the best time to also ask general questions to the interviewee about how they like Canada, city they are living in, what they like to do in spare time, food likes/dislikes...

Does anyone know you by any other name?

Where were you born?

Are any of your family/relatives in Canada?

Did you move around as a child or did you stay in (place born)?

Are you still in touch with family/relatives and friends from home?

Do you ever call your family/relatives and friends on the phone?

☐ How often?

☐ Is that difficult to do?

☐ If it is difficult, describe how difficult it is.

☐ When is the last time that you called them?

Do you write to or message or e-mail your family/relatives and friends?

☐ How often?

☐ When is the last time that you wrote to or messaged or e-mailed your relatives and friends?

When did you come to Canada (for foreign national victims)? Date?

How old were you when you came to Canada (for foreign national victims)?

When did you come to city/town? Date?

How old were you when you came to city/town?

Travel to Canada (for foreign national victims) or name of city/town

Goals: Identify possible links to organized crime. Identify targets overseas or in Canada.

Establish factors showing any debts used to coerce labour/services. To help establish any fraudulent promises, find out why interviewee came to Canada or name of city/town and what work they were expected to be doing upon arrival in Canada or name of city/town.

Is this your first time in Canada or name of city/town?

- ☐ If no:
- ☐ How many times have you been here before?
- ☐ When?
- ☐ Where?

What made you decide to come to Canada or name of city/town (this last time)? Did somebody approach you? Who?

What had you heard about life in Canada or name of city/town before you came here?

- ☐ Who told you this?

Did anyone help you make arrangements to come to Canada or name of city/town?

Who helped you? Names and descriptions?

Did you pay them any money?

How much did you pay them?

Where did you get the money?

If interviewee or family member borrowed money, ask:

- ☐ Who did you borrow money from?
- ☐ Did you ever hear that people who lent you money were dangerous?
- ☐ Did you ever hear what happened if people did not pay them back?

Did anyone tell you that you would have to pay them money later in exchange for the trip?

Who? Names and descriptions?

- ☐ What did they tell you about what you would have to pay them?
- ☐ When do you have to pay the money back?

What did you intend to do when you got to Canada or name of city/town?

- ☐ Did you intend to stay here or were you just coming for a visit?
- ☐ Did you intend to find a job here?
- ☐ What kind of a job were you interested in?
- ☐ What type of work did you end up doing?

If a job was arranged for the interviewee before they came to Canada or name of city/town, ask:

Were you told what kind of work you would be doing?

Were any promises made to you about the job?

Were you told how much you would be paid?

Were you told how many hours you would be working?

Were you told that you would get any time off?

Now that you have worked here for a while, would you say that these representations were true?

Documents

Goals: Establish facts. Identify possible links to organized crime. Identify targets.

Did you get any passports, visas or other paperwork to help you come to Canada (for foreign national victims?

Please tell me what kinds of documents you got?

Describe what you had to do to get these documents.

Did anyone help you with the paperwork?

☐ Who helped you? Names and descriptions?

☐ What did they do?

How did you get to Canada or name of city/town?

☐ Did you fly/drive/train/bus/boat?

☐ Were you alone or was somebody with you?

☐ Who was with you?

☐ Where did you get on the plane/train/bus/boat/vehicle?

Did you get to hold onto your passport/documents/identification during your trip to Canada or name of city/town?

☐ If no, who held them? Names and descriptions?

☐ Did you get them back?

Did you get to keep your passport/documents/identification when you arrived in Canada or name of city/town?

☐ If no, who took them? Names and descriptions?

☐ Did you get them back?

What was your route of travel? Was it directly to Canada or name of city/town or did you stop along the way?

☐ Where did you stop?

☐ If you did stop, where did you stay?

Did you have to pay anyone in advance for the flight/train/bus/boat/vehicle?

☐ If yes, how much?

Did anyone say that you owe money for the flight/train/bus/boat/vehicle?

☐ If yes, who? Names and descriptions?

Did you pay for meals/lodging you had along the way or did someone pay for you?

☐ If someone paid for you, who? Names and descriptions?

☐ Did anyone say that you owe money for meals/lodging you had along the way? Who?

What was the first city you arrived in Canada (for foreign national victims)?

How did you get from (city of arrival) to (current city)?

☐ Did you pay anyone for this trip? Who? Names and descriptions?

☐ Did anyone say that you owed money for this trip? Who? Names and descriptions?

☐ Describe trip (establish conditions and whether interviewee was hidden).

Daily Life and Work Conditions

Goals: Separating victims from traffickers; beginning to make determination about whether sexual exploitation or labour was forced.

1. General Living Conditions:

Do you live at (name of brothel/business/residence) or just work there?

If interviewee lives at (name of brother/business/residence):

Describe room(s) where you sleep.

Can you leave the room(s) whenever you want?

Is there a lock on the door?

When you are in the room(s), can you lock others out?

Can other people lock you into the room(s)?

Do you pay rent money for living there? How much?

Has anyone ever told you that you owe money for rent/housing? Who? Names and descriptions?

Who keeps track of how much you owe? Names and descriptions?

If interviewee lives elsewhere:

Where do you live?

Is it close to (name of brothel/business/place of work)?

How do you get from where you live to (name of brothel/business)?

Do you come and go by yourself or does someone drop you off and pick you up? Who?

Names and descriptions?

Can you leave the place where you live whenever you want to?

Is there a lock on the door?

When you are in your residence/room(s), can you lock others out?

Can other people lock you into the residence/room(s)?

Do you pay rent money for living there? How much? To whom?

Are you paying this money to (name of brothel/business) owner(s) or to someone else?

Names and descriptions?

Do you eat your meals at (names of brothel/business) or do you eat somewhere else?

If interviewee eats at (name of brothel/business/residence):

How do you get your food? What do you eat? When do you eat?

How is the food?

Do you cook your own meals?

Do you buy your own meals?

Is there enough to go around?

Is the food ever locked up?

What happens if you ask for more/better food?

Has anyone ever told you that you owe money for food? Who? Names and descriptions?

If interviewee eats elsewhere:

☐ Do you buy your own food or does someone else buy it for you?

☐ Who buys/gives you food?

☐ How is the food?

☐ Is there enough to go around?

☐ What happens if you ask for more/better food?

Has anyone ever told you that you owe money for food? Who? Names and descriptions?

2. Boss'/Pimp's Conduct:

At work, who is your boss? Description? / Who tells you what to do? Description?

How does that person treat you?

(Follow up to elicit specifics)

Are there other girls/women/employees (male/female)?

How does that person treat the other girls/women/employees (male/female) at work?

Have you ever heard that your boss/pimp has hurt anyone who work at (name of brothel/business/residence) or seen this happen?

Have you ever heard that your boss/pimp has threatened anyone who worked at (name of brothel/business/residence) or seen this happen?

What have you heard or seen?

Do you know if anyone else works as a boss or supervisor or for the pimp as the bottom bitch or enforcer? For anyone else identified, ask:

☐ How does that person treat you?

☐ How does that person treat the other females/males at work?

☐ Have you ever heard that they has hurt anyone who worked at (name of brothel/business/residence) or seen this happen?

☐ What have you heard or seen?

Has your boss/pimp or any other person ever taken your passport/documents/identification?

☐ What was the reason for that?

☐ Did you ever ask to have your passport/documents/identification given back to you?

☐ What was their reaction?

3. Working Conditions

How long have you been working at (name of brothel/business/residence)?

In general, did you like working there or for (name of person/pimp)?

Did (name of brothel/business/person) have any “house rules” about how you should behave while you were working there?

What were the rules?

What happened if you did not follow the rules (fines, punishments)?

Were you told what to do if the police came and raided/searched the (name of brothel/business/residence)?

☐ What were you told to do?

Can you leave (name of brothel/business/residence) to take a break?

Is there anyone who lets you in and out of (name of brothel/business/residence)?

Are there cameras or other surveillance at (name of brothel/business/residence)?

Do you have to pay for supplies you use at work, like lingerie, sex toys, KY-Jelly?

If there is a particular customer that you do not want to see, can you say that you do not want to see that customer?

☐ What happens if you say that you do not want to see that customer?

What hours to you work?

When do you work?

Have you taken time off for vacations/rest?

Are you allowed to take time off?

Have you taken time off because you were sick?

☐ Have you ever had to work when you were sick?

☐ Do you know of any other people who have had to work when they were sick?

☐ What happens if someone says they are sick?

4. Debt

Ask these questions if previous answers show that people have said they owe money to (name of brothel/business/pimp) owner(s).

You have said that you are earning money to pay back debt by working in (name of

brothel/business/residence), do you think that other people you work with also owe money?

Are the people who have paid off their debts treated differently than those who still owe money?

Who keeps track of how much money you still owe?

☐ Do you think that they are doing the math correctly? Do you have any reason to think that they are cheating in how they are calculating how much you owe?

Do you think anyone would tell your family back home if you failed to pay?

☐ What would that mean? Would they have to pay for you?

What if you decided to leave, to get another job, and to pay the money back later? How would the owner(s)/pimp react to that?

5. Ability to Leave

Do you feel like you could leave if you wanted to?

☐ If no, why not?

Do you think anyone at (name of brothel/business/residence/working for name of person) wanted to leave but did not?

☐ Why?

☐ Do you think they were afraid?

Did anyone ever tell you that you could not leave?

☐ What specifically did they say?

☐ What did you understand this to mean?

Did you ever hear the boss/pimp tell someone else that they could not leave?

☐ What specifically did you hear?

Did you ever think about trying to leave?

☐ What were your thoughts?

Did you ever talk to any of the other workers/girls/men/women about trying to leave?

☐ What were your thoughts?

6. Corroboration

If the interviewee has indicated that they were the victim of force, fraud or coercion, try to identify any corroborating evidence.

Do you currently have any bruises, or scars, or marking? (If appropriate, request photographs.)

Do you have any documents/letters/text messages/emails showing your debt and/or how much you owe?

Does anyone else have any documents showing your debt and/or how much you owe?

☐ Who? Names and descriptions?

☐ Where are they located?

Did you send anyone any letter(s) explaining your situation?

☐ Who did you complain to?

Did you sign a contract?

☐ Were you forced to sign a contract? By whom? Names and descriptions?

☐ Do you have a copy of the contract?

☐ Where is the contract?

General Questions

Goal is to see whether interviewee's statements are consistent with answers they have previously provided. If they say work is voluntary and they can come and go as they please, but never do go out, don't have boyfriends/girlfriends, and do nothing in their free time, there may be reason to question their previous answers. Also, these questions ensure that the interview ends with less personal questions.

How do you like being in Canada or name of city/town?

What do you do in your spare time?

Do you have friends, a boyfriend/girlfriend or husband/wife?

If yes, what kinds of things do you do together?

☐ shopping

- ☐ eat at restaurants, eat out
- ☐ go to the movies

Are you allowed to go out by yourself?

- ☐ If yes, do you go out by yourself? Why not?
- ☐ If no, who goes with you when you go out?

Do you have a bank account?

Are you able to access your bank account and withdraw money from it for yourself?

Does somebody else have access to your bank account?

Who?

Description of the person?

Why do they have access to it?

Do you send money back home?

Do you do this by yourself or does someone help you?

Who helps you send money home?

Set up Future Interviews

Goal is to thank the interviewee and prepare them for follow-up interviews.

Thank you so much for your time. We will likely have to come back to talk to you some more within the next few days. We will be in touch.

Do you have any questions for me?

Human Trafficking Victim Assistance

Potential areas of concern have been identified to address the victim's unique needs. Although this is not an inclusive list, it may aid officers in identifying potential solutions.

1. Protection and Security

Victim's immediate needs:

- Food • Water • Clothing • Temporary shelter/housing (see Section 3) • Medical care (see Section 2)

Victim's self-perception

- Recognize that potential victims may not see themselves as having been trafficked

Victim wishes to cooperate in investigation

- If possible, have a non-uniformed officer conduct the interviews • Offer available victim assistance, refer if requested

Victim is un-cooperative

- Seek the assistance of a non-government organization (NGO) to facilitate obtaining information from the victim • Offer available victim assistance, refer if requested

Victim fears for their physical safety

- Discuss with victim what measures are available to ensure their physical safety • Consult with Witness Protection Program (WPP)

Victim wishes to contact family/loved ones

- Discuss possible risk factors to the victim, and their family/loved ones before contact is initiated

Victim was trafficked by a well-known or trusted person

- Assess risks to the victim's family or loved ones who may be at risk from the trafficker

Other victims being trafficked are identified

- Conduct risk management for each victim

Trafficker knows whereabouts of victim's family and loved ones

- Discuss with victim what measures are available to ensure their physical safety • Consult with WPP • Consult with Liaison Officer in country where victim's family/loved ones are

Consider that the victim may have been victimized in other ways

- Identity fraud, bank fraud, etc.

2. Medical Care

Health Services for international victims of human trafficking will be covered by the Federal Government Interim Federal Health Care Program, under Citizenship and Immigration Canada (CIC) and Temporary Resident Permits (TRP). Health services for Canadian Citizens and Permanent Residents will be covered under Provincial Health Care Programs.

Victim has been physically/sexually/psychologically abused

- Transport victim to local Health Care Facility for assistance

3. Accommodation

Victim needs immediate, temporary shelter

- Choose security screened shelter through NGOs

4. Translation

Victim does not speak English/French

- If unable to identify appropriate language speaking member, use Security Screened Interpreter (if available) • The United Nations Office on Drugs and Organized Crime and the UN.GIFT program has a victim translation assistance (VITA) tool for law enforcement and victim service providers that may be helpful. It can be accessed at www.ungift.org/knowledgehub/en/tools/vita.html.

5. Immigration/Status

Victim needs TRP

- Contact CIC

6. Repatriation

Victim seeks to return to their country or region of origin

- Advise the appropriate RCMP Liaison Officer

• Canada Border Services Agency (CBSA) will arrange for travel documents • Advise victim of international victims organizations available

7. Legal

Considerations

- Is a media ban required (Crown Counsel) • Is Witness Protection required