

剝削他人案件

Human Exploitation Cases



剝削他人可界定為強者欺壓和剝削弱者，在較廣義的層面來說，也可視為包括販運人口（即販運他人）和多類犯罪集團活動（包括使用暴力、心理脅迫、強迫賣淫、性及／或勞工剝削、剝削兒童及青年（包括兒童色情物品）、跨國有組織犯罪、洗錢、詐騙及非法入境）。受剝削他人罪行影響的人，顯然遠多於販運人口的受害者。這類罪行可視為嚴重跨國罪行。

有鑑於此，我們必需確認和解決剝削他人罪行這個全球面對的複雜問題，但我們不應只在本地層面對付這問題，而應從全球角度着眼。剝削他人罪行不斷演變，犯罪網絡、販運形式和手法，以及剝削途徑層出不窮。要對付這問題，檢控機關必須掌握充分資料，而在打擊剝削他人／販運人口罪行方面，檢控人員擔當主要角色。因此，檢控人員之間必須保持溝通，交流知識，透過取得最新發展趨勢的資料，就最佳做法集思廣益，以便作出有效的回應。

國際社會對剝削他人問題日益關注，促使刑事檢控專員在 2012 年開展一項措施，目的是制訂策略及採取統一的處理方法，全面、一致而體恤地處理這個全球日趨嚴重的剝削他人問題，尤以對待被剝削者而言。2012 年下半年，助理刑事檢控專員高寶翠女士獲委任為處理有關剝削他人案件的協調人員，並一直協助刑事檢控專員推展上述措施。

自這項新措施推行後，刑事檢控科積極聯絡不同團體，包括法律專業人員，以及非政府機構、關注團體及領事館的代表，他們都對剝削他人問題表示關注。與他們會面的目的，是加深了解個別人士面對的困難和問題，而這些人士實際上可能就是受害者。

此外，上述措施還包括成立剝削他人諮詢委員會，成員將會是具有法律背景並關注剝削他人案件的人士。預期這方面的專家將獲邀出席委員會的會議，以便與委員會成員分享意見。相關執法機構及關注團體的代表亦會不時獲邀出席，藉此交流意見，並討論有關剝削他人問題的新趨勢和事宜、模式的轉變及案例。

為落實上述措施而推行的其他工作包括：加強與執法機關的合作；及為他們提供培訓。提高相關人員的意識，使他們能因應每宗案件的情況，以較體恤的態度對待受害者（包括那些可能是罪犯的受害者）；以及在刑事檢控科設立有系統的資料收集機制，以監察有關剝削他人問題的發展趨勢，並監察尋求法律指引的販運他人案件及任何其他形式的剝削他人案件。我們預期可透過密切留意這問題和相關事宜的最新趨勢和研究資料，更積極和審慎地處理這個日趨嚴重和被受關注的問題。

Human exploitation can be defined as the strong oppressing and exploiting of the weak and considered in the wider perspective to include human trafficking, that is, trafficking in persons (“TIP”) as well as multi-faceted criminal enterprises, involving physical violence, psychological coercion, forced prostitution, sexual and/or labour exploitation, exploitation of children and young persons including child pornography, transnational organized crime, money laundering, fraud and illegal immigration. It becomes clear that exploitation impacts far more people than just the victims of trafficking. It can be seen as serious transnational crime.

Human exploitation is therefore a complex global problem which needs to be both recognised and tackled. It should be looked at not only as a domestic concern but through a global perspective. It is an evolving crime with the criminal networks, forms and methods of trafficking, and routes of exploitation changing constantly. The problem requires an informed prosecutorial response. Prosecutors have a key role to play in combating human exploitation/trafficking and it is important that prosecutors are able to communicate with each other, exchange knowledge and share best practice by obtaining information on updated trends that will enable them to provide an effective response.

Prompted by growing international concern over human exploitation problems, the DPP launched an initiative in 2012. It aims to develop a strategy and to adopt an integrated approach to deal with the growing global problem of human exploitation in a comprehensive, consistent and compassionate manner, in particular with those who have been exploited. In the later part of 2012, Ms Catherine Ko, ADPP was appointed as the Coordinator of Human Exploitation Cases and has been assisting the DPP to bring the initiative forward.

With this new initiative, the Prosecution has taken an active role in liaising with different groups, ranging from legal professionals to representatives of non-government organisations, interest groups and consulates, all of whom have shown and expressed concerns about human exploitation issues. The purpose of these meetings is to gain a better understanding of the difficulties and problems faced by individuals who may be, in reality, victims.

In addition, the establishment of an Advisory Committee on Human Exploitation was part of the initiative. It will consist of people with legal backgrounds who have an interest in human exploitation cases. It is expected that experts in this field will be invited to attend the Committee so that they can share their views with committee members. Representatives from relevant enforcement agencies and interested groups will also from time to time be invited to attend which will not only provide a forum for exchange but also to discuss new trends and issues, changing patterns and cases concerning human exploitation.

Other measures that have been implemented to achieve the initiative include the promotion of greater cooperation with enforcement agencies and provide training to them. There should be greater awareness to deal with victims including ones who may be offenders in a more compassionate manner on a case by case basis. A systematic data collection mechanism has been established in the Prosecutions Division to monitor the trend of human exploitation and to monitor cases submitted for advice relating to TIP and any other forms of human exploitation. By keeping up to date with the latest trends and research of the problem and issues related to it, it is anticipated that this growing problem and concern can be dealt with in a more positive and considered manner.