

28<sup>th</sup> June, 2017

### **Media Statement**

## **Hong Kong Government must work with civil society to combat human trafficking**

Justice Centre Hong Kong calls on the Hong Kong Government to work closer with civil society organizations to combat human trafficking in the territory. The call comes following the release overnight of the United States Trafficking in Persons (TIP) Report 2017, which graded Hong Kong as 'Tier 2 Watch List' for the second consecutive year.

"Since the downgrading of Hong Kong to 'Tier 2 Watch List' in the 2016 TIP report, the Government has introduced long-awaited initiatives to combat human trafficking," says Piya Muqit, Executive Director, Justice Centre Hong Kong.

"While that is much appreciated, the concerns raised in the 2017 TIP report show that the issue has continued to draw international attention and much more needs to be done at the policy level. We call upon the Hong Kong Government to publicly acknowledge that Hong Kong is a source, transit and destination territory for human trafficking, and to meaningfully engage with civil society organisations, particularly those with specialist knowledge and experience of the problem to seek solutions."

The Hong Kong Government is also requested to seek the extension of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) to Hong Kong.

### **Notes to Editor**

The 2016 TIP report cited Justice Centre Hong Kong's primary research study *Coming Clean*, which estimated that one in six migrant domestic workers in Hong Kong are victims of labour exploitation and 14% of these victims of labour exploitation have been trafficked into it.<sup>1</sup> In December 2016, the Court of First Instance held in *ZN v Secretary for Justice* [2017] 1 HKLRD 559 that trafficking a person for forced or compulsory labour is within the ambit of criminal liability as formulated by the prohibition of forced labour under Article 4 of the Bill of Rights Ordinance and that a lack of criminalisation has rendered such prohibition ineffective.

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<sup>1</sup>The report of *Coming Clean* is available at <http://www.justicecentre.org.hk/comingclean/>.

Subsequent to the 2016 TIP report, the Security Bureau has introduced an enhanced human trafficking victim identification and referral mechanism in July 2016.<sup>2</sup> The Labour Department has promulgated the Code of Practice for Employment Agencies in January 2017 and proposed to introduce legislative amendments to provide a legal basis for the Code and to impose heavier penalties on employment agencies overcharging job-seekers or operating without a licence in February 2017.<sup>3</sup> Such legislative amendments will be discussed in the Legislative Council today (28 June). However, there has been no legislative or policy reform to comprehensively combat human trafficking.

### **About Justice Centre Hong Kong**

Justice Centre Hong Kong is a non-profit human rights organisation working to protect the rights of Hong Kong's most vulnerable forced migrants: refugees, other people seeking protection, and survivors of torture, human trafficking and forced labour.

For more information please visit: [www.justicecentre.org.hk](http://www.justicecentre.org.hk)

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<sup>2</sup> See <http://www.info.gov.hk/gia/general/201703/29/P2017032900707.htm>

<sup>3</sup> See <http://www.legco.gov.hk/yr16-17/english/panels/mp/papers/mp20170221cb2-827-3-e.pdf>

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## 新聞稿

### 香港政府應與公民社會合作打擊人口販運

Justice Centre Hong Kong 促請香港政府加強與公民社會合作打擊人口販運。美國《2017 年度販運人口報告》於美國時間昨日公布，香港連續第二年列入第二級觀察名單。

Justice Centre Hong Kong 總監 Piya Muqit 指：「自從香港評級於《2016 年度販運人口報告》降至第二級觀察名單後，香港政府終於落實一些打擊人口販運的措施，是正面發展。但 2017 年度報告顯示本港人口販運的問題仍備受國際社會關注，政策仍需大力改善。本會促請政府公開承認香港是人口販運的目的地、轉運地及來源地。不少民間團體有專業知識和經驗，希望政府能並公民社會合作，解決問題。」

本會亦促請香港政府提出要求，令《聯合國打擊跨國有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的補充議定書》（《巴勒莫議定書》）適用於香港。

#### 背景資料

《2016 年度販運人口報告》引用 Justice Centre Hong Kong 的 Coming Clean 研究報告。報告估計香港外籍家庭傭工每六個有一個是強迫勞動的受害者，而當中百分之十四的受害者更是人口販運的受害者。<sup>4</sup> 2016 年 12 月，香港高等法院在 *ZN v Secretary for Justice* [2017] 1 HKLRD 559 一案的判決指出，《香港人權法案條例》第四條中有關強迫勞動的刑事責任適用於以強迫勞動為目的之人口販運活動，但香港沒把相關人口販運活動刑事化，未能達至法律要求。

《2016 年度販運人口報告》公布後，保安局於 2016 年 7 月改善人口販運受害者的識別和轉介機制<sup>5</sup>，而勞工處分別在 2017 年 1 月和 2 月頒布《職業介紹所實務守則》及建議修例，加重對職業介紹所濫收求職者費用及無牌經營的罰則<sup>6</sup>，該修訂草案將在今日(六月二十八日)立法會會議中討論。但在缺乏立法或政策改革的情況下，打擊販賣人口仍非常困難。

#### 關於本會

Justice Centre Hong Kong 是一所致力保護被迫離開家園來港的民眾的非牟利人權組織。被強迫離開家園來港的民眾包括難民，其他尋求保護的民眾以及酷刑、人口販運及現代奴役的倖存者。更多關於本會資料請見 [www.justicecentre.org.hk](http://www.justicecentre.org.hk)。

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<sup>4</sup> <http://www.justicecentre.org.hk/comingclean/>

<sup>5</sup> <http://www.info.gov.hk/gia/general/201703/29/P2017032900707.htm>

<sup>6</sup> <http://www.legco.gov.hk/yr16-17/english/panels/mp/papers/mp20170221cb2-827-3-e.pdf>