

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	244
Land:	Kina
Kilde:	U.S. Department of State.
Titel:	Trafficking in Persons Report 2010 – Hong Kong
Udgivet:	14. juni 2010
Optaget på baggrundsmaterialet:	23. juni 2010

Title	Trafficking in Persons Report 2010 - Hong Kong
Publisher	United States Department of State
Country	China Hong Kong (Special Administrative Region of China)
Publication Date	14 June 2010
Cite as	United States Department of State, <i>Trafficking in Persons Report 2010 - Hong Kong</i> , 14 June 2010, available at: http://www.unhcr.org/refworld/docid/4c1883eec.html [accessed 23 June 2010]

Trafficking in Persons Report 2010 - Hong Kong

HONG KONG (Tier 2)

The Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China is a destination and transit territory for men and women from mainland China, the Philippines, Indonesia, Thailand, and elsewhere in Southeast Asia, some of whom are subjected to trafficking in persons, specifically conditions of domestic servitude and forced prostitution. Some migrants are lured by criminal syndicates or acquaintances with promises of financial rewards and deceived about the nature of their future jobs. Upon arrival in Hong Kong, these migrants are forced into prostitution to repay money owed for their passage to Hong Kong. Some foreign domestic workers in the territory, particularly those from Indonesia and the Philippines, face high levels of indebtedness assumed as part of the terms of employment, which can in some cases lead to situations of debt bondage if unlawfully exploited by recruiters or employers. Many Indonesian workers earn minimum wage or less, and some have entered into contracts requiring them to repay their Indonesian recruitment agencies as much as \$350 within their first seven months of employment, amounting to roughly 90 percent of a worker's monthly salary if the worker is making minimum wage. Some Hong Kong-licensed employment agencies are suspected of colluding with Indonesian agencies to profit from the debt scheme. Some Hong Kong agencies confiscate passports, employment contracts, and ATM cards of domestic workers and withhold them until their debt has been repaid – factors that could facilitate labor trafficking in the territory. One NGO reported that employers of Indonesian domestic workers compel their employees to work seven days a week and forbid them to leave the residence of work for non-work-related reasons, effectively preventing them from reporting exploitation to authorities.

The Government of Hong Kong does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government convicted two sex trafficking offenders during the year and sustained some anti-trafficking prevention efforts among foreign domestic workers, but it needs to make greater efforts to proactively identify and criminally prosecute cases of both sex and labor trafficking. Punishments for labor violations were not stringent enough to carry a deterrent value.

Recommendations for Hong Kong: Through training and revision of standard procedures, significantly increase efforts to integrate trafficking in persons concerns into investigations of illegal immigration and labor violations to increase trafficking prosecutions, including in particular acts of domestic servitude and debt bondage; investigate and criminally prosecute Hong Kong employment agencies cooperating with foreign recruitment agencies who require domestic workers to assume significant amounts of debt; define the term "trafficking in persons" in Hong Kong law in a manner that is consistent with international norms; strengthen implementation of victim identification procedures for identifying trafficking victims among vulnerable groups to

identify a greater number of sex and labor trafficking victims; provide incentives for foreign workers to pursue cases against abusive employers, such as allowing workers to work while participating in court proceedings; increase efforts to enforce existing criminal laws on holding travel documents and other identification as collateral on debts; conduct a visible public awareness campaign aimed at reducing the demand for commercial sex acts; and formalize interagency cooperation to address and plan anti-trafficking efforts.

Prosecution

The Hong Kong government made some progress in anti-trafficking law enforcement efforts during the reporting period. Hong Kong does not have specific anti-trafficking laws, but the Immigration Ordinance, Crimes Ordinance, and other relevant laws prohibit some trafficking-related offenses. Hong Kong authorities' limited interpretation of trafficking that focuses on movement for prostitution is inconsistent with international norms and hinders the government's anti-trafficking response. Authorities investigated two cases of sex trafficking for forced prostitution, and in one case, convicted two Filipina offenders of luring three women from the Philippines with the promise of waitressing jobs in Macau. They were then lured to Hong Kong and forced into prostitution. The victims escaped and sought help from the Philippines Consulate, which notified Hong Kong authorities. The offenders were sentenced to 21 and 18 months' imprisonment, respectively. Hong Kong authorities did not report investigating or prosecuting any cases of labor trafficking during the reporting period. The Labor Department revoked the licenses of two employment agencies for overcharging foreign domestic workers, and sentenced one employer to three months' imprisonment for underpayment of wages. More than 120 other employers were fined for underpayment or non-payment of wages. Employers and employment agencies who illegally withhold a foreign domestic worker's passport can be prosecuted under the Theft Ordinance, punishable with imprisonment up to 10 years, but authorities did not prosecute any such cases during the reporting period.

Protection

The Hong Kong government made limited progress in identifying and protecting trafficking victims during the reporting period. The government identified three victims in two trafficking cases in 2009, all whom were foreign victims of forced prostitution. In both cases, victims approached authorities requesting assistance and were referred to government-subsidized shelters. Contrary to international standards, Hong Kong authorities continued to consider whether potential victims knew they would engage in prostitution before travel as a factor that excludes them from being identified as victims. Victims who were recognized by Hong Kong authorities were not penalized for unlawful acts committed as a direct result of their being trafficked. However, due to the government's limited definition of sex trafficking and uneven implementation of victim identification procedures, some victims may have been deported for immigration violations. During the reporting period, 1,588 women in prostitution were arrested and deported for illegal immigration. The government did not identify any trafficking victims in this vulnerable population. The three victims recognized by authorities were provided government-sponsored assistance, including shelter, financial and legal assistance, counseling, and psychological support. Victims are legally required to assist in the investigation and prosecution of their traffickers and are provided with a stipend, but are not allowed to work while in Hong Kong. Victims, however, are allowed to leave Hong Kong pending trial proceedings. Victims can apply for legal alternatives to their removal to countries where they may face hardship or retribution, but no foreign victim has requested or been granted such assistance; there are some concerns that victims are not made aware that this option is available. Some victims, however, likely are reluctant to assist in long trials while not allowed to work in Hong Kong, and as a result, are not willing to be identified by Hong Kong authorities. Workers who filed labor complaints were not allowed to work during the legal proceedings, and it often took several weeks to schedule a conciliation meeting. While victims have the ability to file civil charges for compensation from their traffickers, there were no such cases during the year.

Prevention

Hong Kong continued modest efforts to prevent trafficking in persons during the reporting period. During the past year, Hong Kong authorities reached out to NGOs and showed a greater willingness to engage with them on anti-trafficking efforts. The Labor Department continued to publish "guidebooks" for foreign domestic workers in several languages that explain workers' rights and services provided by the government. Although an NGO distributed the guidebooks to foreign domestic workers upon arrival at Hong Kong's airport, the guidebooks reportedly continue to be taken away from some workers by Hong Kong employment agencies shortly after receiving them. Information kiosks and exhibitions were set up at locations frequented by foreign domestic workers to inform them of their rights. Authorities participated in training seminars conducted by outside donors during the reporting period. The Hong Kong government did not take any measures to reduce the demand for commercial sex acts during the reporting period. Hong Kong is not a party to the 2000 UN TIP Protocol.
