

## BRIEFING PAPER



# LABOR ABUSE IN TAIWAN'S SEAFOOD INDUSTRY & LOCAL ADVOCACY FOR REFORM

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GLJ-ILRF is a newly merged organization bringing strategic capacity to cross-sectoral work on global value chains and labor migration corridors.

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### **COVER PHOTO**

Local NGOs hold banner “protect the human rights of fishermen” outside a government workshop on human trafficking in September. ©GREENPEACE AND THE HUMAN RIGHTS FOR MIGRANT FISHERS COALITION



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Aerial view of fishing trawlers transshipping catch at sea, a practice sometimes associated with forced labor because it means workers remain at sea for much longer periods of time. ©Richard Whitcombe





# EXECUTIVE SUMMARY

There is a strong civil society movement fighting for migrant fishers' rights in Taiwan and it is in need of greater international attention and solidarity.

Taiwan ranks among the top 25 seafood producers worldwide, with an annual US\$3 billion industry.<sup>1</sup> Taiwan also has one of the largest distant water fleets in the world, sporting more than 1,100 Taiwanese-flagged or -owned vessels that fish in all five oceans.<sup>2</sup>

The majority of workers on Taiwanese fishing vessels are male migrant workers from Indonesia, the Philippines, and Vietnam, including 12,476 employed in Taiwan's coastal and offshore fisheries and 22,302 in the distant water fleet in 2019. These workers typically have low education levels and often have no prior fishing experience or may have never even seen the sea.

Investigations have consistently revealed egregious human rights abuses in Taiwan's fishing industry, with problems ranging from dangerous working or living conditions and wage deductions to confirmed cases of forced labor, human trafficking, murder and disappearances of migrant fishers at sea. Human rights monitors emphasize that the wrongdoings on Taiwanese vessels are not sporadic but are systemic and routine. Research has also revealed strong linkages between forced labor and illegal, unreported and upregulated (IUU) fishing. In recent years, the Taiwanese government has instituted legal and regulatory changes. However, NGOs find these changes to be insufficient and they continue reporting serious abuses.

The majority of severe cases of abuse involve workers in distant water fishing fleets. This is due to a discriminatory legal framework that offers them

fewer rights and protections compared to those employed in most other labor sectors. Migrant fishers face extremely long periods of work at sea, ranging from six months to three years. Taiwan's distant water fleet, moreover, has a significant number of Flag of Convenience (FoC) vessels, which are purposefully flagged to countries with lesser regulations to lower costs and avoid scrutiny. Finally, migrant fishers lack access to unions, service providers and actors who are able to monitor conditions on the high seas.<sup>3</sup>

Perhaps the biggest player in Taiwan's fishing industry is Fong Chun Formosa (FCF), which is one of the world's top three tuna traders and acquired major U.S. tuna brand Bumble Bee in early 2020. FCF operates 600 distant water vessels and with an annual revenue of US \$1.5 billion, and connects Taiwanese fish produce to international markets. FCF has been linked to forced labor by Greenpeace.<sup>4</sup>

Local non-governmental organizations and unions, including those in the 'Human Rights for Migrant Fishers Coalition', have been leading a bold advocacy agenda to improve migrant fishers' rights. They are advocating for legal, policy and regulatory reform; calling for greater corporate responsibility; and raising awareness among the general public in Taiwan — all with the aim to ensure migrant fishers have decent working conditions and legal protection.

This report identifies entry points for the Seafood Working Group to support local movements in Taiwan that are pushing for reform and to end forced labor in the fishing industry. It includes a profile of the industry and the workforce, a mapping of local labor movements and their demands, and practical guidelines to help international advocacy organizations engage.



# INTRODUCTION

Global Labor Justice-International Labor Rights Forum (GLJ-ILRF) commissioned this report to support the expansion of the Seafood Working Group (SWG) to Taiwan. The SWG is a global research and advocacy coalition of labor, human rights and environmental organizations working to end the related problems of forced labor and unsustainable fishing in the international seafood trade. Established in 2014, the SWG is convened by GLJ-ILRF and has focused mainly on Thailand. The SWG works to hold governments and corporations accountable for ensuring the rights of seafood workers and builds strategies and campaigns grounded in the priorities of workers, trade unions and worker centers.

The SWG turned its attention to Taiwan in 2019, due to the rampant labor abuse of migrant fishermen reported. Taiwan has a strong civil society movement fighting for fishers, which is in need of greater international attention and solidarity. Taiwan is also deeply connected via global supply

chains to Thailand since much of the fish caught by Taiwanese vessels is processed in Thailand.

The report is based on a literature review and interviews with local non-governmental organizations conducted between March and June 2020, and a two-day online validation workshop held on August 18-19, 2020.

Section 1 includes a production profile of the seafood industry in Taiwan, including the different tiers of the industry and the main products and markets. Section 2 provides a profile on workers, employers and buyers, situating Taiwan in global seafood supply chains. Section 3 identifies labor rights abuses and challenges, and analyzes them in the context of the legal and regulatory environment. Section 4 maps the key local and international organizations advocating for decent work for migrant fishers and presents their advocacy priorities. Lastly, Section 5 describes avenues for international advocacy and solidarity, including recommendations for international advocates.



Workers unload catch at Chenggong Fishing Harbor, Taiwan. ©NH / Shutterstock



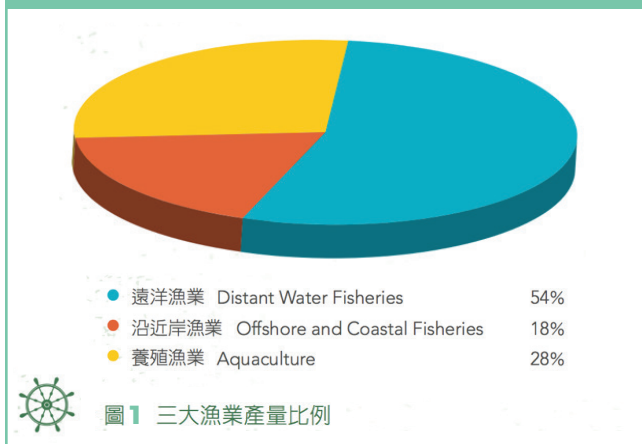


# 1. PRODUCTION PROFILE OF THE SEAFOOD INDUSTRY IN TAIWAN

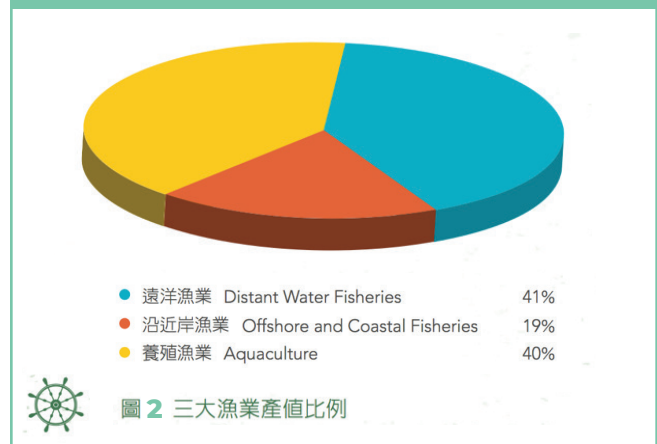
Taiwan was ranked among the world's top 25 seafood producers in 2018, based on volume of seafood produced.<sup>5</sup> Taiwan accounted for one-fifth of global working hours spent fishing on the high seas

in 2016<sup>6</sup> and for 13% of global high seas fishing revenue in 2018.<sup>7</sup> According to Taiwanese government data, its fisheries totaled 1.09 million metric tons valued at US \$2.99 billion in 2018.<sup>8</sup>

**FIGURE 1. Ratio of production volumes of the three major fisheries<sup>9</sup>**



**FIGURE 2. Ratio of production values of the three major fisheries<sup>10</sup>**



## 1.1. FISHERIES, AQUACULTURE, AND SEAFOOD PROCESSING IN TAIWAN

Taiwan's seafood industry includes distant water fisheries, coastal and offshore fisheries, aquaculture, and a small fish processing sector. This section provides an overview of the activity in these different areas, however the remainder of

the report pertains mainly to distant water fisheries, where the majority of human rights abuses have been reported, as well as to coastal and offshore fisheries.

The main fisheries export markets for Taiwan include, Japan (mainly for tuna), China (grouper), Thailand (skipjack tuna and mackerel), the United States (tilapia), and South Korea (Pacific saury).<sup>11</sup>

**TABLE 1. Main Taiwanese fisheries products<sup>12</sup>**

Market	Main products
Local	Oysters, clams, milkfish, tilapia
Export	Pacific saury, bigeye tuna, skipjack tuna, yellowfin tuna, albacore tuna, grouper

## DISTANT WATER FISHING

Distant water fishing (DWF) refers to fishing activities outside a nation's 200-mile exclusive economic zone (EEZ), whether on the high seas or in another nation's EEZ.<sup>13</sup> The main methods used are tuna longline and tuna purse seine, stick-held dip-net saury, and squid jigging.<sup>14</sup> Five countries are responsible for 90 percent of global DWF efforts. These are China and Taiwan, which account for 60 percent, and Japan, South Korea, and Spain, which each account for about 10 percent.<sup>15</sup>

Taiwan has one of the largest DWF fleets worldwide, second only to China, with more than 1,100 Taiwanese-flagged vessels and 259 additional vessels that are owned or funded by Taiwanese nationals but flagged to other nations (referred to as Flag of Convenience (FoC) vessels).<sup>16</sup> However, the real number of FoC vessels is believed to be at least three times larger than the official figure.<sup>17</sup> Crew members spend six months to three years at sea per trip.

The spatial footprint of Taiwanese DWF covers all oceans of the world, including the high seas and the coastal waters of many countries. The operation of Taiwanese vessels in the EEZs of coastal countries is made possible through 16 bilateral fishing access agreements, including with Papua New Guinea, Tuvalu, Kiribati, the Kingdom of Tonga, the Marshall Islands, the Solomon Islands, Madagascar, Seychelles, and Mauritius.<sup>18</sup> Taiwan's average annual DWF production in recent years is 697,200 metric tons, with a value of US \$1.28 billion annually.<sup>19</sup>

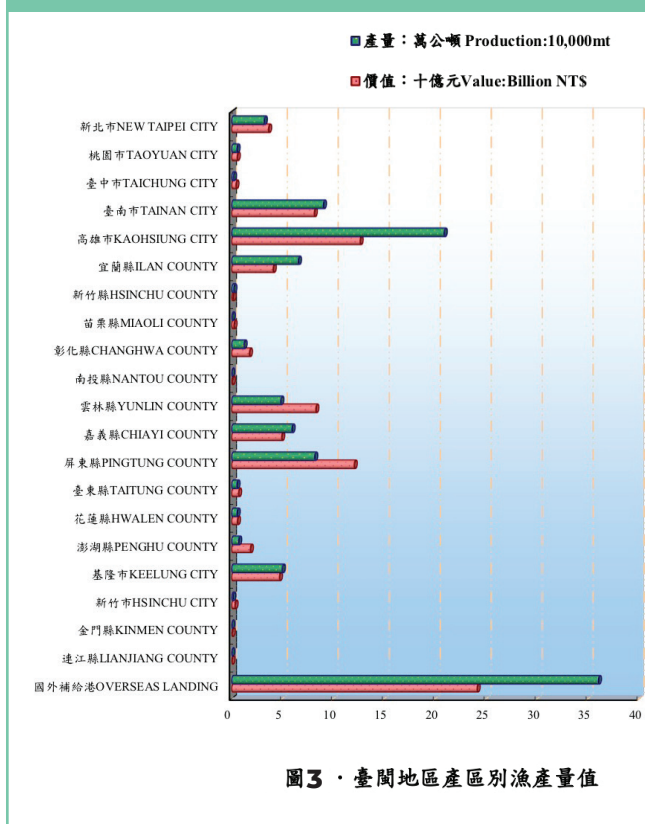
As shown in Table 1, the major seafood products for export include different species of tuna, which overwhelmingly comes from Taiwan's DWF industry, not the offshore and coastal fisheries. Hence, vessels often land their catch in foreign ports and sell their products to fish trading companies for further processing and export. Figure 3 shows the large proportion of fish landed for production overseas compared with cities and counties in Taiwan.



In a local fish market in Yilan County, fishermen placed their catch on the ground to sell.  
©Mina Chiang



**FIGURE 3.**  
**Fisheries production by district in Taiwan (2019)<sup>20</sup>**



Owing to the large number of Taiwanese vessels operating in other parts of the world, it is difficult to assess the full scale of the industry. For example, in 2017, while Mauritius was the 4th largest tuna importer country to the UK, Taiwan did not appear as a top importer.<sup>21</sup> However, that same year, there were only five fishing vessels registered under the Mauritius flag,<sup>22</sup> while 70 of the 93 licensed foreign longliners operating in the country were flagged to Taiwan.<sup>23</sup> In 2019, the Taiwan Pingtung County government reported there were least 120 Taiwanese-flagged vessels operating in Mauritius.<sup>24</sup>

## COASTAL AND OFFSHORE FISHING

Coastal and offshore fisheries refer to fisheries operated in Taiwan's internal waters, territorial sea, and EEZ (hereafter referred to as "coastal-offshore fisheries").<sup>25</sup> The main fishing methods used in these waters include Taiwanese seine fishery, small-scale trawl fishery, longline fishery, stick-held dip-net fishery, set-net fishery, and gill-net fishery, among others.<sup>26</sup> The production volume in recent years is on

average 166,000 metric tons per year, with a value of US \$536 million.<sup>27</sup>

## AQUACULTURE

Aquaculture is divided into freshwater pond aquaculture, brackish water pond aquaculture, and marine culture, with a total area of approximately 109,000 acres in Taiwan. With technologies and research in fish seed propagation and advanced aquaculture techniques, more than one hundred aquatic species were developed by research institutes in Taiwan. In recent years, the average annual production is about 30,800 metric tons, with a value of US \$1.3 billion.<sup>28</sup>

## FISH PROCESSING

Taiwan's export-oriented fish canning industry is currently very small, with the number of companies having reduced from seven in the 1990s to two, following increased competition in nearby countries.<sup>29</sup> Currently, Tong-Ho Food is the leading fish canning company for export and the only tuna canning factory certified to export to the European Union.<sup>30</sup>

**TABLE 2: Types of processing by weight and value in Taiwan, 2018<sup>31</sup>**

Processing type	Metric tons	Value (USD)
Freezing and cold storage	125,239	\$214.66 million
Processing fish paste	42,757	\$82.90 million
Processing non-edible items	10,254	\$40.65 million
Canning	6,348	\$5.74 million
Dry seasoning	3,383	\$18.91 million
Dry salting	2,973	\$19.95 million



## 2. PROFILE OF WORKERS, EMPLOYERS, AND BUYERS

### WORKERS

The overwhelming majority of employees on Taiwanese fishing vessels are male migrant workers, with a large proportion coming from Indonesia, the Philippines, and Vietnam. As of 2019, 12,476 migrant workers were employed in Taiwan's coastal and off-shore fisheries and 22,302 work in the distant water fleet. The majority of workers come from Indonesia (9,344 in coastal-offshore and 12,804 in distant water), followed by the Philippines (1,676 in coastal-offshore and 5,994 in distant water), and Vietnam (1,428 in coastal-offshore and 961 in distant water).<sup>32</sup> The average education level of migrant workers in the fishery industry is junior high school graduate. In some cases, workers have no experience working at sea or have never even seen the sea, as there are no requirements for previous work experience. Employment contracts normally last for three years and, according to the

Employment Service Act, the maximum time should not exceed 12 years including contract extensions.

### MAIN EMPLOYERS

The top five distant water fishing fleet companies in 2018 were Fong Kuo Fishery Group (FKF),<sup>33</sup> Yu Yo Fishery, Koo's Fishing, Her Chuen Seafood, and Chun Yi Fishery.<sup>34</sup> They all have their own fishing vessels and usually sell to trading companies for export. They typically land their catch in international ports or fishing bases abroad, instead of in Taiwanese ports.

FKF is one of the major shareholders of Fong Chun Formosa (FCF), which is one of the world's top three tuna buyers and recently acquired Bumble Bee Foods (see more in next section).<sup>35</sup> FKF currently manages nine large American purse seine



Fishing vessels resting in a port in Taiwan. ©Mina Chiang



vessels ranging from 1,000 to 2,300 tons, two 2,800-ton fish carriers, and two 5,000-ton fish carriers,<sup>36</sup> some of which are equipped with helicopters. FKF started off by managing tuna longline fishing vessels, with its operations based primarily in Mauritius. As the number of foreign ports in operation increased, FKF expanded its fishing bases to Cape Town, Singapore, Samoa, and Tahiti among other locations. The fish caught are frozen using a brine-based solution and are exported to the U.S. and Thailand as raw materials for tuna canning.<sup>37</sup>

Some Taiwanese companies primarily operate FoC vessels, which are registered in foreign countries. For example, the Koo's Fishery is owned by the Taiwanese influential political figure, Mr. Kwang-ming Koo, but is registered in the Marshall Islands. Koo's Fishery has ten large purse seiners and two 2,500-ton fish carriers, and has invested in canning factories in a number of pacific island countries.

Another Taiwanese tuna longline company, the Tunago,<sup>38</sup> is owned by Mr. Shi-jie Lo and is registered in Vanuatu. It is a major supplier to Thai Union Group PCL, one of the largest seafood processors in the world, with facilities operating globally. Vessels from the Tunago group have been linked to forced labor by U.S. Customs and Border Protection (CBP)<sup>39</sup> and Greenpeace.<sup>40</sup>

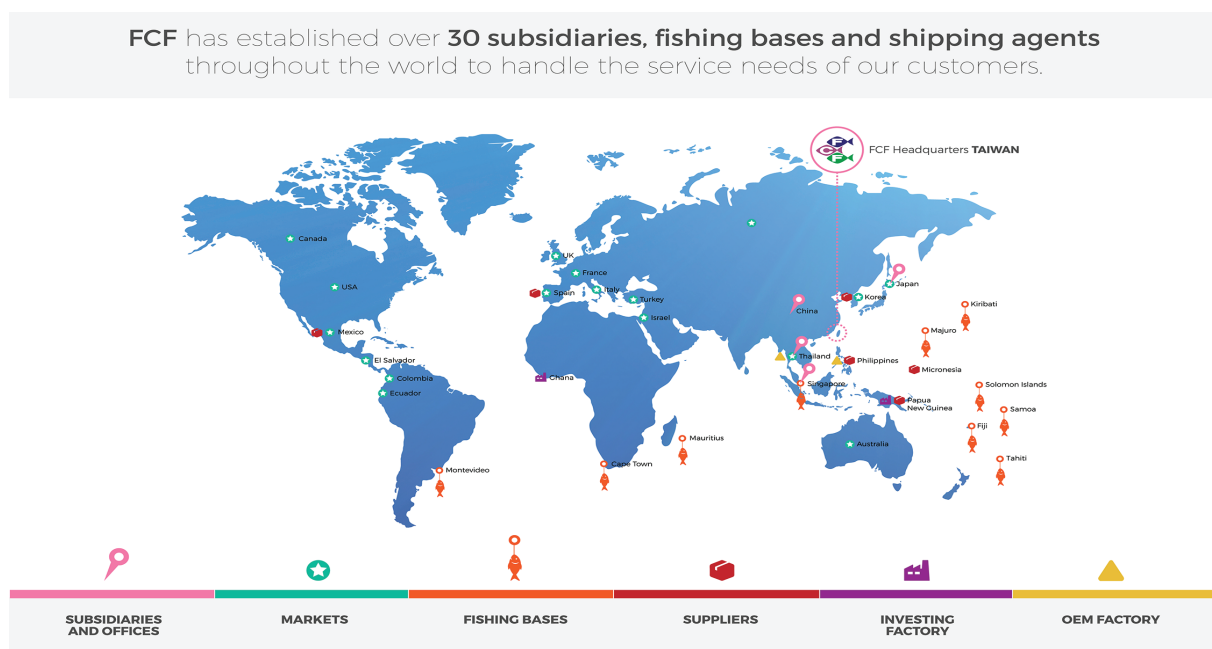
## MAIN BUYERS

Fong Chun Formosa (FCF) is the largest buyer in Taiwan's fishing industry, and is one of the world's top three tuna trading companies, alongside Tri Marine and Itochu.<sup>41</sup> FCF operates more than 600 distant water fishing vessels and has an annual revenue of US \$1.5 billion.<sup>42</sup> FCF plays a pivotal role as the bridge between Taiwanese fish catch and international markets.

FCF is the largest tuna supplier in the Western Pacific and acquired Bumble Bee, the largest tuna can brand in North America Foods, in early 2020.<sup>43</sup> As such, FCF is no longer only a trading company at the back of the supply chain, but also at the front facing the consumer.<sup>44</sup> FCF supplies its tuna to several major tuna canning manufacturers and brands, including Thai Union (Thailand), CMC (Thailand), Seavalue (Thailand), Torei (Japan), and others. Prior to the acquisition, Bumble Bee obtained the vast majority of their albacore tuna and light meat tuna, including skipjack, yellowfin, and bigeye, from FCF.<sup>45</sup>

FCF has collaborated with fish bases in several island countries and has factories in West Africa. Figure 4 demonstrates the highly complex and international nature of its operations.

**FIGURE 4. FCF global subsidiaries, fishing bases, and shipping agents**



Source: FCF website<sup>46</sup>



### 3. LABOR ABUSE & THE LEGAL ENVIRONMENT

Investigations have consistently revealed egregious human rights abuses in Taiwan's fishing industry, with problems ranging from dangerous working or living conditions and wage deductions through to confirmed cases of forced labor, human trafficking, murder and disappearances of migrant fishers at sea.<sup>47</sup> Human rights monitors emphasize that the wrongdoings on Taiwanese vessels are not sporadic but are systemic and routine, and find strong linkages between forced labor and illegal, unreported and unregulated (IUU) fishing.

The majority of severe cases are reported in distant water fishing. This trend is due to several factors, including:

- A discriminatory legal system that offers fewer rights and protections to distant water fishers compared with all other labor sectors;
- Much longer periods spent at sea compared with coastal-offshore fishers, with most workers coming to shore every six months or only every two or three years;
- The presence of hundreds of FoC vessels in Taiwan's distant water fleet, which strategically flag to nations with weaker regulatory systems to avoid scrutiny; and
- A lack of access for unions, NGOs and other actors to monitor conditions on the high seas.

In recent years, the Taiwanese government has enacted and amended laws and regulations to address a range of challenges in the fishing sector, which shows the will of the government to address these issues to some extent. In particular, in 2019 the government committed to nationalize ILO Convention on Work in Fishing (C188) into

domestic law,<sup>48</sup> which if implemented fully would go a long way to afford better and safer living and working conditions for fishers. Despite these changes, NGOs continue to report labor abuses and illegal and unsustainable fishing practices. Subsections 3.1 to 3.12 describe some labor challenges in the context of the evolving legal and regulatory environment.

#### 3.1 DISCRIMINATORY EMPLOYMENT SYSTEM FOR FISHERS (THE “TWO-TIERED SYSTEM”)

Labor abuses stem from a discriminatory employment system (sometimes referred to as the “two-tiered system”) that affords significantly greater rights and protections for migrant workers recruited into coastal-offshore fishing compared with those in distant water fishing.

The Ministry of Labor is the authority in charge of the coastal-offshore fishing industry,<sup>49</sup> and the foreign crews employed under this category are protected by the Labor Standards Act, Employment Service Act and Occupational Safety and Health Act (often referred as ‘employed domestically’ or ‘Domestic Employment’). They share the same labor rights as Taiwanese citizens, such as the requirement for a US \$790 minimum monthly wage, public insurance, and other provisions.<sup>50</sup> At the same time, the implementation of these provisions is far from satisfactory. For example, in April 2020, the Control Yuan (government accountability department)<sup>51</sup> proposed corrective measures due to the finding that half of the fishermen in Taiwan had not been enrolled in a compulsory labor insurance scheme.<sup>52</sup>



In contrast, the Fisheries Agency is the responsible authority for distant water fishing, and the foreign migrants employed under the category are protected by the Acts for Distant Water Fisheries and Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members (often referred as ‘employed overseas’ or ‘Overseas

Employment’). The minimum certified monthly wage is US \$450, and workers are only entitled to private insurance instead of labor insurance and national health insurance. This specific segment of the fishing industry is the only sector in Taiwan where working conditions are not regulated and overseen by the Ministry of Labor.<sup>53</sup>

**TABLE 3: Comparison of rights and legal protections for costal-offshore fishers and distant water fishers**

	<b>Costal and Offshore (12,491 migrant fishers)</b>	<b>Distant Water (22,550 migrant fishers)</b>
<b>Employment method</b>	Domestic employment	Overseas employment
<b>Responsible authority</b>	Ministry of Labor	Fisheries Agency
<b>Applicable laws</b>	Employment Service Act; Labor Standards Acts; Occupational Safety and Health Act	Acts for Distant Water Fisheries
<b>Minimum wage</b>	US \$770/month	US \$450/month
<b>Freedom of association and collective bargaining</b>	Can form and join unions	No legal ban, but practical difficulties to form unions in accordance with law (workers rarely on shore)
<b>Insurance</b>	Standard Labor Insurance; Taiwan National Health Insurance	Private accident, medical, and life insurance
<b>Labor inspections</b>	Ministry of Labor	None (only interviews and surveys by the Fisheries Agency)
<b>Key labor rights abuses</b>	Recruitment fees; degrading living conditions; lack of clean drinking water; lack of onboard safety measures	Excessively long working hours; physical abuse and murders; forced labor and human trafficking

### 3.2 EXCESSIVELY LONG WORKING HOURS

Migrant fishermen aboard Taiwanese fishing vessels are entitled to a minimum of 10 rest hours per day<sup>54</sup> and four days of rest per month.<sup>55</sup> However, Taiwanese vessels have been repeatedly found to require excessively long working hours, particularly on the distant water fishing vessels. In one case, crew members of the Taiwanese Fuh Sheng No. 11 became the first vessel in the world to be detained for violating ILO C188, as crew were reportedly being forced to work 22-hour days in dangerous conditions.<sup>56</sup> As one fisher on Fuh Sheng No. 11 explained:

*“...we sometimes slept only 3 hours. It was like slavery. There were many cockroaches in the food [...] and insects in the bedroom. I had a small boil on my leg which became so swollen that my trousers didn’t fit, and my tendon became taut. I shouldn’t have been working, but I was forced to.”<sup>57</sup>*

### 3.3 RECRUITMENT FEES, WAGE DEDUCTION AND DEBT BONDAGE

Fishers employed in offshore-coastal and distant water fishing are routinely charged recruitment fees and face related wage deductions, which place them in a form of debt bondage that makes it difficult to leave the job even where they face abuse. Debt bondage is a form of forced labor. As such, several international standards recommend that no recruitment fees or related costs should be borne by workers.<sup>58</sup>

In the offshore-coastal fishing industry, recruitment agencies in Taiwan are allowed to charge migrant workers a monthly service fee totaled NTD 60,000 (US \$2,000) over a three-year period.<sup>59</sup> However, the recruitment fees charged can be much higher depending on the workers’ origin country and the recruitment agencies used in their home countries prior to arriving in Taiwan.<sup>60</sup> Vessel owners could reduce costs incurred by migrant workers by employing them directly from their country of origin, without the involvement of international recruitment agents.<sup>61</sup> However, employers rarely

use this ‘direct hiring’ method due to the complicated procedures and language barriers involved, and instead regularly contract via agents.

Workers also pay excessive fees to secure jobs in distant water fisheries, paying multiple layers of brokers and agencies in their home countries as well as to Taiwanese agencies. Service fees charged by Taiwanese agencies have been formally prohibited since 2019,<sup>62</sup> but these rules are poorly enforced, and labor inspections remain weak. Prior to that regulation being introduced, agencies recruiting distant water fishers usually looked to the regulations for coastal-offshore fisheries, meaning similar patterns of overcharging occur.

Wage deduction is a particularly frustrating form of abuse for migrant workers, as the entire reason to endure the hardship of working in the fishing industry is to earn money for family back home. Wage deduction results mainly from debts incurred to pay recruitment fees prior to coming to Taiwan, as well as to pay back other arbitrary fees charged by Taiwanese intermediary agents during the recruitment process.

Prior to certain laws enacted in 2017, some foreign fishermen reported receiving only US \$50 per month of their typical monthly salary (US \$300 to \$600) due to wage deductions, or even working with no pay at all for the first six to eight months.<sup>63</sup> While illegal wage deduction has been observed less since 2017 on Taiwanese-flagged vessels, workers on Taiwanese-owned FoC vessels still report suffering from heavy wage deductions.

### 3.4 DEGRADING LIVING CONDITIONS

Migrant fishermen consistently describe extremely poor living conditions aboard vessels, citing a lack of food and drinking water as well as sanitation problems.<sup>64</sup> On offshore-coastal fishing vessels, there are typically no toilet facilities and accommodation is often narrow and insufficiently ventilated, among other serious safety concerns.<sup>65</sup> Despite these inhumane living conditions, most workers live on the vessels even when the boats are docked.<sup>66</sup>



This problem was highlighted when a bridge collapsed in Nanfang'ao, a major fishing port in northeastern Taiwan, killing six and injuring many more migrant fishermen who were living onboard three vessels.<sup>67</sup> Workers have also had to take showers in degrading conditions, using cold water in public in certain ports when there are no shower facilities on the vessels nor onshore.<sup>68</sup>

These poor living conditions are unsurprising given that there were no minimum living standards for fishing vessels until June 2020, when the government amended regulations. As per the amendments, all vessels at least 24 meters in length or any vessel in the distant water fleet built after June 10, 2020 must ensure living conditions per the provisions in ILO Convention 188.<sup>69</sup> This convention covers noise and vibration, ventilation, heating and air conditioning, and lighting, among other issues. According to the government, there will be forthcoming regulations to improve the living conditions on existing vessels, also in line with C188.<sup>70</sup> However, it is unlikely that these

types of physical and design upgrades will be made to existing vessels, and there are fears that new regulations will not be enforced.



Even when docked, migrant fishermen of the costal and offshore fisheries are typically required to live on the vessels. They live on them even during typhoons, when the rain is pouring, and the wind blows down bicycles parked in the road. ©Mina Chiang



The Nanfang'ao bridge after its collapse, which killed six migrant fishers living on docked vessels in October 2019. ©Military News Agency/ WikiCommons/ CC





A typical size of fishermen's personal 'room' on offshore and coastal vessels. The size is smaller than a single bed and this is where they place all their personal items and sleep. ©Mina Chiang



A kitchen on a fishing vessel in Taiwan's coastal-offshore fisheries. The space is typically narrow and shoddy electrical equipment poses obvious health and safety concerns. ©Mina Chiang



Tiny entrances to the kitchen (left) and bedroom (right) on this tuna longline vessel. ©Mina Chiang



Indonesian fishermen transform a container and pieces of wood into a mosque in a quiet place behind a bush in a port. ©Mina Chiang



Above left & right: Indonesian fishermen assemble spaces using canvas, wood, and mattress in the port as a place to rest. Clothes and personal items are kept in luggage. ©Mina Chiang



### 3.5 LACK OF ONBOARD SAFETY MEASURES

NGOs have repeatedly documented very poor onboard safety conditions, including vessels with rotten lifebuoys, missing anchors, a lack of medical supplies and insufficient or broken safety equipment.<sup>71</sup> According to the Ship and Boat Equipment Regulations, every fishing vessel must be equipped with sufficient life jackets for the number of people aboard,<sup>72</sup> and such life jackets must meet the standards of the International Convention for the Safety of Life at Sea.<sup>73</sup> However, in practice there are often an insufficient number and type of life jackets. In 2018, 30 migrant fishermen lost their lives in fishing accidents, 23 were injured or disabled, and five went missing.<sup>74</sup>

Based on a 2020 amendment to a fishing regulation,<sup>75</sup> if any crew members go missing or die at sea, the vessel master is required to cease fishing and carry out a Search and Rescue (SAR) operation on site for at least 72 hours, as well as document the information of the incident and send it to the competent authority at the port where the fishing vessel first arrives.<sup>76</sup>

### 3.6 PHYSICAL ABUSE AND MURDERS

There have been persistent allegations and reports documenting onboard physical abuse; specifically, that crew members are beaten by captains and other managers. A 2018-2019 Environmental Justice Foundation survey of 71 fishermen onboard Taiwanese-operated vessels found that 24% of those interviewed had experienced physical abuse.<sup>77</sup> Greenpeace reports have consistently documented murders at sea, including in 2016,<sup>78</sup> 2018,<sup>79</sup> and 2019.<sup>80</sup>

### 3.7 FORCED LABOR AND HUMAN TRAFFICKING

When work or service is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily, it is considered forced labor.<sup>81</sup> Human rights and environmental organizations have demonstrated indicators of forced labor to be prevalent in Taiwan’s fishing industry, including threats of or actual physical violence, withholding of wages, denial of medical treatment, starvation and onboard confinement (see Table 4).

**TABLE 4. ILO indicators of forced labor present in Taiwan’s offshore-coastal and distant water fishing industry<sup>82</sup>**

Indicators of Involuntariness	Indicators of Menace Penalty
<ul style="list-style-type: none"> <li>Physical confinement in the work location - in prison or in private detention</li> <li>Psychological compulsion, i.e. an order to work, backed up by a credible threat of a penalty for non-compliance</li> <li>Induced indebtedness (ie. by falsification of accounts, inflated prices, reduced value of goods or services produced, excessive interest charges)</li> <li>Deception or false promises about types and terms of work</li> <li>Withholding and non-payment of wages</li> <li>Retention of identity documents or other valuable personal possessions</li> </ul>	<ul style="list-style-type: none"> <li>Physical violence against worker or family or close associates</li> <li>Sexual violence</li> <li>(Threat of) supernatural retaliation</li> <li>Imprisonment or other physical confinement</li> <li>Financial penalties</li> <li>Denunciation to authorities (ie. police, immigration) and deportation</li> <li>Dismissal from current employment</li> <li>Exclusion from community and social life</li> <li>Removal of rights or privileges</li> <li>Deprivation of food, shelter or other necessities</li> <li>Loss of social status</li> </ul>

### **3.8 CHALLENGES EXERCISING RIGHTS TO FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

The constitution of Taiwan, the Labor Union Act, and the Enforcement Rules of Labor Union Act provide the legal ground for freedom of association. The Labor Union Act was amended in May 2011 to allow foreign workers to serve as directors or supervisors of a union, which in practice allows them to form and lead their own unions.<sup>83</sup> Since then, only two unions have been established by migrant workers — including one for fishers with about 100 members and one for domestic caregivers, a small number given the population of over 700,000 migrant workers in Taiwan.<sup>84</sup>

For offshore-coastal fishers, pressure from employers and perceived threats to job security have deterred most from forming unions. There are instances of local officials and employers jointly intimidating workers from unionizing.<sup>85</sup> Furthermore, the one fishers' union that was established has been excluded and discriminated against by other unions in the country and prevented from participating in national or international labor discussions.

Distant water fishers have not yet attempted to form a union. In order to form a union, the group must have 30 initial members, participate in a congress and send an application form to a local labor office. These requirements are very challenging in general for migrant workers who do not speak, read or write Taiwanese, but particularly for distant water fishers who are at sea most of the time and rarely return to Taiwanese ports. In addition, the relevant authority for distant water fishers is the Fishery Agency, so it is unclear if the labor office would accept their application. In this context, ingenuity will be required to support distant water fishers to exercise their rights to organize and overcome these barriers.

### **3.9 INSUFFICIENT LABOR INSPECTIONS**

Many of the mentioned abuses persist due to very few labor inspections conducted on coastal-offshore

fishing vessels and a complete lack of inspections on distant water vessels.

The Fisheries Agency has no mandate to conduct labor inspections on distant water vessels and can only interview fishers about their situation on board when they land fish at port. This lack of requirements and guidelines for labor inspections on distant water vessels has led to a failure to identify serious issues and to impunity for perpetrators. For example, when a Taiwanese Fisheries Agency official visited a ship called 'Fuh Sheng No 11' in Cape Town in 2018, they made a series of mistakes that put workers in danger. The official reportedly issued questionnaires to crew in the presence of the captain — who allegedly beat crew regularly — and the crew said afterwards that they did not know who was asking them questions or what protections they would have if they reported the true conditions on the vessel.<sup>86</sup> In addition, no interpreter was present despite some crew being unable to read the questionnaires. No sanctions relating to human rights abuses or measures to protect the crew were implemented.<sup>87</sup>

### **3.10 CHALLENGES WITH TRAFFICKING PROSECUTIONS**

Taiwan enacted its Human Trafficking Prevention Act in 2008 to fight sex trafficking, forced labor, and organ harvest. The prosecutor's office has filed charges against human trafficking but has made few convictions. In 2019, the government conducted 143 trafficking investigations (32 labor trafficking and 111 sex trafficking), prosecuted 122 individuals, and made a total of 50 convictions, including seven for forced labor and 43 for sex trafficking.<sup>88</sup>

NGOs believe that the low conviction rates are due to a general lack of understanding of human trafficking by prosecutors and judges,<sup>89</sup> as well as difficulties in obtaining evidence. Many labor abuse cases are concluded as 'disputes between employers and employees' instead of as cases of human trafficking.<sup>90</sup> The Fisheries Agency has promulgated relevant legal instruments to address cases involving human trafficking at sea, but NGOs find these to be largely ineffective.<sup>91</sup>



### 3.11 PRIORITIZATION OF ILLEGAL FISHING OVER LABOR ABUSE

In response to pressure from the EU and other international actors to address illegal fishing, Taiwan enacted the Act for Distant Water Fisheries in 2016 and amended both the Fisheries Act and the Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels. The new provisions focused on creating systems for monitoring, control and surveillance; traceability; and international cooperation to enhance fisheries management. Transnational cooperation to combat IUU fishing has also been strengthened. An inter-agency task force for combating IUU fishing was established for integrating domestic efforts to deter IUU fishing and to prevent the flow of IUU catch into the market.<sup>92</sup>

There is some indication that the Fisheries Agency is more focused on eradicating illegal fishing than labor abuse. This may be because of the international pressure for reform, particularly via the EU's "Yellow Card" trade sanction warning, which primarily focuses on remedying illegal fishing from an environmental standpoint and does not cover forced labor.

According to official records, companies, and individuals receive more severe fines for violations linked to environmental impacts (e.g. over fishing, unloading fish in ports without permission, or failing to report the catch correctly) than they do for committing human and labor rights abuses (e.g. illegally hiring foreign fishermen and failure to pay the minimum wage).<sup>93</sup> For example, on June 18, 2019, a tuna longline vessel was fined in the amount of US \$8,169 for employing 12 migrant workers without work permits, while on February 19, 2019, a tuna longline vessel was fined US \$65,000 for unloading fish without permits.<sup>94</sup> This highlights the problem of mandating the Fisheries Agency responsible for labor rights, when they have little expertise to address labor issues compared with officials in the Ministry of Labor.

### 3.12 MANAGEMENT OF FLAG OF CONVENIENCE (FOC) VESSELS

As mentioned, Taiwan's distant water fleet includes 259 FoC vessels — those owned or funded by Taiwanese nationals but flagged to other nations. The use of FoC vessels has been repeatedly linked to higher levels of forced labor and IUU fishing, as governments that issue FoC licenses (here forth referred to as "FoC states") generally lack the capacity and the will to enforce fishery and labor laws.<sup>95</sup>

By registering a vessel with an FoC state, companies enjoy lower taxes, fees, and regulatory burdens, while minimizing the risk of detection of, and punishment for, illegal practices.<sup>96</sup> Since FoC licenses are easy and cheap to acquire, they allow wrongdoers to re-flag and change names to avoid oversight by authorities.<sup>97</sup> By providing space to shell companies, joint-ventures and hidden owners, FoC licensing constrains efforts to combat IUU fishing, as it makes it difficult to locate and penalize the real owners of vessels.<sup>98</sup>

The Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels was enacted in 2016 to regulate Taiwanese nationals operating FoC vessels. However, in practice, many FoC vessels operate with little supervision and scrutiny. In 2019 and 2020, U.S. Customs and Border Protection (CBP) suspended seafood imports on two Taiwanese-owned, Vanuatu-flagged vessels based on information the seafood was harvested with forced labor.<sup>99</sup>

A lack of regulation for allowing entry of foreign fishers aboard Taiwanese-owned FoC vessels has caused challenges during the Covid-19 pandemic.<sup>100</sup> In particular, 140 migrant fishermen on these vessels were unable to come on land in Taiwan, although their ships had docked. Those who wished to continue working have been allowed stay on board or to move to work on other ships. However, those who wish to stop working and attempted to enter Taiwan to fly back their home countries faced problems, such as being confined in place on shore by brokers and charged with illegal entry.<sup>101</sup>



## 4. NGO STAKEHOLDER MAPPING & ADVOCACY FOR REFORM

Several international and local organizations have been leading a bold advocacy agenda to improve migrant fishermen's rights. These include the seven members of the Human Rights for Migrant Fishers Coalition ("the Coalition") among other organizations. This section includes profiles of these organizations (4.1) followed by their advocacy strategies and priorities for legal reform (4.2).

### 4.1 MEMBERS OF THE COALITION AND OTHER KEY ORGANIZATIONS

#### YILAN MIGRANT FISHERMEN UNION (YMFU)

Established in 2013, YMFU was the first labor union formed by migrant workers in Taiwan. It has 110 members from Indonesia and the Philippines who mainly work on the north east coast of Taiwan in

the offshore and coastal fishing industry. YMFU provides individual assistance to workers, investigates labor issues, negotiates with employers, files complaints, and coordinates legal assistance. The secretary-general, Allison Li-Hua Lee, was honored as a Trafficking in Persons Hero by the U.S. Department of State in 2017.<sup>102</sup>

#### SERVE THE PEOPLE ASSOCIATION (SPA)

Developed by several activists in 2008, SPA provides pro bono legal assistance on labor issues for migrant workers across several labor sectors in Taoyuan, northwestern Taiwan. SPA coordinates Mandarin language courses, job placement, and others services.<sup>103</sup> SPA has maintained shelters since 2013 (currently three) for migrant workers from Vietnam, Indonesia and the Philippines who are victims of trafficking or were dismissed from jobs. SPA is



'Human Rights for Migrant Fishers Coalition' holds press conference outside the Anti-Human Trafficking Workshop 2020 convened by the National Immigration Agency in September. The sign reads "protect the human rights of fishermen". ©Greenpeace and the Coalition



considered one of the most radical local voices advocating for migrant workers' rights in Taiwan.

### TAIWAN ASSOCIATION FOR HUMAN RIGHTS (TAHR)

TAHR is an independent NGO that was founded in 1984, when Taiwan was still under martial law and before the start of the foreign employment policy. TAHR aims to strengthen human rights standards and protection mechanisms through general human rights advocacy, judicial reform, transitional justice, and policy monitoring. As one of the oldest NGOs in Taiwan, TAHR has strong relationships with most NGOs in Taiwan. It is active on social media platforms, in civil movements, and regularly releases press statements and publications. TAHR hosted the 2019 International Federation for Human Rights (FIDH) Congress and invited more than 400 human rights activists to Taiwan.<sup>104</sup>

### THE PRESBYTERIAN CHURCH IN TAIWAN – SEAMEN AND FISHERMEN'S SERVICE CENTER (SFSC)

In 1986, the Presbyterian Church in Taiwan founded SFSC to serve migrant fishermen in Kaohsiung. SFSC works to improve labor issues, such as salary, benefits, working conditions, and personal safety on boats. SFSC invests in efforts to develop fishermen's skills, knowledge, and language abilities by holding events in fishing villages and seeks to reduce

tensions between migrant fishers and their employers. SFSC engages in individual rescue missions and has established a shelter to house migrants. It provides a recreation center for fishermen when they are onshore, which includes facilities such as ping-pong, billiards, computers, and books.

### TAIWAN INTERNATIONAL WORKERS' ASSOCIATION (TIWA)

TIWA was established in 1999 by experienced activists and local labor union members. It was the first local NGO in Taiwan to work for the rights of both foreign spouses and migrant workers. TIWA assists migrant workers in labor disputes, undertakes advocacy, provides housing for migrants in its shelter, and undertakes individual rescue missions. It has helped to organize the Taiwan Indonesian Workers' Association (TIMWA) for Indonesian workers and KaSaPi for Filipino workers.<sup>105</sup> TIWA has an office in Taipei and a shelter in Taichung.

### GREENPEACE TAIWAN

Greenpeace Taiwan started its 'Taiwan Sustainable Distant Water Fishing' project in 2010. Greenpeace focuses primarily on addressing the environmental impact of IUU fishing but also focuses on labor issues. Greenpeace Taiwan has issued three major bilingual reports in the past few years, namely: 'Made in Taiwan' (2016), discussing human trafficking and labor abuse in Taiwan's distant water fishing;



'Human Rights for Migrant Fishers Coalition' holds press conference on challenges with Flag of Convenience (FoC) vessels in June 2020. ©Greenpeace and the Coalition

‘Mystery at Sea’ (2018), on the government’s loose inspection and implementation of law; and ‘Choppy Waters’ (2020), discussing how FCF may have brought seafood tainted with slavery to the market.

## ENVIRONMENTAL JUSTICE FOUNDATION (EJF) TAIWAN

EJF aims to promote and enhance regional and global co-operation to end illegal fishing. Since 2016, EJF has been working to expose illegal fishing and forced labor in the Taiwanese fishing industry. EJF does not engage in individual victim case assistance nor run shelters — the primary focus is research for advocacy. Since the local organizations rarely issue comprehensive English publications, both EJF and Greenpeace play the role of connecting local information to the wider international community.

## OTHER KEY ORGANIZATIONS

Other organizations focused on improving migrant fishers’ rights include Stella Maris Seafarer’s Center, Rerum Novarum, and Migrant Workers’ Concern Desk (MWCD). Each group focuses on outreach to fishers through port visits, individual case assistance, relationship building with migrant workers, and education and empowerment of migrant workers. In

addition to Greenpeace and EJF, Human Rights at Sea has conducted extensive investigations and produced reports on human rights abuses in the Taiwan fishing industry.<sup>106</sup> Verité has researched barriers to ethical recruitment for foreign workers.<sup>107</sup>

## 4.2 LOCAL ADVOCACY STRATEGIES AND PRIORITIES

The Coalition and other organizations have focused on reforming national legislation to protect migrant fishers’ rights in accordance with international standards (see Box 1). For example, a combination of locally-led advocacy and international pressure contributed to the Taiwanese government’s decision to nationalize ILO Convention 188 into law. The Coalition has also campaigned to strengthen complaint mechanisms so that all fishers can access them while at sea; it did so through dialogue with the Fisheries Agency and media attention, which led to the expansion of the ‘1955 hotline’ to all workers in Taiwan. During the Covid-19 period, the Coalition has been advocating for greater rights and legal protection for migrant fishers stranded on FoC vessels.



Press conference in front of Ministry of Labor organized by local NGOs and migrant workers campaigning to end the abuse of migrant fishers and to hold employers accountable, 2015.  
©Lennon Ying-Dah Wong



## BOX 1: Global Civil Society Asks to the Taiwanese Government Regarding Reforms to End Forced Labor in its Distant Water Fisheries<sup>108</sup>

*In November 2020, the Human Rights for Migrant Fishers Coalition together with civil society organizations worldwide put forth a set of recommendations to the Taiwanese government regarding reforms to end forced labor in its distant water fisheries. The priority recommendations are:*

1. Abolish the overseas employment scheme for migrant fishers, apply the Labor Standards Act to all fishers, including migrant fishers in the DWF fleet, and ensure all migrant fishers are governed by the Ministry of Labor and thus afforded the same rights and protections as Taiwanese fishers. During the transition period, the current "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members" must be fully respected. Wages must be paid in full, and there must be no illegal deductions. In addition, insurance compensation must be paid fully and swiftly to family members of victims. The government must be fully in charge of governing migrant fishers; and Taiwan's fisheries associations must not be involved in any part of governance.
2. Establish a clear timeline for swift and full domestication and implementation of the ILO Work in Fishing Convention (C188).
3. Increase the frequency and reliability of port inspections (both fishery and labor) for all vessels, especially DWF vessels.
4. Increase transparency in the fishery sector by requiring disclosure of vessel position (i.e. publishing Vessel Monitoring System (VMS) or Automatic Identification System (AIS), and punishing vessels for turning either off), 100% observer coverage (independent human or effective electronic catch monitoring such as camera and remote sensor), and ensuring the safety of all observers on all fishing vessels.

*Apart from the four main prioritized areas, suggestions on the general governance of migrant fishers proposed by local civil society include:*

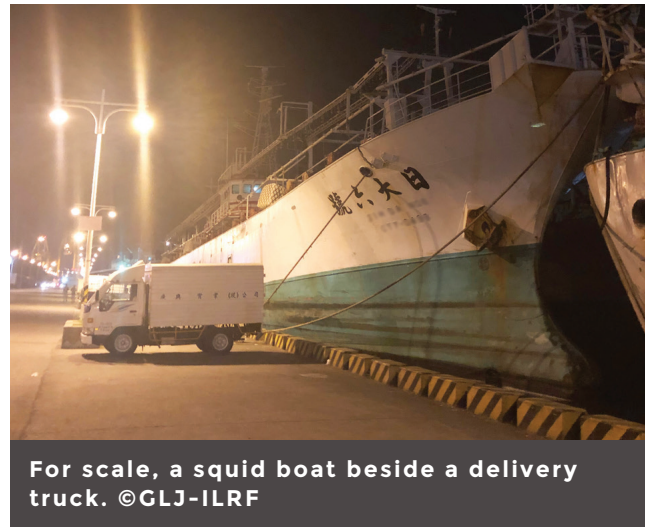
1. Sanction Taiwanese manning agencies if their foreign counterparts violate relevant Taiwanese regulations. The government should prioritize the development of preventative measures for common human rights violations such as physical violence, restriction of freedom, excessive working hours, and withholding of wages.
2. Involve concerned civil society members, particularly migrant fisher unions, in the annual review of manning agencies approved to recruit migrant fishers.
3. The government should protect and ensure all fishers can enjoy the core labor standards on freedom from forced labor, freedom from child labor, freedom from discrimination at work, freedom to form and join a union, and freedom to bargain collectively. Therefore, the government should adopt and implement the eight ILO fundamental Conventions.
4. Adopt and implement the ILO Migrant Worker Conventions.
5. Adopt and implement the International Maritime Organization Cape Town Agreement.
6. Handle human trafficking and forced labor cases, promptly, once reported; strictly enforce relevant regulations; and increase prosecution and conviction rates. To reach that goal, governments should build up the capacity of relevant officials to identify human trafficking and forced labor, and establish a cross-agency joint task force for effective investigation.
7. Establish a timely and effective grievance mechanism for migrant fishers, particularly for urgent cases at sea. The Fisheries Agency should continue working on the pilot project to install WiFi on fishing vessels, and work with industry stakeholders to establish a timeline for installing WiFi on all fishing vessels while prioritizing high risk fishing vessels. Ensure easy and regular access to WiFi and the at-sea grievance mechanism can be accessed by all fishers without fear of interference, persecution and retaliation.
8. The government should maintain open and continuous communication with concerned civil society organizations that work with migrant fishers so their voices are heard.
9. End transshipment at sea unless strict conditions to prevent IUU fishing and human rights violations arising from it are implemented. The transferring of fishers between fishing vessels via transshipment at sea must be strictly prohibited.
10. Adopt and implement a regulation on maximum time at sea that limits vessels to three months so the government can conduct labor inspections. Ensure all crew have paid shore leave and unfettered access to port services for a minimum of 10 days.

*Suggestions on the management of Flags of Convenience (FoC) include:*

1. Abolish the practice of flags of convenience.
2. During the transition period, the government should:
  - a. Modify the "Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels" to include labor condition requirements, enhance transparency of FoC vessels, and be clear about the conditions when the permit to operate FoC vessels can be revoked.
  - b. Review, while domesticating ILO C188, the current regulation on FoC vessels to ensure it is consistent with C188.
  - c. Review the effectiveness and appropriateness of the Council of Agriculture and the Fisheries Agency as the government agencies responsible for the management of FoC vessels and protection of migrant fishers.
  - d. Enhance the capability of the Ministry of Interior, Coast Guard Administration, Prosecutor's office, and other relevant authorities to identify and handle cases of forced labor and human trafficking.



**Social workers speak to migrant fishers docked in Taiwan after returning from squid fishing near the Falkland Islands. ©GLJ-ILRF**



**For scale, a squid boat beside a delivery truck. ©GLJ-ILRF**

Members of the Coalition and other organizations conduct advocacy using three over-arching approaches:

1. Legal, policy and regulatory reform: to this end, they put out press releases, hold conferences, write investigative reports, lobby members of parliament, raise issues to the Control Yuan (government accountability office), organize street demonstrations, and report issues to bodies of the US, EU and UN, among others;
2. Call for greater corporate responsibility by engaging in dialogue with, and campaigning against, international brands; and
3. Raise awareness of the general public in Taiwan through public information campaigns and events.

### 4.3 CHALLENGES IMPEDING NGO'S SOCIAL WORK AND ADVOCACY

The organizations interviewed for this paper identified several issues that impede their ability to assist migrant fishers and effectively advocate on their behalf. These include:

1. Financial constraints limiting organizational operations and expansion plans.
2. Lack of language capacity among organization staff:
  - a. Bahasa, Tagalog or other migrants' languages for labor rights training and education.
  - b. English to communicate issues to the international community.
3. Limited number of social workers available to

assist fishers when they dock at ports.

4. Difficulties communicating with fishermen in distant water fleets who rarely come to port. This limits the ability of local organizations to monitor conditions, document issues and obtain evidence for prosecution of labor abuse and human trafficking cases.
5. Barriers to migrant worker union participation in the local federation of trade unions, and the national federation of trade unions. This limits their ability to communicate concerns and influence policy change.
6. Lack of workable strategies for promoting ethical and fair recruitment, achieving a ban on recruitment fees or holding foreign recruitment agencies to account.
7. Campaigns by fishing industry actors to weaken regulations that ensure fishers' labor rights and protections.
8. Challenges obtaining justice or providing assistance once migrants have returned to their home countries, even when there are unsettled disputes or indications of labor abuse and human trafficking.
9. Challenges due to Taiwan's international status and restriction from the UN, including:
  - a. Lack of formal relationship or support from the ILO and inability to benefit from most international instruments designed to protect migrant workers; and
  - b. Lack of recognition of Taiwan by other important fishing nations. The latter means Taiwanese government officials struggle to operate overseas and places limits on government-to-government efforts to address crime on the high seas.





## 5. RECOMMENDATIONS FOR INTERNATIONAL ADVOCATES

The Seafood Working Group and other international actors should support local efforts for legal and industry reform to protect fishers' rights. During consultations, local organizations were asked to identify specific areas where international organizations and coalitions could bolster local efforts. The main recommendations are as follows:

1. Apply international pressure and provide technical assistance to state actors to effectively nationalize ILO Conventions 188, 87 and 98 into law and ensure their proper implementation.
2. Share solutions to recruitment issues, including best practice for ending recruitment fees charged to migrant workers and effective strategies for regulating recruitment across different jurisdictions.
3. Provide greater recognition of, and solidarity with, fishers' unions in Taiwan.
4. Promote international collaboration to support workers of different nationalities before, during, and after working on Taiwanese vessels, particularly in investigating exploitative recruitment practices and supporting workers after repatriation.
5. Provide opportunities for learning and knowledge sharing about other countries' experiences in protecting the rights of migrant fishers and seafood industry workers.



A view point from Nangfang'ao port in Taiwan with hundreds of fishing vessels. ©Mina Chiang





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