

Global Civil Society Asks to the Taiwanese Government Regarding Reforms to End Forced Labor in its Distant Water Fisheries

Prioritized asks:

- 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.

- Establish a clear timeline for swift and full domestication and implementation of the ILO Work in Fishing Convention (C188).
- Increase the frequency and reliability of port inspections (both fishery and labor) for all vessels, especially DWF vessels.
- Increase transparency in the fishery sector by requiring disclosure of vessel position (i.e. publishing VMS or 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.

Suggestions on general governance of migrant fishers

- 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.
- Involve concerned civil society members, particularly migrant fisher unions, in the annual review of manning agencies approved to recruit migrant fishers.
- The government should protect and ensure all fishers can enjoy the core labor standards on freedom from forced labour, 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.
- Adopt and implement the ILO Migrant Worker Conventions.
- Adopt and implement the International Maritime Organization Cape Town Agreement.
- 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.
- 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.
- The government should maintain open and continuous communication with concerned civil society organizations that work with migrant fishers so their voices are heard.
- 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.
- 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)

- Abolish the practice of flags of convenience.

- During the transition period, the government should:
 - 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.







 - Review, while domesticating ILO C188, the current regulation on FOC vessels to ensure it is consistent with C188.

 - 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.

 - 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.

Signatories

Drafters

 <p>Environmental Justice Foundation (EJF)</p>	 <p>Greenpeace East Asia (GPEA)</p>	 <p>Serve the People Association (SPA)</p>
 <p>Taiwan Association for Human Rights (TAHR)</p>	 <p>Taiwan International Workers' Association (TIWA)</p>	 <p>Yilan Migrant Fishermen Union (YMFU)</p>

Endorsers

 <p>Advocates for Public Interest Law (APIL)</p>	 <p>Be Slavery Free</p>	 <p>Citizens' Institute for Environmental Studies (CIES)</p>
 <p>Civil Society Organisation Coalition for Ethical and Sustainable Seafood (CSO Coalition)</p>	 <p>Destructive Fishing Watch - Indonesia</p>	 <p>Earthworm Foundation</p>
 <p>Flourishing Oceans, Minderoo Foundation</p>	 <p>Foundation for Education and Development (FED)</p>	 <p>Freedom Fund</p>
	 	

<p>Freedom United</p>	<p>Global Labor Justice-International Labor Rights Forum (GLJ-ILRF)</p>	<p>Green America</p>
<p>GREENPEACE</p> <p>Greenpeace Southeast Asia (GPSEA)</p>	<p>GREENPEACE</p> <p>Greenpeace USA (GPUS)</p>	<p>HUMANITY UNITED ACTION</p> <p>Humanity United Action</p>
 <p>IJM</p> <p>International Justice Mission (IJM)</p>	 <p>IPNLF INTERNATIONAL POLE & LINE FOUNDATION</p> <p>International Pole and Line Foundation (IPNLF)</p>	 <p>International Transport Workers' Federation (ITF)</p>
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Serikat Awak Kapal Transportasi Indonesia (SAKTI)



Serikat Awak Kapal Perikanan Bersatu (SAKTI)



Serikat Buruh Migran Indonesia (SBMI)



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Serikat Pelaut Sulawesi Utara (SP SULUT)



Stella Maris International Migrants Service Center

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