

**Abolish the Overseas Employment Scheme for Migrant Fishers
and Expedite the Domestication of ILO Convention No. 188**

(October 21, 2019, Taipei) Taiwan's overseas employment scheme for migrant fishers contributes to 'bloody seafood' and human trafficking. Migrant fishers from Southeast Asia are the major victims. The International Labour Organization (ILO) convened the Inaugural Plenary Meeting of the Southeast Asia (SEA) Forum for Fishers in Bali, Indonesia on September 25-26. The discussion among governments, employers associations, trade unions, and civil society representatives about how to curb human trafficking, forced labor, and slavery at sea led to a resolution. This resolution calls for all flag States to ratify ILO Convention No. 188 (C188) and the Protocol to ILO Convention No. 29 (C29), conduct gap analysis between domestic regulations and ILO C188, and domesticate ILO C188 with 12 months. In the 36th meeting of the Human Rights Promotion Panel of the Executive Yuan in June this year, the Taiwanese government decided to domesticate ILO C188. The Ministry of Labor will oversee the process of domestication. The NGO Coalition 'Human Rights for Migrant Fishers' believes that this decision could help increase protection for migrant fishers. However, considerable time is needed for domestication. During this transition period, it is still urgent for the Government to deal with the problems caused by the overseas employment scheme for migrant fishers.

The ILO resolution recognizes the strong connection between human trafficking, forced labor, slavery and illegal, unreported and unregulated (IUU) fishing. Given that distant water fishing has a very unique working environment, where fishers work far away from shore, and that fish stocks are being depleted, some vessels are taking risks, breaking laws in order to gain more profits. Some vessels choose to reduce their operational costs by exploiting migrant fishers, including unlawfully deducting their wages. This is why migrant fishers are often the frontline victims. Migrant fishers working on Taiwanese vessels are often not protected by applicable laws. Incidents where migrant fishers are mistreated happen again and again. It seems that the regulation for overseas employment of migrant fishers is ineffective, or even nonexistent. The NGO Coalition 'Human Rights for Migrant Fishers' calls for the Taiwanese government to refer to 'The Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights', domesticate ILO C188 and abolish the two-tiered recruitment system.

Currently, regarding the employment of migrant fishers, Taiwan uses the 'two-tiered

system', differentiating between domestic employment and overseas employment of migrant fishers. Migrant fishers recruited domestically and overseas are subject to two different regulations administered by the Ministry of Labor and the Fisheries Agency of the Council of Agriculture, respectively. This two-tiered system leads to different wages and labor standards for migrant fishers. From the latest list of vessels violating 'The Act for Distant Water Fisheries', unapproved recruitment of migrant fishers accounted for 41% of total violations. This high rate shows again the difficulty to enforce the regulation on overseas employment of migrant fishers. Those migrant fishers recruited without the approval of the Government often fall prey to debt bondage, forced labor, human trafficking and other human rights abuses. The NGO Coalition 'Human Rights for Migrant Fishers' believes that the Government should first abolish the overseas employment scheme for migrant fishers. Migrant fishers working in distant waters, and those working in coastal waters, should all be managed by the Ministry of Labor, and hence all be protected by the same labor standards.

In the 2019 Trafficking in Persons Report by the US Department of State, the prioritized recommendations for Taiwan include increasing inspection of Taiwanese vessels in distant waters suspected of forced labor. This shows the international community is very concerned with labor exploitation in the Taiwanese distant water fishing industry. Combatting human trafficking is an urgent task for the international community. The NGO Coalition 'Human Rights for Migrant Fishers' calls for the Taiwanese government to domesticate ILO C188 as soon as possible. Taiwan, as a major global fishing entity, must strictly enforce relevant regulations, ending illegal recruitment and labor exploitation so that Taiwan can stand as the beacon of human rights in Asia. The NGO Coalition 'Human Rights for Migrant Fishers' calls for the Government to immediately implement the following recommendations:

- Abolish the overseas employment scheme for migrant fishers and domesticate ILO C188.
- Implement other ILO conventions for labor rights, including the Protocol to ILO C29 (Forced Labor Convention), ILO C87 (Freedom of Association and Protection of the Right to Organize Convention), ILO C98 (Right to Organize and Collective Bargaining Convention), etc.
- Migrant fishers hired to work on Taiwanese fishing vessels, regardless of where they operate, should all be governed by the Ministry of Labor, and thus all be covered by the same labor standards and legal protection.
- Increase the frequency and reliability of labor inspections for coastal and distant water fishing vessels.

The NGO Coalition 'Human Rights for Migrant Fishers'

- Handle human trafficking and forced labor cases promptly once reported, strictly enforce relevant regulations, and increase prosecution and conviction rates.
- Establish a timely and effective grievance mechanism for migrant fishers (particularly for urgent cases at sea).

Members of the Coalition 'Human Rights for Migrant Fishers':

Taiwan International Workers' Association (TIWA)

Yilan Migrant Fishermen Union (YMFU)

The Presbyterian Church in Taiwan Seamen and Fishermen's Service Center (PCTSFSC)

Taiwan Association for Human Rights(TAHR)

Serve the People Association (SPA)

Greenpeace

Environmental Justice Foundation (EJF)