



## **Submission to the UN Special Rapporteur on Contemporary Forms of Slavery on the Role of Workers' Organizations in Preventing and Addressing Contemporary Forms of Slavery in Taiwan's Distant Water Fishing Industry**

*Submitted by Global Labor Justice - International Labor Rights Forum (GLJ-ILRF)*

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This submission concentrates on organizing efforts in Taiwan's distant water fishing (DWF) industry, which remains high-risk for forced labor. Taiwan's DWF fleet, which consists of approximately 1,100 vessels, is the second largest in the world, after China's.<sup>1</sup> The industry relies predominantly on a migrant workforce of more than 20,000 migrant workers from Indonesia, the Philippines, Vietnam, and other Southeast Asian countries.<sup>2</sup> These workers are highly vulnerable to forced labor. In August 2023, the U.S. National Oceanic and Atmospheric Administration identified Taiwan, along with China, for having forced labor in its fleet.<sup>3</sup> In addition, Taiwanese seafood remains on the U.S. Department of Labor's List of Goods Produced with Child Labor or Forced Labor,<sup>4</sup> and as of March 2024, three Taiwanese-flagged or -owned vessels remain subject to Withhold Release Orders.<sup>5</sup> Interviews of migrant fishers conducted by GLJ-ILRF in February 2024 confirmed the prevalence of all 11 ILO indicators of forced labor in Taiwan's DWF fleet.

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<sup>1</sup> Food and Agriculture Organization (FAO), *Mapping distant-water fisheries access arrangements* (2022), FAO Fisheries and Aquaculture Circular No. 1252, Rome, p. 24, <https://doi.org/10.4060/cc2545en>.

<sup>2</sup> Focus Taiwan, "Taiwan fisheries sector embraces long-term move away from Chinese fishers" (March 18, 2024), <https://focustaiwan.tw/society/202403180018>.

<sup>3</sup> National Oceanic and Atmospheric Administration (NOAA), *2023 Report to Congress: Improving International Fisheries Management* (Aug. 2023), <https://www.fisheries.noaa.gov/s3/2023-08/2023RTC-ImprovingIFManagement.pdf>.

<sup>4</sup> Taipei Times, "Taiwanese seafood again on US forced labor list" (Oct. 3, 2022), <https://www.taipetitimes.com/News/taiwan/archives/2022/10/03/2003786349>.

<sup>5</sup> Withhold Release Orders (WROs), issued by U.S. Customs and Border Protection (CBP), direct CBP's Port Directors at ports of entry to detain a shipment of goods when it has reason to believe that the goods (or their inputs) were made with forced labor, forced child labor, or prison labor under Section 307 of the Tariff Act of 1930 (19 U.S.C. § 1307), which specifically prohibits the importation of all goods made with forced labor, forced child labor, or prison labor. Taiwanese vessels currently subject to WROs are the *Yu Long No. 2*, the *Da Wang*, and the *Lien Yi Hsing No. 12*. (CBP), *Withhold Release Orders and Findings List* (last accessed March 19, 2024), <https://www.cbp.gov/trade/forced-labor/withhold-release-orders-and-findings>.

### **Q1 & Q5:**

- **Q1: Are trade union rights, as protected by ILO Conventions Nos. 87 (Freedom of Association and Protection of the Right to Organise) and 98 (Right to Organise and Collective Bargaining), recognized in domestic legislative frameworks in your country? If so, please provide details including provision for remedies in case of breaches.**
- **Q5: If any, please describe challenges or limitations experienced by workers' organisations in your country to prevent contemporary forms of slavery and protect victims.**

Taiwan's Labor Union Act (2022) formally recognizes trade union rights for all workers, including migrant workers. However, migrant workers in Taiwan's DWF industry face significant barriers to exercising their freedom of association.

### **Interference in union independence**

1. The Indonesian Seafarers' Gathering Forum (FOSPI), the sole registered union representing migrant fishers in DWF in Taiwan, has faced barriers to operate. Soon after its registration in January 2022, FOSPI faced challenges to its independence by a Taiwanese vessel owner who registered FOSPI under his name and repeatedly claimed to represent the union in official documents and in meetings, including by using FOSPI's stamp and forging the Chairman's signature without FOSPI's knowledge or consent. However, Taiwan's Fisheries Agency (FA), which has jurisdiction over migrants employed in DWF, did not address the employer's interference for nine months, and the issue has not been confirmed to be resolved.
2. FOSPI has faced retaliation and intimidation by employers and government officials that has chilled its union activity. For example, after speaking out about working and living conditions on Taiwanese DWF vessels at a conference in January 2024, a FOSPI member faced intimidation from his manning agent.<sup>6</sup> FA officials visited FOSPI's office after the conference, looking for the fisher who spoke. These acts had an immediate chilling effect, causing FOSPI to forgo participation in a national wage table on migrant fishers' wages a few days later.

### **Practical barriers to freedom of association**

3. Despite their legal right to participate in a union, migrant workers in Taiwan's DWF fleet face barriers to exercising their union rights in practice because of months-long isolation at sea. Taiwan legally permits DWF vessels to stay at sea for up to 10 months without visiting a port. While at sea migrant crew are unable to contact their families, unions, government agencies, or other advocates and report labor abuses, including indicators

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<sup>6</sup> GLJ-ILRF interview with the fisher (name withheld), Donggang, Taiwan, February 3, 2024.

of forced labor, because they do not have access to Wi-Fi or other means of communication on vessels. As a result, vessels function as a “no-union” zone when at sea, even though the technology is currently available and relatively affordable, and even where vessels are already equipped with Wi-Fi, to which only the captain and senior crew are permitted access.<sup>7</sup>

The lack of crew connectivity is a stark violation of migrant fishers’ right to freedom of association, which, according to the ILO Committee on Freedom of Association, includes union access to all workplaces, including workplaces that are more challenging to access due to hazardous conditions or geographical isolation, including fishing vessels.<sup>8</sup> It is also a violation of Article 71 of the ILO Work in Fishing Convention, 2007 (No. 188) (“C188”), which Taiwan has committed to domesticating into national law. According to the ILO, “Fishers are at much higher risk of labour abuses when they are forced to live and work onboard vessels without mandatory access to free and secure Wi-Fi, which is necessary for them to be able to engage in private, two-way communication with their families, trade unions or worker organizations, government agencies, or other advocates and report abuses while at sea.”<sup>9</sup> Lack of access to Wi-Fi makes it practically challenging for FOSPI to organize in the sector, because many vessels do not regularly dock in Taiwanese ports but in foreign ports, which are often barricaded to prevent migrant workers from disembarking and accessing port services.<sup>10</sup>

The government’s current subsidy program for its DWF fleet, which encourages vessel operators to install Wi-Fi or establish an internet-sharing mechanism for foreign crew members onboard 300 vessels by 2025, falls short of guaranteeing migrant fishers’ ability to exercise freedom of association at sea.<sup>11</sup> This voluntary and limited program ignores the reality that labor abuses may occur on the vessels that do not join the program. The guidelines only provide for five minutes of Wi-Fi per week — insufficient to report a complaint in addition to other essential tasks.<sup>12</sup> Moreover, the program ignores the reality that Wi-Fi equipment installed on vessels alone is insufficient to guarantee fishers’ rights, as captains may turn off the Wi-Fi or change the password to bar fishers from using it.

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<sup>7</sup> Johanna Lee, Sahiba Gill, Sharlene Chen, and Mina Chiang, *Briefing Paper No. 2: Wi-Fi: Available at Sea — But Not for Fishers* (Nov. 2023), GLJ-ILRF, <https://laborrights.org/sites/default/files/publications/Wi-Fi%20Briefing%20Paper%20No.%202.pdf>.

<sup>8</sup> Johanna Lee and Sahiba Gill, *Briefing Paper No. 3: Wi-Fi for Fishers’ Fundamental Labor Rights* (Nov. 2023), GLJ-ILRF, p. 6, <https://laborrights.org/sites/default/files/publications/Wi-Fi%20Briefing%20Paper%20Number%203.pdf>.

<sup>9</sup> ILO, *Towards freedom at sea: Handbook for the detection of forced labour in commercial fishing* (Dec. 2023), p. 10, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_907250.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_907250.pdf).

<sup>10</sup> Lee and Gill, *Briefing Paper No. 3*, p. 6.

<sup>11</sup> Fisheries Agency, Ministry of Agriculture, *Action Plan for Fisheries and Human Rights* (last updated Oct. 20, 2023), [https://www.fa.gov.tw/view.php?theme=Rights\\_for\\_Foreign\\_Crews&subtheme=&id=27](https://www.fa.gov.tw/view.php?theme=Rights_for_Foreign_Crews&subtheme=&id=27).

<sup>12</sup> Lee, Gill, Chen, and Chiang, *Briefing Paper No. 2*, p. 13–14.

## Vulnerability to forced labor due to recruitment debts

4. Retaliation risks arising from the recruitment system chills union activity among migrant fishers. Migrant fishers visas are tied to a specific employer in Taiwan.<sup>13</sup> Migrant fishers wishing to change employers must breach their contract, be deported, and re-enter the recruitment process, including paying fees. Some vessel owners command obedience by regularly threatening to fire and deport crew members.<sup>14</sup>
5. Taiwanese law permits the charging of recruitment fees,<sup>15</sup> leading to a cycle of debt and potentially debt bondage. Migrant fishers typically begin their two-year contracts in debt that they repay via wage deductions. This debt cycle chills fishers' ability to speak out against abuses. The Taiwanese government could mitigate the risk of forced labor by outlawing recruitment fees.<sup>16</sup> It could also reach bilateral labor agreements with sending countries that include recruitment protections for migrant workers hired to work on Taiwanese DWF vessels.<sup>17</sup> However, it has yet to take either action.

## Structural discrimination against migrant fishers

6. Despite its organizing efforts, FOSPI faces challenges to prevent forced labor among members because migrant workers in DWF face structural discrimination under Taiwanese law that leaves them vulnerable to labor abuses, including forced labor.<sup>18</sup> Unlike migrant workers working in coastal and offshore fishing or Taiwanese workers in DWF, migrant workers in DWF “overseas employees” under Taiwan’s two-tiered employment system<sup>19</sup> and do not fall under the jurisdiction of the Ministry of Labor

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<sup>13</sup> Lee and Gill, *Briefing Paper No. 3*, p. 9.

<sup>14</sup> Seafood Working Group (SWG), *Comments Concerning the Ranking of Taiwan by the United States Department of State in the 2023 Trafficking in Persons Report* (June 2023), p. 12, [https://laborrights.org/sites/default/files/publications/2023%20SWG%20TIP%20Report%20Submission%20on%20Taiwan\\_0.pdf](https://laborrights.org/sites/default/files/publications/2023%20SWG%20TIP%20Report%20Submission%20on%20Taiwan_0.pdf).

<sup>15</sup> Article 13 of the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members allows the employment contract signed between the recruitment agent and the migrant fisher to include “the fees and amount.”

<sup>16</sup> Such a ban on recruitment fees would be in line with , in line with the ILO *General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs* and C188.

<sup>17</sup> Focus Taiwan, “EXCLUSIVE/Meeting over MOU on migrant fishers' rights ends in stalemate” (Mar. 1, 2024), <https://focustaiwan.tw/society/20240301001>; Taipei Times, “Taiwan-Indonesia fisher labor rights MOU talks stall” (Mar. 3, 2024), <https://www.taipetimes.com/News/taiwan/archives/2024/03/03/2003814385>.

<sup>18</sup> See SWG, *Comments Concerning the Ranking of Taiwan in the 2023 TIP Report*, p. 15; see also SWG, *Comments Concerning the Ranking of Taiwan by the United States Department of State in the 2022 Trafficking in Persons Report* (Apr. 2022), p. 18, [https://laborrights.org/sites/default/files/publications/SWG%20Taiwan%20TIP%20Report%202022%20Submission\\_Final\\_April-7-2022.pdf](https://laborrights.org/sites/default/files/publications/SWG%20Taiwan%20TIP%20Report%202022%20Submission_Final_April-7-2022.pdf).

<sup>19</sup> Huan-Sheng Tseng, Hsin-Hua Tsai, and Po-Hsing Tseng, *The Labour Rights Protection of Migrant Fishing Workers in Taiwan: Case Study of Nan-Fang-Ao Fishing Harbor*, *Fishes*, Vol. 8, No. 2 (2023), <https://doi.org/10.3390/fishes8020073>; Kuo-Wei Yen and Li-Chuan Liu Huang, *A review of migrant labour*

(MOL). They are governed by the FA, which lacks the requisite expertise or authority on labor, including the legal authority to conduct labor inspections. Accordingly, migrant workers in DWF are excluded from the Labor Standards Act (2020) and the Employment Services Act (2023), which have stronger protections for minimum wage, limits on working hours, insurance policies, and workplace inspection policies, and are instead governed by the Act for Distant Water Fisheries (2016) and the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members (2022).<sup>20</sup> These policies increase migrant fishers' financial precarity, putting them at higher risk of debt bondage, and may even be considered an indicator of forced labor per se. Migrant workers in DWF are granted a minimum wage of \$550 USD per month — less than two-thirds the national minimum wage under the Labor Standards Act [NT\$27,470 (US\$882)]<sup>21</sup> — and according to the ILO, “Payment of less than the minimum wage required by law (fishers classed as agricultural or seasonal workers may have no minimum wages set by law)” constitutes the forced labor indicator, “Work with substandard or no wages.”<sup>22</sup> Therefore, despite FOSPI's efforts to organize migrant fishers in DWF they remain at high risk of forced labor due discrimination under Taiwanese law.

### **Weak labor governance in the distant water fishing sector**

7. It is difficult for FOSPI to support its members in protection efforts due to the Taiwanese government's weak infrastructure for labor inspections and grievance mechanisms. Because the FA lacks legal authority to carry out labor inspections, if an employer refuses to allow an inspection of his vessel, the FA does not have the authority to enforce the law.<sup>23</sup> In contrast, if an employer under the jurisdiction of the MOL refuses to allow an inspection, the employer may be penalized under the law.<sup>24</sup> Even if an employer agrees to an inspection and violations are found, the FA, unlike the MOL, lacks the authority to impose any penalties on the vessel owner. Consequently, even though the FA has increased the number of labor inspectors since 2022, its vessel inspections have remained largely ineffectual. This inefficacy also stems from the low quantity and poor quality of the inspections. The FA only conducts inspections when the vessels come to port often after months at sea, as it has not invested in conducting at-sea inspections, nor in equipping all vessels with Wi-Fi to permit inspectors to contact fishers

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*rights protection in distant water fishing in Taiwan: From laissez-faire to regulation and challenges behind*, Marine Policy, Volume 134, 2021, <https://doi.org/10.1016/j.marpol.2021.104805>.

<sup>20</sup> Mina Chiang and Kimberly Rogovin, *Labor Abuse in Taiwan's Seafood Industry* (Dec. 2020), GLJ-ILRF, pp. 12–13, <https://laborrights.org/sites/default/files/publications/Labor-Abuse-in-Taiwan-Seafood-Industry-Local-Advocacy-for-Reform.pdf>.

<sup>21</sup> Department of Information Services, Executive Yuan, “Raising the minimum wage” (Jan. 10, 2024), <https://english.ey.gov.tw/News3/9E5540D592A5FECD/f881af5d-fe9b-4477-8b8d-60b2d19c5b97>; <https://www.macrotrends.net/countries/WLD/world/inflation-rate-cpi#:~:text=World%20inflation%20rate%20for%202022,a%200.23%25%20decline%20from%202018>.

<sup>22</sup> ILO, *Towards freedom at sea*, p. 9.

<sup>23</sup> SWG, *Comments Concerning the Ranking of Taiwan in the 2023 TIP Report*, p. 8.; SWG, *Comments Concerning the Ranking of Taiwan in the 2022 TIP Report*, p. 8.

<sup>24</sup> GLJ-ILRF interview with a Taiwanese civil society organization (March 14, 2024).

at sea.<sup>25</sup> Furthermore, inspections are not survivor-centered or trauma informed due to inadequate training of inspectors and translators. Inspectors conduct pre-notified onsite labor inspections in public spaces, where employers or recruitment agents might be present, making it difficult for fishers to respond candidly. Meanwhile, translations are often incomplete, misleading, or erroneous.<sup>26</sup> This weak inspection regime makes it challenging for FOSPI to encourage its members to report abuses to the FA.

Similarly, it is challenging for FOSPI to refer forced labor cases to the Taiwanese government due to the absence of an effective grievance mechanism that guarantees remedy for survivors. The government has established the 1955 Counseling and Protection Hotline for Foreign Workers. However, migrant fishers are unable to contact the hotline while at sea. Even where fishers have reported grievances to the FA, it has handled them incompetently, failing to protect workers from retaliation, including early termination and deportation, and failed to provide workers with remedy.<sup>27</sup> FOSPI members have also reported cases to the FA's grievance mechanism, only to have the fishers be terminated and deported in retaliation by the employer without remedy.<sup>28</sup> Discouraged by the lack of protections or remedy provided to workers, FOSPI stopped forwarding cases to the FA for a period of time but has recently resumed.

**Q2, Q3 & Q4:**

- **Q2: Have workers' organisations in your country played a role in preventing workers from being subjected to contemporary forms of slavery, or helping victims to move out of exploitative situations?**
- **Q3: Please provide any positive examples of collaboration or coordination with the following entities in preventing contemporary forms of slavery and protecting vulnerable workers and victims: Public authorities; Businesses/employers' organisations; Anti-slavery actors, human rights defenders and/or other civil society organisations; Other actors such as financial institutions, service providers, academia, media and regional/international organisations (e.g. ILO)**
- **Q4: Are there workers' organisations dedicated to organizing and defending the rights of workers in certain sectors with higher risks of labour and/or sexual exploitation (e.g. agriculture, fishing, construction, services including hospitality, manufacturing, domestic work, and non-standard forms of employment) or at-risk**

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<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> For example, in one case, after a fisher who had suffered frequent physical abuse by his captain contacted the hotline, the government permitted the recruitment agency and employer to file a lawsuit seeking damages for the fishers' strike, resulting in the court ordering each fisher to pay NT\$86,676 (\$2,796 USD). Civil Media Taiwan, “【新聞稿】勞動部缺席年度人口販運會議！強迫勞動問題誰來解？” (Sept. 6, 2023), 公民行動影音紀錄資料庫, <https://www.civilmedia.tw/archives/120955>.

<sup>28</sup> See e.g. Michael Sainato, “A fishing accident blinded me but I was forced to keep working’: abuses faced by workers who catch our fish” (March 13, 2024), *The Guardian*, <https://www.theguardian.com/business/2024/mar/13/fishing-industry-worker-abuse>.



**populations (e.g. indigenous peoples, migrants and refugees, minorities, older workers, workers with disabilities and informal workers) in your country? If so, please provide details, including tailored prevention or protection activities.**

FOSPI plays a crucial role in preventing forced labor and assisting survivors in Taiwan's DWF industry. FOSPI is a self-organized group of Indonesian fishers in Donggang, Taiwan with approximately 2,300 members across 11 regional hometown associations. Founded in 2006, FOSPI organizes social and cultural activities for fishers and provides temporary shelter near the port for fishers in need. It acts as a bridge between fishers and local authorities, civil society organizations (CSOs), and recruitment agencies, and facilitates fishers' access to justice and remedies. FOSPI has is organizing to push for industry changes to make fishing safe and fair work through the Wi-Fi NOW for Fishers' Rights at Sea campaign, launched in February 2022 ("Wi-Fi Campaign").<sup>29</sup> Over the past year, the campaign has garnered the support of a broad coalition of diverse allies around the world.<sup>30</sup>

The Campaign's top demand is access to free and secure Wi-Fi for all fishers on Taiwanese DWF vessels, to allow fishers to exercise their freedom of association by permitting them to contact their union and other advocates and report labor abuses in real time. Access to Wi-Fi in accordance with the criteria in Recommendation 1.2 (below) is essential for migrant fishers' to exercise freedom of association, which in turn allows them to defend other fundamental labor rights, particularly the right to work in a safe and healthy workplace free of discrimination or forced labor.

**Q6: What practical recommendations would you make to concerned stakeholders (including Governments, businesses/employers' organisations, anti-slavery and civil society actors, international organisations and others) to enable workers' organizations (including centres and federations) to more effectively prevent and address contemporary forms of slavery?**

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<sup>29</sup> FOSPI launched the Wi-Fi Campaign, in collaboration with five labor rights, human rights, and migrants' rights organizations: Global Labor Justice - International Labor Rights Forum, the Taiwan Association for Human Rights, Stella Maris Kaohsiung, Serve the People Association, and Humanity Research Consultancy. GLJ-ILRF, *Wi-Fi NOW for Fishers' Rights*, <https://globallaborjustice.org/wifinowforfishersrights/>.

<sup>30</sup> FOSPI is actively engaging a wide range of stakeholders in Taiwan, Indonesia, the U.S., Japan, and the European Union, including government agencies, lawmakers, vessel owners, vessel owner associations, trade unions, CSOs, faith-based organizations, and seafood brands and retailers. The Wi-Fi campaign has gained media attention and the consideration of influential figures, such as the U.S. Deputy Undersecretary for International Labor Affairs at the Department of Labor and Taiwan's Premier Chen Chien-jen. See, e.g., Avaaz, "Wi-Fi for Fishers' Rights," [https://secure.avaaz.org/campaign/en/wi-fi\\_on\\_board\\_asia\\_1/?fpla](https://secure.avaaz.org/campaign/en/wi-fi_on_board_asia_1/?fpla). Congressional-Executive Committee on China, "Hearing: From Bait to Plate—How Forced Labor in China Taints America's Seafood Supply Chain" (Oct. 24, 2023), YouTube, <https://www.youtube.com/watch?v=jYHqJvLrQNU>; GLJ-ILRF, "Fishers Hold Historic First Meeting With Taiwan's Premier Chen Chien-jen As Part Of 'WI-FI NOW FOR FISHERS' RIGHTS' Campaign" (Sept. 4, 2023), <https://laborrights.org/releases/fishers-hold-historic-first-meeting-taiwans-premier-chen-chien-jen-part-%E2%80%9Cwi-fi-now-fishers%E2%80%99>.

## **1. Recommendations to the Taiwanese government**

- 1.1.** The government should penalize all employer interference with worker organizations and grant workers protections against retaliation (e.g. early termination and deportation) for organizing and union activity, including speaking out about labor abuses.
- 1.2.** The government should mandate free access to Wi-Fi for all crew, including migrant fishers, on board all Taiwanese DWF, in line with the following criteria:
  - (1) mandatory Wi-Fi with penalties for non-compliance;
  - (2) commitment to fishers' fundamental labor rights;
  - (3) guidelines on reasonable access to Wi-Fi;
  - (4) co-design and co-enforcement of a vessel-level conflict resolution process; and
  - (5) improved labor enforcement through interagency action.
- 1.3.** The government should ensure fair recruitment and migration by prohibiting the charging of recruitment fees and establishing a bilateral labor agreement with sending countries that include protections for all migrant workers in the recruitment process. The government should abolish the tied visa regime and permit migrant workers to change employers and vessels.
- 1.4.** The government should abolish the two-tiered employment system and ensure that migrant fishers in DWF are governed by the MOL and afforded the same rights and protections as other workers in Taiwan.
- 1.5.** The government should strengthen its labor inspection regime of its DWF fleet and guarantee migrant fishers' access to an effective grievance mechanism, including the ability to safely report labor rights violations without the risk of retaliation and receive adequate remedy in a timely manner.

## **2. Recommendations to vessel owners/vessel owner associations and recruitment agencies**

- 2.1.** Vessel owner associations should sign an anti-retaliation pledge, committing to respecting migrant fishers' fundamental labor rights, including their right to freedom of association, and establishing a zero-tolerance policy for any acts of retaliation.
- 2.2.** Vessel owners should guarantee free access to Wi-Fi for all crew, including migrant fishers, on board all Taiwanese DWF vessels, in line with the criteria in Recommendation 1.2. Vessel owners and recruitment agencies should commit to the employer pays principle and ensure that migrant workers are not charged recruitment fees or related costs.