

OUT AT SEA, OUT OF SIGHT: FILIPINO, INDONESIAN AND VIETNAMESE FISHERMEN ON TAIWANESE FISHING VESSELS



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A report of the



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EXECUTIVE SUMMARY



Figure 1 When they are not at sea, fishermen get some rest, or they attend to other tasks, such as mending nets. (Photo by Marla Asis)

The fishing sector is a significant contributor to Taiwan's economy. As in other countries, Taiwan's fishing activities are classified into three types: distant water fisheries (i.e., fishing activities conducted in areas outside the country's 200-mile Exclusive Economic Zone or EEZ); coastal and offshore fisheries (i.e., fishing activities conducted in Taiwan's internal waters, territorial sea and EEZ), and aquaculture (more than 100 aquatic species are cultivated in the country's fish farms). Taiwan's fishing sector has increasingly relied on migrant fishermen for both distant water fishing and domestic fishing.

In recent years, the appalling conditions of migrant fishermen in Taiwan's fishing sector have been reported by the media, attracting international attention in the same way that the plight of migrant fishermen in Thailand was exposed by the media and human rights organizations.



Figure 2 A day off onshore is precious time for migrant fishermen. (Photo by Fr. Tran Van Thiet)

Building on existing information, this study endeavored to provide a comparative analysis of key aspects of the experiences of migrant fishermen from Indonesia, the Philippines and Vietnam on Taiwan's fishing vessels: the policy context and recruitment and deployment processes; working and living conditions in Taiwan; access to support and assistance; and conclusions. The scoping study gathered information by reviewing the literature in the three origin countries and in Taiwan and conducting interviews of fishermen in Taiwan. The interviews in Taiwan were carried out by Scalabrinian missionaries working with migrant workers. The interviews took place between December 2018 and January 2019. A total of 34 interviews were completed: 12 with the Indonesians, 10 with the Filipinos, and 12 with the Vietnamese. The fishermen were interviewed while their vessels were docked in the ports, in church premises, train stations, and a migrants' center. Consultations with key informants conversant with the issues of migrant fishermen were also conducted.

The policy context

All three origin countries have been involved in temporary labor migration for decades—the Philippines since the 1970s, Indonesia from the 1980s, and Vietnam since the 1990s (although it sent some of its nationals to work in the former Soviet Union and Eastern Europe earlier). These three countries have varying levels of

institutionalization of labor migration, with the Philippines as a frontrunner in this aspect.

On the destination side, Taiwan has established a system for bringing in foreign workers in 1992 to meet the needs of Taiwan's factories and families requiring caregivers and domestic workers. The fishing industry also came to rely on migrant workers with the retreat of local workers from this sector.

While the governance of labor migration in Taiwan has shown improvements, the conditions of fishermen continue to raise concerns. In general, foreign workers in Taiwan are under the purview of the Ministry of Labor (MOL). The case of migrant fishermen is problematic because there are two government agencies that oversee their situation—the MOL for fishermen working in Taiwan's internal waters, and the Fisheries Agency (FA) for fishermen working on Taiwanese vessels in distant water fishing. This division has created two types of protection regimes: those under the MOL are covered by the Labor Standards Act while those in distant water fishing are not (deep sea fishing vessels are not considered an extension of Taiwan's territory). The FA is responsible for Taiwan's fisheries and as per its mandate, it does not have competence over labor matters. The Distant Water Fisheries Act passed in 2016 and enforced in 2017 includes provisions to protect migrant fishermen: a minimum rest time of 10 hours a day, mandatory accident,

medical and other insurance, and requiring vessel owners to deposit between NTD1.5 million (USD48,600 now) and NTD5 million (USD162,000 now) with the FA against claims of abuse and irregularities. The two types of fishermen earn different monthly salaries: those under MOL earn NTD23,000 starting January 2019 (about USD745) while those under FA receive at least NTD13,900 (USD450).

Recruitment and deployment

Fee-charging private recruitment agencies (PRAs) are heavily involved in the recruitment of migrant fishermen. In Indonesia and Vietnam, the PRAs have agents who actively scout for potential applicants and shepherd them through the whole process. The amount and payment of fees varies. Some fishermen paid in full, others made partial payments plus salary deductions, and some paid entirely through salary deductions. The Vietnamese had to make an “anti-runaway” deposit to their agency worth USD1,000; they can recover this if they did not run away for the duration of their contract. Five out of the 12 Vietnamese workers spent a total of USD3,000 (USD2,000 for the placement fee and USD1,000 deposit); the highest was USD4,200 and the lowest was USD2,500. The government has disallowed the collection of the deposit, but the agencies continue to charge migrants this hefty fee.

Profile-wise, there are differences among the three groups. The Indonesian

interviewees are generally younger compared to the two other groups. More Vietnamese and Filipinos had worked as fishermen in their home countries compared to Indonesians. Most Filipino and Indonesian fishermen finished high school or had vocational training. Two Filipinos had completed college degrees—one had a BS in Marine Transportation and the other finished BS in Marine Engineering. Half of the Vietnamese had high school education; the other half had elementary education.

Among the three origin countries, the Philippines has some statistics on the deployment of fishermen because they have to register with the Philippine Overseas Employment Agency (POEA). Deployment data between 2012 and 2017 indicate an average of 6,600 fishermen deployed overseas, with China and Taiwan as the major flags of registry. All are male, with a median age of 31; 31 percent are married and 68 percent are single. Contracts of fishers on international vessels deposited with POEA show that the duration is usually 12 months and the monthly salary is pegged at USD 250.

Vietnam started sending fishermen to work overseas in the 1990s. Other than Taiwan, the other major destinations of Vietnamese fishermen are South Korea and Japan. In Indonesia, historical data on the migration of Indonesian fishermen are not available. Data from 2011 suggest that the number of people taking up occupations as migrant workers in the fisheries sector has been

growing in recent years: the annual outflow of fishermen stood at 4,371 (2011), 5,213 (2012), 5,559 (2013), and 4,852 (2014).

Data on foreign fishermen in Taiwan help fill the data gap in the origin countries. As of March 2019, there were 704,800 foreign workers in Taiwan, of which 12,501 were in agriculture, forestry and animal husbandry (crewmen). By nationality, migrant fishermen comprised 9,059 Indonesians, 1,751 Filipinos, 1,633 Vietnamese and 28 Thais. Since the figures are based on MOL statistics, these reflect the number of migrant fishermen working in domestic fisheries. Data on migrant fishermen on Taiwanese vessels plying distant waters are not as easily available. Data as of July 2017 indicate that the foreign crew members on distant water fishing totaled 18,162 composed of 10,745 Indonesians (59.2 percent), 5,672 Filipinos (31.2 percent), Vietnamese (7.2 percent), and others (2.4 percent). Overall, thus, Indonesians are the majority among migrant fishermen, followed by Filipinos and Vietnamese. Data on migrant fishermen on distant water fishing, however, are highly problematic. A 2018 report cites the FA's estimate of 26,000, which is a far cry from a US report in 2014 citing 160,000.

Working and living conditions in Taiwan

The interviewees had signed a contract, but many of the terms of the contract are not respected. Some interviewees were surprised to learn about new deductions, such as deductions for dormitories (when they did not stay in dormitories) and food. Several interviewees shared that their contract includes conditions such as not to argue with the officers and to “never complain.”

Many interviewees who agreed to salary deductions had varying amounts and lengths of payments. For example, among the Indonesians, the amount of salary deductions depends on how long they stayed in the accommodations provided by the agency in Indonesia.

Findings from the interviews paint deplorable working and living conditions. All groups reported similar harsh and abusive conditions. Almost all the interviewees talked about the long hours of work. When there are many fish, they work continuously; some reported working almost round-the-clock. Sheer exhaustion contributes to accidents and injuries on board. Bad weather conditions add to hazards on the job; crew members can fall into the sea and disappear. The physical exhaustion is exacerbated by lack of food (or in some cases, lack of nutritious food). If they are not fishing, they continue to work—e.g., mending

the nets, checking the engines, painting the vessel and other tasks.

The accommodations of fishermen onboard are not conducive to rest. Fishermen basically live on the vessels. In small vessels, fishermen have shared sleeping areas, restrooms are not provided, and the cooking area, dining area, and sleeping area are all in one space. Fishermen working in domestic waters complain of salary deductions for accommodation even if they live on the vessel.

Onboard, the fishermen are subject to the power of the captains (some also mentioned the foremen). Beatings are a common occurrence and are perceived as part of disciplining the crew, and verbal abuse was mentioned by interviewees.

Access to support and assistance

Unlike migrant workers on land, migrant fishermen are cut off from lines of support, assistance and communication when they are at sea, particularly for those in distant water fishing who are at sea for 5-6 months.

Based on the interviews, Filipino fishermen were more informed about available support and assistance than their Indonesian and Vietnamese counterparts. Filipinos identified the Manila Economic and Cultural Office (specifically the Philippine

Overseas Labor Office), church-based organizations and NGOs among those providing assistance to fishermen. The Ilonggo Seafarers Organization was established in Suao (Yilan) in 2007, providing support to Filipino fishermen, and gaining some leverage with employers. The group's members later became part of the Yilan Migrant Fishermen Union, the first migrant workers union in Taiwan. To date, the union has 126 members consisting of Filipino and Indonesian fishermen. Five Filipino interviewees were members of the union. For the most part, fishermen rely on each other for support.

Conclusions

Despite the attention to migrant fishermen's issues and some actions by the government of Taiwan, much remains to be done to improve their working and living conditions. Their conditions have various elements of trafficking based on ILO's indicators of forced labor (abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions and excessive overtime). Among others, the MOL cannot be uninvolved when it comes to migrant fishermen in distant water fishing. Inspection and monitoring of vessels and the working and living conditions of crew members must be strengthened, and in this regard, seeking the cooperation of other

agencies (e.g., the Coast Guard Administration) and organizations (e.g., trade unions and NGOs) will be a useful strategy.

For origin countries, there is a need to raise awareness about the conditions of fishermen employed overseas, to improve training and preparation of migrant fishermen, to strengthen the capacity of their economic and cultural offices in Taiwan to extend support to these largely invisible workers. Ratifying C188—Work in Fishing Convention, 2007 (No. 188) will be a significant step towards promoting the

protection not only of migrant fishermen but also the large numbers of local fishermen.



Figure 3 The staff of the Migrant Worker's Concern Desk of Taipei sharing information with fishermen while they are onshore. (Photo by Fr. Tran Van Thiet)

Introduction

Taiwan is a major player in industrial fishing, ranking next to China, in deploying its vessels to fish in the world's high seas. Japan, Korea and Spain are the other countries that comprise the top five. China and Taiwan combined account for 52 percent of the industrial fishing activities detected in the high seas by the study of McCauley et al. (2018). In terms of revenue and catch, 2016 data suggest that Taiwan's distant water fishing earned USD980 million from a catch of 545,000 metric tons (White and Liu, 2018). As in other countries, Taiwan's fishing activities are classified into three types: distant water fisheries (i.e., fishing activities conducted in areas outside the country's 200-mile Exclusive Economic Zone or EEZ); coastal and offshore fisheries (i.e., fishing activities conducted in Taiwan's internal waters, territorial sea and EEZ), and aquaculture (more than 100 aquatic species are cultivated in the country's fish farms).¹

The fishermen working on Taiwanese fishing vessels are largely migrants coming from Southeast Asia. In recent years, the appalling conditions of migrant fishermen on Taiwan's fishing vessels have been the subject of media reports, attracting public attention. In 2016, the investigation on the death of Supriyanto conducted by The Reporter, an independent journalist group, revealed that the Indonesian fisherman died from beatings, not illness as was initially reported by his employer. Supriyanto died in August 2015 onboard the vessel Fu Tzu Chun. He developed septicemia because the captain refused to dock in the nearest port to seek medical help. This revelation prompted a reinvestigation of the circumstances of Supriyanto's case (Focus Taiwan, 2016), and in a bigger way, it opened a can of worms about unregulated working conditions in Taiwan's distant water fishing (see also Parhusip, 2018). Other reports, such as Greenpeace East Asia's *Made in Taiwan* (2016) and *Misery at Sea* (2018), revealed long working hours, low wages, abuse and horrible conditions on Taiwanese fishing vessels. Also, in 2018, the Environmental Justice Foundation (2018) documented illegal fishing and human rights violations against migrant fishermen aboard the Taiwanese vessel Fuh Sheng II. The vessel was detained in Cape Town, South Africa for violating international standards of decent work in the fishing sector, as defined by the International Labor Organization's (ILO) Work in Fishing Convention C188. A State party to the Convention, South Africa acted on its obligations to protect the rights of the workers.

¹ According to Taiwan's Fisheries Agency, as of 2015, the three types of fishing activities generated NTD44.6 billion (distance water fishing), NTD14.6 billion (coastal and offshore fishing), and NTD35.1 billion (aquaculture). Available from <https://www.fa.gov.tw/en/FisheriesoROC/content.aspx?id=2&chk=05d9ffd2-651d-4686-a2d1-a44413152366¶m=pn%3d1>

In October 2015, the European Union (EU) issued Taiwan a yellow card for failure to cooperate fully in combating illegal, unreported and unregulated (IUU) fishing. Since then, EU authorities have been monitoring Taiwan every six months to see how it was responding to IUU concerns. On 27 June 2019, the EU lifted the yellow card, acknowledging the positive steps Taiwan has undertaken in the areas of legal framework, monitoring, control and surveillance (MCS), traceability, and international cooperation (Fisheries Agency, 2019). The removal of the yellow card clears the exportation of Taiwan's fisheries products to the EU. Since the carding decision does not cover human rights issues, rights groups advance that reforms on this aspect must continue (EJF, 2019).

The focus on Taiwan follows the global attention to the plight of migrant workers, mostly from neighboring Myanmar, Cambodia and Laos, who work on Thai fishing vessels and in the seafood processing industry. Reports in 2014 and 2015 of slave-like conditions suffered by migrant fishermen and workers in the seafood processing industry urged the EU to issue Thailand a yellow card; the EU and the US also threatened to boycott Thailand's seafood products (DW.com, 2018). Thailand was also downgraded to Tier 3 in the US Trafficking in Persons Report in 2014 and 2015 (Szep, Spetalnick and Marshall, 2015). Although Thailand introduced measures to end or reduce some of the worst abuses, these efforts were deemed insufficient, noting that the main problem is the rampant trafficking (DW.com, 2018). The latest development is Thailand's ratification of the Work in Fishing Convention-C188 in January 2019, the first Asian country to have done so.² While seen as an "important step towards eliminating labor abuses in the supply chains of international brands sourcing seafood from Thailand," allowing migrant workers (which comprise 90 percent of workers in the fishing industry) to form unions and ratifying ILO C87 (ILO Convention on Freedom of Association and Protection of the Right to Organise) and C98 (ILO Convention on the Right to Organise and Collective Bargaining) would strengthen worker protection.³

Focus of the research and methodology

This study endeavored to provide a comparative analysis of the experiences of migrant fishermen from Indonesia, the Philippines and Vietnam on Taiwan's fishing vessels by looking into the following: the policy context and recruitment and deployment processes across the countries; the working and living conditions of migrant fishermen in Taiwan; their access to support and assistance; and policy recommendations.

² https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_666581/lang--en/index.htm

³ International Labor Rights Forum (2018) Thailand's Ratification of ILO Fishing Convention Is First Step towards Real Legal Reforms, 30 November 2018. Available from <https://laborrightrights.org/c188> (accessed on 6 March 2019)

The scoping study gathered information by reviewing the literature in the three origin countries and Taiwan and conducting interviews with fishermen in Taiwan. The Scalabrini Migration Center (SMC) provided overall direction for the conduct of the study. SMC explored different possibilities for cooperation with several organizations in Taiwan. In the end, SMC decided to cooperate with Scalabrinian missionaries based in Taiwan for several reasons. Given their pastoral work with temporary migrant workers in Taiwan, Scalabrinian missionaries are conversant with issues confronting migrant workers in Taiwan, including migrant fishermen. In Taipei, the Scalabrinian missionaries serve in St. Christopher Church, which not only offers pastoral programs that take care of the spiritual needs of migrants, but also services and programs that respond to the other needs of migrant workers. The Migrant Workers' Concern Desk (MWCD), which was set up by the Chinese Catholic Bishops Conference in 1989, was transferred to St. Christopher's Church in 2010, and this has given Scalabrinian missionaries direct experiences in dealing with migrant workers. In Kaohsiung, the Scalabrinians run the Stella Maris Center, a facility that originally provided support services to seafarers, but it later expanded its coverage to migrant workers in general. Their identity as Scalabrinian missionaries did not pose a problem in accessing and recruiting migrant fishermen. Except for Filipinos, who were mostly Catholic, the Indonesians and Vietnamese who participated in the study were not necessarily churchgoers or Catholics. As discussed in the methodology section, the interviews were conducted in different venues. The critical factor was speaking the language of the three national groups of interest to the study—Bahasa Indonesia, Filipino and Vietnamese. Fr. Heribertus Mangkur, Fr. Lucio Bula, and Fr. Tran Van Thiet, conducted the interviews with the Indonesians, Filipinos and Vietnamese, respectively.

The Scalabrini Migration Center prepared the guide questions, which were translated into the three languages and were administered in face-to-face interviews with the research participants. The interviews took place between December 2018 and January 2019. A total of 34 interviews were completed: 12 with the Indonesians, 10 with the Filipinos, and 12 with the Vietnamese. The fishermen were interviewed while their vessels were docked in the ports of Yilan County and Kaohsiung City—some were interviewed in their vessels, others were interviewed in church premises, train stations, and a migrants' center. All the interviews with Filipinos were done in Nan Fang Ao, Suao, Yilan County. Ten of the 12 interviews with Indonesians were conducted in Kaohsiung; two were done in Yilan. The interviews with the Vietnamese were carried out in Taipei and Keelung. The names of the research participants are not revealed in the discussion below to protect their privacy. In lieu of names, the quotations will be identified by national group (ID, PH and VN for Indonesian, Filipino and Vietnamese, respectively), followed by the interviewee number. The selection of interviewees and the small number per national group do not allow for making generalizations about the population of fishermen per national

group and the total population of migrant fishermen in Taiwan. Although the numbers are small, the study was able to gather information about a variety of situations which portray different circumstances.

Consultations with key informants who were immersed with the issues of migrant fishermen were also conducted. Interviews were conducted with the staff at the Migrant Workers Concern Desk in Taipei and consultations were made with the Yilan Migrant Fishermen Union. The research forum conducted in the Philippines on 28 March 2019 also surfaced additional information and insights which have been integrated in this report.

The succeeding sections are organized according to the topics examined by the study: the policy context, recruitment and deployment processes; the working and living conditions of migrant fishermen; the support and services that they are able to access; and conclusions and recommendations.

The policy context: From the origin countries to Taiwan

From the origin: Recruitment and deployment

All three origin countries have been involved in temporary labor migration for decades—the Philippines since the 1970s, Indonesia from the 1980s, and Vietnam since the 1990s (although it sent some of its nationals to work in the former Soviet Union and Eastern Europe decades earlier). Having established a comprehensive legal and institutional framework to govern labor migration, the Philippines has been able to combine facilitating temporary labor migration and providing safeguards for worker protection at all stages of the migration process (Asis, 2017).

For all three countries, Taiwan ranks among the major destinations of their overseas workers. Both the Philippines and Indonesia had been sending workers to Taiwan since the latter emerged as a destination country in the late 1980s while Vietnam did so from the late 1990s. As will be detailed in a later section, foreign fishermen working on Taiwanese vessels largely come from these three countries.

Among the three countries, the Philippines has available data on fishermen leaving the country. In the Philippines, all Filipinos who legally leave the country as overseas Filipino workers (OFWs) go through the processes and requirements of the Philippine Overseas Employment Administration (POEA).

Those leaving as fishermen must register with the POEA,⁴ which then processes their documents and classifies them under the general category of seafarers. Fishermen, however, are non-marine personnel, that is, they are registered as working on board a fishing boat.⁵ According to Table 1, after China, Taiwan registered vessels are the second largest employers of Filipino fishermen working overseas.

Table 1: Deployed Filipino Fishermen by Top Flags of Registry

Country	2012	2013	2014	2015	2016	2017
China	2,060	2,665	2,792	2,858	2,549	3,394
Taiwan	1,734	1,360	1,447	1,996	1,603	1,824
Vanuatu Island	855	791	848	971	777	1,056
Seychelles	110	97	95	101	252	363
United Kingdom	6	283	396	490	306	236
South Korea	83	179	249	293	205	233
USA	141	182	199	174	137	129
Japan	190	157	176	160	168	125
ALL FLAGS OF REGISTRY	5,179	5,714	6,491	7,368	6,273	7,696

Source: Special tabulations provided by POEA

Within the Philippines, fishermen tend to come largely from provinces in the north (Ilocos Norte, Isabela, Ilocos Sur, Cagayan, La Union, Pangasinan, Nueva Vizcaya); the rest come from Iloilo, Negros Occidental and Palawan. Together, these top ten provinces account for 50 percent of all fishermen who left the country in 2016. Fishers are all male, with a median age of 31; 31 percent are married and 68 percent are single. Contracts of fishers on international vessels deposited with POEA show that the duration is usually 12 months and the monthly salary is pegged at USD250.

Vietnam started sending fishermen to work overseas in the 1990s. Apart from Taiwan, the other major destinations of Vietnamese fishermen are South Korea and Japan. In Indonesia, historical data on the migration of Indonesian fishermen are not available. It has

⁴ Filipino workers who do not go through POEA are not captured by POEA statistics. The fishermen who bypass the POEA risk being trafficked— see Yea's (2012) study on the trafficking of Filipinos in long-haul fishing transiting through Singapore from where they board fishing vessels bound for various destinations.

⁵ The Philippines collects statistics on both land-based and sea-based workers. Until recently, the latter workers refer to seafarers on commercial vessels, but from the late 1990s-early 2000s, sea-based workers started to include those who work on cruise ships (non-marine personnel), which include women workers. The statistics on migrant workers from other origin countries in Asia cover only those who work in land-based occupations.

been noted that in 2013—as per Ministerial Regulation (Ministry of Transportation) Number 84 Year 2013 on the Mechanism of the Recruitment of Seafarer [sic] and Head of BNP2TKI Regulation Number 03/KA/1/2013 on the Mechanism of Placement and Protection of Indonesian Fishermen on Foreign Fishing Vessel [sic]—the number of Indonesian fishermen placed overseas peaked, but declined thereafter (IOM Indonesia, KKP and Coventry University, 2016: 55–56).

The placement of Indonesian fishermen on Taiwanese vessels follows two modes: (1) official placement, i.e., government-to-government where the BNP2TKI place workers on vessels that operate only in Taiwanese waters, and are thus under the purview of Taiwan’s MOL; and (2) Letter-Guaranteed placement where manning agencies in Indonesia place the fishermen on vessels, without the involvement of both governments (IOM Indonesia, KKP and Coventry University, 2016: 50–51).⁶ The same source states that most Indonesian fishermen victims of trafficking assisted by the International Organization for Migration worked on Taiwanese fishing vessels (p. 50).

Table 2: Top ten provinces of origin of Filipino fishermen, 2016

Province	Frequency	Percent
Iloilo	416	7.0
Ilocos Norte	392	6.6
Isabela	386	6.5
Ilocos Sur	380	6.4
Negros Occidental	324	5.5
Cagayan	310	5.2
La Union	223	3.8
Pangasinan	202	3.4
Palawan	183	3.1
Nueva Vizcaya	175	3.0

Source: Special tabulations provided by POEA

⁶ See also Parhusip (2018)

Table 3. Number of Indonesian fishermen abroad, 2010–2015

Year	Number of Indonesian fishermen abroad
2010	390
2011	4,371
2012	5,213
2013	5,559
2014	4,852
2015	1,866

Source: IOM Indonesia, KKP and Coventry University (2016: 56)

Turning to the interview data, the socio-demographic profile of the three groups shows some variation. The Indonesian interviewees are generally younger compared to the two other groups. Except for three who are aged 31, 33 and 47, the rest of the Indonesians were in their 20s, and most (9 out of 12) were single. The mean age of Filipino fishermen is 36.4 (SD=7.85), six were married or had partners, two were single, and two were separated or widowed. Data on age was not available for many Vietnamese participants. Based on their years of fishing experience and that 11 out of the 12 were married, they are likely to be older compared to the Indonesians. Almost all of the Vietnamese and 9 out of 10 Filipino fishermen had worked as fishermen in their home countries. Among the Indonesians, only five out of 12 had previous experience as fishermen in Indonesia, although two had attended a fisheries school. Most Filipino and Indonesian fishermen finished high school or had vocational training. Two Filipinos had completed college degrees—one had a BS in Marine Transportation and the other finished BS in Marine Engineering. Half of the Vietnamese had high school education; the other half had elementary education.

As is characteristic of the region, the recruitment of migrant workers from these countries are largely mediated by private recruitment agencies (PRAs) which charge a fee for services that are typically passed on to applicants. Based on interviews with the fishermen, all of them went through PRAs. In Indonesia and Vietnam, the PRAs have agents who actively scout for potential applicants and shepherd them through the whole process. Starting from the village, accounts of Indonesian fishermen suggest the role of friends and family members in sharing information about job opportunities in Taiwan and introducing them to recruitment agencies, which then process their application. Three Indonesian interviewees were introduced to the PRAs by their school—in one case, the interviewee handed over the placement fee to his school, which then forwarded it to the agency; in another case, the school's headmaster was a maritime graduate and he asked a classmate who owns an agency to provide jobs to

the school's graduates; and in the third instance, a teacher in his school asked who was interested to work abroad and then forwarded the list of interested applicants to an agency.⁷ Only two out of the 12 Indonesian fishermen approached an agency on their initiative. Applicants usually stay in accommodations arranged by their PRAs, and while waiting for their visa and work permit, some fishermen reported having some language or skills training. Fishermen who migrate in recent years mentioned taking the Basic Safety Training.

In the case of the Filipinos, they were recruited by licensed agencies. None of the interviewees mentioned being accompanied by someone from their village in approaching the recruitment agencies; instead, they submitted the requirements to the agencies. Eight out of the ten indicated that they paid placement fees. One of the men found out about the fees when he had deductions from his monthly salary to cover the fees. The amounts reported varied widely. If the outlier values were excluded, most of the placement fees fell between NTD60,000 (around USD1,944) and NTD84,000 (USD2,721).⁸ Some Filipino fishermen paid in full, others made partial payments and the rest are salary deductions, and some paid entirely through salary deductions. Most Indonesians and Vietnamese had salary deductions; the total amount for Indonesians include their accommodations while waiting for their departure. Five of the ten interviewees were able to leave for Taiwan within a month; the other five left within six months. As legally deployed workers, they attend the mandatory pre-departure seminar orientation that is intended to help them adjust to their new environment.

The interviews with the Vietnamese revealed that they underwent training and had to pass an exam. Several participants shared that they attended language training for a week. It seems that more recent batches no longer go through training:

I received the completion training certificate for fishermen from the Vietnamese company and I had to pass the interview in order to go on board. We were 40 in the group but only 20 passed and went abroad; the rest had to study more. Unlike now, anyone who applies could easily pass and go. I studied the language fast. For tending the nets, pull-lower the nets, I knew about them already, I did not have to study how to do these things. The training was so strict, it was like being in the military. (VN 04)

According to one fisherman, the training they received in Vietnam did not provide them with correct information:

⁷ These three cases suggest brokering on the part of the school personnel.

⁸ Two Filipino fishermen related that when they renewed their contract, they had to pay a placement fee of NTD140,000 (around USD4,535).

Before departure, the agency company in Vietnam reminded us: 1st, do not gather as a group; 2nd, no gathering for drinking during holiday celebrations; and they gave us some pages to study. But what they taught us are not correct, completely wrong! . . . For example, they taught us how to drop the anchor, I am sorry to say that they themselves did not know what an actual anchor is! They taught me also how to fish with rods, but ... at the end, they apologized saying that they were not fishermen, so they did not know! They did not know how to do it, but they still taught! I do not understand! The only one who knew well was the head of the department. I came here and started learning from some Chinese. As Vietnamese, I was fast in learning, imitating, so it was ok. [VN 11]

The Vietnamese had to make an “anti-runaway” deposit to their agency worth USD1,000, which they can recover if they did not run away for the duration of their contract. Five out of the 12 Vietnamese workers spent a total of USD3,000 (USD2,000 for the placement fee and USD1,000 deposit); the highest was USD4,200 and the lowest was USD2,500.⁹ Although the Vietnamese government has disallowed the collection of the USD1,000-deposit, the agencies continue to charge migrants this hefty fee.

Migrant fishermen in Taiwan

Based on data from Taiwan’s Ministry of Labor (MOL), presently, foreign workers in Taiwan are largely from these countries (Table 4). In terms of numbers, Indonesia ranks first, followed by Vietnam (second) and the Philippines (third). Indonesians are the dominant group in the social welfare occupations and are less represented in manufacturing which comprises mostly workers from Vietnam and the Philippines. As Table 4 shows, migrant fishermen are recorded under the category, “Agriculture, forestry, fishing and animal husbandry (Crewmen).”¹⁰ In relation to the total population of foreign workers in Taiwan, this category is overshadowed by the much larger numbers of workers in the manufacturing and social welfare sectors.

Among the three countries, Indonesia is the leading origin country of foreign fishermen in Taiwan. Since the data on crewmen in Table 4 are from the MOL, they refer to foreign fishermen working on Taiwan’s internal waters. Meanwhile, the number of foreign fishermen

⁹ One participant said that he later found out that the Taiwanese company paid for everything, but the agency in Vietnam still charged him USD516.

¹⁰ Although the category includes other sectors, the figures basically refer to fishermen since Taiwan has not yet fully opened the agriculture sector to foreign workers. The seasonal needs of the farming sector and the high placement costs for workers who can only work for three months are some of the factors that conspire against hiring foreign workers to solve the labor shortage in agriculture (see <http://www.taipeitimes.com/News/taiwan/archives/2018/02/27/2003688342>).

working on Taiwanese vessels plying the high seas is difficult to ascertain. According to the Fisheries Agency and MOL, in 2016, some 26,000 migrant workers were working in Taiwan's fishing industry, which is a low estimate compared to the 160,000 migrant workers in Taiwan's distant water fishing industry as mentioned by the US Trafficking in Persons Report in 2014 (cited in EJF, n.d., p. 2). Another source mentions that as of July 2017, there were 18,162 foreign crew members employed overseas (i.e., in distant water fishing), comprising 10,745 Indonesians (59.2 percent), 5,672 Filipinos (31.2 percent), and 1,308 Vietnamese (7.2 percent) (Tien-Hsiang, 2018: 622). These different estimates and the lack of specification or breakdown by type of fishing or type of employment in the fishing industry suggest a need to treat these data with caution and for readers to be mindful of what these estimates refer to.

Table 4. Foreign Workers in Taiwan by Productive Industries and Social Welfare Nationality (as of end of March 2019)

Industry/Sector	TOTAL	Indonesia	Philippines	Vietnam	Thailand*
Total (Productive industries & Social Welfare**)	704,800	270,680	163,865	220,122	60,133
Agriculture, forestry, fishing and animal husbandry (Crewmen)	12,501	9,059	1,751	1,633	28
Manufacturing	429,001	62,291	120,629	188,867	57,214
Construction	4,147	510	12	1,191	2,434
Social welfare	259,151	198,790	31,473	28,431	4,57

Source: Ministry of Labor (2019). Table 12.4 – Foreign Workers in Productive Industries and Social Welfare by Industry and Nationality. Available from <http://statdb.mol.gov.tw/html/mon/c12040.htm>

*Includes a few workers from other countries. Overall, those from Thailand account for the largest share.

**Refers to foreign workers employed as caregivers and domestic workers.

Taiwan is an attractive destination for migrant workers in the Asian region because of the possibility to earn high wages, but ever since, labor migration to Taiwan has been beset by high placement costs that are borne by migrant workers. Thus, even if the governance of labor migration in Taiwan has improved, particularly in the aspect of worker protection, the issue of placement fees and brokers' fees continues to be a heavy burden for migrant workers. In addition, the working and living conditions of fishermen, along with caregivers and domestic

workers, continue to raise protection and welfare concerns (SMC, MRTC and TARA, 2019). The case of migrant fishermen, in particular, have been under the radar until quite recently, uncovered in large part by reports made public by media outfits and human rights organizations.

Foreign workers in Taiwan are under the purview of the Ministry of Labor (MOL) and are covered by the Labor Standards Act, *except* for foreign caregivers and domestic workers. The case of foreign or migrant fishermen is problematic because there are two government agencies that oversee their working and living conditions: the MOL for fishermen working in Taiwan's internal waters (or domestic fishing), and the Fisheries Agency (FA) for fishermen working on Taiwanese vessels in distant water fishing. This division has created two types of protection regimes for migrant fishermen: those under the MOL are covered by the Labor Standards Act while those in distant water fishing are not (deep sea fishing vessels are not considered an extension of Taiwan's territory). The FA is responsible for Taiwan's fisheries and as per its mandate, it does not have competence over labor matters. The contrasting treatment of migrant fishermen is also reflected in the different wage levels of the two types of fishermen: those under MOL earn NTD23,000 starting January 2019 (about USD745) while those under FA receive at least USD450.

In response to the EU monitoring, Taiwan enacted the Distant Water Fisheries Act in 2016 which was enforced in 2017. The law addresses fishing violations and includes provisions to protect migrant fishermen by specifying a minimum rest time of 10 hours a day and requiring vessel owners to provide mandatory accident, medical and other insurance. Furthermore, vessel owners must deposit between NTD1.5 million (around USD48,600) and NTD5 million (around USD162,000) with the FA against claims of abuse and irregularities. Taiwan introduced the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members (the Regulations) in early 2017 in accordance with the law. While the 2016 law has made important steps to address fishing violations, it is not as forceful on the issue of worker protection (EJF, n.d.). Its main purpose is to preserve ocean resources and combat IUU fishing. It is sorely wanting when it comes to regulations on labor relations—for this purpose, the law simply authorizes the FA to draft the Regulations.

From the standpoint of NGOs, the Regulations are flawed for the following reasons:¹¹

- 1) Article 7 provides specific conditions on who can qualify to apply as agent. In practice, however, shipowners and agents tend to be the same entities. Of the 47 agencies which have registered to the Fisheries Agency, 12 are operated by a marine or fisheries company. NGOs have called out this problem many times, but the FA has not taken decisive steps to address these cases of conflict of interest.
- 2) The Regulations do not establish legal standards to protect foreign fishermen; it only provides a contract template. There are many actors involved in the recruitment of foreign fishermen—the vessel owner, the Taiwanese broker, the recruitment agency in the origin country—and in case of labor disputes, it is extremely difficult for migrant fishermen to know the system of redress.
- 3) Articles 23, 24, 25, 26, 28, and 29 of the Regulation provide that a broker shall submit all the employment documents to the fishery associations, which are supported by shipowners, not to FA. In effect, the government has given up its supervision function and instead allows interest groups to regulate the brokers.
- 4) The FA has no competence on labor relations or labor laws. Even though the Act authorizes the Fisheries Agency to make regulations, it is not knowledgeable about labor rights and labor disputes. Mostly, the FA functions to enforce the law.
- 5) The Regulations took effect on 20 January 2017, but by 14 August 2017, the FA issued a proposal to amend some provisions. When the NGOs found out that the FA acted on the requests of interest groups and brokers, the NGOs decided not to attend the hearing of the proposed amendments. NGOs feel that the FA tends to be more responsive to the economic contributions of the fishing sector over the rights of foreign fishermen.

¹¹ These views were shared by Ms. Allison Lee, co-founder and Secretary General of the Yilan Migrant Fishermen Union, Taiwan's first labor union composed of and led by foreign workers (personal communication, 3 March 2019; 25 February 2019).

Working and living conditions

The interviewees had signed a work contract in their home countries. For Filipinos, the contract was for 2–3 years; for the Vietnamese and Indonesians, it was for three years. The terms of the contract, however, were rarely honored; most of the research participants said that many conditions were not respected. Some interviewees were surprised to learn about new deductions, such as deductions for dormitories (even if they did not stay in dormitories because they lived in the fishing vessels) and food. Several interviewees shared that their contract includes conditions such as not to argue with the officers and to “never complain.”

In the contract that I signed in the Philippines, there was no mention about salary deduction. Now, in the actual job, there is deduction for dormitory, but there is no dormitory at all as we just stay inside the boat. We are receiving our salary but without giving us the pay slip. (PH 02)

Yes, I signed the contract before leaving but I don't have copy of it. The only condition I can remember in the contract is that the 8 working hours should be followed. But when I arrived in Taiwan, I signed another contract, the 8 working hours is no longer followed. We usually work overtime without pay. Many deductions are taken from my salary which are not included in the contract that I signed in the Philippines. For the deductions, no receipts are given to me. (PH 04)

Many interviewees who agreed to salary deductions paid varying amounts and had different lengths of payment. For example, among the Indonesians, the amount of salary deductions depends on how long they stayed in the accommodations provided by the agency in Indonesia. Several Filipino interviewees were surprised to discover that they had to pay the placement fees in NTD. For example, the PHP84,000 fee became NTD84,000 when the salary deductions commenced.

Findings from the interviews corroborate existing reports depicting the deplorable working and living conditions of migrant fishermen. Stipulations about working hours and rest time were routinely disregarded. Almost all the interviewees talked about the long hours of work. When there are many fish, they work continuously; some reported working almost round-the-clock. Sheer exhaustion contributes to accidents and injuries on board. Bad weather conditions add to hazards on the job; crew members can fall to the sea and disappear—“[one] can die anytime while at sea.”

[Q: What don't you like about your work?] *When we are working and the captain is spitting out his anger on us. We are already tired as well. . . Sometimes after packing the fish in the basement, we go up. There are more fish, and we are thinking, when are we ever going to sleep? Are we going to work until morning again? Are we going to work until noon again? . . . If you have an accident onboard, you rest. But, if you get sick that is not caused by accident in the ship, and if you are sick for more than three days, you will be sent back . . . The contract will be terminated. (ID 02)*

The physical exhaustion is exacerbated by lack of food (or in some cases, lack of nutritious food). If they are not fishing, they continue to work—e.g., mending the nets, checking the engines, painting the vessel and other tasks.

Generally speaking, we endured a lot. No bowls for our meal, [we] just put everything on the plate. Sometimes they cooked soup from pork skin and some pieces of sweet corn. In the morning, we used to have rice-soup and fried tofu. We had a piece of chicken once a month. Actually, we cook what is left from the fish, like the tail ... We compete with one another for food! When we hear the whistle sound that it is time to eat, we have to run fast, otherwise you will only get rice. There was one fisherman who rushed, he fell down. He got traumatic brain injury. He was brought back to Vietnam and died! (VN 04)

In my boat the food is bad! If the fishing went well, the employer would be happy and give us good food. If the fishing did not go well, they try to blame us. For the accommodation, you saw it already. [VN 01]

The accommodations of fishermen onboard are not conducive for resting. Fishermen basically live on the vessels. In small vessels, fishermen have shared sleeping areas, restrooms are not provided, and the cooking area, dining area, and sleeping area are all in one space. Some employers require the fishermen to live on the vessel:

In the first fishing vessel I worked for a month, and they transferred me to another one. The broker worked with one another to manage our transfer. I worked in a fishing vessel that had no place for eating, the sleeping area was full of cockroaches and bedbugs. They attacked us so we could not sleep. After four days of working there, we could not endure, so we decided to leave. [VN 01]

[In his experience with another employer] *The employer would not allow us to have accommodation on land! They want us to take care of the boat, they give us food.*

Whenever they come to the boat, we have to be ready to work. If we are absent from the boat, the employer fines us NTD500 per day. [VN 01]

Fishermen face many occupational hazards, beginning with the nature of the job which pits them against the forces of nature. However, many hazards are due to disregard for safety and protection – these are the hazards that could have been mitigated.

Yes, sometimes there are instances of crew members falling into the sea. Nobody can say if we are really secure on board because, whether we like it or not, if we are caught with big waves after throwing the nets down to the sea, we must pull the nets up and this is dangerous. Sometimes the big waves and strong sea current are stronger than us. [PH 04]

The scary accident is when someone falls and disappears in the sea. The level of security is minimal, our feet are divided, one foot on board and the other is already at the cemetery. When someone gets sick seriously the ship returns to the port and brings the sick crew to the hospital. [PH 01]

In the case of one fisherman, he thinks their fishing vessel is not sea-worthy, but because the employer is good to him, he chose to stay with this fishing boat. He is in a quandary because if he makes a move to transfer to another boat and the current employer will not allow him to, he foresees trouble. However, he does not feel safe at all.

My boat is not secure! You know that I accepted the work here, though I am still fine today, I do not know about tomorrow. The employer trusted me because I have done a good job so far. I have never transferred to other boat. . . One time, this boat was on fire. The fire truck came to save the boat. The other time, the boat figured in a collision with another boat. Those two times we almost died. . . I am aware that working on this boat is so harmful, it endangers my life, there is no safety! But trust in God and our Mother, I live from day to day. If I change to another employer, I do not know what would happen. This employer likes me to work for him. If I want to change to another boat in this fishing port, but my employer will not allow me, I cannot transfer. He will hate me. So, what can I do now? I have to try my best to move on. [VN 02]

Onboard, the fishermen are subject to the power of the captains (some also mentioned the foremen). Captains decide on the working hours, when the crew can eat, whether fishermen can rest or have a day off. Beatings are a common occurrence and are perceived

as part of disciplining the crew. A common experience shared by almost all interviewees is the slew of verbal abuse. Many Vietnamese fishermen referred to the humiliation and dehumanizing effect of verbal abuse:

Everybody on the boat, we get insulted . . . Too much insult makes me feel humiliated! It was because of our hard life that drove me to this situation, it is not what I wanted! But too much insult to me, it is shameful and demeaning. [...Silence. Tears welled up in his eyes, about to cry] [VN 01]

Tensions between the crew members, particularly, tensions between different nationality groups, could lead to fights onboard:

On board were 32 fishermen, many were Chinese who did not work much! So lazy! But we worked hard, so the captain liked us. It made the Chinese fishermen hate us. When we were working together, they started attacking us by kicking, beating us. . . .We had to be united! If they fight one of us, we had to fight for him. Once we used sharp knives, the ones we used to cut fish, we were running around the ship. . . . It is like the law of the wild. We just work, eat and rest. If there was conflict, so we fought. That's the way it is. It is just like "gangster." If one of us is being beaten, I have to defend him and beat his opponent. Otherwise, next time he will not help me if someone will beat me! (VN 04)

Five out of the 12 Vietnamese fishermen were undocumented at the time of the interviews. Mostly, the fishermen ran away, undeterred by the prospect of losing the anti-runaway deposit of USD1,000, because they could no longer bear what they had gone through. Verbal abuse was mentioned by several interviewees as a factor that pushes fishermen to run away. The two fishermen below are both undocumented.

. . . the reality of the work here, with pressure from the employer and the demands of the job, forced us to run away. We lost the deposit [USD1000]! For those lucky enough to have good employers, they could continue working. For those not lucky to get a good employer, they are forced to run away and live a life of suffering! [VN12]

. . . Fishermen working in the midst of big waves is hard work. It is demanding work. Once you do something that the employer does not like, he will shout, insult us. So many negative realities that force us to run away. (VN 11)

VN 11 below cited several reasons why fishermen run away—insults, pressure, the difficulties at sea, and at times, conflict with another crew member.

The most difficult part is the insult from the employer when the fishing rods got cut by the fish! So much insult, too much pressure that many of us could not endure and run away. If we have an employer with understanding, it would be good. Otherwise, we just run away. For those applying to be fishermen who used to be farmer, they could not adjust with the waves of the sea and they start vomiting! At the end, they also run away! In my case, I did well in my job, my employer liked me and gave me good bonus. But because of conflict with the Chinese one on the boat, I had to leave!

Access to support and assistance

Unlike migrant workers on land, migrant fishermen are cut off from lines of support and assistance because they are at sea, or if they are docked in the ports, their captains may restrict their movement. Particularly for those in distant water fishing, they are at sea for 5-6 months, without access to communication to the outside world. While their vessels are docked in the ports, fishermen avail of the opportunity to contact family members back home; this also presents the possibility to reach out to support organizations, if they are aware of such organizations.

Based on the interviews, almost all Filipino fishermen were aware of organizations that they can access for assistance. Compared with the other groups, Filipinos mentioned organizations, such as the Manila Economic and Cultural Office (specifically the Philippine Overseas Labor Office), church-based organizations and NGOs and the Yilan Migrant Fishermen Union, among those providing assistance to fishermen. In Suao, Yilan, the Filipinos were able to form the Ilonggo Seafarers Organization in 2007. It is an important support group for Filipino fishermen and the organization has somehow gained some leverage with employers. The group's members later became part of the Yilan Migrant Fishermen Union, the first migrant workers union in Taiwan. To date, the union has 126 members consisting of Filipino and Indonesian fishermen.¹² Among the interviewees, five Filipinos are members of the Yilan Migrant Fishermen Union; none of the Indonesians and Vietnamese belongs to the union. Two out of ten Filipinos sought the assistance of an NGO; one of them felt that the NGO was partial to the broker and felt betrayed by this experience.

¹² Personal communication with Ms. Allison Lee (3 March 2019; 25 February 2019)

About half of the Indonesians had information on who they can approach should they need assistance. They mentioned the agency, the Indonesian Cultural and Economic Office (KDEI) in Taipei, and Indonesian establishments (such as the Indonesian restaurant in Kaohsiung) which can link them to support networks. One participant [ID 12] is a member of an Indonesian organization called Tegal, whose members are from the same place in Indonesia. Members contribute NTD100 per month and the collected funds are used to help members with medical or hospital needs and to support projects in Indonesia, such as contributing to an orphanage.

Most of the Vietnamese fishermen mentioned the Labor Bureau and the broker as their link to support and assistance. Among the interviewees, the Vietnamese had been relatively proactive in seeking assistance from their known sources of lifeline—the broker and the Labor Bureau. A few were provided assistance by Fr Hung.¹³

In case there was problem, I called the agency/company in Vietnam. Nothing happened, so I called the broker here. The broker did not help me, so I called the hotline of the Labor Bureau. But when I did, the broker got upset and shouted why I did not call him. But... what can I do? I called the broker to inform him about my problems, he did not want to listen. Sometimes he just ignored me, he did not answer the phone, or he just put the phone down. They fear losing their standing with the Labor Bureau, that is why they get angry. [VN 02]

It is better to try to manage the problem with the broker first, because once the Labor Bureau comes in, the issue would be dealt to the point where the decision is whether we stay or we have to go home. The employer does not like the Labor Bureau to step into the picture. [VN 12]

There is Fr. Hung, who has been working here for long time. He helped many fishermen who were fired by employers, also factory workers. [VN 01]

¹³ Fr Peter Nguyen Van Hung is a Vietnamese Australian Catholic priest based in Taiwan. He founded the -Vietnamese Migrant Workers and Brides Office in Taoyuan City in 2004.

For those who become undocumented, no helpline is available for them, and it is a matter of luck if they get caught by the police:

I told my wife that “a mouse runs at the end of tether,” I am at the last corner already! If I will be unlucky to be caught by police, I will just go home. It would be great if I would be able to work for one or two years. In case I get unlucky, what would I say.... just accept. (VN 01)

For the most part, fishermen rely on each other for support. As mentioned earlier, tensions could build up when the crew is multinational, and it does not help if the captain shows favoritism of one group over the others. A multinational crew can also expose the differential treatment by captains and different pay scales for the same work. According to key informants, in general, Filipinos are generally better off compared with the Indonesians and Vietnamese. Also, they noted that Philippine authorities in Taiwan tend to be more attentive to the concerns of the Filipino fishermen. Based on their experience of working with the different groups, they observed that Indonesians tend to be less vocal about their concerns and less likely to seek assistance.

Amidst these troubling realities, some recent developments inspire some hope. These include the sustained advocacy to promote and protect the rights of fishermen, the establishment of the Yilan Migrant Fishermen Union, and the formation of the coalition, Human Rights for Migrant Fishers. For many years, the issue of migrant fishermen has been under wraps in Taiwan, similar to the situation of invisibility of foreign domestic workers several decades back. The veil of invisibility has been lifted with international attention bringing to light the abusive and exploitative conditions of workers on fishing vessels. The establishment of the Yilan Migrant Fishermen Union in 2013 was a notable feat given the obstacles of forming an organization by and for migrants. According to Ms. Allison Lee, the process of union formation encountered difficulties—investing a lot of time in workers’ education because the laws are in Chinese; countering the pressure put by vessel owners and agents on government offices to block the establishment of the union; and the difficulty of meeting the required documents (e.g., Alien Registration Card, passport) because these are kept by the employer or broker. Ms. Lee considers the attention to the issue of fishermen by central and local governments as an accomplishment of the Union thus far.¹⁴ NGOs have been instrumental in the promotion of migrants’ rights in Taiwan. The coming together of several organizations to continue the work in promoting and protecting the rights of fishermen will help ensure that the issue will not be sidelined. Formed in 2018, the coalition is composed of Environmental Justice Foundation,

¹⁴ Personal communication with Ms. Allison Lee (3 March 2019; 25 February 2019)

Greenpeace, the Presbyterian Church in Taiwan Seamen and Fishermen's Service Center, Serve the People Association, the Taiwan International Workers' Association, Taiwan Association for Human Rights and the Yilan Migrant Fishermen Union (The Maritime Executive, 2018).

Conclusions and recommendations

The focus of most (if not all) extant research has been on migrant fishermen on distant water fishing, which in general, is rife with risks and hazards to workers. The present study extends the coverage to migrant fishermen from the three countries who work on domestic fishing, wherein workers are protected by Taiwan's Labor Standards Act. On the whole, the findings of this study echo those established by earlier studies indicating a protection deficit among migrant fishermen on Taiwan's vessels. Seen through the lens of ILO's indicators of forced labor—abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions and excessive overtime—these elements, singly, or in combination, were experienced by many migrant fishermen.¹⁵ Sexual violence was not mentioned by the research participants, but physical violence did occur in the form of beatings. In addition, verbal abuse was commonplace, and as related by some interviewees, the crushing impact of verbal abuse can contribute to workers' decision to run away.

Findings from the study do suggest that those in domestic fishing were better protected compared to their counterparts in distant water fishing. The Filipino fishermen, for example, were all in domestic fishing, and as a group, they did not have extreme experiences of abuse compared to the Indonesians and the Vietnamese. They may be more empowered because they were all from the same area in Yilan County, where Filipinos had formed organizations. Five of the ten were members of the Yilan Migrant Fishermen Union. Even if the Filipino fishermen had social capital and were more knowledgeable of support programs and services, they were not shielded from excessive placement fees, contract changes, and long work hours. While more Vietnamese were in domestic fishing compared to the Indonesians, the former reported more horrific experiences than the latter, prompting more Vietnamese to run away and become undocumented.

Coming from their experiences and in their own voices, the way forward as the research participants see it, would require interventions, particularly on the Taiwan side, to the following aspects:

¹⁵ ILO Indicators of Forced Labour. Available from https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_203832.pdf

- Training and preparation in the home country

The agency needs to do more for the preparation of the new crew members, especially those who have no experience of being a fisherman. So that, when they arrive here in Taiwan, we, the senior fishermen, do not need to be burdened with another responsibility of training them. The people in the agency enjoy life, doing nothing, but here, we are busy training these newcomers. ... Better training and language-learning are necessary. ... Mandarin is necessary. It is important to be able to know basic conversations in Taiwanese. Work-related training should have been done seriously. Desire to work must also be strengthened. If you came just to walk around, the senior ones will be in trouble too because the officers will blame us. The officers would say, "What happened to your fellow countryman? Why is he like this?" [ID 01]

- Training and orientation of employers

I would suggest that the employers should learn first the law concerning fishing before they are given the license to operate. And I also would like to suggest that direct hiring for fishermen must be approved. [PH 09]

- Increasing the fishermen's salary

I would suggest to increase the salary for fishermen since this work is hard. . . If possible, to increase the monthly salary to NTD 24,000–25,000 per month (USD782– 814), or NTD 30,000 (USD977). No need to be as high as in South Korea. The Vietnam Economic and Cultural Office should intervene when we have problems, to provide assistance on issues related to the monthly salary, if something happens, etc. [VN 01]

- *I wish for the fishermen to have good employers, good salary. It is also my recommendation to the Taiwan government to increase the salary of the Vietnamese workers who have gone all the way to come to Taiwan to work for them, especially the fishermen who have a demanding job. The factory workers on land work 8 hours a day while the fishermen work 8, 10, 12, even 48 hours straight with such demanding work, no fixed working hours. But the salary never increased! I wish that the salary would be increased. Some NGOs would raise their voice to support the fishermen. [VN 12]*

- *Now, I receive USD500. I think the salary should be equal with the salary received by the Chinese and the Vietnamese, USD1,000 for those who have been working a long time. There are some (Chinese and Vietnamese) who receive USD800. The special ones, like the chef and those appointed by captain, they receive USD1,000. [ID 05]*

- Working hours and rest hours must be specified

We have 24 hours. Our break time should be 6 to 8 hours. But in the ship, we have only 2-3hour break. . . Whether there is a good catch or not, we should have enough break time so we can have good stamina. [ID 10]

- Better safety protocols

My suggestion is especially for the Taiwanese ship. It needs to improve the safety procedure or protection in the ship. When we sail, the safety procedure onboard was never properly considered. What the captain and ship owners in Taiwan only consider is our catch, whereas the safety of the crew has never been done properly. [ID 03]

- Better treatment of fishermen

I wish that you could help me and other fishermen to have, first, is our right when we are sick, to have proper assistance from the broker and the agency/company. The Labor Bureau is the last option if there is no other way. Second, how much fish we could catch does not depend on us but on the captain, or it is a matter of luck to catch more or less fish, so do not insult us. As human beings, we also have our dignity as people. If there is something which is not right, just tell us and we will work on it. Do not insult us!!! [Interviewee started crying] The employer never insulted me for over my two years of working here. Third is the accommodation: a space for eating and sleeping, give us food as daily sustenance. The employer is supposed to provide food. Fourth, the sleeping area, very important, as you saw it. I cannot sleep! [VN 2]

The current setup where the Ministry of Labor oversees migrant fishermen in domestic fishing and the Fisheries Agency oversees migrant fishermen in distant water fishing is a basic weakness of the regulation of work in the fishing sector. The Ministry of Labor cannot be detached from the labor issues attendant to work performed on Taiwanese vessels, whether in internal waters or in the high seas. The exclusion of migrant fishermen in distant water fishing from the Labor Standards Act cannot continue.

The remote nature of fishing renders inspection and supervision extremely challenging.¹⁶ The involvement of other agencies (e.g., the Coast Guard Administration) and the participation

¹⁶ At the research forum in the Philippines (28 March 2019), a representative from the Taipei Economic and Cultural Office updated the participants about plans or steps introduced by Taiwan to improve the safety mechanisms for migrant fishermen: (1) Strengthen the management and regulation of the manning agencies through a grading system; (2) Improve the transparency of contracts by preparing them in Chinese and the language of the origin country; (3) Review why there are different laws for different fishermen; (4) The government has introduced a hotline – 886280733141—that fishermen can

of trade unions and NGOs will be beneficial in meeting these responsibilities. Bilateral agreements between Taiwan and the origin countries will facilitate the coordination of efforts to address the protection of migrant fishermen at all stages of the migration process. In origin countries, there is a need to raise awareness about the risks their nationals may encounter when they work as fishermen on foreign vessels. The protection of their nationals begins at home by providing migrant fishermen relevant training and preparation. Indonesia, the Philippines and Vietnam will also do well to consider ratifying C188—Work in Fishing Convention, 2007 (No. 188). Ratifying the Convention will also contribute to improving the conditions of local workers in the fishing sector, which is a significant sector in their national economies.

contact from anywhere; and (5) The government will publish a booklet in different languages to inform fishermen about their rights, grievance mechanism, and other key information.

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