

CHOPPY WATERS

Forced Labour and Illegal Fishing in
Taiwan's Distant Water Fisheries

GREENPEACE

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1. EXECUTIVE SUMMARY

Taiwan is one of the world's largest distant water fishing (DWF) powers, with over 1,100 Taiwanese-flagged vessels fishing across our oceans and hundreds more Taiwanese-owned vessels flagged to other countries.¹ Taiwan is also home to Fong Chun Formosa Fishery Company, Ltd. (FCF), which has been ranked as one of the top three tuna traders in the world.^{2,3} FCF's position as a global player was recently strengthened with the purchase of US canned tuna company Bumble Bee, further securing its place as a major supplier of tuna to consumers in the United States.⁴

In recent years, investigations have revealed shocking cases of human rights abuses in fisheries, including forced labour and human trafficking, and identified Taiwanese vessels and companies among the worst offenders. Even though the Taiwanese government has recently amended relevant regulations, progress has not been enough: both government and corporates continue to fail to protect the human rights of migrant fishers in the Taiwanese distant water fishing fleet. In Greenpeace East Asia reports *Made in Taiwan* (2016) and *Misery at Sea* (2018), Greenpeace East Asia documented the "laissez-faire" attitude from the Taiwanese Fisheries Agency (TFA) towards both illegal, unreported, and unregulated (IUU) fishing and human rights abuses, and pointed out the influential role FCF could play in eradicating these practices.

This report is based on a 2019 investigation conducted by Greenpeace East Asia, involving interviews with migrant fishers from three fishing vessels that were either flagged or linked to Taiwan. We found that IUU fishing and forced labour, allegedly, still continue to happen aboard Taiwanese fishing vessels operating in the Atlantic Ocean. The investigation indicates that violations of labour and human rights related laws seem to remain commonplace in Taiwan's distant water fishing fleet, where over 20,000 migrant workers, most of whom are hired overseas from Indonesia and the Philippines, are employed.⁵ The labour conditions reported might violate relevant Taiwanese regulations and they fulfil seven of the eleven International Labour Organization (ILO) indicators of forced labour.

In interviews conducted with migrant fishers, Greenpeace East Asia found the fishing activities described indicate IUU fishing practices, namely related to shark finning and illegal transshipments. One fishing vessel, which has been accused of working conditions indicative of forced labour and IUU fishing, and one major carrier, which allegedly received catch from a fishing vessel suspected of forced labour and IUU fishing, are linked to FCF. In addition, Greenpeace East Asia analysed the automatic identification system (AIS) data of the fishing vessels, where available, and found that the catches could have made their way to the market

either through transshipment at port or at sea. Together, these investigations suggest that FCF's supply chains could be tainted with "modern slavery" and environmental destruction. Without greater oversight and protective measures in place, consumers in the main fish markets and elsewhere have every reason for concern that the seafood they buy may have been caught illegally, mixed with illegal catches or fished by workers subject to poor working conditions and even forced labour.

For many years, Greenpeace has been advocating that major seafood corporations, like FCF, lead and uphold global fishery reform. FCF has been upgrading and initiating environmental and social policies and programs, however FCF's diffused and complex supply chain, and the many flags flown by vessels catching tuna for the company, make transparency of its supply chain all the more important. FCF must take more proactive and progressive actions, including enhancing the traceability of the seafood supply chain; source only from vessels that do not take part in transshipments at sea; strictly comply with international standards on human and labour rights and best practices; support legally binding agreements with labour unions; upgrade its sustainability policy; and establish concrete and effective action plans to demonstrate its tuna is caught legally and responsibly, and the workers in its supply chain enjoy safe and just working conditions.



Photo: Transshipment at sea ©Greenpeace

2. INTRODUCTION

2.1 A race to the bottom: forced labour and illegal fishing in distant water fishing

Our oceans are vital for all life on earth. Yet overfishing and destructive fishing are wreaking havoc on marine life, and threatening the food security and livelihoods of billions of people. The United Nations Food and Agriculture Organization (FAO) estimates that one in three global fish stocks for which there is information available are overfished.⁶ It's just the tip of the iceberg for fish populations as well as the many species of marine mammals, seabirds, sharks, or marine turtles, which are threatened or endangered due to the impacts of fishing.⁷ Despite increasing fishing efforts and more efficient fishing technologies, global fish catches have steadily declined since the 1990s.⁸ On a warming planet where climate change, ocean acidification, plastic pollution, and habitat destruction are already decimating ocean life, restoring fish populations and ensuring well-managed fisheries is of utmost importance - not only to safeguard marine life but to ensure the food security of 3.1 billion people, many in developing countries, for whom fish represents 20% or more of the animal protein they have access to.⁹

Due to overfishing, it is becoming more and more difficult to fish, and fishing vessels must venture further from shore and stay at sea for longer periods of time. Longer trips, combined with scarce resources have contributed to an increase in the overall cost of fishing. To maintain profits, some fishing companies are trying every possible method to lower costs, including reducing wages, transshipping (transferring catches between ships) to reduce distance travelled and help stay at sea longer, engaging in IUU fishing, and even using forced labour.

The problem of forced labour in the fishing industry has been increasingly reported and studied in the past few years. Measures used to maintain control over the victims of forced labour and human trafficking include the withhold-

ing of partial or all wages, denial of free movement, seizure of identity documents, and debt bondage.¹⁰ Research has revealed that decreasing fish stocks are the driving force behind forced labour in the industry¹¹ and it is a vicious cycle: fishing vessels involved with forced labour are deeply prone to IUU fishing,¹² and IUU fishing contributes to overfishing and the further decrease of fish stocks.

A recent analysis from Nature Communications aiming to understand what drives fishing vessels to use forced labour, found that the incidence of modern slavery is correlated with the following conditions:¹³

- Prevalence of **unreported fishing activities**, resulting in ineffective monitoring and enforcement of laws and regulations.
- Distant water fishing operations, where **regulatory gaps and insufficient oversight** by governments are an obstacle to detect and prosecute violations of fisheries and labour regulations.
- **High levels of subsidies** such as support for cheaper fuel, gear, and shipping vessels, which reduce fishing companies' operating costs. This creates a situation where barriers to entry are lowered, thus luring more vessels into the fishery, which then leads to overfishing and overexploitation of fishery resources.

Another method used by the distant water fishing industry to reduce operating costs is transshipment at sea, so that the fishing vessel can avoid travelling back to port for extended periods. This also creates a loophole for IUU fishing, forced labour and other crimes. Monitoring of transshipment at sea is difficult and vessels may escape inspection or other scrutiny.¹⁴



Photo: A seascape of the South Atlantic Ocean ©Richard Barnden / Greenpeace

2.2 IUU fishing and forced labour on Taiwan distant water fishing vessels

In recent years, Taiwan's fisheries reputation has been damaged by cases where Taiwanese distant water fishing vessels have been associated with IUU fishing activities and forced labour. Taiwan's inadequate fisheries management led the EU to issue a yellow card warning in October 2015.^{15,16} According to a report published by the Global Initiative Against Transnational Organized Crime in 2019, Taiwan's estimated IUU Index score is 3.34 (out of 5), well above the world average of 2.29 and ranks the second highest in the world.¹⁷

In addition to IUU fishing, various global media and NGOs have exposed the shocking truth about forced labour aboard distant water fishing vessels around the world.^{18,19,20,21} A Taiwanese fishing vessel, the *Fuh Sheng 11*, became the first to be detained for violating the ILO Work in Fishing Convention (C188)²² not long after it came into effect in November 2017.²³ Consequently, the Taiwanese government vowed to improve its regulations and conduct inspections in order to tackle forced labour on Taiwanese fishing vessels and to protect the rights of migrant fishers.²⁴ However, studies and reports continue to account ways in which Taiwanese fishing vessels are still involved in forced labour and human trafficking.²⁵

In December 2019, Greenpeace Southeast Asia published *Seabound: The Journey to Modern Slavery on the High Seas*, which detailed 34 allegations of human rights and labour violations from Indonesian migrant workers on fishing vessels. Out of the 13 vessels involved, five were Taiwanese vessels, seven mainland Chinese vessels, and one Fijian vessel. Two of the five Taiwanese vessels, were Taiwanese owned but operating under flags of convenience (FOC).²⁶ Allegations included deception, physical violence, wage deductions, passport confiscation and excessive working hours.²⁷

2.3 Discrimination against migrant fishers and the two-tiered system

In Taiwan, migrant fishers working on distant water fishing vessels receive unequal treatment compared to Taiwanese fishers. Migrant fishers working on distant water fishing vessels are subject to the *Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members administered by Taiwan Fisheries Agency* (hereafter referred to as the TFA Regulations). On the contrary Taiwanese fishers working on distant water fishing vessels are, subject to the *Labour Standard Act* as promulgated by the Ministry of Labour (unless specified otherwise in their contracts) These two laws establish two different labour standards, and thus create discrimination, in which different nationalities are subject to different treatments for the same work. For Taiwanese fishers, the minimum wage under the *Labour Standard Act* is set at USD 740 per month; while for migrant fishers, the minimum wage under TFA Regulations is only set at USD 450 per month. In sum, each migrant fisher in Taiwan's distant water fleet is potentially losing roughly USD 3,480 per year. For working hours, if not negotiated otherwise with the employers, Taiwanese fishers may work up to eight hours a day under the *Labour Standard Act*, while TFA Regulations, establish a period of 10 hours of rest per day, which could imply that migrant fishers work as much as 14 hours straight. This different treatment is thus in contravention of the ILO Discrimination (Employment and Occupation) Convention (C 111), which Taiwan has ratified,²⁸ and the ILO migrant worker Conventions (C97 and C143).

In addition to this unequal treatment between Taiwanese and migrant fishers working on distant water fishing vessels, Taiwan uses a two-tiered system that creates another gap among migrant fishers. Under this system, Taiwan differentiates between domestic employment of migrant fishers, operating predominantly in Taiwan's Exclusive Economic Zone (EEZ) waters, and overseas employment of migrant fishers, who work abroad Taiwanese distant water fishing vessels, operating in international waters or the EEZ of other countries. The latter embark and disembark from their working vessels at foreign ports. For migrant fishers working in Taiwan's EEZ, they are subject to the *Labour Standard Act*, as Taiwanese fisher.²⁹

The Taiwanese government states that it is working to incorporate the Work in Fishing Convention into domestic law, which will affect both the migrant fishers employed domestically and overseas,³⁰ however it does not plan to abolish the two-tiered system.³¹

3. METHODOLOGY

In order to establish whether labour abuses and IUU fishing continue to be a prevailing problem in the Taiwanese distant water fishing fleet in 2019, investigators from Greenpeace East Asia visited one of the ports most frequented by Taiwanese vessels. Greenpeace East Asia interviewed migrant fishers working on the fishing vessels flagged or otherwise linked to Taiwan, as well as analyzed their contracts and salary slips. Based on the interviews with the fishers (the interview questionnaire is as Appendix 1), this report reveals the complex network navigated by migrant fishers involving Taiwanese manning agencies, foreign manning agencies, fishing vessels, and carrier ships. This investigation takes place some 18 months after the Greenpeace report *Misery at Sea* was released, and shortly after the EU lifted the yellow card issued to Taiwan under EU laws aiming to fight IUU fishing.³²

The report also compares the situation on the vessels against relevant Taiwanese regulations, International Labour Organization (ILO) conventions, and the forced labour indicators of ILO.³³ Furthermore, through analyzing the AIS of the vessels, we identify ports where the vessels docked, and potential transshipment at sea behaviors.

In order to effectively curb IUU fishing and forced labour, corporations need to fulfill their own responsibilities as well. This report also looks at one of the big three tuna traders, FCF, and assesses the effectiveness of its environmental and social policies, and provides further recommendations.



Photo: One of the ports most frequented by distant water fishing vessels ©Greenpeace

4. FINDINGS

Greenpeace East Asia investigated and contacted over 10 migrant Indonesian fishers working onboard distant water fishing vessels, and further looked into the labour conditions of four of the fishers working on two Taiwanese vessels and a Japanese vessel.³⁴ It was found that:

- **There is still a high risk of forced labour in Taiwan’s distant water fishing fleet, as demonstrated by the presence of ILO forced labour indicators such as excessive overtime, debt bondage, and retention of identity documents.**
- **The excessively complicated recruitment process for distant water fishing fleets makes it even harder to prevent migrant fishers from being exploited while they are already discriminated against in Taiwan’s current two-tiered system.**
- **Evidence exists of shark finning and illegal transfer of crew and shark fins between vessels. Given that interviews with the four fishers indicated presence of forced labour, it reinforces the correlation between IUU fishing and forced labour.**

More details of the analysis are as follows. Some of the vessel names and all the fishers’ names are presented using code due to the fact that these cases are, as of writing, being investigated by the Taiwanese authorities, as well as to protect the identity of fishers that Greenpeace East Asia contacted.



Photo: Fishers pulling up a shark ©Tommy Trenchard / Greenpeace

4.1 Indications of forced labour in Taiwan’s distant water fisheries: Cases and evidence

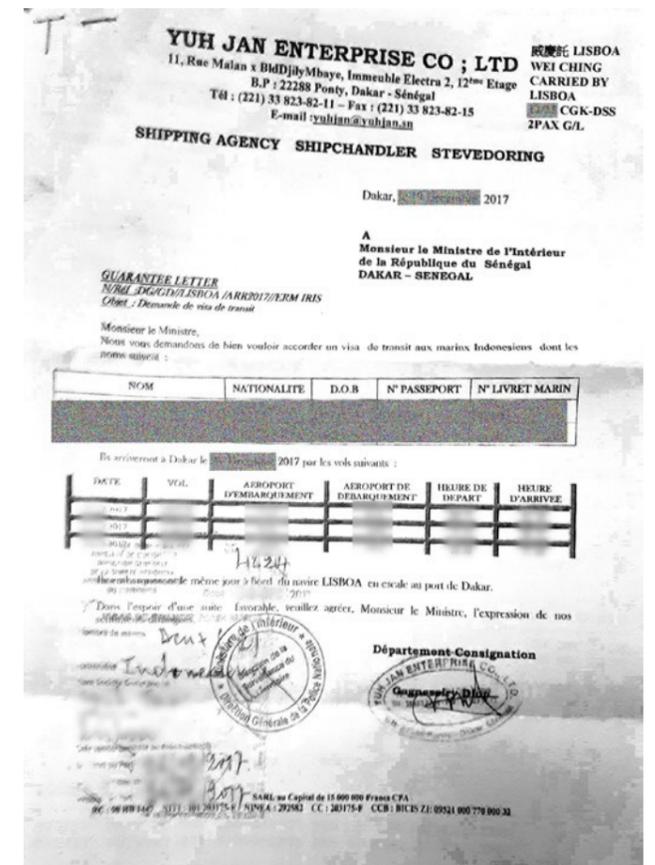
4.1.1 Reports of the fisher story

Fisher story 1

According to the fisher, he was employed by a manning agency in his hometown to work aboard Taiwanese fishing vessel *Wei Ching*. After signing a contract with the agency, he took a flight to Dakar, Senegal then boarded the vessel *Lisboa*, which transported him out of port to the Taiwanese longliner *Wei Ching* (as shown in image 1). The *Lisboa* appears to be a Senegalese fishing vessel according to the ICCAT record of authorized fishing vessels.³⁵ He signed his contract with an Indonesian agency, but he claimed not to have received a copy. The fisher also claimed the monthly salary was USD 450, but a deposit of USD 100 per month was deducted for the first eight months. These conditions, as reported, including no copy of contract, being transferred at sea by other vessel, and salary deduction, are all in violation of the TFA regulation, if true (see Table 2).

2020.03.06

Greenpeace East Asia sent a letter to provide an opportunity to comment, and in the letter of reply from the vessel owner of *Wei Ching*, it claimed to have paid the salary fully and suggested that the (unidentified) manning agency should take the responsibility for any deduction. TFA claimed that they did not find salary deduction in the audit of *Wei Ching*. Greenpeace East Asia also sent the opportunity to comment to Yuh Jan, and the company claimed that they are in compliance with the regulation in Senegal for the fisher transshipment, and denied responsibility for ensuring that vessels that it works with provide humane conditions for its workers, noting that its services are limited exclusively to land and port operations.



“
It’s said that one can earn more money on the sea, so for the sake of my family and the future of my kids, I decided to give it a try.
 — Fisher working on board *Wei Ching* reported.”

Image 1: An official document from the shipping agency Yuh Jan Enterprise asking the Senegal Ministry of Interior to allow the crew member to be transferred at port of Dakar by vessel *Lisboa* to fishing vessel *Wei Ching*.

Fisher story 2

According to the fisher, working aboard the Taiwanese *Longliner A*, he couldn't afford the tuition fees to attend maritime vocational school, so he applied to become a fisher through a local manning agency in his hometown. The fisher stated that he waited six months before he was offered work aboard Taiwanese fishing vessel *Longliner A*. The fisher said that he was transported to *Longliner A* by a Senegalese fishing vessel, *Longliner M*, included in the ICCAT record of authorised vessels. Hung Hsing Oceans Development Co. Ltd.,³⁶ signed the contract as representative of *Longliner A*. However, this company is not on the list of manning agencies approved by TFA,³⁷ nor is it the owner of *Longliner A*. (as shown in image 1)

In addition, the contract of the fisher shows: 1) The **transportation expenses are listed as debts** to the owner, which means he would need to pay back unless he completed the full term of the contract, 2) **Life insurance** for the fisher with an insured value of approximately TWD 210,000,³⁸ 3) "In case of unresolved disputes, the local court in Jakarta, where the contract was signed, will serve as the permanent arbitrator," but with **no further information on how to report a dispute**, 4) "Each fishing operation will take at least 12 months, and the fisher is not allowed to terminate his contract prematurely by citing any work-related emotional or psychological reasons." 5) The vessel owner can reassign the crew to other fishing vessels, 6) **USD 150 must be deducted** for the first six months as deposit, 7) **No specification on working hours, rest time or compensatory rest**, which are all in violation of TFA Regulations (see Table 2).

2020.03.06

Greenpeace East Asia sent a letter to provide an opportunity to comment, and in the letter of reply from Hung Hsing, the company offered no explanation, but said they were prepared to explain to TFA. At the same time, TFA also responded to the discovery last year that there were migrant workers onboard *Longliner A* who had been hired without permission and fined the owner company. Based on the TFA's reply, they have taken an initial look but have not found the situation of salary deduction, insufficient insurance, and rest time on this vessel yet.

“*I felt cheated by the agency. According to the contract, I was supposed to set out to work as soon as I had all my papers ready, but there were so many delays. The agency came up with all these excuses about my visa and identification and so on. — The fisher working on board Longliner A reported.*”

Photo: Deck of longline fishing vessel ©Mark Smith / Greenpeace

Fisher story 3

Another fisher worked aboard *Longliner A* through an Indonesian manning agency that was affiliated with the school he graduated from. He signed a contract with Taiwanese manning agency, Kaohsiung Fishing Vessel Crew Services Association,³⁹ which was approved by the TFA, but he claimed not to receive a copy of the contract. According to the fisher, he was transported to *Longliner A* at sea by another Japanese vessel, *Longliner B*. (as shown in image 1) Based on the interview with the fisher, the life insurance was only an insured value of approximately 210,000 TWD,⁴⁰ and a total of USD 800 was deducted from his monthly salary as deposit during the first 6 months. These conditions, as reported, including being transferred at sea by different vessels, no copy of contract, amount of life insurance, and salary deduction, are in violation of TFA Regulations, if true (see as Table 2).

Fisher story 4

The fisher worked aboard Japanese fishing vessel *Longliner B* through a manning agency in his hometown. He said he was initially required to carry out miscellaneous work on a vessel named *Vessel S* for two weeks before he was transferred to vessel *Longliner B*. (as shown in image 1) The fisher signed his bilingual contract with four parties including the vessel representative, a Taiwanese manning agency, and a manning agency in his hometown. According to the contract, he would receive a monthly salary of USD 450, but a total deposit of USD 800 was to be deducted for the first four months. However this deduction is in violation of Taiwanese regulation, under which the ship owner should pay the full wage.

Even though *Longliner B* is registered as a Japanese-flagged vessel, and the ship owner is registered in Japan according to ICCAT, the fisher's contract showed the company is based in Kaohsiung, Taiwan. According to the Taiwanese Register of Companies, the registered address belongs to three other Taiwanese fishing companies who are sharing the same address. This suggests that *Longliner B* may be a foreign-flagged fishing vessel with Taiwanese investors.

In the contract, the representative of the vessel owner is a manning agency registered on the Taiwanese Register of Companies,⁴¹ but is not approved by the TFA to recruit workers for fishing vessels. The-

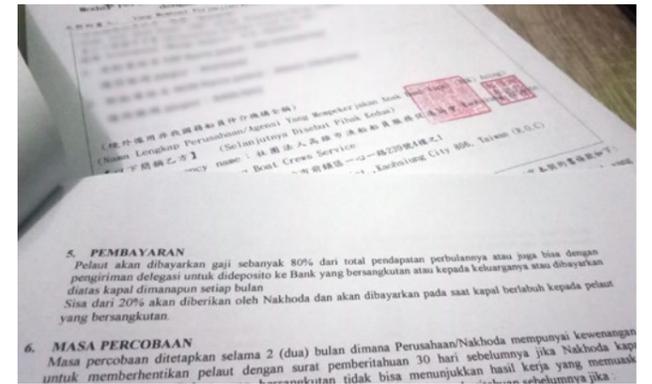


Photo: Photocopy of part of the contract. ©provided by the fisher

2020.03.06

Greenpeace East Asia sent a letter to provide an opportunity to comment, and in the letter of reply from Kaohsiung Fishing Vessel Crew Services Association, the association responded that they had explained the reasons to the TFA last year. In the letter of reply to TFA, Greenpeace East Asia also asked if Kaohsiung Fishing Vessel Crew Services Association did not provide a copy of contract to the fisher, but TFA didn't respond to this question.

re are major discrepancies between the crew's contract and the TFA Regulations. **First**, the contract states: "Any disputes that occurred during the contracted period must be reported to the vessel owner or the captain. Disputes should only be reported to the manning agency in Indonesia or the Taiwanese fishery company when they cannot be resolved by the owner or the captain. If the fisher reports the issue to any other authority, the vessel owner is no longer responsible for the fisher's safety and that the vessel owner bears no more responsibility to send the fisher to his country of origin." The contract does not provide the fisher safe conditions to report to competent authorities, which is required by the aforementioned TFA Regulations. **Second**, even though the contract states that the fisher was allowed to terminate the contract with 30 days notice, the contract prohibits the fisher from terminating the contract on the basis of excessive workload or working hours, lack of awareness about the nature of the work that would be required of him, or having a ill family member, all of which rendered the contract overly binding. **Thirdly**, the contract stated, "During the contracted period, the captain reserves the right to transfer the crew member to other vessels without the fisher's consent." Under the regulation of the TFA, reassignment is prohibited without renewing contracts to re-designate working vessels.

4.1.2 Reports of abusive working and living conditions

The fisher claimed that the owner of *Wei Ching* did not have insurance to cover medical treatment for any injuries, and while the vessel was at sea the crew were only able to get some medicine and one day off when they were sick.

On the *Wei Ching*, the fisher claimed to work 18 hours a day with only two to three hours of sleep on average. Moreover, there were no clauses in the contract specifying when the fishers could take time off. On *Longliner A*, the two fishers reported working 18 hours a day on average and as many as 34 hours straight. They claimed only had five to six hours of rest and sleep per day, and got one or two days off when they had finished hauling all lines back onto the vessel. On *Longliner B*, the fisher said he worked on average 16 hours per day with only six hours for sleep, and did not get any days off. If these conditions are reported are true, they are in violation of TFA Regulations (see Table 2).

The fisher said that they had to put up with very limited space on board *Wei Ching*. According to him, he had to sleep in a space of only around half a meter in width. He also told that he had three meals each day - noon, 6pm and midnight - and each meal break lasted between 10 to 15 minutes. According to the fisher, Indonesian fishers who did not eat pork for religious reasons could only eat fish or dried squid with vinegar.

In addition to reporting long working hours and poor living conditions, the fishers interviewed also claimed inadequate safety measures on the fishing vessels. None of the four fishers appeared to have sufficient safety measures or equipment for their work on the fishing vessels. They all mentioned that when working on the ship, they only had gloves and uniforms and no safety equipment such as life jackets. It's noteworthy that currently in Taiwan, there is an *Occupational Safety and Health Act*, which stipulates that "Employers should make sure the employees wear life jackets when working on the water, and set up monitoring personnel and life-saving equipment."⁴² This regulation is administered by the Ministry of Labour, and now applies to migrant fishers and Taiwanese fishers working in coastal waters. This again demonstrates discrimination in terms of occupational safety against migrant fishers working on distant water vessels.



Photo: A crew's hand was stabbed by fishhook © provided by fisher

“**One time, my friend's head was injured by a buoy and started bleeding. He couldn't work for over a week at the time. All he could do was take some medication, eat and sleep. That's all. He wasn't insured.** — The fisher working on board *Wei Ching* reported.”

2020.03.06

In the letter of reply from the vessel owner of *Wei Ching* and the TFA, TFA responded that *Wei Ching* did insure for the foreign crew member the accident, health and life insurance, and the insured amount of the life insurance is one million NTD. *Wei Ching* also said that the value of insurance is in compliance with TFA Regulations. Concerning the working hours, *Wei Ching* responded that the fishers are grouped in a shifting system, and they have no less than ten hours of rest per day and less than four days off per month, which is in compliance with the regulation of TFA. *Wei Ching* also said that the beds for the fishers are standard size for single beds, and that the vessel is equipped with a reverse osmosis water machine ensuring that all fishers have clean water to drink, all sorts of medicines and life-saving jackets. Regarding the time for each meal, *Wei Ching* responded that according to the shift schedule on board, fishers should have around 30 minutes for each meal.

“

Sometimes, we had to boil water from melted ice or the AC just to get some drinking water. One time, we drank water that looked orange in color for three days straight. Water is supposed to be completely clear, but since we didn't have any drinking water in our reserve, and the buckets that we used to store water weren't clean, we had to make do with the 'orange juice' water. — The fisher working on board *Wei Ching* reported.

”



Photo: Rest place for fishers © provided by fisher

4.1.3 Possible violations of international standards and Taiwanese labour regulations

In order to identify possible violations of labour law or instances of forced labour, Greenpeace East Asia compared the information from fishers interviews and contracts against ILO indicators of forced labour and TFA Regulations (see Table 1 and Table 2). Table 2 also includes information from the contracts of two additional fishers, working on two Taiwanese vessels mentioned in the report *Seabound: The Journey to Modern Slavery on the High Seas*.

There are several possible violations of ILO's core labour standards,⁴³ and Work in Fishing Convention, which is the only international instrument that establishes the minimum labour standards for fishers. In addition, Taiwan's two-tiered system, which results in unequal treatment of migrant fishers working in distant water fishing vessels compared to Taiwanese fishers, is a violation of the ILO Discrimination (Employment and Occupation) Convention and the ILO migrant worker Conventions (C97 and C143).⁴⁴ (See as Table 3)

According to the testimonies of the crews interview, contracts and other documents:

1. Migrant fishers were not able to exercise their rights as they were not familiar with nor properly informed about, relevant regulations in Taiwan, leaving them vulnerable to exploitation. They were also not equipped to seek advice insofar as it is accurate that they did not get to keep hard copies of their contracts, were not given ways to make complaints to competent authorities, and were not aware that fishing vessel owners are unable to force them to transfer to a new vessel, and if so must offer them new contracts before reassigning them over to the other vessel.
2. Reports of excessive overtime and abusive working and living conditions on fishing vessels, including regular working hours of 16 to 18 hours per day and extended working periods of 28 to 34 hours straight, lack of days off, cramped living quarters, and water sanitation problems.
3. To prevent fishers from escaping, some captains reportedly confiscated passports or withheld pay to control them.
4. Wages were deducted to pay back deposits, which violates TFA Regulations. (See Table 2)
5. All the fishers were reportedly transported by carriers or other fishing vessels from land to the fishing vessels they worked on, which violates TFA Regulations.⁴⁵
6. Based on the presence of certain ILO forced labour indicators, the allegations in all four cases here appeared to have satisfied the ILO definition of forced labour, i.e. involuntary work under the menace of penalty.^{46 47} (See as Table 1)
7. Apart from the systematic violation of C 111, where migrant fishers working in distant waters are subject to lower labour standards than Taiwanese fishers, labour conditions on all the four fishing vessels severely contravene the Work in Fishing Convention. (See as Table 3)

Table 1: Assessing fishers' reported labour conditions and contracts against ILO Forced labour Indicators

Indicator of Forced labour	1. Abuse of vulnerability	2. Deception	3. Restriction of movement	4. Isolation	5. Physical and sexual violence	6. Intimidation and threats	7. Retention of identity documents	8. Withholding of wages ⁴⁸	9. Debt bondage ⁴⁹	10. Abusive working and living conditions	11. Excessive overtime
<i>Wei Ching</i>	●						●		●	●	●
<i>Longliner A</i>	●	●					●	●	●		●
<i>Longliner B</i>						●	●	●	●		●

● based on the fisher's reported conditions
 ● based on the fisher's contract

Table 2: A review of fishers' reported labour conditions and contracts against the TFA Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members

Legal requirements under the TFA Regulations	Article 4 Distant water fisheries operators may commission the agents authorized by the competent authority to conduct the overseas employment, change of employer, continued employment, employment termination, transportation, or disembarkation of foreign crew members.	Article 5 Each foreign crew member shall be provided with one copy of both the employment and service contracts.	Article 6 The distant water fisheries operator shall insure for the foreign crew member the accident, medical and life insurance, and the insured amount of the life insurance shall not be less than one million New Taiwan Dollars.	Article 6 The foreign crew member shall not have less than ten hours of rest per day and less than four days off per month. In consideration of fishing operation, compensatory leave(s) may be arranged in accordance with the agreement between the employer and the employee.	Article 22 Any foreign crew member employed overseas shall embark or disembark in foreign port(s).	Article 28 The wage shall be paid fully and directly by the distant water fisheries operator to the foreign crew member, unless the law or regulations provided otherwise or other agreement being reached between the employer and employee.	Article 28 To ensure any employed foreign crew member not to work on other fishing vessel(s) or premises, or engage in other labour unrelated to fisheries.
<i>Wei Ching</i>	2	● ⁴	●	●	●	●	
<i>Longliner A</i>	●	●	●	●	●	●	●
<i>Fwu Maan No.88</i> ¹	● ³		●	●		●	●
<i>Lien Yi Hsing No.12</i> ¹	● ³		●	●		●	●

● based on the fisher's reported conditions
 ● based on the fisher's contract

Note 1: Information from the report *Seabound: The Journey to Modern Slavery on the High Seas*.

Note 2: The fisher working on *Wei Ching* did not obtain a copy of his contract reportedly, so it is unknown if there was any Taiwanese manning agency involved in the recruitment.

Note 3: Under the TFA's Act for Distant Water Fisheries, Article 26: "Any distant water fisheries operator intending to hire abroad any foreign crew member shall obtain permission from the competent authority. Such hiring shall be done by the distant water fisheries operator itself or through domestic intermediaries or agents." But foreign manning agencies are not regulated by the Act, so it is a potential evasion of law when the vessel operators recruit crew through foreign manning agencies. So here we treat it as a violation.



Photo: Fishers working on a fishing vessel ©Greenpeace

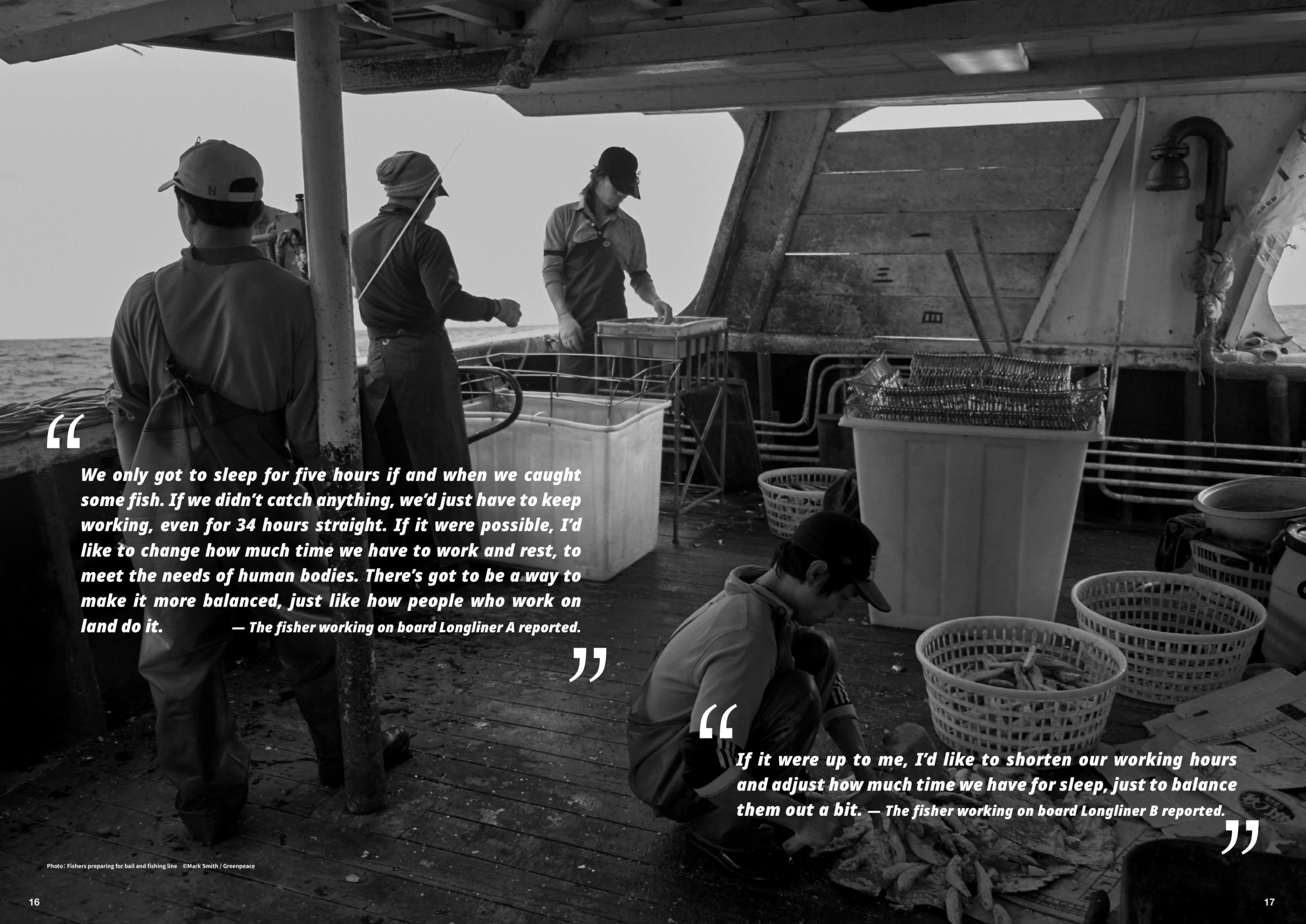
Table 3: A review of fishers' reported labour conditions and contracts against some clauses in relevant ILO conventions¹

ILO convention	Freedom of Association and Protection of the Right to Organise Convention (C 87) ²	Protection of Wage Convention (C 95) ³	Work in Fishing Convention (C 188)
<i>Wei Ching</i>		Article 9* Article 14 (b)*	Article 13* Article 14 paragraph 1 (b)* Article 18* Article 20* Article 22 paragraph 3 (b)* Article 27* Article 38* Annex III Article 78*
<i>Longliner A</i>	Article 3, 8 and 10	Article 9 Article 14 (b)*	Article 13* Article 14 paragraph 1 (b)* Article 18* Article 20* Article 21 Paragraph 1 Article 22 paragraph 3 (b) Article 28 Paragraph 1* Article 29* Article 32 Paragraph 3 (a)* Annex III Articles 37, 38, 46, 61*
<i>Longliner B</i>	Article 3, 8, 10	Article 9* Article 14 (b)*	Article 13* Article 14 paragraph 1 (b)* Article 16 Article 21 paragraph 1 Article 21 Paragraph 2 Article 22 paragraph 3 (b)* Article 28 Paragraph 1* Article 32 Paragraph 3 (a)* Annex II (q) Annex III Article 61, 78*

Note 1: The sources of information are fishers' reported conditions and fishers' contracts. For information from fishers' reported conditions, there is an asterisk mark behind.

Note 2: C 87 is one of the eight core ILO conventions. It came into force in 1950. Up to date, there are already 155 countries ratifying it.

Note 3: C 95 is not one of the eight core ILO conventions, but Taiwan has adopted. It came into force in 1952. Up to date, there are 98 countries ratifying it. Retrieved February 29 2020 from https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312240



“

We only got to sleep for five hours if and when we caught some fish. If we didn't catch anything, we'd just have to keep working, even for 34 hours straight. If it were possible, I'd like to change how much time we have to work and rest, to meet the needs of human bodies. There's got to be a way to make it more balanced, just like how people who work on land do it.

— The fisher working on board Longliner A reported.

”

“

If it were up to me, I'd like to shorten our working hours and adjust how much time we have for sleep, just to balance them out a bit.

— The fisher working on board Longliner B reported.

”

4.2 Potential cases of IUU fishing

Greenpeace East Asia has looked at the four migrant fishers' accounts of their fishing operations, and compared these against relevant fishing regulations stipulated by either RFMOs or the Taiwanese government. Their testimonies suggest that these exploited workers have been ordered, or given incentives, to participate in IUU activities such as shark finning and unauthorized transshipments.

4.2.1 Migrant fishers' testimony: Shark finning and transshipments at sea

In addition to the fixed salaries, migrant fishers reported that they could receive bonuses for the shark fins, so whenever they caught a shark, they would cut the shark's pectoral, dorsal, pelvic, anal and caudal fins and throw the rest of the body back into the water, a practice commonly referred to as 'shark finning.' According to the testimonies, when *Lisboa* transported migrant fishers to *Wei Ching*, it would also pick up the shark fins from the fishing vessel. The rest of the catch on *Wei Ching* was transshipped at sea to a Japanese carrier vessel (name unknown). *Vessel S*, which transported the fisher to *Longliner B*, also picked up shark fins from *Longliner A* and *Longliner B*.

According to the fisher who worked onboard *Longliner A*, the catch was transshipped at sea to a Panama-flagged carrier vessel *Ibuki*, as well as other carrier vessels, once every three months.

The testimonies provided by the fishers might be indicative of the following suspected IUU activities (as illustrated by Image 2):

- The shark fin transshipments, as described above, between the *Wei Ching* and *Lisboa* and between *Longliner A* and *B* and *Vessel S*, would be in violation of ICCAT's regulation on transshipments which states that the catch of a fishing vessel can only be transshipped to a carrier vessel included in the ICCAT record of vessels authorized to transship,⁵⁰ and that transshipments between different fishing vessels are regarded as IUU fishing. Further, ICCAT's rules on the conservation of sharks prohibit discarding shark carcasses and the transshipment of fins from finned sharks.⁵¹

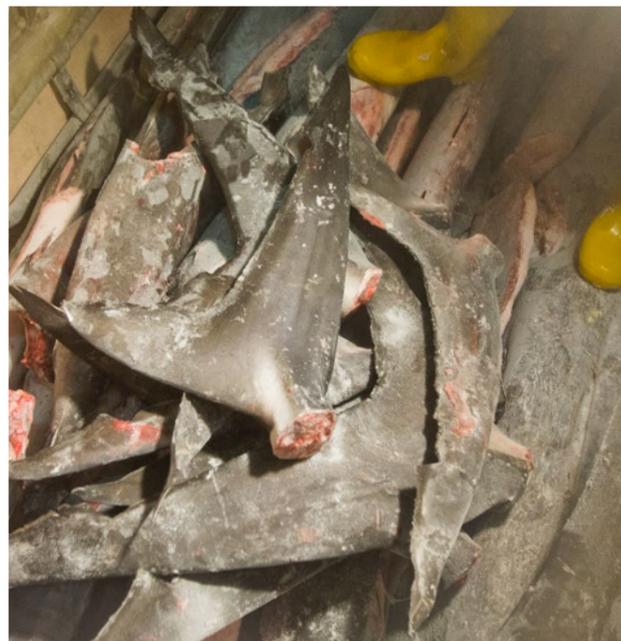


Photo: Shark fins in storage ©Paul Hilton / Greenpeace

“**We caught about 100 kilograms of dried shark fins in eight months and threw away the bodies. We only kept the fins because we couldn't sell the bodies. — The fisher working on board *Wei Ching* reported.**”

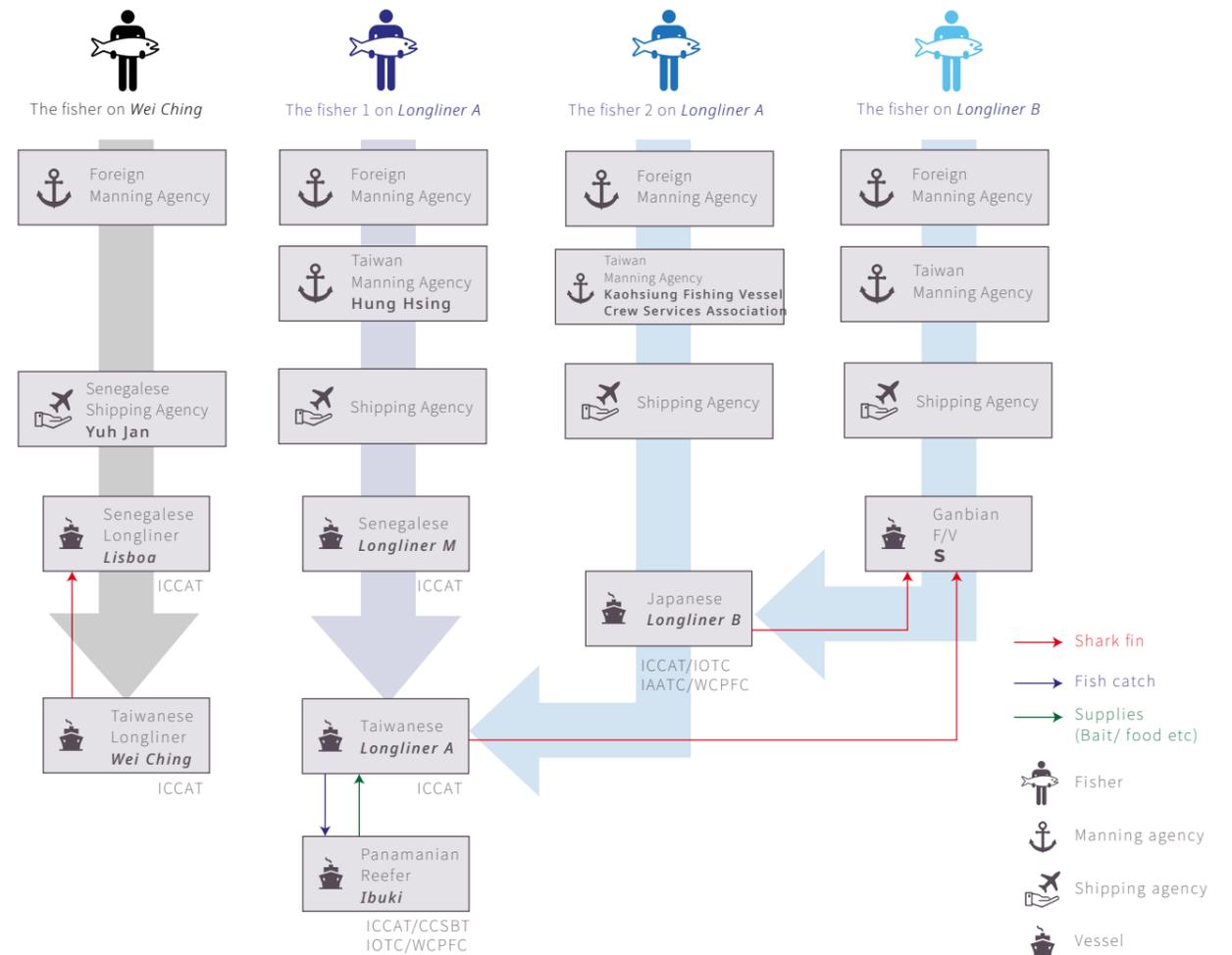
“**We only kept the fins of the sharks and discarded the rest of their meat. Last month, I placed the fins out under the sun to dry, but a few days later, we spotted an American patrol boat. The captain got really scared and told me to hide all the fins so that the Americans wouldn't find them. — The fisher working on board *Longliner B* reported.**”

ding shark carcasses and the transshipment of fins from finned sharks.⁵¹

- *Wei Ching's* transshipment between fishing vessels and *Wei Ching* and *Longliner A's* transshipment of shark fins at sea if true, would be in violation of Taiwan's Regulations for Tuna Longline Fishing Vessels Proceeding to the Atlantic Ocean for Fishing Operation, which mandates that shark carcasses and fins must be transshipped or landed together and that, when transshipped, the receiving vessel must be a carrier vessel.⁵²

2020.03.06

Greenpeace East Asia sent the letters to provide TFA, Yuh Jan, the owner of *Wei Ching* and *Ibuki* an opportunity to comment. In the letter of reply from the vessel owner of *Wei Ching*, it denied the IUU activities. TFA reached out to the vessel owner of *Longliner A*, and replied that *Longliner A* denied having conducted such behaviors. *Ibuki* replied that there was an observer on board, and thus IUU activities could not take place. Yuh Jan said that their services are limited to port and vessel operations and thus were not aware if such IUU activities took place on the fishing vessels, and were no way linked to such practices.



Sources: fisher's interview, fishers' contract copies, and RFMOs

Image 2: Connections between the interviewed migrant fishers, manning agencies, carriers and fishing vessels.

4.2.2 Potential at-sea transshipments based on AIS records

Greenpeace East Asia has used publicly available data from sources, including Global Fishing Watch, Marine Traffic, and Shipxy.com, to analyze the 2019 AIS tracks of those vessels mentioned in the crew interviews, including five longliners and one carrier vessel (as shown in Table 4). No AIS data was available for *Vessel S*, so it is excluded. The method developed by Global Fishing Watch to analyze fishing vessels activities (as shown in Table 5) were used to identify possible transshipments at sea.⁵³ If crew reports of illegal catches and forced labour conditions are accurate, such catches could find their way into the market through these transshipments.

According to fishers' testimonies, the Panama-flagged carrier vessel *Ibuki*, would have been involved in transshipment operations with fishing vessels that are suspected to be involved in IUU fishing and forced labour (see section 4.2.1). In 2019, the *Ibuki* made a total of 12 port stops, including Cape Verde's Porto Grande, Japan's Shimizu Port, Taiwan's Kaohsiung Port, China's Dalian Port, Mauritius's Port Louis, and South Africa's Cape Town Port (as shown in Image 3). During that period, our analysis of AIS data

shows 47 possible transshipment events at sea - including 38 encounters with other vessels and 9 loitering events.^{54, 55} (See Table 5) The *Ibuki* stopped at Japan's Shimizu Port twice in 2019, once for 25 days and another for 95 days.

The Taiwanese fishing vessel *Wei Ching*, which testimony suggests could be involved in IUU fishing or forced labour, was potentially involved in three transshipments at sea (as shown by loitering behaviour) and three port stops over the whole year, visiting South Africa's Cape Town Port, Senegal's Dakar Port, and Ghana's Tema Port (as shown in Image 3). It is worth noting that one of the loitering patterns held for 227 hours, almost ten days, which may imply encounter and transshipment with other vessel(s).

For *Longliner M*, the Senegalese fishing vessel, during the period of time when it had AIS data, it made two stops in Senegal's Dakar Port (as shown in Image 3). Though the vessel was registered as a longliner, it is worth noting that *Longliner M* showed four loitering patterns but no patterns indicative of fishing operations at all, which raises questions about the nature of its activities.

Table 4: AIS Data of the Vessels

Vessel Name	Flag	Type	2019 AIS Data	Time Period of AIS Data
Ibuki	Panama	Carrier	Yes 	2019/1/1-12/31
Wei Ching	Taiwan	Longliner	Yes 	2019/1/1-12/31
Longliner A	Taiwan	Longliner	Yes(incomplete) ²	2019/7/19-9/6
Longliner B	Japan	Longliner	Yes 	2019/7/25-12/19
Lisboa	Senegal	Longliner	No ³	No
Longliner M	Senegal	Longliner	Yes 	2019/9/22-12/31

Note 1: In some cases vessels turn off their AIS at sea, so the AIS data for some of the vessels is incomplete, where this is done intentionally – known as “going dark” – this raises questions about the purpose of its voyage. Thus, these “dark vessels” are considered high priority targets for surveillance.

Note 2: *Longliner A* does not have a complete set of AIS data from which to infer its behavior patterns.

Note 3: Marine Traffic and Global Fishing Watch databases have no AIS history on the vessel *Lisboa*.

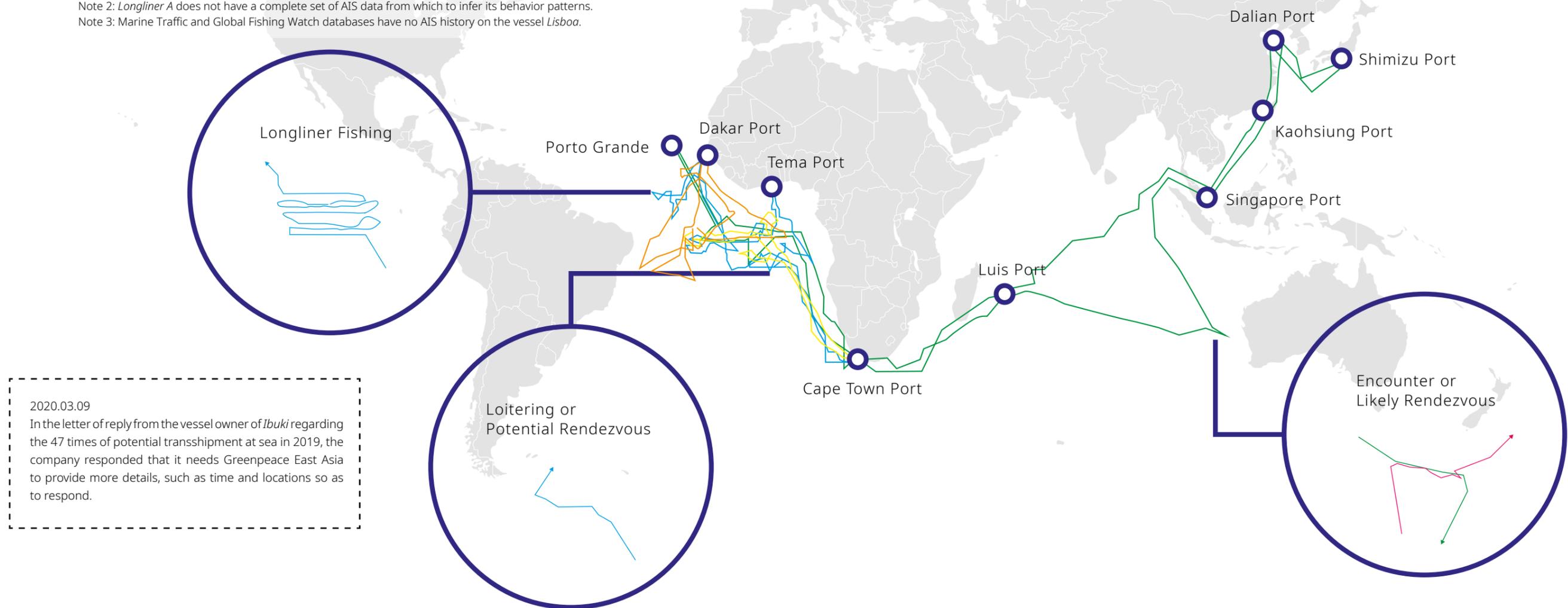
Table 5: Patterns exhibited by the dishing vessels¹

Patterns	Duration	Implication
Stay at port	—	—
Arrive fishing ground & start fishing	Over 24 hours	Longline fishing
Encounter or likely rendezvous	Over 3 hours ²	Possibility of transshipment
Loitering or potential rendezvous	Over 8 hours ³	Possibility of transshipment

Note 1: For the purpose of this report bunkers and tugboats are excluded from this analysis.

Note 2: When two vessels were less than 500 meters from each other and maintained speeds no more than 2 knots for over 3 hours, known as an “encounter.”⁵⁶

Note 3: When a vessel sails at speeds no more than 2 knots for over 8 hours, it is known as “loitering. Reasons for this to happen could be when transshipments of catch or other supplies are made, or when the vessel was simply waiting to be assigned to another location.”⁵⁷



2020.03.09
 In the letter of reply from the vessel owner of *Ibuki* regarding the 47 times of potential transshipment at sea in 2019, the company responded that it needs Greenpeace East Asia to provide more details, such as time and locations so as to respond.

Image 3: Diagram of AIS data and patterns exhibited by the vessels

5. HOW TAINTED TUNA CATCH COULD ENTER THE MARKET

5.1 FCF's global reach

Seafood supply chains are often long and complex, stretching from vessel building and crewing, fisheries operations on the water, processing and manufacturing, and then distribution, retail and consumption. Companies operate at all stages of the supply chain and can be roughly characterized as fishing operators, traders, processors and manufacturers, brands, and retailers. However these roles are not clear cut. Some companies are active at numerous levels of the supply chain. Moreover, in addition to retailers and brands, food service and seafood restaurants are also major players through which tuna makes its way to consumers.

The top three tuna traders in the world have been identified as FCF (Taiwan), Tri Marine (Italy) and Itochu (Japan),⁵⁸ among which FCF is the largest tuna trader,⁵⁹ dealing 500,000 metric tons of tuna annually.⁶⁰ FCF does not own fishing fleets but instead works with around 600 fishing vessels that supply it with fish.⁶¹ In turn, FCF supplies a range of dominant and well-known brands and manufacturers, including:

- **Bumble Bee**, North America's largest canned tuna brand, enjoys a nearly 90% consumer awareness level in the US and Canada. It is the largest provider of albacore tuna in the US, holding approximately 41% of the US share of sales of canned albacore tuna, and the second largest tuna brand overall,⁶² accounting for 25% of the market share.⁶³ Bumble Bee predominantly sources its tuna from FCF, especially nearly all of its albacore tuna.⁶⁴
- **Thai Union**, the world's largest canned tuna manufacturer, produces around 18% of the annual global volume of canned tuna for major brands including Chicken of the Sea (US), Petit Navire (France), John West (UK) among others. FCF is the main supplier of tuna to Thai Union.⁶⁵
- **Sea Value and Chotiwat Manufacturing**, Thailand's second largest and third largest canned tuna manufacturers respectively.⁶⁶ The latter supplies over 100 canned tuna brands in total, and exports to over 50 countries and regions.⁶⁷
- **Toyo Reizo (TOREI)**, Japan's largest sashimi trader. Taiwanese fishing vessels are one of its primary sources.⁶⁸

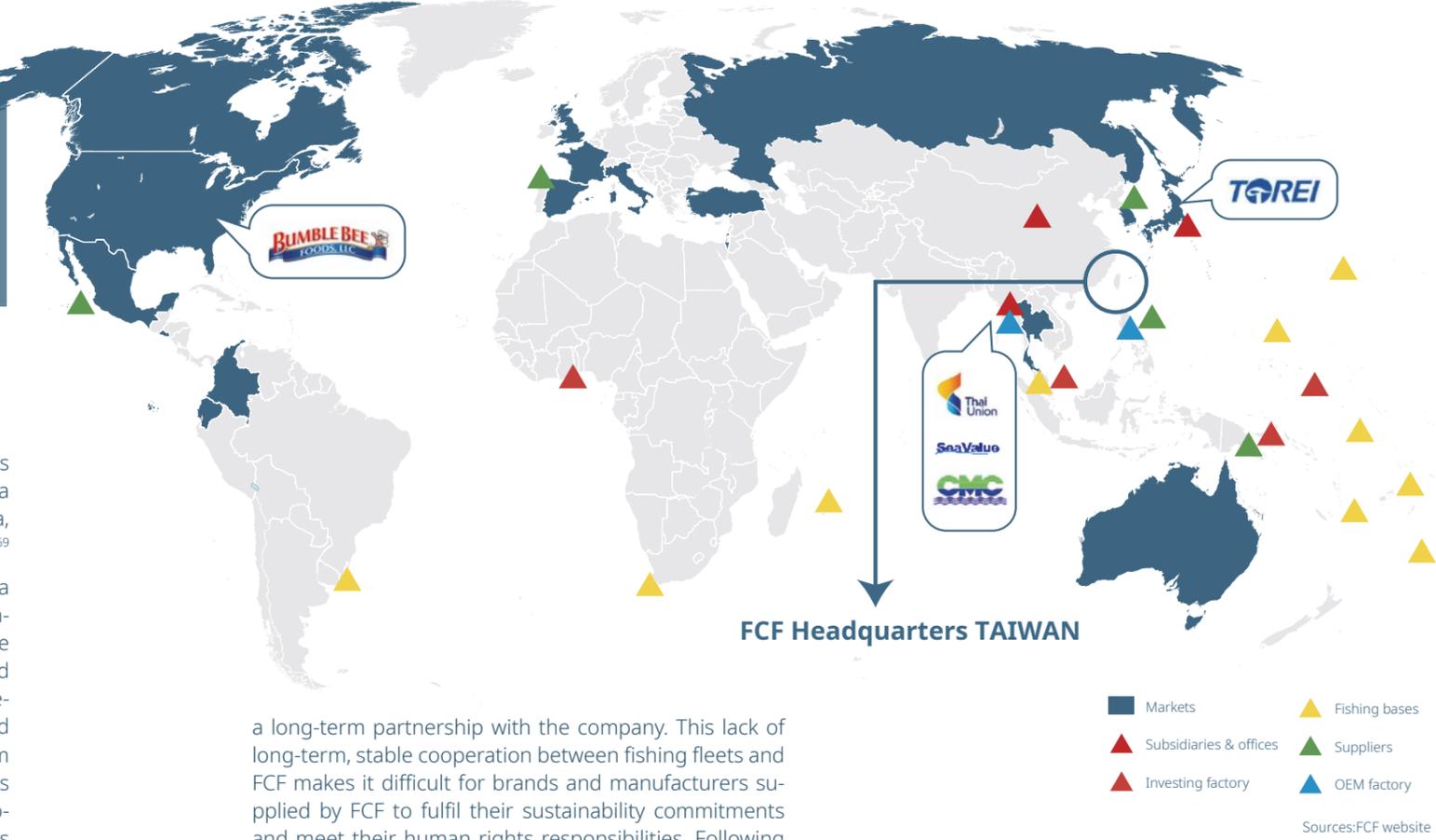
FCF is also involved in the processing and manufacturing of tuna products. FCF founded South Seas Tuna Corporation (SSTC), a processing facility located in Papua New

Guinea, with minority interests from Papua New Guinea's government. In Africa, FCF works with South Korea's Silla Group to operate a tuna canning factory Cosmo in Tema, Ghana, which has a capacity of 200 metric tons per day.⁶⁹

Despite its position as one of the world's biggest tuna traders, FCF has maintained a low profile attracting relatively little public attention until it purchased Bumble Bee in January 2020. Bumble Bee's former CEO was convicted of helping to orchestrate a price-fixing conspiracy between Bumble Bee, Starkist and Chicken of the Sea, and Bumble Bee was fined USD 25 million.⁷⁰ The fine from the US Department of Justice, along with the civil suits claiming damages from purchasers of Bumble Bee's products, as well as related and significant legal expenses led to Bumble Bee's bankruptcy.⁷¹

Given a strong dependence on FCF, Bumble Bee was sold to affiliates of FCF in order to continue functioning. In a declaration to the court, Bumble Bee's Chief Finance Officer, Kent McNeil, put it in a straightforward way that, "As a practical matter, FCF is the only vendor from which Debtors (Bumble Bee) are able to obtain in the near term the large quantity of tuna necessary to supply their consumers with shelf-stable seafood products in the ordinary course of business. Since 2010, FCF has met between 95% to 100% of the Debtors' (Bumble Bee) albacore demand and 70% to 100% of their light meat tuna demand. This is not surprising because FCF is responsible for a large percentage of the longline-caught tuna in markets available to the Debtors (Bumble Bee), and the Debtors' (Bumble Bee) specifications require them to use only longline-caught tuna in their products."⁷² In addition to being Bumble Bee's most critical vendor, FCF also owned 23% of the company.⁷³ On January 23 2020, the US court then finalized that Bumble Bee was to be sold to FCF at USD 930 million.⁷⁴ With its acquisition of Bumble Bee, FCF now owns the entire supply chain with the exception of vessel ownership.

Company mergers and integrations downstream have gradually cemented relationships between brands and manufacturers, making it somewhat easier to trace products at this level. However, fishing vessels and traders in the upstream remain a grey area in the supply chain, obstructing the traceability of fishery products. FCF told Greenpeace East Asia that 40% of the longliners it sources from are from open markets that FCF competes with other tuna traders. This means a large percentage of fishing vessels that work with FCF do not have



a long-term partnership with the company. This lack of long-term, stable cooperation between fishing fleets and FCF makes it difficult for brands and manufacturers supplied by FCF to fulfil their sustainability commitments and meet their human rights responsibilities. Following its purchase of Bumble Bee, FCF will have more direct exposure to consumers, carrying with it increased pressure to address IUU fishing and forced labour.

5.2 How tainted catch might enter the global supply chain via FCF

Greenpeace East Asia has identified various vessels that worked with FCF, including *Wei Ching* and *Ibuki* as described earlier, as well as eight vessels identified from AIS records of *Ibuki's* encounters in 2019.⁷⁵

According to our analysis, the *Fwu Maan 88*,⁷⁶ which Greenpeace Southeast Asia's report *Seabound* identified as suspected of using forced labour, also worked with FCF. The above implies that to the extent that there is IUU and forced labour associated with these vessels, tainted fish catch may already have flowed into the supply chain of FCF.

According to FCF's website, Panama-flagged carrier *Haru* is one of its Sustainability Program carriers.⁷⁷ According to TFA, *Haru* was involved in an IUU case on April 20 2017 with two Taiwanese purse seiners, *Ta Ching no. 666* and *Ching Feng no. 767*. According to the verdict from Taipei High Administrative Court, the two fishing vessels were to sell their catches to FCF, and thus transhipped the catches to *Haru* arranged by FCF. *Ta Ching no. 666* and *Ching Feng no. 767* notified TFA that *Haru* would unload at Yamagawa, Japan. However, the carrier unloaded some of its catches first at the Chinese port of Ningbo, and then went to Yamagawa, Japan. The two purse seiners then notified TFA of the additional unloading after it

had happened, and were fined by TFA for TWD six million for unloading at Ningbo without the prior authorization of the TFA, which is mandatory.⁷⁸

The two purse seiners appealed to the Taipei High Administrative Court and then to Taipei Supreme Administrative Court. The two vessels argued that after they transhipped the catch to *Haru*, they should no longer be held accountable for the behavior of the carrier. However, TFA refuted that FCF should know the uploading ports of *Haru*, and that *Ta Ching no. 666* and *Ching Feng no. 767* should have asked FCF to clarify when transacting with FCF. The courts both supported TFA's decision to punish the two purse seiners.⁷⁹

TFA later explained to Greenpeace East Asia that it is the responsibility of the fishing vessels instead of the carrier to notify TFA for unloading, and that this is why the Panama-flagged *Haru* was not punished in this case.⁸⁰ FCF also said in an opportunity to comment that the *Haru* was not involved in an IUU case but the two purse seiners were fined for late reporting. This late reporting was due to a misunderstanding of new rules that had just been implemented by the Taiwanese authorities and was not related in any way to any potential IUU activity.

However, what is significant in this case is that *Haru* is a carrier under FCF's Sustainability Program. The program is verified by an independent third party, yet one of its carriers still gets involved in an unreported unloading. FCF as a global tuna trader, arranging numerous unloadings and transshipment, should take more actions to prevent activities such as unreported unloading from appearing in its supply chain.

6. RESPONSIBILITIES FOR SEAFOOD COMPANIES

This section reviews what the international community expects the seafood industry should do to combat IUU fishing and forced labour, as well as assess FCF's environmental and social policies. In recent years, FCF has shown its will to meet these international obligations by implementing a series of environmental and social policies. However, there is still room for improvement, and FCF needs to be held to higher international standards given its global influence. Lastly, given the relationship between IUU fishing and forced labour, this section also reviews the Taiwanese government's policy on migrant fishers.





Photo: Two vessels transhipped catch at sea ©Greenpeace

6.1 The international environmental and social responsibility of seafood companies

The rights and obligations of States in relation to the conservation of the marine environment, the management of fishing activities or the rights of workers engaged in fishing, are well established in a range of international laws, regulations, agreements and codes of conduct, which has been adopted in the last decades. Companies involved in fishing and fishing related activities throughout the seafood supply chain, bear great responsibility in ensuring that these objectives are effectively met, in particular corporations trading in large amounts of seafood.

The United Nations Convention on the Law of the Sea and the FAO Code of Conduct or the UN Fish Stocks Agreement, are particularly relevant when it comes to the management of tuna fisheries. It helps to establish obligations to ensure the effective conservation of the marine environment, including keeping fishing efforts within sustainable levels, and taking precautionary approaches to fisheries management or the minimization of bycatch and waste. Seafood companies trading thousands of tonnes of seafood are in a privileged position to ensure that these principles are respected. This also includes ensuring that the social and economic interests of coastal communities are fully taken into account and that the fishing activities of distant water and industrial fishing fleets do not undermine them.



Photo: Fishers working at night © provided by fisher



Photo: Frozen tuna being transferred to reefer ©Tommy Trenchard / Greenpeace

The United Nations Guiding Principles on Business and Human Rights (UNGPs), and the ILO Work in Fishing Convention (C188) are the international instruments most relevant to human rights and labour conditions in the fishing industry. The UNGPs establish the corporate responsibility to respect human rights, which consists of a robust human rights policy that covers at a minimum, the international bill of human rights⁸¹ and the ILO core labour standards, human rights due diligence,⁸² and remediation of negative human rights impacts. This instrument lays out the expectation that seafood buyers and their suppliers need to be compliant with international standards, not just the domestic laws of, for example, coastal or flag states, and as such is currently the most far-reaching in terms of placing responsibility for compliance with international human rights standards on multinational enterprises.

The ILO Work in Fishing Convention (C 188) establishes international minimum labour standards specific to commercial fishing. The convention regulates working and living conditions for fishers, including contracts, rest hours, medical care, and safety and sanitary conditions. This convention points out that in addition to the role of states, fishing vessel owners have an obligation to comply with C 188.

6.2 Comments on FCF's policies

6.2.1 Insufficient protection of fishing crew rights

- **Low standards of human rights, and thus not compatible with UNGPs**

Although FCF has instituted a number of environmental and social initiatives, there lacks concrete action plans to effectively improve and safeguard the labour rights of crew aboard the fishing vessels it sources tuna from. Neither of the FIPs include any policies related to labour standards or human rights. Although FCF states that they ask their suppliers to follow relevant regulations in their Tuna Sustainability Policy, they do not clearly define which regulations must be followed. If suppliers only conform to the labour regulations of the flag state, this would result in a discrepancy in labour standards and human rights protection between vessels flagged to different countries. Based on our research, and Greenpeace Southeast Asia's Seabound report, labour conditions on Taiwanese fishing vessels are often found to violate both local and international standards. By not specifying which regulation to refer to, it might leave a loophole for vessel owners to choose the lowest standard. Particularly, Taiwan does not provide the best labour law standard given that its 'two-tiered system' allows migrant fishers employed overseas to be discriminated against in terms of labour standard. In addition, citing national standards is also not consistent with the United Nations Guiding Principles on Business and Human Rights, which stipulates that standards should be established based on international human rights instruments.

- **Failing to specify protections obliged by the Work in Fishing Convention**

The labour rights provisions in FCF's Tuna Sustainability Policy are not in line with ILO's Work in Fishing Convention. FCF's policy says that the crew must have "sufficient time to rest," but this appears to fall short of the requirement under the Work in Fishing Convention that fishing crew must have at least 10 hours of rest every day. In addition, there are certain conditions under which the captains could keep the identity documents of the fishing crew, like for the sake of official inspection, in case of loss, or for other reasons specified in a recruitment contract. Though the regulation specifies that the captain can only retain identity documents with the consent of migrant fishers, due to the lack of monitoring on board and at sea, this clause might simply be used to justify the common practice of captains confiscating migrant fishers' passports. Retaining identity documents is considered an indicator of forced labour by the ILO.

6.2.2 Limited labour audits of longline fleets

In 2019 FCF inspected 18 vessels, 10 of which were purse seiners and eight longliners. This is a worryingly low number of longline inspections, given the high risk of forced labour on board these vessels. Purse seiners go into port more often and are subject to more independent scrutiny, so are required by RFMOs to carry observers on board and generally make trips of around one month. Longliners, on the other hand, have in most cases observers on around 5% of trips⁸³ and may stay at sea for months or even years at a time. The fishing activity itself is more labour-intensive, often occurring both day and night. In short, longline vessels are prone to forced labour.

6.2.3 Most longline vessels supplying FCF are not covered by any FIP

The two longline FIPs only apply to a small proportion of FCF's partner vessels, and there is no FIP covering the Atlantic Ocean where FCF also sources tuna. FCF told Greenpeace East Asia that only 20% of the longline vessels supplying their tuna have joined a FIP. In addition, FCF started FIPs with fleets that are the most regular suppliers, but will expand the number of vessels participating in FIPs.⁸⁴ This means that only a fraction of the longline vessels that FCF is working with are committed to increasing human observers and electronic monitoring to combat IUU fishing.

6.2.4 FCF's lack of specific regulations on transshipment at sea

FCF continues to let transshipment take place at sea without thorough transparency and strict enough control, which creates a loophole for fish tainted with forced labour and IUU fishing to flow into the market. With low observer coverage rate and insufficient monitoring, FCF cannot be sure that illegal catch or fish tainted with forced labour is not entering its supply chain.

6.2.5 Policies fail to address overfishing

Overfishing is one of the major threats facing our oceans. However, FCF's policies fail to tackle overfishing. According to FCF's website, it trades mainly three species of tuna - skipjack, yellowfin, and albacore.⁸⁵ Out of these three, the stocks of yellowfin and albacore tuna are already decreasing and near threatened.⁸⁶ Being one of the top three tuna traders in the world, FCF must take greater responsibility for conserving marine resources.



Photo: Aerial image of frozen tuna and shark being transferred from a Taiwanese longliner to a Panama-flagged reefer ship ©Greenpeace

Box. FCF's policies and progress

This section examines FCF's tuna-related environmental and social policies and assesses their shortcomings, given tuna's high economic value and its importance in the ecosystem.

1. Tuna Sustainability Policy

In March 2019, FCF published its Tuna Sustainability Policy on environmental conservation and fishing crew labour rights. In terms of environmental conservation, FCF states it will support RFMO management and conservation measures, support best practice for ghost gear,⁸⁸ promote and provide seafood certified by the Marine Sustainability Council (MSC), and support the livelihoods of those dependent on tuna resources in coastal States.

In regards to fishing crew labour rights, FCF mandates their suppliers to ensure the rights of the fishing crew, as well as offering basic guidelines for crew working and living conditions, freedom of association, grievance procedures, etc. For example: crew must be paid at least the minimum wage required by applicable laws, contracts should be written in the migrant fishers' native language, and safe and hygienic working and living environments must be provided in accordance with flag state requirements.

2. Fishery Improvement Projects (FIPs) for Longliners

FCF is currently involved in two Longline FIPs: the South Pacific Albacore and Western and Central Pacific Yellowfin Tuna Longline FIP and the Indian Ocean Albacore Tuna Longline FIP. Both FIPs cover fleets that supply tuna for Bumble Bee, the first relating to albacore and yellowfin landed in Fiji⁸⁹ and the second to albacore landed in Mauritius.⁹⁰ Both FIPs relate to three standards of the MSC: sustainable fish stocks, minimizing environmental impact, and effective fisheries management. Measures proposed in both FIPs include putting in place harvest strategies to help ensure the sustainability of fish stocks, increasing human observer or electronic monitoring coverage rates to 100%, and working with the governments of Taiwan, the Solomon Islands and Mauritius to advocate better fisheries management. FCF told Greenpeace that even though only 20% of the longliners that FCF sources from are included in FIPs, around 50% of tuna that FCF sources from in the Pacific Ocean are already covered.

3. Sustainability Program

FCF proposed their first Sustainability Program in 2016 and have since modified this several times.⁹¹ The latest (2019) edition responds to concerns about the ecological damage caused by

Fish Aggregation Devices (FADs),⁹² which outlines a program for yellowfin tuna and skipjack tuna caught by purse seine fishing in the West and Central Pacific Ocean to split catches into those caught with FADs and those caught without FADs, so that tuna brands can offer consumers the choice of FAD-free tuna.

4. Social Responsibility Program

FCF shared with Greenpeace East Asia details about their Social Responsibility Program. According to the program, in 2019, FCF listed 37 purse seiners and 16 longliners under this social responsibility program, and these vessels are subject to labour audits. The audits include manning agencies, vessel owners' offices, on-site labour checks when the vessels come back to port, and interviews with the fishers. In 2019, FCF audited 10 purse seines and eight longliners under this program, accounting for 27% and 50% of the respective genre of vessels to ensure compliance to relevant standards. The audits are conducted by FCF's internal audit team and are based on an internal procedure. Apart from labour audits, there are also other sustainable works under this program, including capacity building with the vessel owners for social responsibility measures. FCF also told Greenpeace East Asia that the company is aiming to implement third party verification for this social audit program and to publish the quarterly updates starting from early 2020.

7. CONCLUSIONS AND RECOMMENDATIONS

Foster a sustainable and ethical seafood industry: deter IUU and forced labour

Combating IUU fishing and forced labour are urgent and overdue tasks for the seafood sector and in particular for the distant water fishing industry. As a major distant water fishing power, Taiwan bears particular responsibility for tackling these issues. Taiwan has already undergone a recent overhaul of its fisheries regulations, which eventually resulted in the withdrawal of the yellow card issued by the EU in June 2019 under its IUU Regulation. However, the use of flags of convenience and transshipments at sea remain major loopholes for both Taiwan and international fisheries bodies, making the enforcement of fisheries regulations challenging. Unfortunately, despite the strong and widely recognized relationship between IUU fishing and forced labour, Taiwan has largely overlooked the rights of migrant fishers as it reformed its fisheries policies. Migrant fishers are still discriminated against by the two-tiered recruitment system and remain at risk of abuse and forced labour on board Taiwanese fishing vessels. The lack of a policy to effectively prevent forced labour on Taiwanese fishing vessels is a blind spot in Taiwan's policy reform, and a flaw in the government's efforts to curb IUU fishing.

This failure to tackle forced labour in the industry is troubling. Given FCF's extended global reach, tainted seafood might soon spread to the market if it enters FCF's supply chain. FCF along with other seafood corporations should take responsibility to create a business practice that fosters a sustainable and ethical seafood industry and deters IUU or forced labour.

7.1 FCF should strengthen supply chain management

As one of the top three tuna traders globally, FCF bears great responsibility to ensure fish caught illegally or with forced labour is prevented from entering the global seafood supply chain. Greenpeace East Asia believes that FCF must undertake the following actions promptly, to better fulfill its responsibility:

- **Enhance the traceability of the seafood supply chain:** FCF should make public the fishing vessels it sources from, processors it works with, and brands it supplies. This information should be available to the brands and provided to consumers on labels and online.
- **FCF must only source from vessels that do not take part in transshipment at sea.** If vessels do so it must be under the most comprehensive monitoring, control, and surveillance measures so that it assists in decreasing the risk of illicit and irregular transshipments.
- **Protect labour rights by adhering to relevant international law and best practice, and support legally binding agreements with labour unions:** FCF should update their labour policies according to the ILO Work in Fishing Convention as well as ILO's core labour standards. Meanwhile, to ensure human rights due diligence, FCF must develop policies or steps to identify, prevent, and address any potential violation of human rights and establish a fair and effective grievance mechanism. To ensure

that these are put into effect, Greenpeace East Asia advocates that companies should support legally binding agreements with labour unions.

- **Upgrade its sustainability policy:** FCF should make good use of its influence in the industry to advocate for higher social and environmental standards, and more effective implementation of such standards by its business partners, governments, and other fisheries management bodies. In particular, given the dire situation of some fish stocks, companies should support the designation and implementation of large scale ocean sanctuaries globally.
- **Establish concrete and effective action plans in line with the above objectives:** Action plans should include clear objectives and time bound milestones. Action plans must be subject to audits undertaken by an independent, credible third party, and such reports should be made public.

7.2 Taiwanese government should increase protection for migrant fishers

As one of the world's major fishing powers, Taiwan must not let down its guard or lose its momentum after the lifting of the EU yellow card. Taiwan must enhance its regulations to protect migrant fishers and ensure they are fully implemented, if seafood tainted with IUU fishing and forced labour is to be put to an end. Therefore, Greenpeace East Asia reiterates the following recommendations to the Taiwanese government. These recommendations are endorsed by the Taiwan International Workers' Association (TIWA), Taiwan International Workers' Association (TIWA), Yilan Migrant Fishermen Union (YMFU), The Presbyterian Church in Taiwan Seamen and Fishermen's Service Center (PCTSFSC), Taiwan Association for Human Rights (TAHR), Serve the People Association (SPA), and Environmental Justice Foundation (EJF).

- **Abolish the overseas employment scheme for migrant fishers** and domesticate ILO C188.
- **Implement other ILO conventions for labour rights**, including Forced labour Convention (C 29), Freedom of Association and Protection of the Right to Organize Convention (C 87), Right to Organize and Collective Bargaining Convention (C 98), etc.
- **Migrant fishers hired to work on Taiwanese fishing vessels, regardless of where they operate, should all be governed by the Ministry of Labour**, and thus all be covered by the same labour standards and legal protection.
- **Increase the frequency and reliability of labour inspections** for coastal and distant water fishing vessels.
- **Handle human trafficking and forced labour cases promptly once reported**, strictly enforce relevant regulations, and increase prosecution and conviction rates.
- **Establish a timely and effective grievance mechanism for migrant fishers** (particularly for urgent cases at sea).



Photo: Fishers working with insufficient safety equipment ©Greenpeace / Paul Hilton

GLOSSARY

AIS	Automatic identification system
CCRF	Code of Conduct for Responsible Fisheries
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
EJF	Environmental Justice Foundation
FAD	Fish Aggregation Device
FAO	United Nations Food and Agriculture Organization
FCF	Fong Chun Formosa Fishery Company, Ltd
FIP	Fishery Improvement Project
FOC	Flag of convenience
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
IDR	Indonesian Rupiah
ILO	International Labour Organization
IOTC	Indian Ocean Tuna Commission
IUU fishing	illegal, unreported and unregulated fishing
MCS	Monitoring, control and surveillance

MSC	Marine Stewardship Council
PCTSFSC	The Presbyterian Church in Taiwan Seamen and Fishermen's Service Center
RFMO	Regional Fisheries Management Organization
SDG	Sustainable Development Goal
SPA	Serve the People Association
SSTC	South Seas Tuna Corporation
TAHR	Taiwan Association for Human Rights
TFA	Taiwan Fisheries Agency
TIWA	Taiwan International Workers' Association
UN	United Nations
UNGPs	United Nations Guiding Principles on Business and Human Rights
USD	United States Dollars
VMS	Vessel Monitoring System
WCPFC	Western and Central Pacific Fisheries Commission
YMFU	Yilan Migrant Fishermen Union

APPENDIX I: INTERVIEW GUIDELINES

These guidelines are designed for fishing crew to help improve labour standards and fishing practices. Responses are confidential and will be grouped together with the responses of others so that no individual can be identified.

Name: _____ Age: _____

Manning Agency: Is your employer the manning agency that placed you in this job? _____

Vessel name: _____ Your job: _____ Where fished: _____

Captain's name: _____

Fishing Gear / Fish caught: _____

- Tell me about your background, education, and how you became a fisher: _____
- Tell me about your agent and how you found your agent: _____
- Employment contract
- Start date of contract: _____ Finish date of contract: _____
- Monthly pay ____ Loans ____ Net pay _____
- If you have a written employment contract: Is the contract in your native language, were you given sufficient time to review it before signing, and were the terms and conditions, including your rights and responsibilities, explained to you in your language? Were you given the opportunity to seek advice from others about your contract before signing it? Were you given a copy of your contract and do you still have it? Is this the same contract as the one that was explained to you? _____
- If NOT, did your employer provide a reason for not giving you a written contract? _____
- Were you given any information about wage entitlements and your rights?: _____
- Do you have insurance: Life insurance? Unemployment insurance (social security)? Compensation for occupational injuries? _____ if so, do you have to pay for it, how much, and how is it deducted? _____

Average hours worked each day	Agent fee paid to agent in home country and agent in Taiwan, and also agent in third country if applicable	Monthly salary paid to AGENT	CASH paid by captain and wages directly deposited in workers' bank accounts. How often were you paid? Was it every month? How long did you work until you got your first payment?	Amount of UN-LOAD bonuses	Amount of CAT-CH bonus	Amount of wages owed (if any)

- How did you pay the agent fee?: _____
- Have you received less money than what was agreed?: _____
- Were there any deductions from your pay that you believe were not agreed upon in your contract? : _____
- Were you given pay receipts: did your pay receipts include an itemized list of deductions? _____

Vessel operations

- Name of port where you boarded your vessel: _____
- Were you allowed to keep your passport, seamen book, and any other identity documents at all times? If not, who kept your passport, seamen book, and other identity documents and when did they take it from you? What reason, if any did they give you for keeping your documents?: _____
- How long was the last fishing trip: _____
- Tell me about where and how you unloaded: _____
- Was there any transshipment at sea? If so, please describe it, e.g. how many hours, what fish was transferred, were there other items or people that were transferred? _____
- Tell me about the length of fishing lines and number of hooks: _____
- Tell me about how you processed, packaged, and labelled the fish: _____

- Were there other fish or sea creatures that were caught unintentionally? If so, what type of fish or sea creature?: _____
- Quantity of bycatch caught: _____
- What did you do with the bycatch: _____
- What did you do with your rubbish and waste oil: _____
- Have you ever seen a patrol vessel? If so, what did the officers say or do? Did they attempt to talk to you or other crew?: _____

Living and working conditions on the vessel

- Tell me about your accommodation spaces, toilets and washing facilities, eating areas: _____
- Describe your food and drinking water, was it enough, and how much time did you have for meals: What did you eat? Was the water safe to drink? How much time in between meals? Was any of this deducted from your wages and if so, how much? _____
- Describe the work environment. Was the work area kept clean? _____
- Does it include on-call and steaming to the fishing area? How often did you receive a day off from work? Were you given time off after working unusually long hours over a certain period of time? Was there a reason provided as to why you and the other crew had to work such long hours without rest? _____
- Were you given protective gear? If so, what type of gear? Did you or other crew experience near fatal or serious injuries? How often would that happen? _____
- Did you request time off when you were sick or injured? What did the captain say? If you were required to continue working while sick or injured, how long did you do so? _____
- Describe what type of medicine and how treatment was provided. _____
- When your vessel arrived in port, were you allowed to go on shore, talk to people in or near port, or otherwise remain visible on deck? _____
- Were you given any instructions about how to talk to officials? If so, what were you asked to say and was it true? _____
- Tell me how you were treated e.g. physical, sexual or verbal abuse experiences: Follow ethical guidelines on interviewing VoT. _____
- Were you unfairly treated or punished? If so, explain the circumstances and the unfair treatment or punishment. Were you ever locked in a room or chained? Please describe the circumstances of this. _____
- Who was the abuser and did they say anything to you or other crew when they punished or abused the crew? _____
- Did you take on other responsibilities beyond what was described in your contract? Why? Who asked you to do this? Did you agree to work extra hours beyond what was required in your contract? Why? Who asked you to do this?
- Did you extend your contract? Why? Who asked you to do this?
- Who is the Officer? Did you ever complain to an officer? If so, what did you complain about and what happened after you complained? Did you ever tell the Captain or other Officer that you wanted to quit your job or leave the vessel? How did they respond? _____
- Were you ever threatened with: a) deportation, b) non-payment of wages, or c) blacklisting: were there other threats against you or your family? What was threatened? Who threatened you and what did they require you to do to avoid punishment? _____
- Did you encounter any difficulties in communication with the Officers? Please explain: _____
- Did you feel helpless because of your family situation: Were there any other reasons you stayed in your job? _____
- Did you feel helpless that you could complain to authorities because you feared them: Did you want to complain to authorities? If not, why not? _____
- Anything else you would like to say about the conditions, your treatment or your job: How were you able to work such long hours? Did the captain or anyone else on the vessel give you substances to help you keep working? Did you ask for them or were you required to take them? _____

Were you ever interviewed by another person or organization not related to your employer, agency, or the captain? Do you know who that person was and why they interviewed you? Please describe the interview and circumstances around it.

- If you could change one aspect of your job, what would it be and why: _____
- Will you sign another contract?: _____
- Will you seek other employment in fishing again? If not, why not. _____
- What advice would you give to a family member who wants to be a fisherman?: _____

WE SINCERELY APPRECIATE YOU TAKING THE TIME TO ANSWER OUR QUESTIONS

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44. Under C111, migrant workers as workers are protected against discrimination in employment/occupation based on the seven grounds set out there (including race, colour, religion, political opinion, national extraction or social origin, and sex) . While nationality/immigration status is not one of the seven grounds, the ILO Committee of Experts on the Application of Conventions and Recommendations has interpreted C111 to protect migrant workers from discrimination on the basis of race, one of the seven grounds in the Convention.
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49. According to the correspondence between Greenpeace and the ILO, "debt bondage" occurs when (1) a job or recruitment is associated with loans, advance or debt; (2) the debt is manipulated; and (3) this limits the freedom of the workers in any way. Among the four fishers interviewed, the contract of a fisher working on *Longliner A* specified that a guarantee deposit would be deducted from his salary for 6 months, while the other three fishers all claimed that guarantee deposits were collected from them. The fishers were promised (in contract or verbally) that their guarantee deposits would be returned in full if they finished their contracts. However, in reality, the guarantee deposits are a form of economic coercion and should be considered debt bondage in line with the ILO definition of the practice. The guarantee deposit as debt was technically paid off through deductions in the first several months of work, but the promise of a complete cancellation of the original debt was a form of manipulation to keep the fishers working for the full term of their contract, often under inhumane conditions, in hopes of negating the large debt they incurred for their jobs. The deposits ultimately bound the fishers to the vessel owners for around 2 years of excessive working hours, and total payment below the monthly minimum wage despite working so much that the value of their labour exceeded the amount of their original debt.
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92. Tuna and other fish naturally school around floating objects. In order to increase tuna catches, some fishing vessels deploy permanent, half-permanent or temporary floating objects on the ocean to gather fish. Commonly seen drifting logs and carcasses of large marine animals naturally act as FADs. Artificial FADs include anchored FADs and drifting FADs. Anchored FADs need to be attached to the bottom of the sea and thus are more commonly used closer to shore. On the other hand, drifting FADs are usually used in the open ocean. The unchecked proliferation of FADs in recent years has greatly increased catches, particularly of juvenile tunas, and has led to overfishing and reduced yields. Currently, over half of the tuna caught globally are caught with FADs. According to <https://www.pewtrusts.org/en/about/news-room/press-releases-and-statements/2012/12/01/estimating-the-use-of-drifting-fish-aggregating-devices-fads-in-the-global-tuna-fishery>

