

**Establish a sustainable development blueprint
for distant-water fisheries, taking human rights
and accountability into account: Taiwan's
commitments and actions**



**Fisheries Agency, Council of Agriculture,
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Executive Summary

Distant-water fisheries in Taiwan has been developed for more than one hundred years. As an important producer of distant-water fisheries, Taiwan provides the world's population with important sources of protein and creates a domestic fisheries supply chain, which is composed of 350, 000 employees and about 20, 000 employment opportunities for foreign crews. Surrounded by oceans, Taiwan has the responsibility to regulate and implement policy for protecting human rights at sea according to the United Nations Convention on the Law of the Sea (UNCLOS) and International Labor Organization (ILO) Conventions and Recommendations on rights at work. Taiwan is also responsible for improving and completing regulations and implementing them actively. Only by protecting the rights and benefits of all stakeholders and conducting rights and responsibility-oriented fishing activities to entitle crew members with appropriate working conditions, can Taiwan meet the UN Sustainable Development Goals. Taiwan's commitments to protecting human rights have its root in the spirit of founding the nation. Despite the governance of its distant-water fisheries did not meet the expectations of the international community, Taiwan has been devoted to improving and completing regulations over the past five years. In addition, civil society also takes actions to monitor and hold relevant parties accountable which echoes a similar bottom-up approach taken by the industry to tackle social corporate responsibility.

This report first analyzes the importance of labor rights protection in distant-water fisheries and important issues that need to be dealt with. Secondly, the report explains the government's overall improvement in policy and legislation. The third part includes the explanation of concrete cooperation between the government and civil society groups. The fourth part names a few examples that demonstrate the industry's effort in solving the issues. Finally, the report briefly describes the draft of the National Action Plan for Fisheries and Human Rights.

Part one: Challenges of Protecting Human Rights at Sea

A. Problems that Taiwan as a flag State faces

a. Two applicable systems to working conditions

Taiwan's distant-water fisheries operates on the high seas and in the Exclusive Economic zones (EEZs) of coastal islands or countries. As the working conditions at sea contain high risks and danger, very few Taiwanese nationals work as crews. Therefore, Taiwan's distant-water fisheries completely rely on foreign crews in accordance with the principles of overseas employment and overseas employment termination, for which the Fisheries Agency (FA) of Council of Agriculture (COA) is the competent authority. The amount of minimum monthly wage has been raised from what used to be 300-350 US Dollars on average in 2017 to the amount that shall not be less than 450 US Dollars. On the other side, the offshore and coastal fisheries was allowed to employ foreign crew members since 1992, as the Employment Service Act promulgated. Due to the characteristics of offshore and coastal fisheries, most fishing vessels return to ports within seven days, which does not keep the crews onboard out of touch from life on land. As it is regarded that their workplace is still within Taiwan, foreign crew members of offshore and coastal fisheries are subject to Labor Standards Act, meaning their monthly wage shall not be lower than the amount of minimum wage adopted in accordance with the Act (840 US Dollars at the current currency rate), for which Ministry of Labor is the competent authority.

Although there is difference in the minimum wage between those working in distant-water fisheries and coastal fisheries, distant water fishing vessel owners must cover the expense of agents as well as are obligated to provide crew members with meals and accommodation. At the same time, foreign crew members of offshore and coastal fisheries have to cover a service fee which is about 1,500 to 1,800 New Taiwan Dollars per month, and meals and accommodation may be offered by fishing vessel owners as in-kind purchase. Therefore, in reality, the difference in monthly wage between the two is 200 US Dollars.

The competent authority is aware of the wage difference between those working in distant-water fisheries and those in offshore and coastal fisheries. Therefore, it will gradually increase the minimum wage and provide payment guidance for the industry to follow.

b. Tough working environment faced by crew members on distant-water fishing vessel

In the past, complaints from crew members received by the Government include long working hours at sea, unfavorable living space onboard, doubts on the quality of water and meals onboard that may affect their health and so on. At the end of this year, Taiwan will release a National Action Plan for Fisheries and Human Rights. The priorities are to improve working conditions at sea, enhance the quality of living space onboard, and regulate scientific standards to evaluate the quality of water and meals at sea. More information will be disclosed in the fifth part of this report.

c. Incomprehensive management for agents and crews recruitment

Employing foreign crew members overseas without comprehensive cooperation with crew members' country of origin may lead to a lack of information transparency and information asymmetry. Foreign crew members can easily suffer from inappropriate treatments such as discharge of wages, inconsistency of working conditions between reality and the contents on a contract, or unawareness of the contents of a contract.

B. Problems that Taiwan as a port State faces

a. Insufficient capacity for monitoring and management

The government has encountered the following challenges: insufficient capacity in inspection, low prosecution rate of human trafficking, inadequate management of overseas agents and their selections of crew members.

b. Flags of convenience involved in forced labor and its insufficient management

Flags of convenience is a policy issue that Food and Agriculture Organization (FAO) strives to reform; however, until now, international community is still unable to reach a consensus on its governance. For foreign flag vessels invested in and operated by Taiwanese nationals, including some of them are under the so-called flags of convenience, their management are inconsistent with our domestic law and regulations. In 2008, Taiwan promulgated the Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels to combat IUU fishing activities. The Act regulates that Taiwanese nationals are only permitted to invest in operations of foreign flag fishing vessels with prior authorization and shall regularly submit catch data to the competent authority. However, this Act cannot contravene the flag state's jurisdiction, so it still has its limit. Hence, to effectively

regulate working conditions onboard and to avoid forced labor at sea and human trafficking require international efforts.

C. In need of international cooperation among Governments to protect human rights in distant-water fisheries

The management of distant-water fisheries involves cooperation among sovereign states with different nationalities and functions, such as flag States, port States, coastal States, market States, crew members' country of origin, crew officers' country of origin, agents and suppliers registered countries, and Regional Fisheries Management Organizations (RFMOs), and it involves monitoring at sea and inspection¹. Taiwan is not a member of the UN and has a limitation of practical participation in RFMOs. Taiwan has more than once expressed willingness to take up international responsibility and to cooperate with human rights related international organizations and countries. It is hoped that the consultations on the protection of human rights at sea among the Governments, which involve multiple sovereignty jurisdictions and coordination, can be addressed in a practical manner, so as to jointly establish governance mechanism for distant water and human rights.

D. Government is responsible for raising the values and awareness of human rights at sea

Working space at sea is often on the high seas and in other countries' EEZs; hence, problems related to working conditions that is obvious on land tended to be ignored in the past. Through education on protecting human rights at sea, it will enhance the dignity of the profession, showing consumers the contributions from the work at sea. Through education on labor, it can also promote that workers at sea are also entitled to appropriate rights of work which echoes what ILO has been advocating, and at the same time it will encourage the industry to take social corporate responsibility.

Part two: Government’s Overall Improvement in Policies, Legislations and Measures

A. Completion of laws and regulations

Before the promulgation of Act of Distant Water Fisheries on 20th January 2017, the working conditions of foreign crew members employed overseas, such as wage, working hours, insurance, requirements that the operators needed to follow, management of agents, penalties and so on, were only compliant with Fisheries Act and Directions for Fisheries Operators to Employ Foreign Crew Members Overseas. However, the legal authorization was neither explicit nor did it offer sound assurances. Therefore, Regulations on the Authorization and Management of Overseas of Foreign Crew Members are promulgated in accordance with Act of Distant Water Fisheries, strengthening the protection on rights of foreign crew members employed overseas.

a. Implement the Act for Distant Water Fisheries as of 20th January 2017

Aspects	Past	Current
Laws and regulations	<p>“Fisheries Act” and “Directions for Fisheries Operators to Employ Foreign Crew Members Overseas”</p> <p>Less explicit legal authorization, less assurance</p>	<p>“Act for Distant Water Fisheries” and “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members”</p> <p>Explicit legal authorization, more assurance</p>
Wage	Determined through bilateral agreement; payment method not regulated	Minimum monthly wage is set at 450 US Dollars; direct payment to crew members is in principle, any beforehand deduction of compensation or guarantee is not allowed.

Working hours	Not regulated	At least 10 resting hours per day and 4 days off per month
Insurance	Accident insurance of 500 thousand New Taiwan Dollars	Besides accident insurance, life insurance with no less than 1 million New Taiwan Dollars and medical insurance are included.

b. Management of employment and agents

Aspects	Past	Current
Provisions vessel owners should comply with	Separated in contract and regulations	Clearly stated and required to provide convenient condition for crew members to file grievance
Management on agents	<ol style="list-style-type: none"> Both company and natural person could engage in agent business. No guarantee bond system. Looser review mechanism. 	<ol style="list-style-type: none"> Permission system for agents: excluding natural person to engage in agent business Guarantee bond system: 1.5 to 5 million New Taiwan Dollars Strengthening review mechanism: agent with poor performance in the review may be subject to revocation of permission.
Penalties	<ol style="list-style-type: none"> No relevant provisions for agents. Any vessel operator committing infringement will be subject to a fine 	<p>A. Any agent without permission will be subject to a fine of 4 to 20 million New Taiwan Dollars. In case of</p>

	of 30 thousand to 150 thousand New Taiwan Dollars.	<p>infringement, any agent will be subject to a fine of 1 to 5 million New Taiwan Dollars.</p> <p>B. Any fishing vessel operator committing infringement will be subject to a fine of 50 thousand to 250 thousand New Taiwan Dollars.</p>
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c. Results of review on agents (2018-2021)

Review results	2018 (trial)	2019	2020	2021
A	2	27	32	20
B	23	12	15	28
C	8	2	0	3
D	13	2	2	3
Total	46	43	49	54

B. Statistics on infringements and punishments on agents

Infringement types	Number of cases			Accumulated amount of fine (Unit: 10 thousand New Taiwan Dollars)		
Year	2019	2020	2021 (till 10/31)	2019	2020	2021 (till 10/31)
Without signing contract	0	0	0	-	-	-
Illegal agent	1	0	0	400	-	-
In violation of provisions pertinent to wage	1	3	0	120	300	-
Others	0	0	0	-	-	-
Subtotal	2	3	0	520	300	-
Total	5			820		

C. Prevent distant-water fishing vessel from involving in human trafficking

“Standard Operation Procedures for Reporting and Processing Cases of Foreign Crew Members Employed Overseas Onboard Distant Water Fishing Vessels Suspicious of Violating Human Trafficking Prevention Act” were laid down on 14th September 2015. It was revised on 3rd February 2021 to integrate and accelerate the domestic and foreign notifying procedure and to include 8 human trafficking indexes.

D. Management on recruitment

Application for employment permission: one is employed after reviewing its qualifications (such as age, illicit records), contracts, insurance documents, etc.

To notify crew members of their rights and obligations before signing contracts: employment contract is required to be standardized contract which includes basic rights and benefits. Before signing the contract, crew member-to-be shall watch the video that FA makes regarding the rights and obligations of crew member, operators or agents shall make audio and visual recordings throughout the entire process and keep the recordings for at least three years (included in the Regulations in March 2019).

E. Develop crew interview system

- Domestic port: 10 interviewers recruited.
- Foreign port: fisheries officers dispatched to station at 7 major foreign ports (the station in Palau is suspended due to reduced number in fishing vessels as of August 2021)
- High Sea Boarding and Inspection: 1. Currently in Western and Central Pacific Ocean ; 2. During the inspection, questionnaires are distributed to crew members for completion.

Year		2019	2020	2021 (till 11/2)
Domestic port	number of vessel	82	102	78
	persons	468	560	465
Foreign port	number of	74	20	11

	vessels			
	persons	193	95	52
High Sea Boarding and Inspection	number of vessels	43	2	0
	persons	59	3	0
Total	number of vessels	199	124	89
	persons	720	658	517



F. Establish Grievance System and Assist in handling disputes

1. Establishing complaints channel:

- By calling the 1955 Consultation hotline for workers (or +886-2-8073-3141 from overseas), or reach out to our Embassies, our fisheries observers or fisheries officers stationed abroad, crew members can file complaints.
- Welcome report from NGOs such as PCTSFSC, Stella Maris Kaohsiung, FOSPI, EJF and Greenpeace.

2. Results of the complaint and appeal

162 compliant were received, the amount of wage 92,746 US Dollars were

reclaimed, deposit 13,359 US Dollars were reclaimed, and 52 passports were retrieved in the past 3 years from 2019 to July 2021.

3. Difficulties faced when FA investigates the allegations reported from NGO

NGOs often take the interviewee's words out of context, without providing concrete evidence or providing the names of the crew members.

Most of the allegations reported had took place a year ago or years ago, increasing the difficulty of backtracking the evidence.

More than a dozen cases are provided at once which overloads this Agency 's capability of investigation.

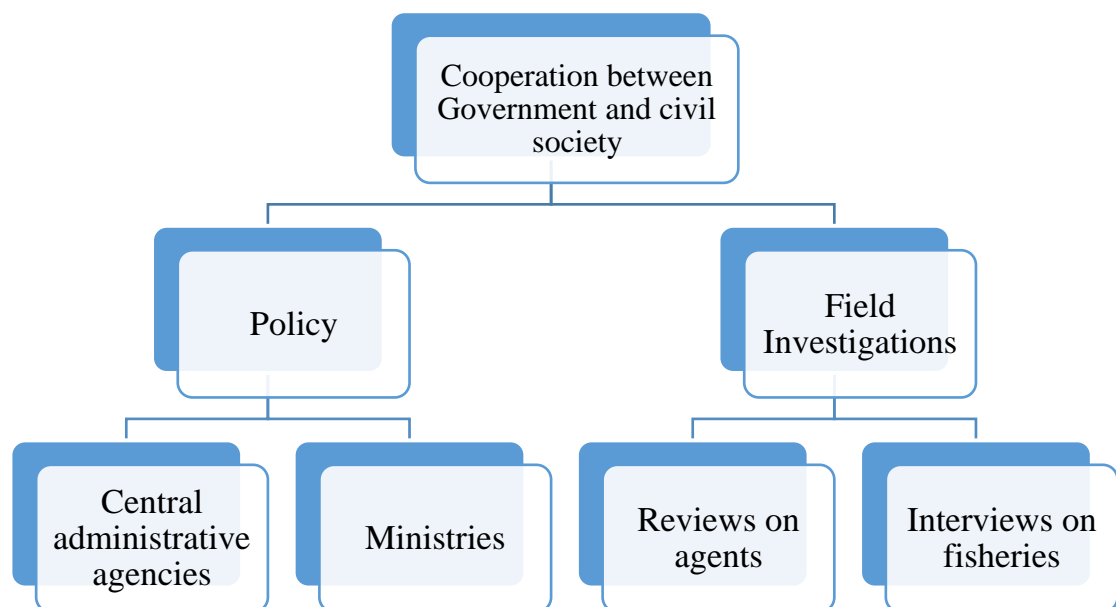
4. Care (legislative outreach, counseling, care and recreational events)

Enhance the quality of life ashore: establish shower facilities at 10 Taiwan fishing ports, providing hot water for foreign crew members for free.



Part three: Cooperation between Government and Civil society groups

Taiwan is a democratic country with freedom. As a political activism, communities or civil society groups made up with citizen caring about human rights issues advocate for their ideal society. Now many international and local civil society groups in Taiwan, such as The Presbyterian Church in Taiwan Seamen and Fishermen's Service Center (PCTSFSC), Stella Maris Kaohsiung, Global Fishing Watch, Greenpeace, the Coalition for Human Rights for Migrant Fishers, Taiwan Association for Human Rights, Environmental Justice Foundation, Taiwan International Worker's Association and so on, keep paying attention to the hardship foreign crew members face while working on distant-water fishing vessels. The Trafficking in Persons Report, which is yearly published by the United States State Department, has mentioned foreign crew members' rights² in Taiwan distant-water fisheries since 2013. The List of Goods Produced by Child Labor or Forced Labor which is published every two years by US Department of Labor has included Taiwan for the harvest from its distant-water fishing vessels for the first time in 2020. For this reason, by keeping proposing, appealing, and holding press conference, NGOs pay attention to how the Government responds to improve the working condition on Taiwan distant-water fishing vessels. Keeping accommodating different views, this Agency together with other governmental agencies will keep the communication going with labor groups, NGOs or civil society groups that advocate for foreign crew member's rights and is concerned with human rights violation.



Invite civil society group to participate in interviews at ports and review on agents

Besides pushing for the operator-civil society group-NGO dialogue, the Government invites civil society groups to participate in interviews held by the Government and directly make suggestions to the Government and the operators. For example, 13 out of 70 interviews conducted in 2021, civil society groups were invited to participate and observe how this Agency interviewed foreign crew members. NGOs were invited to participate in review on agents and attend meeting for the review and improvement of Standard Operating Procedures (SOP) of Interviewing Overseas Employed Foreign Crew Members during 2021. By doing so, they could contribute to the improvement of the said SOP. NGOs were also invited to join the interview with agents and fishing vessels to improve the quality of interviews. Regarding enablement on interviewer, this Agency also invited civil society groups to share skills on interviewing crew members. In 2021, this Agency has twice invited the representatives of the said groups to lecture on human trafficking cases, exchanging on interview experiences and enhance victim identification.

Work with civil society groups to expand reporting system

The Government is working towards to making civil society groups a parallel and trusted reporting system. Besides 1955 as the official grievance system, the government is promoting NGO reporting systems among foreign crew members, such as the reporting channel offered by PCTSFSC, Stella Maris Kaohsiung, EJF, Coalition for Human Rights for Migrant Workers and Greenpeace, which crew members can choose the channel they trust to report poor working condition or mistreatment. Also, FA assists with NGO (PCTSFSC) in setting up a service station in Cijin and makes complaint forms available at an Indonesian crew member group (Forum Silaturahmi Pelaut Indonesia, FOSPI) to offer timely assistance for crew members.

Invite civil society group to take up the role of committee member

For civil society groups to work jointly with the Government, the Government further invites civil society groups to take up the role as a committee member. For example, Allison Lee³, the Secretary General of the Yilan Migrant Fishermen Union, is invited to serve as a member of the Committee of National Action Plan of Human Rights, working with Executive Yuan Human Rights Advocacy Group to strengthen distant-water fisheries foreign crew members' human rights. The Committee of National Action Plan of Human Rights has held 5 public hearings. Civil society groups are invited to participate in the discussion of the National Action Plan for Fisheries and Human Rights which is deliberated among this Agency, MOFA, and Ministry of the Interior (National Immigration Agency). Since 2017, civil society groups jointly

participated in 4 out of 6 meetings.

Summary

Strong and powerful civil society groups are one of the drives that push the country going forward. The interpretation that the local or international community and civil society groups create also bring about different visions to governmental agencies. Active and voluntary citizen are an asset to democratic society. Valuing suggestions and criticism from civil society groups, Taiwan attempts to coordinate the way how Government, the industry, and civil society groups exchange opinions. That is, to make civil society groups more influential on more channels outside political advocacy, they can exchange ideas with the staffs, interviewers, the industry, the employee, and the migrant worker. With the recent instance above, it is explained how Government and civil society groups build partnership, working to assure and improve the rights of foreign crew working on distant water fishing vessel and pursuing the sustainable development of marine resources.

Part four: Corporate Social Responsibility Initiated by the Industry

UN published 2030 Sustainable Development Goals (SDGs)⁴ in 2015, including 17 goals which come with 169 targets. When unpacking these goals, it could be found that the economic development, humanity and dignity and conservation are attempted all at once. The SDGs are striking balance between theories and reality, as well as the present and the future.

The above goals are closely linked to Taiwan's fisheries and the world's supply chain in fishery products. To show the determination of working towards sustainable development, these goals generally cover environment, society, and economy, showing the determination on sustainable development. Indeed, to fulfill these great goals it will not only require promises from Governments but also active participation from the industry and the private sector.

To pursue sustainable supply of fishery products, Marine Stewardship Council (MSC) along with other civil society groups and international communities (Fish Choice, Advisory Committee, Technical Oversight Committee, Conservation Alliance for Seafood Solutions and so on) presented the Fishery Improvement Projects (FIP), hoping to reduce bycatch (marine mammals, sea turtles and seabirds) and illegal, unreported and unregulated fishing (IUU fishing) via the risk assessment and harvest monitoring conducted voluntarily by the operators themselves across the supply chain. The goal of FIP is with active participation from all stakeholders, to build a sustainable fishery supply chain that can be a practice of corporate social responsibility and to fit local industry and the livelihood of fishermen at the same time.

For example, in order to make mahi mahi fishery comply with the international requirements of sustainable fisheries, Hsin-Kang Fishermen Association of Taitung voluntarily initiated Hsin-Kang Mahi Mahi FIP, inviting fishermen, research unit, buyer, processor and trader for discussion and coordination. Finally, together with Su-Ao Fishermen Association and Dong-Kang Fishermen Association, Overseas Fisheries Development Council of the Republic of China (OFDC) and many trade associations (fishing vessel owners, processors, freezer manufacturer and buyer), they launched a Taiwan Hsin-Kang mahi-mahi longline FIP, which is recognized by international civil organization Sustainable Fisheries Partnership in 2015 and is registered on FisheryProgress website⁵.

Besides the operators in the mahi mahi supply chain, operators in tuna fishery in Qian-Zhen Districts also show practice of voluntary management and corporate social responsibility. To establish a fishery product supply chain which complies with sustainable development, Taiwan Tuna Association (TTA) acknowledges the concept

of FIP and its practice. After reaching a consensus within the Association, the TTA and the OFDC jointly launched a 5-year (2021-2026) Pacific Albacore FIP in 2021, and it is officially registered on the website of FisheryProgress⁶. FIP has included corporate social responsibility in May 2021. From the two FIPs above, it is demonstrated, with applying bottom-up approach, the industry attempts to manage the fisheries with a basis of ecosystem-based management. To date, the number of Taiwanese distant-water fishing vessel involved in MSC/FIP is as the follows. FCF has 385 FIP longline vessels, 18 MSC purse seiners; Tri Marine has 112 FIP longline vessels and 11 MSC purse seiners.

On top of sustainability, in recent years the voluntary practices of corporate social responsibility from our operators have extended further to migrant worker's rights at sea. After receiving the allegations of forced labor made from the EU and the US, operators in tuna fishery in Qian-Zhen and Dong-Kang have organized a "Social Responsibility Working Group." The working group holds meeting with PCTSFSC, revising the sample of employment contract for foreign crew member employed overseas. On the other hand, after TTA social responsibility working group joined the interdisciplinary team at National Chung Cheng University, they formed an industry-academia partnership⁷ since the university receives funding with the adaptation of. "Fulfilling the Protection of Human Rights at Sea and Supporting the Sustainable Development of Fisheries with Technology: Establishing Person-Centered Decent Labor Policies in Distant Water Fisheries." During the research project that spans 3 years (2021-2024), CCTVs will be installed on the participator's distant water fishing vessels. Analyzing onboard crew member's health condition, working hours, attendance management and risk assessment with AI, it is anticipated that it will create a recruitment management offering transparency and accountability, will design a way to manage workable environment at sea, and will explicitly enhance the working environment and labor condition of Southern-Asian migrant workers.

Summary

Environmental protection and human rights are not two independent dimensions. From the example of TTA, it is shown that Taiwanese operators in fisheries have recognized the point of UN SDG: not only achieving the goal of environmental friendliness through fishery improvement project but also improving the rights of the crew member. And by carrying out corporate social responsibility, it makes the project complement one another, moving forward to sustainable development in economic, societal, and environmental dimensions.

Part five: A National Action Plan for Fisheries and Human Rights

In order to improve and advance the rights and benefits of foreign crew members, FA has drafted a National Action Plan for Fisheries and Human Rights. The plan outlines 7 coping strategies and corresponding actions: “ensure decent working conditions,” “strengthen living conditions and social protection,” “strengthen the management for agents,” “enhance capacities for monitoring and management,” “reinforce the management of fishing vessels flying flags of convenience,” “establish and deepen international cooperation,” and “promote partnerships.” The government expects to improve the structure systematically to develop sustainable fisheries with a basis of human rights.

In the recent years, much attention, not only nationally but internationally, has been paid to the rights and benefits of foreign crew members onboard. At current stage, it is aimed to efficiently solve the issue in four years. FA has taken reference to relevant human rights projects of the United Nations, Taiwan National Action Plan on Human Rights, Taiwan National Action Plan on Business and Human Rights, reports from international agencies (major market States included) and the reports from national and international NGOs on human rights in fisheries, and taken into account resources availability, the impact it may have on other projects once this is achieved, the attention paid from the public, and other factors. Following handpicking some issues and considering Taiwan’s condition, the implementation of strengthening foreign crew’s human rights, and opinions from relevant agencies, FA collects reports from national and international agencies, seeks suggestions from scholars and experts, agencies, the industry, and civil society groups, and holds forums to seek feedback from wider audience.

A. Ensure decent working conditions	<ul style="list-style-type: none">a. Establish and implement payment guidance.b. Clearly define the period of rest and promote the use of attendance timesheet.
B. Strengthen living conditions and social protection	<ul style="list-style-type: none">a. Guide and assist in the owners of newly built/transformed vessels to comply with the standards specified by ILO-C188. For those vessels failed to meet standards, it is considered to launch vessel reduction program to address the issue.b. Establish guidelines of the supply of water and

		<p>food onboard and increase facilities for crew members at main domestic ports</p> <p>c. Regulate the period of vessel remaining at sea shall not exceed ten months in principle per trip.</p> <p>d. Increase the rate of insurance coverage for domestically employed foreign crew members.</p> <p>e. Provide one-time emergency grant for the family of the deceased foreign crew employed overseas when the deceased had specific seniority.</p> <p>f. Establish a system to facilitate foreign crew members' networking among peers.</p> <p>g. Create multiple channels to promote complaint and appeal channels for crew members.</p>
C. Strengthen the management for agents		<p>a. Strengthen the management for agents.</p> <p>b. Establish clear guidelines for charged items.</p>
D. Enhance capacities for monitoring and management mechanism		<p>a. Strengthen enforcement manpower and increase the frequency of labor inspection.</p> <p>b. Promote the use of technological monitoring equipment onboard distant-water fishing vessel.</p> <p>c. Promote third-party verification mechanism.</p> <p>d. Strengthen inspection officer's capacity for identifying human trafficking index.</p>
E. Reinforce the management of fishing vessels flying flags of convenience		<p>a. Establish joint inspection mechanism for foreign-flagged fishing vessels entering Taiwanese ports.</p> <p>b. Request that the employment conditions for foreign crew members working on fishing vessels flying flags of convenience should be consistent with those on Taiwan-flagged ones.</p>

F. Establish and deepen international cooperation	a. Strengthen communication and cooperation between crew members' country of origin and major market States and establish cooperation arrangement with crew members' country of origin.
G. Promote partnerships	a. Encourage those interested to take corporate social responsibility b. Establish collaboration between the government and the private sector.

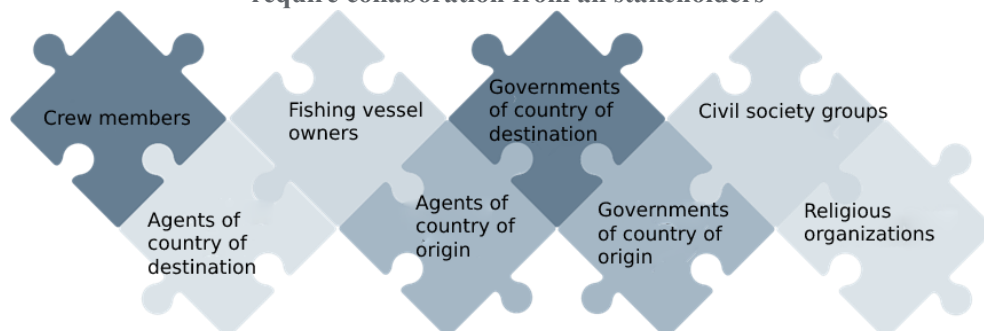
(Actual Case)

Form good relationships with stakeholders

In January 2017, Chun Sheng Fishery Co., Ltd. employed an Indonesian crew member, Wahyudin Jufri (hereinafter referred to as Mr. W), to work on fishing vessel, Hai Ren No.31. His contract ended earlier because of some unexpected reasons. Before his departure, he was hospitalized due to a sudden shock and respiratory failure caused by acute cardiomyopathy. Kaohsiung Medical University Chung-Ho Memorial Hospital conducted an emergency surgery for him, and it was evaluated that extra-corporeal membrane oxygenation would be necessary. With the support of the vessel owner, president Lin Yu-zhi, the agent, Mr. Li (hereinafter referred to as Mr. L) signed the consent form for surgery conduction on behalf of Mr.W. Another crew from the same country, Dwi Bagus Pribadi (hereinafter referred to as Mr. B), took care of Mr. W during his stay in the hospital.

The expenses was more than 970 thousand NT Dollars, which was beyond the capacity that Mr. W could afford. Therefore, with the intervention of the Marine Bureau, the Kaohsiung City Government, COA, the Executive Yuan, Indonesian Economic and Trade Office to Taipei, Kaohsiung City Labor Affairs Bureau, Social Affairs Bureau of Kaohsiung City Government, Kaohsiung Medical University Chung-Ho Memorial Hospital, the president of Chun Sheng Fishery Co., Ltd. the agent, and the social worker from Maritime Workers and Fishermen Protection Association of the R.O.C were invited for discussion on medical expense exemption and subsidy. At the end, on behalf of Mr. W, Indonesian Economic and Trade Office to Taipei reached a consensus with Indonesian agents. With the agreement from Kaohsiung Medical University Chung-Ho Memorial Hospital to partially reduce the medical fees, the fishing vessel company, Taiwan Tuna Association, and several charity groups honored the bill so that Mr. W could return home.

**It takes a village to raise a child, so does the promotion of human rights protection at sea
require collaboration from all stakeholders**



Annex Chronology of Events of Promotion and Protection of Human Rights in Distant Water Fisheries

2015

Standard Operation Procedures for Reporting and Processing Cases of Foreign Crew Members Employed Overseas Onboard Distant Water Fishing Vessels Suspicious of Violating Human Trafficking Prevention Act developed.

Standard operation procedures to follow when foreign crew member employed overseas is found allegedly involved in human trafficking in Taiwan or abroad.

2016

Act for Distant Water Fisheries promulgated.

As a legal basis of authorizing overseas employment of foreign crew members, enhancing the rights of foreign crew members employed overseas.

2017

Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members promulgated.

Strengthen the rights of overseas employed foreign crew members, including:

1. Required to sign standardized contract and apply for employment permission;
2. Specified minimum wage 450 US Dollars with a reference to ILO-C188 and rest hours at least 10 hours per day;
3. Including the amount of the life insurance shall not be less than 1 million New Taiwan Dollars;
4. Establishing permission system for agents, excluding natural person engaging in agent business;
5. Agents liable for guarantee bond (1.5 to 5 million New Taiwan Dollars) and reviews;
6. Establishing complaint and appeal channel, specifying basic guarantee from vessel owners and providing convenient condition for crew members to petition.

Operation Directions on Reviewing Agents Employing Foreign Crew Members Overseas promulgated.

Requiring agents to pay attention on their management and advance the quality of service, maintain the order of agents recruiting foreign crew members and as a reference for operators to choose agents.

Principles of Reviewing the Onboard Living Care Service Plan of Foreign Crew Member Employed Overseas launched.

Interview questionnaire for crem members drafted and trialed.

As a basis of auditing foreign members employed overseas.

Questionnaire used by interviewer functions as a standard to understand if foreign crew members understand their rights

2018

Develop interview system, when foreign crew members employed overseas return to Taiwan or enter the ports where fisheries officers are dispatched to station, they will be interviewed by interviewers or fisheries officers (or inspectors).

Standard Operating Procedures (SOP) of Interviewing Overseas Employed Foreign Crew Members regulated.

A try-out review for agents employing foreign crew members overseas.

Interviews are conducted to understand if foreign crew members employed overseas understand their rights and if operators treat them well. If the operators are found to be in violation, it will be further investigated; if evidence is available, sanctions will be imposed upon the lawbreaker or those involved in human trafficking will be forwarded for criminal investigation.

This SOP provides interviewers a guideline so that they can avoid differentiating the way of conducting interviews.

Urge agents to improve the quality of management and service and make this as a reference for operators to choose agents for cooperation. In this way, agents who do not meet good standards will be eliminated.

2019

Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members amended.

Executive Yuan formed a human rights protection working group. The group gives the ministry of labor a mandate to domesticate ILO-C188. Other relevant authorities actively support the domestication.

Request operators and agents to inform crew members of their rights and obligations. While doing so, agents shall make visual and audio recordings throughout the entire process, keep these files, and provide crew members with a copy of their contracts to make sure they understand their rights and obligations.

ILO-C188 covers labor, navigation and aviation and health. FA will work with relevant agencies and domesticate ILO-C188 to safeguard foreign crew member's rights.

Regulations for the Issuance of Building Permit and Fishing License of Fishing Vessel amended.

Since 2019, the reviewing system for agents who employ foreign crew members overseas has begun.

lower the requirements of newly built or modification fishing vessels in order to comply with ILO-C188. Increase incentives on improving living space onboard to fulfill Fisher's Work Agreement.

Urge agents to improve the quality of management and service and make this as a reference for operators to choose agents for cooperation. In this way, agents who do not meet good standards will be eliminated.

2020

Standard Operation Procedures for Reporting and Processing Cases of Foreign Crew Members Employed Overseas Onboard Distant Water Fishing Vessels Suspicious of Violating Human Trafficking Prevention Act amended.

Include the notification of suspected human trafficking cases to speed up notification effectively.

Criteria for discretion regarding the violation of Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members, as stipulated in accordance with Paragraph 1 and Paragraph 3, article 26 of Act for Distant Water Fisheries promulgated.

Establish clear and consistent regulations and enhance the enforcement effectiveness and credibility regarding the violation of rights and benefits of operators and crew members, contract contents, cases regulated by the management obligation stated in the Regulations.

Employ additional interviewers with total 10 interviewers and a professional Indonesian translator and make standardized videos before interviews.

Increase the number of interviewers and professional translators to strengthen the capacity of conducting interview. Also, make standardized videos before interviews to simplify the translation process and to avoid misunderstanding caused by mistranslation.

Subsidize the Presbyterian Church in Taiwan Seamen and Fishermen's Service Center setting up a service station in Cijin.

Provide foreign crew members with care service and make complaint form available at the service station to increase channels for filing complaints.

Articles 2 and 6 of Regulations on

Prevent Taiwanese nationals from competing for fisheries

the Approval of Investment in or the Operation of Foreign Flag Fishing Vessels amended.

2021

Standard Operation Procedures for Reporting and Processing Cases of Foreign Crew Members Employed Overseas Onboard Distant Water Fishing Vessels Suspicious of Violating Human Trafficking Prevention Act amended.

Principles of Reviewing the Onboard Living Care Service Plan of Foreign Crew Member Employed Overseas amended.

Regulations on the Management and Approval of Foreign Flag Fishing Vessels Entering into Ports of the Republic of China amended.

Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members amended (Work in process).

resources at a lower cost by taking advantage of forced labor and human trafficking through flag of convenience.

Include human trafficking identification indexes. If human trafficking is found, the case will be handled in a speedy manner.

Specify that the minimum quantity of drinking water per day is 2 liters per crew member; each crew member should also have an individual bed; other sanitation facilities should be clean and tidy to ensure the hygienic conditions onboard. Fishing vessel owners may implement their living care service plans after its revision accordingly to improve the living conditions onboard

Its operator is charged by the domestic judiciary of involving in forced labor or human trafficking, or the international organization(s) or the foreign government(s) has informed that the operator is involved in forced labor or human trafficking, the vessel shall be denied entry (including landing its catch). It is to deter fishing vessel involving in human trafficking or forced labor from entering Taiwan.

Review incompleteness of laws and regulations encountered during their implementations; consider industry management, operational practices, and views from civil society groups regarding management on rights of foreign crew member employed overseas, operators and agents; improve the framework systematically; respond to the National Action Plan for Fisheries and Human Rights of the Executive Yuan, with 7 strategies and correspondent actions (ensure decent working conditions, strengthen living conditions and social protection, strengthen the management for agents, enhance capacities for monitoring and management, reinforce the management of foreign-flagged fishing

vessels, establish and deepen international cooperation, and to promote partnerships) to support the amendment of the Regulations.

Standard Operation Procedures for Reporting and Processing Cases of Foreign Crew Members Employed Overseas Onboard Distant Water Fishing Vessels Suspicious of Violating Human Trafficking Prevention Act amended.

Include human trafficking identification indexes. If it is involved human trafficking, the case will be handled in a speedy manner.