

Misery at sea

Human suffering
in Taiwan's distant
water fishing fleet

GREENPEACE

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Above // Frozen tuna are loaded onto a truck at Dong Gang wholesale fish market, Dong Gang, Kaohsiung. © // Alex Hofford, Greenpeace



Above // Qianzhen fish market auction scene in Kaohsiung, Taiwan. © // Shutterstock.com

Introduction

This report makes for shocking and harrowing reading. Its findings should concern everyone connected to the seafood industry — from consumers to workers and vessel operators, and those who manage and govern this critical global industry. It should concern everyone who values human rights and the rule of law.

For those who follow or have an

interest in Taiwan's fisheries, and distant water fishing (DWF) fleets generally, some of the case studies in this report will not come as a surprise. Stories of serious human rights abuses, poor labor standards, dire working conditions, and the use of fishing techniques that harm our oceans and the life in them, have been well reported. Many of the world's leading news outlets such as the

New York Times and *the Guardian*, and international NGOs such as Greenpeace, have investigated and reported appalling stories from the furthest reaches of our oceans.

And yet for all the reporting, the stories and research presented in this new investigation are no less appalling, the passive approach of Taiwanese authorities and the

indifference of industry itself is no less scandalous.

In *Misery at Sea*, we report on ongoing problems in the Taiwanese DWF fleet, the continued failure of Taiwanese authorities to effectively sanction human rights abuses, and we provide testimony from fishermen whose young lives have been ruined by this broken industry.

A problem that won't go away

Our new investigation, Misery at Sea, delivers a number of compelling case studies that show how, despite earlier cases brought to the authorities' attention, serious problems in Taiwan's seafood supply chains continue to this day. These problems impact some of Taiwan's biggest seafood companies and have serious implications for the global seafood industry. These are problems compounded by the failure of the Taiwan's government and authorities to deliver adequate reform or pursue appropriate sanctions against law-breakers.

The report reveals:

- Convicted human traffickers, who set up and ran a

Cambodian company involved in serious human rights abuses involving dozens of Cambodian nationals, continue to recruit into the Taiwanese fishing industry with impunity from the Taiwanese authorities.

- Evidence of the suffering endured by Indonesian fisherman Supriyanto in the lead-up to his horrific death, and of the failure by the vessel master to prevent his death, and that these facts have been ignored or dismissed by the Taiwanese prosecutor.
- Fishermen convicted of the murder of their Chinese captain aboard a Taiwanese-

owned vessel endured appalling physical and mental abuse for months before the attack. Their harrowing stories do not excuse their actions, but they offer an insight into their appalling working conditions, and show young lives wasted by a broken industry, where abuse seems to be routinely tolerated and even used to ensure that inhumane working conditions and wages are maintained.

- That big traders have a major responsibility to reform if the existing business model, which appears based on human exploitation, is to be ended for good.

A broken system

Endemic human rights abuses and poor environmental standards are encouraged by key elements of the DWF business model.

These include, unsustainable fishing capacity, and low-cost/low standard operations that value volume and profit over quality

and sustainability, driven by the relentless pressure of constant global demand for huge quantities of cheap seafood.

When this model of DWF operations combine with Taiwan's weak regulatory framework, and lack of political will to put pressure on its industry or prosecute

these crimes, the stage is set for serious human rights abuses, dire labor conditions and poor environmental standards that, as this investigation shows, continue to this day.

Action is more needed than ever

European Union (EU) and United States (US) schemes to sanction Illegal, Unreported, and Unregulated (IUU) fishing and human trafficking have provided impetus for some improvements, but as our new investigation makes clear, much more work is needed to improve Taiwan's fisheries.

On the basis of the evidence presented in this new investigation, Greenpeace believes that it is vital to keep the Taiwanese fishing industry under close scrutiny and to maintain pressure on Taiwanese authorities to act to resolve outstanding problems.

Part of that overarching scrutiny should continue to come from the EU maintaining its yellow card category for Taiwan, and from the US Trafficking in Persons (TIP) category II status. These should remain in place to help drive further reform and to send a clear signal to markets around the world that there are serious problems still to resolve in Taiwanese DWF. What emerges in the pages of this report is not just another damning indictment of Taiwan's DWF and those responsible for managing them, but a serious case for the rejection of the broken model of distant water fisheries that operate in many of the world's oceans.

Our concluding recommendations address the situation in Taiwan, but would be equally applicable to any fleet or country running a similarly broken and destructive DWF operation. Sadly, there are many others in urgent need of reform if we are to fully eliminate the human rights abuses and suffering described in this investigation.



Above // A local fishmonger cleans and slices a large tuna fish at the Sinda fish market in Kaohsiung, Taiwan © // Shutterstock.com



Above // Cloudy day in Xizi Bay, Kaohsiung City, Taiwan.

Chapter 1: The lay of the land

Plagued by environmental and human rights abuses,^{1,2,3,4} Taiwan's DWF fleet has become a major embarrassment for a global fishing power that relies on its credibility and reputation for market share.

Often occurring far out at sea, or masked by complex supply chains, this criminal behaviour has increasingly come to light as seafood workers speak out and NGOs and media investigate.

A 2016 Greenpeace report, *Made in Taiwan*,⁵ exposed systemic IUU fishing, egregious human rights abuses, and an ineffective Taiwanese Fisheries Agency (FA) repeatedly failing to uncover, prosecute, or resolve widespread offending.

In this new investigative report, Greenpeace will show that, despite legislative attempts to tackle these serious problems, they continue to exist in Taiwan's seafood industry. These problems involve or impact on key Taiwanese suppliers and consequently global supply chains. Taiwan's governmental and Fisheries Association's actions in response to earlier exposed cases have been largely ineffective.

Greenpeace is far from alone in its concerns about Taiwan's DWF fleet's conduct. In October 2015 the EU issued a "yellow card"⁶ to Taiwan, stating:

"The decision to issue a yellow card to Taiwan is based on serious shortcomings in the fisheries legal framework, a system of sanctions that does not deter IUU fishing, and lack of effective monitoring, control and surveillance of the long-distance fleet.

Furthermore Taiwan does not systematically comply with Regional Fisheries Management Organisation (RFMO) obligations."

At the time of writing, the EU's yellow card remains in place, and Taiwan's DWF industry continues to be beset by allegations of illegal fishing and human rights abuses.

Following the issuing of the EU yellow card, Trafficking in Persons (TIP) reports were published in 2016⁸ and 2017.⁹ These reports found that Taiwanese authorities had met the minimum standards for the elimination of trafficking, but described an environment

where these crimes were not taken seriously enough.

The 2016 TIP report noted that there had been no arrests or convictions for trafficking violations on Taiwanese fishing vessels, but that prosecutors and judges tended to treat trafficking cases as relatively minor crimes. Traffickers appeared to receive lenient penalties, disproportionate to their crimes.

The 2017 TIP report stated that

authorities had demonstrated serious and sustained efforts to address human trafficking, but raised concerns that lenient penalties were disproportionate to serious crimes, and noted that authorities sometimes treated trafficking cases as mere labor disputes.

Similar issues were echoed in the US State Department's 2017 Human Rights Report, which singled out Taiwan's fishing industry:¹⁰

“Forced labor occurred in such sectors as domestic services, fishing, farming, manufacturing, and construction. Foreign workers were most susceptible to forced labor, especially when serving as crew members on Taiwan-flagged fishing vessels.”



Above // View of the city in Kaohsiung, Taiwan

Dealing with issues as serious as human trafficking, forced labor and exploitation on a reactive, case-by-case basis allows human rights abuses to persist.

The drivers for human rights abuses can be found in the

exploitative DWF business model: massive fishing capacity, low cost operations, and a 'volume and profit' over 'value and sustainability' approach.

It is increasingly clear that such a low-cost business model, and

chronic shortcomings within Taiwan's legal and regulatory framework, help create an environment where serious IUU fishing cases, human rights violations and labor abuses are all too common.

“There were numerous reports of exploitation and poor working conditions of foreign fishing crews on Taiwan-flagged long-haul vessels. The Taiwan International Workers' Association and other civil groups urged authorities and ship owners to better protect foreign fishermen.”¹⁰

Distant water fishing: A broken model

Like other global production systems, fishing has become dominated by large retailers and traders operating with a cost-driven business model. The majority of these retailers and traders pursue the cheapest possible products, creating downward pressure in the value chain to reduce costs.¹¹

Because the costs of fuel, equipment, and maintenance are fixed, fishing industry operators have looked at labor costs which are dangerously vulnerable to downward pressure. With little practical protection or oversight, workers in the DWF industry continue to wear the cost of this model.

Fisher recruitment for DWF vessels, particularly tuna longliners,

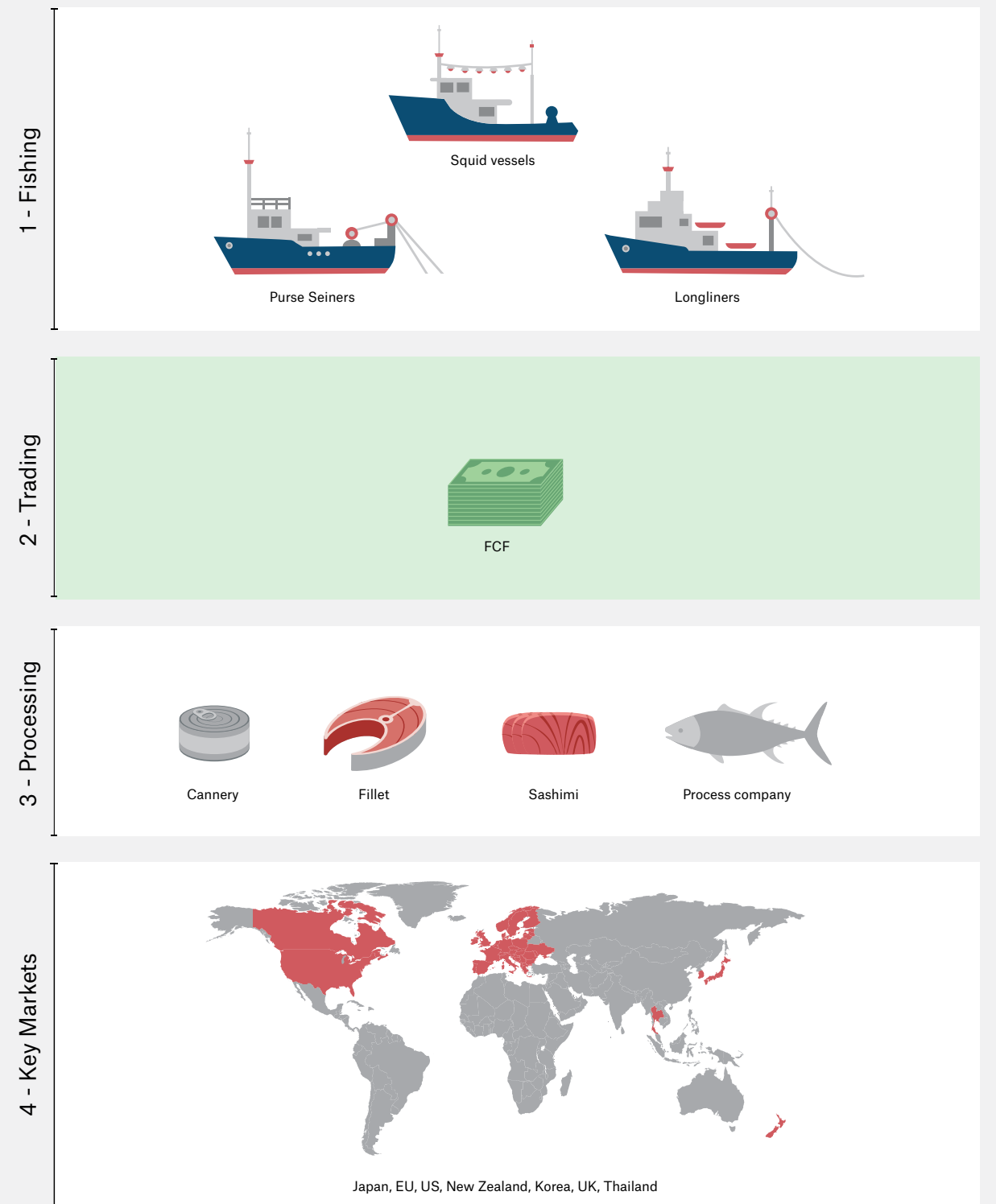
creates additional risks for already vulnerable fishers. Migrant workers are recruited through a “cascade system” which involves a network of labor brokers¹² who “provide space for unscrupulous intermediaries to extract economic rent from vulnerable workers through often coercive practices involving debt bondage and entrapment.”¹³

In recent years, high profile news media and NGO reports have exposed the illegal and unethical treatment of migrant workers in the fishing sector, both on land and at sea.¹⁴ Given the scale of Taiwan’s DWF fleet and the institutional failures described in this report, it is hardly surprising that Taiwan features regularly in

these types of reports. The cost of inadequate regulations and a continued pressure to reduce costs, is inevitable labor abuse, which, in an industry that operates far out at sea, includes onboard violence, trafficking, and deaths at sea.

The industry insists reported events are not systemic, yet their frequency and seriousness suggests that trafficking, forced labor and exploitation in DWF are not just restricted to fly-by-night operators. As this report demonstrates, globally significant companies may also be tainted by the abuses, and regulators and authorities are failing to tackle these endemic problems.

Figure 1: Taiwan’s DWF business model simplified



FCF: The biggest fish in Taiwan

A report focussing on Taiwan's global fisheries would be incomplete without specifically addressing the role of Fong Chun Formosa Fishery Company (FCF), a privately owned company based in Kaohsiung, Taiwan.

Established 40 years ago, with offices and subsidiary companies around the world, and a fish trade volume that places it as one of the world's top three fishing traders, FCF embodies the global reach of Taiwan's distant water fisheries.

FCF handles at least 520,000 metric tons of tuna and 100,000 ton of other fish annually,^{15 16} and supplies brands around the world, including frozen products such as tuna for canning, deep frozen tuna for sashimi and frozen squid,

destined for markets in North America, Europe, and Asia. FCF has more than 30 fishing bases scattered around the globe's key fishing ports which provide supplies, transshipment infrastructure and gasoline filling services to DWF vessels. The company operates more than 600 vessels, and conducts business with processing plants worldwide.^{17 18}

Taiwan, and FCF in particular, are major suppliers to companies in both Thailand and Japan. Thailand is a global leader in seafood processing and canning, and Japan is the world's largest consumer of raw or sashimi tuna. Both countries export processed seafood to markets in the Americas, Europe and Asia, taking Taiwan's tuna to the world.¹⁹

FCF has particularly strong links with Japan. FCF's Japanese subsidiary, FCN International (FCN), is one the largest distributors of seafood from FCF to the lucrative Japanese sashimi market.²⁰ FCN has a similar operating model to FCF and is thought to handle a significant proportion of the Taiwanese tuna that goes to the Japanese market.²¹

Greenpeace has established FCF links to two of the three cases discussed in Chapter 2 of this report. We have found vessels that supply tuna to FCF connected to the Giant Ocean human trafficking case, and to the Tunago No. 61 murder case, where there are also concerns around the exploitation and abuse of crew.

1,140

Distant Water Fishing vessels²²

19,100

Migrant fishermen working on Taiwanese Distant Fishing vessels are hired overseas²³

252

Taiwanese-owned Flag of Convenience vessels²⁴

11,804

Migrant fishermen working on Taiwanese Distant Water Fishing vessels are hired in Taiwan²⁵

Figure 2: Taiwanese fishing activity detected by Global Fishing Watch 2017²⁶

● Fishing activity

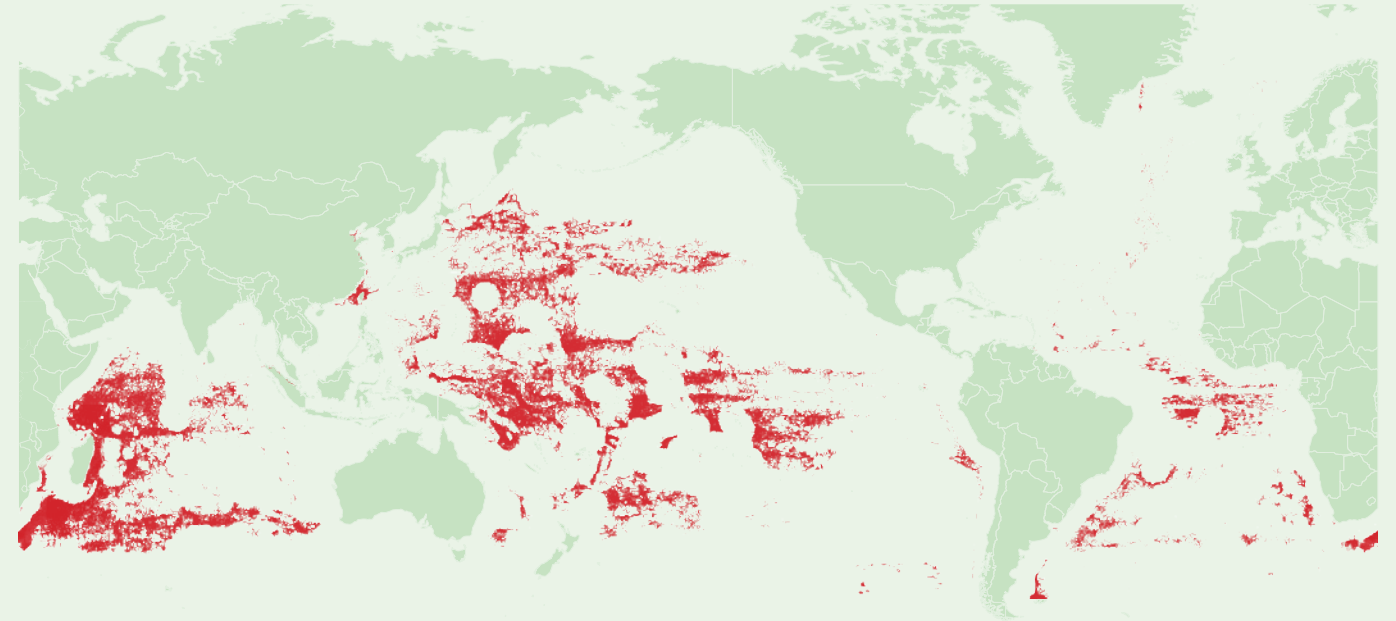
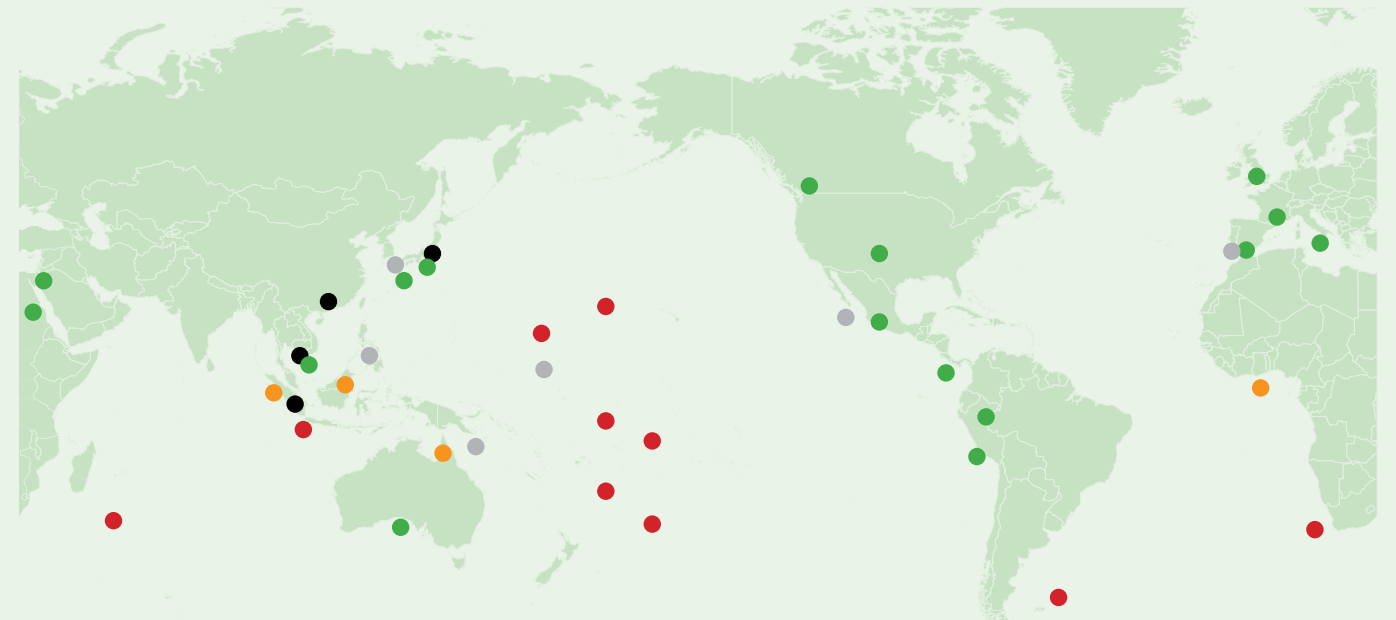


Figure 3: Location of FCF global offices, facilities and partners²⁷

● Subsidiary or office ● Market ● Supplier ● Factory ● Fishing base



Report methodology

Since the release of 2016's Made in Taiwan report, Greenpeace has monitored Taiwan's fishing industry, particularly its DWF tuna fleet. Reports of IUU fishing, labor and human rights abuses have continued to surface.^{28 29} This report is designed to highlight the complex problems plaguing Taiwan's DWF fleet.



Left // Pirate Fishing in Indian EEZ
© // Ronny Sen, Greenpeace

Above // Illegal tuna fishing
in the Pacific Ocean
© // Mark Smith, Greenpeace

Chapter 2 outlines Greenpeace investigations into three cases that exposed entrenched flaws in Taiwan's regulatory regime.

These cases involved human trafficking, the horrific death (or culpable homicide) of a fisherman, and murder.

The investigations into these cases reveal the horrors that too often occur at sea, the exploitation of vulnerable migrant workers who are paid a pittance to work onboard Taiwan's tuna longliners, and the lacklustre response by Taiwanese authorities, particularly the Fisheries Agency. Readers should be advised, some of the images and stories in this section

of the report are harrowing and upsetting.

Using the three cases as references, **Chapter 3** analyzes some of the structural and legal frameworks that enable, and perhaps inadvertently incentivize, illegal activity and exploitation in Taiwan's DWF fleet.

Transshipment at sea, the use of flags of convenience, and the use of front companies abroad which prevent transparency and accountability, continue to thwart attempts to clean up or properly regulate Taiwan's fishing industry.

The compromised role of "Fishermen's Associations", a system

unique to Taiwan, is also addressed in the chapter. The report concludes by discussing how the three cases and framework issues interact, demonstrating that there is a direct correlation between the current fishing business model and human and fisheries crimes at sea.

Greenpeace makes a series of recommendations for urgent action and reform.

To eliminate these crimes requires a fundamental change in the corporate regulatory model, and the elimination of transshipment at sea as well as eliminating the use of flags of convenience by the Taiwanese fishing industry.



Left // Kaohsiung, Taiwan
© // Stephanie Croft

Chapter 2: Misery at Sea

The mistreatment and abuse of migrant workers on fishing vessels has been well documented in both international research and high profile media stories.^{30 31 32 33} While the increasing frequency of stories show a number of factors contribute to the problem, they reveal an exploitative fisheries economy with migrant fishers too often treated as low-cost commodities, paid extraordinarily low rates, overworked and mistreated.

This chapter examines three recent Greenpeace investigations into labor and human rights cases involving Taiwan's distant water fisheries industry, and includes disturbing new revelations about the Giant Ocean case (previously discussed in the 2016 Made in Taiwan report). The investigations revealed alarming new evidence that raises urgent questions about Taiwan's fishing industry, and the way its regulators deal with human rights abuses. While Taiwan has claimed some success in resolving previous cases of abuse,

the report demonstrates a failure to effectively address these cases.

The first section, *Impunity in Taiwan*, focuses on the Giant Ocean human trafficking ring. It exposes a permissive approach by Taiwanese authorities to forced labor and human trafficking on Taiwanese fishing vessels. Greenpeace investigators found convicted human traffickers continue to be involved in the recruitment of migrant workers for Taiwanese fishing vessels, with the full knowledge and consent of Taiwanese authorities.

The second section, *Fishing to Death*, analyzes the 2015 death of Indonesian fisherman Supriyanto at sea. Disturbing new evidence suggests that, despite harrowing photographic and videographic evidence, Taiwanese authorities failed to properly investigate and prosecute.³⁴

The third section, *A History of Violence*, investigates

circumstances around the death of the captain of the Taiwanese longliner, Tunago No. 61. Greenpeace investigators travelled to Vanuatu to interview the six Indonesian crew who were convicted and sentenced to 18 years in prison for murder. The six men face spending the first half of their sentence in Vanuatu, the flag State of the Tunago No 61. Prison-based interviews shed new light on the case, raising questions about the events leading to the captain's death, and Taiwan's hands-off approach in the subsequent investigation, prosecution, and sentencing. With the six young men facing almost two decades in prison, the report asks if the deceased captain is not the only victim in this sad case.

At the end of the chapter, we analyse the cases to see if there are any links to Taiwanese seafood trading giant, FCF.

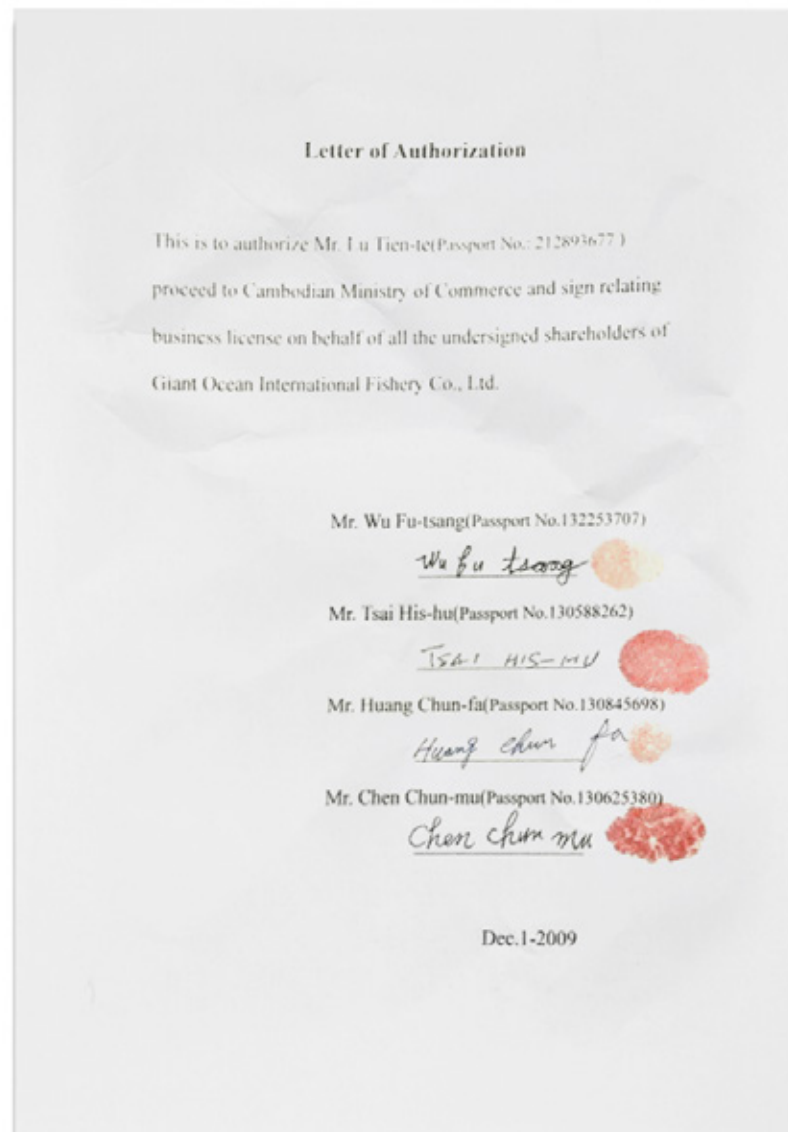
Impunity in Taiwan: convicted human traffickers continue to recruit

Greenpeace has obtained compelling evidence from official Fisheries Agency lists and company records showing that up to five directors and shareholders of Giant Ocean continue to be openly involved in the recruitment of migrant fishers for placement on Taiwanese DWF vessels.

All five were convicted in absentia for human trafficking by Cambodian courts in 2014. For the families of Giant Ocean's victims, this is yet another insult after seven years of injustice.

These men continue to be connected to recruitment with the authorisation of the Taiwanese government.³⁵

Right // Letter of authorization submitted to Cambodian Ministry of Commerce // Confidential Source



The background



Right // Giant Ocean's company registration certificate // Confidential Source

In 2011, the United Nations, NGOs, and Cambodian authorities became aware of a human trafficking ring operating in Cambodia. The company running the ring was Giant Ocean International Fishery Co. Ltd (Pty) (Giant Ocean), a recruitment agency operated by Taiwanese nationals in Cambodia with strong ties back to Taiwan. Giant Ocean was registered with the Cambodian Labor Ministry as a private limited company and had lodged a US\$100,000 surety.

Victims of trafficking onto Taiwanese vessels started to lodge complaints in Cambodia from late 2011, and in May 2012 Cambodian authorities began to formally investigate Giant Ocean. Reports claimed more than 1,000 Cambodian men were recruited by Giant Ocean between 2010 and 2011. Police received over 200 complaints, including 50 cases filed by victims who were supported and represented by Legal Support for Children and Women (LSCW) and USAID's Cambodia Counter Trafficking in Persons Program (CTIP).³⁶

In May 2013, the Cambodian Department of Anti-Human Trafficking and Juvenile Protection arrested Taiwanese national, Miss Lin Yu Shin³⁷(林玉欣), a Giant Ocean employee who was responsible for the recruitment of labor.

The following shareholders and directors of Giant Ocean International Fishery were also charged:³⁸

- **Lu Tien-Te** 盧天德
- **Chen Chun Mu** 陳春木
- **Wu Fu Tsang** 吳富藏
- **Huang Chun Fa** 黃俊發
- **Tsai His-Hu** 蔡西湖

In April 2014, Lin Yu Shin and the five directors and shareholders were found guilty under Article 10 of Cambodia's 2008 Law on Suppression of Human Trafficking and Sexual Exploitation: "unlawful removal with purpose."^{39 40 41} Ms. Lin was tried in person, while the others were tried in absentia.

Each was sentenced to 10 years imprisonment and ordered to pay compensation to the victims. Ms. Lin was sent to prison to begin her 10-year sentence, and the five Taiwanese nationals have yet to be located by Cambodian authorities.⁴²

Since the sentencing, appeals through the Cambodian courts have continued. Those appeal rights have now been exhausted, except for those relating to pecuniary penalties. The five directors and shareholders are considered fugitives in Cambodia.

Investigations in Taiwan

The Made in Taiwan report highlighted evidence linking Taiwan to the Giant Ocean human trafficking ring in Cambodia. Giant Ocean was providing Cambodian migrant labor to predominantly Taiwanese fishing vessels from 2010 to 2012.

The report raised questions about Giant Ocean operations in Taiwan, and urged Taiwanese authorities to properly investigate the Giant Ocean human trafficking ring.

While attempting to establish what investigations and conclusions Taiwanese authorities had reached, Greenpeace obtained a 2017 PowerPoint presentation from the Ministry of Justice. The presentation had

been prepared by prosecutors for an anti-human trafficking workshop, and explained their approach to the case. It stated that the Prosecutor had reached the following views:

- Giant Ocean International operations were a suspected violation of Article 32 of the Taiwanese Human Trafficking Prevention Act.⁴³
- The Taiwanese courts had no jurisdiction unless crimes occurred on a Taiwanese flagged vessel.
- Evidence provided by Cambodian NGOs LSCW and Winrock International was not considered admissible evidence in Taiwan.

The prosecutor decided to adopt an “administrative ruling” as the disciplinary action on this case, and summoned Giant Ocean shareholders and Taiwanese vessel owners. The prosecutors claimed they were unable to determine whether charges should be laid, despite the verdicts reached in Cambodian courts.

In spite of their Cambodian convictions, and the availability of a large body of compelling evidence from the victims themselves, the five convicted human traffickers appear to have been given a free pass by Taiwanese authorities. This raises serious questions about the authorities’ willingness to take effective measures to prevent human trafficking and forced labor in the fishing industry.⁴⁴

Human trafficking law in Taiwan

Human trafficking is a criminal offence under article 296-1 of Taiwan’s Criminal Code and under Article 32⁴⁵ of the Human Trafficking Prevention Act.

In Taiwan, some crimes are ‘no trial without complaint’ offences, but that is not the case with the Criminal Code or the Human Trafficking Prevention Act.

No complaint is required for human trafficking offences to be investigated or prosecuted by authorities.

In fact, there is an express obligation in the Act (Sections 9 and 11) on the judicial police authority to take action to identify suspected victims of trafficking immediately once they are notified.

Where are the human traffickers now?

There is no evidence that authorities acted to ensure the safety and welfare of Giant Ocean’s victims of forced labor and trafficking, either historically or since the initial offence. This raises serious concerns about the safety and welfare of future victims.

In December 2017, Greenpeace identified new evidence revealing that the five convicted human traffickers were living openly in Taiwan while fugitives from Cambodian justice. On top of this, two of them had officially sanctioned roles working in the recruitment of migrant crew onto Taiwanese fishing vessels, and two others appeared to be involved in recruiting for fishing vessels in Taiwan.

Greenpeace is concerned the convicted traffickers pose an ongoing risk to migrant fishers. It is difficult to understand how, when authorities in Taiwan have not reached a substantive position on the guilt or innocence of the Giant Ocean directors and shareholders, they are able to continue to ply their trade restriction unabated.

Greenpeace believes Taiwan has an obligation to ensure the convicted human traffickers are not allowed to work, in any way, with migrant workers who are vulnerable to trafficking, forced labor and exploitation.

The investigation established:^{46 47 48}



Lu Tien Te

盧天德

Conviction:	Unlawful Removal with Purpose, under The Law on Suppression of Human Trafficking and Sexual Exploitation ⁴⁹
Sentence:	10 years Imprisonment
Time served:	0 years
Where is he now:	Kaohsiung, Taiwan
Current position:	Contact person for the Kaohsiung Fishing Vessel Crew Services Association (社團法人高雄市漁船船員服務促進協會)

The Kaohsiung Fishing Vessel Crew Services Association holds a Fishery Agency issued licence to hire 700 crew.

Tsai His Hu/ Tsai Xi Hu⁴⁸

蔡西湖

Conviction:	Unlawful Removal with Purpose, under The Law on Suppression of Human Trafficking and Sexual Exploitation
Sentence:	10 years Imprisonment
Time served:	0 years
Where is he now:	Unknown
Last known position:	Contact person, for 永欣國際有限公司 (2009)

In 2009, Tsai His-Hu was listed as the contact person for 永欣國際有限公司. Greenpeace has been unable to find records of this company.

Lu Tien Te and Chen Chun Mu are both officially registered with the Fisheries Agency, which means they have been vetted and authorised by the Taiwanese Government to conduct recruiting

activities. Huang Chun Fa and Wu Fu Tsang also appear to be involved in recruiting crew for fishing vessels.^{51 52}

These revelations raise funda-

mental questions about Taiwan's commitment to eliminating exploitation, forced labour and human trafficking from its DWF fleet. This case risks sending a message to the victims of ex-

ploitation, forced labour and trafficking that, in Taiwan, DWF fishing is more important than justice. This is a far cry from Taiwan's claim to being a responsible citizen in global fishing.



Chen Chun Mu

陳春木

Conviction:	Unlawful Removal with Purpose, under The Law on Suppression of Human Trafficking and Sexual Exploitation
Sentence:	10 years Imprisonment
Time served:	0 years
Where is he now:	Kaohsiung, Taiwan
Current position:	Director for Taiwanese Recruitment Agency, Yu Chun Enterprises (友春國際股份有限公司)

Yu Chun Enterprises is currently registered by the Fisheries Agency to employ 399 crew. Yu Chun Enterprises holds an active company registration issued by the Economic Development Bureau of Kaohsiung Government, to provide "Agency Services".



Wu Fu Tsang

吳富藏

Conviction:	Unlawful Removal with Purpose, under The Law on Suppression of Human Trafficking and Sexual Exploitation
Sentence:	10 years Imprisonment
Time served:	0 years
Where is he now:	Kaohsiung, Taiwan
Current position:	Owner/director of a new company, 弘興海洋開發有限公司 (No known English name)

Wu Fu Tsang is the registered operator of a new company, 弘興海洋開發有限公司 (Previous name: 豐星海洋開發有限公司)



Huang Chun Fa

黃俊發

Conviction:	Unlawful Removal with Purpose, under The Law on Suppression of Human Trafficking and Sexual Exploitation
Sentence:	10 years Imprisonment
Time served:	0 years
Current position:	Director, Sheng Fa Fishery Co., Ltd (笙發漁業有限公司)

Sheng Fa is registered with the Economic Development Bureau to provide recruitment services, but does not feature on the Fisheries Agency's list of registered recruitment agents. Investigators visited the office premises in Kaohsiung, finding both the 'new' and 'old' company names listed.



Lin Yu Shin

林玉欣

Conviction:	Unlawful Removal with Purpose, under The Law on Suppression of Human Trafficking and Sexual Exploitation
Sentence:	10 years Imprisonment
Time served:	3 years
Where is he now:	Incarcerated, Cambodia



Left // Tuna on longline fishing vessel in the Pacific Ocean © // Mark Smith, Greenpeace

Right // Crew on longline fishing vessel in the Pacific Ocean © // Mark Smith, Greenpeace

Should Taiwan retain Tier 1 status in the Trafficking in Persons report?

Taiwan continues to be rated as a Tier 1 country in the globally recognised US State Department annual Trafficking in Persons Report.⁵³

Greenpeace analyzed the Prosecutor's position in the Giant Ocean case and compared it with the standards set out by the US

State Department, in particular the US Trafficking Victims Protection Act 2000 (TVPA).^{54 55} It is apparent that Taiwan has repeatedly failed to meet the minimum standards set out in Section 108 (a)(4) of the TVPA;

1. The Prosecutor's decision ignores Article 42 of the Taiwan-

ese Human Trafficking Prevention Act, which states that Articles 31 to 34 of this Act are applicable outside the territory of Taiwan.⁵⁶

2. The use of an administrative ruling in the case fails to meet the standards set out in the United States TVPA. Rather



than a ruling to prosecute, not to prosecute, or deferral of prosecution, the Administrative ruling does not constitute "urgent action" as required by the TVPA.

3. In addition to the offences that occurred in Cambodia and on Taiwanese owned vessels (several of which were Taiwanese flagged, and are subject to Taiwanese law), the acts of trafficking sanctioned by Cambodian Courts were committed by five individuals who faced no punishment in Taiwan and remain involved in Taiwan-based fishing industry recruitment work.

4. Significant evidence, including victim statements, provided to Taiwanese authorities by LSWC, provide sufficient grounds for Taiwan to initiate rigorous investigations and to prompt substantive efforts towards eliminating human trafficking. The investigations should have included the execution of search warrants, obtaining company and fishing vessel documents and records from authorities and formal forensic interviews of witnesses. There is no evidence that any of this has occurred.

5. The prosecutor has failed to utilize the evidence provided

by LSWC. LSWC have acted for and represented many of the Giant Ocean trafficking victims in Cambodia. They have repeatedly communicated with Taiwanese authorities and have made available victim statements to Taiwanese authorities.

Taiwan has failed to provide justice for these victims, and Taiwan continues to allow those responsible to work in recruiting crew for DWF vessels.

Greenpeace remains concerned about the possibility that victims of human trafficking in this case remain trapped at sea.

Below // Fresh tuna fish



Fishing to death: The abuse and death of Supriyanto

The tragic case of Supriyanto and his treatment and subsequent death on the Taiwanese fishing vessel,⁵⁷ Fu Tsz Chiun is one of the most shameful episodes in Taiwan's fishing history. It has never been adequately investigated, and the story of his slow, painful and unnecessary death has never been fully told.

Supriyanto was a 43 year old solo father with three children, from Tegal in central Java, Indonesia. Prior to becoming a fisherman, he worked as a poorly paid bus ticket collector on a route between Tegal and Jakarta.

In the hope of earning more money to help raise his children, he decided to become a fisherman. He began the recruitment process in late 2014 and his final, fatal trip on Fu Tsz Chiun began in April 2015.

On 29 April 2015, vessel operator Chen Chiao-chih applied to the Kaohsiung Fishermen's Association to hire seven Indonesian crew members for the fishing vessel Fu Tsz Chiun. The application was filed with the Kaohsiung City Marine Bureau on 30 April 2015.

The Fu Tsz Chiun set sail from Donggang township on 12 May 2015, and sailed towards the Western and Central Pacific Ocean.

On 26 July 2015 the Donggang Fishermen's Association received a report that one of the Fu Tsz Chiun's crew, Urip Muslikhin, had disappeared from the vessel while fishing in heavy seas on 25 July 2015. The Fisheries Agency directed the captain to search for the missing crew member for at least three days.

On 25 August 2015 at 11:10 pm, Donggang Fishermen's Association received another report, this time that crew member and fisherman Supriyanto had been found dead on board the vessel.

Figure 4: Fu Tsz Chiun's 2015 Pacific journey (MMSI: 416001769)⁵⁸

- Fishing activity detected
- Fishing activity detected following Urip Muslikhin's disappearance
- Supriyanto's death reported
- Fishing activity detected following Supriyanto's death



Images and video of Supriyanto uncovered

Harrowing photographic and video evidence of Supriyanto's final weeks alive emerged following his death. The photos and video raise serious questions about his treatment prior to his death.

Taiwan appears to accept that Supriyanto was abused prior to his death, but is yet to offer any public explanation or detail on the abuse. The horrific nature of the images and video call for a high-level and thorough investigation from relevant authorities. The Fisheries Agency's tepid initial response is deeply concerning.

During this investigation, Greenpeace obtained the vessel tracks for Fu Tsz Chiun in the weeks leading up to, and immediately following Supriyanto's death.⁵⁹

The vessel's fishing activity tracked by Global Fishing Watch appears to contradict official statements about the Fu Tsz Chiun's movements following both deaths.

The Control Yuan⁶⁰ corrective measures document suggests the Fu Tsz Chiun searched for Urip Muslikhin for three days following his disappearance.⁶¹ This is

contradicted by vessel tracking data from Global Fishing Watch, which shows the vessel moving in a pattern consistent with fishing activity after his death. It is not clear from the Fisheries Agency investigation whether the vessel did continue to fish — but it is information that ought to have been available to authorities.

Equally troubling is analytical evidence from Global Fishing Watch, that shows the Fu Tsz Chiun continued to fish, despite Supriyanto's deteriorating condition, including in the days following his death, despite claims that the vessel immediately returned to port.⁶²



Above //
Three still series showing the deterioration of Supriyanto on Fu Tsz Chiun
// Confidential Source

Left and Below //
Still photographs of Supriyanto shortly before his death.
// Confidential Source

Supriyanto's agonising death at sea

The death of Supriyanto, while working at sea, was met with an alarming lack of action by Taiwan's authorities, particularly the agency charged with monitoring crewing agencies, vessel owners, and Taiwan's fishing industry. The Fisheries Agency appears to have failed to fulfill its responsibilities, to oversee the operations of the recruitment agency and vessels owners involved.

A post-mortem examination indicated that Supriyanto had died from septic shock from an infection he suffered following a "knee injury" onboard the Fu Tsz Chiun.⁶³ The inadequate Fisheries Agency investigation failed to establish a clear version of events, and to properly explain how a healthy, relatively young man, died at sea.

The Pingtung Provincial Prosecutor's Office also conducted a judicial investigation into the death of Supriyanto and Urip Muslikhim. It appears their initial investigation dismissed some evidence because, in their view, the translation of the audio in the video was incomplete. The Prosecutor's Office claimed the Indonesian interpreters were unfamiliar with the Central Javanese dialect spoken in the onboard audio recordings. This is a weak explanation for a lack of action.

Some key phrases left untranslated included allegations that Supriyanto was hurt and abused by engineering crew on board the vessel, and could not walk.⁶⁴ Yet the Prosecutor's investigation determined that the deaths were

accidents and there was no suspicion of homicide or foul play.

The Pingtung Prosecutor Office failed to properly investigate the case, as clearly shown in the Control Yuan report.

When Supriyanto's family in Indonesia, and the Yilan Migrant Fisherman's Union, raised serious concerns about the quality of the investigation and its subsequent findings, the investigation into Supriyanto's death was eventually referred to the Control Yuan for review.

高雄市政府海洋局漁業執照

漁業人：陳尚治 國民身分證統一編號：T124714437

地址：高雄市苓雅區林德街37號6樓之4
申請以下列漁船經營「延繩釣」漁業
經核與漁業法令相符准予發給漁業執照

記載事項如下

漁船名稱	： 福騰號	主機	： 6缸 柴油機	1,000.00 馬力
統一編號	： FU TSZ CHIUN	副機	： 6缸 柴油機	210.00 馬力
噸噸數	： CT 4-002742	副機	： 6缸 柴油機	210.00 馬力
淨噸數	： 97.87噸			
船長	： 41.8噸			
船寬	： 23.9公尺			
船員人數	： 28.3公尺			
船員人數	： 15人			
油槽容量	： 70,265公升			
最高航速	： 12.50里			
通信設備	： 無線電話台、SSB、無線電對講機、DSB、應急指位無線電			
國際呼號	： BJ4742			
MINIS 1碼	： 416001769			
漁具種類及數量	： 延繩60繩			
漁場位置及區域	： 我國經濟海域			
漁獲對象	： 魷、蝦、魚			
漁期	： 全年			
漁業根據地	： 高雄港			
漁獲物起卸港	： 高雄港			
發照日期	： 102年11月4日			
執照有效期間	： 至107年11月3日止			
備註	：			

局長 藍健喜

中華民國 年 月 日
漁業執照號碼： 高市漁 000005336 號

005336

Above // Vessel registration document
// Confidential source

Control Yuan slam fisheries agency investigation

On 5 October 2016 a corrective measures case document was released by Control Yuan. The Control Yuan corrective measures case document discussed the Fisheries Agency investigation, and was highly critical, finding that the Fisheries Agency had been "severely negligent" in the management of employment of foreign crew, and that there

had been a serious violation of the international covenant on economic social and cultural rights,⁶⁵ causing great damage to Taiwan's reputation.⁶⁶

The Control Yuan Corrective Measure case document found that:⁶⁷

Employment Contracts and Exploitative Recruitment

1. Supriyanto had two employment contracts. One contract, signed on behalf of the Taiwanese recruitment agency Jin Hong Company, was submitted to the authorities. A second contract, signed by an Indonesian recruitment agent, was for 'actual performance.'
2. The contract 'actually performed' contained inappropriate terms, including transferring work expenses to Supriyanto, and holding his family liable for (employment) violations. This contract stipulated 16-hour working days. These conditions are "a severe infringement of the foreign crew members' labor rights."
3. The Fisheries Agency was unaware that Supriyanto had two contracts, and failed in its oversight and supervision of both manpower brokers. The Fisheries Agency also failed to de-list the responsible recruitment agency from its list of authorised agencies.

Non- or underpayment of fishers

4. Crew on the Fu Tsz Chiun had their pay unfairly docked. The Fisheries Agency took no action. In fact, the Fisheries Agency was unaware this was inappropriate until the investigation. Being significantly underpaid, the crew "suffered severe infringement of their rights."
5. The Fisheries Agency was remiss in the manner in which it levied executive penalties, revoking the vessel's fishing licence and crew agent's operating licence, but failing to supervise the payment of compensation.

Excessive working hours, lack of medical care and cause of death

6. Supriyanto died after being "abused on the fishing boat Fu Tzu Chiun."
7. The family were initially paid Supriyanto's salary, but not paid insurance or compensation for his death, since the coroner deemed his death due to illness.

Was Supriyanto another victim of forced labor?

“Forced labor is defined as all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”⁶⁸

Greenpeace reviewed Supriyanto’s case in detail, and conducted further analysis of the Control Yuan corrective measures case document, and found that in addition to the abuse suffered by Supriyanto, other indicators of forced labor may be present in his case, including:

- **Deceptive recruitment**
- **Exploitation**
- **Physical abuse/violence**
- **Isolation**
- **Abusive working conditions**
- **Abusive living conditions**

One of the more troubling features of this case is that the abuse of Supriyanto appears to have been overlooked by the Fisheries Agency.

There were two deaths on board his vessel within the space of a month, a considerable body of evidence suggesting severe physical abuse, and indicators of forced labor, yet Taiwanese authorities failed to properly investigate the deaths, the vessel owners, and the recruitment agencies responsible for providing crew to the vessel.

The Control Yuan criticised the FA in three key ways:



Above // Fish offloaded at the Donggang fishing port outside Kaohsiung, Taiwan.
© // Paul Hilton, Greenpeace

1. The FA failed to establish that Supriyanto had signed a labor contract with inappropriate and unequal terms of work.
2. The FA failed to evaluate or examine the role of the involved recruitment agencies.
3. The FA failed to conduct a proper investigation.

The Control Yuan has now referred the case back to the Fisheries Agency for review and further action, but there has been no specific recognition or mention of forced labor or human trafficking as factors

or issues to be examined by the Fisheries Agency. The events leading to Supriyanto’s death, and the people and agents involved and responsible, from recruitment to death, must be fully investigated and explained.

A history of violence: Tunago No. 61

On 7 May 2016, the Vanuatu flagged longline fishing vessel, Tunago No. 61 sailed from Kao-hsiung port in Taiwan towards fishing grounds in the Central Pacific. Its 28 crew included six Vietnamese, seven Filipinos and 13 Indonesian men. The captain of the vessel was Xie Dingrong, from China, and the vessel was Taiwanese owned.⁷⁰

On the night of 7 September, with the vessel on the high seas between Easter Island and Fiji, six of the Indonesian crew entered the captain's cabin and attacked and killed him. The next day, the chief engineer contacted the vessel

owners in Taiwan to inform them of the captain's death. The vessel subsequently made its way to Fiji. When the six crew members were interviewed by Fijian police, they admitted their involvement in killing the captain.

The six Indonesians were extradited to Vanuatu in early 2017, where they subsequently pleaded guilty to the captain's murder. The Supreme Court of Vanuatu sentenced the men to 18 years imprisonment, with a minimum non-parole period of nine years, recommending that the crew, once eligible for parole, could be returned to Indonesia to serve the

second nine years of their sentence.

An analysis of the Supreme Court sentencing notes⁷¹ indicates that evidence suggesting the six men had been subjected to discrimination, mistreatment, and verbal and physical abuse by the captain, over an extended period and including the immediate lead up to the captain's death, was a mitigating factor in their sentencing. In spite of noting the mistreatment and abuse, the court determined that it did not amount to a defence of provocation, rather it provided some explanation for what had occurred on board.⁷²

Figure 5: Tunago No. 61 Pacific Journey in 2016 ⁶⁹

- Vessel movement detected
- Fishing activity detected
- Day of captain's death





Right and Above //
Tunago No. 61 crew member
© // Dan Salmon

Current Situation

Greenpeace investigators have analyzed the movement of the vessel and its history and found that the vessel Tunago No. 61 had been involved in previous reports of violent abuse of migrant crew.⁷³

To help understand the events leading to the captain's death, Greenpeace investigators travelled to Vanuatu to interview the six crew members currently serving their sentences on the island of Efate.

The interviews paint a picture of inhumane working and living conditions on board Tunago No. 61, and the abusive treatment of the crew in the months leading

up to the captain's death. All six interviewed men appeared to be traumatized by their treatment, and told remarkably similar stories about the persistent and violent conduct of the captain in the months they were at sea.

The six interviews reveal that the fishing crew were subject to:

- Violent physical abuse, including multiple assaults, even with sticks.
- Severe sleep deprivation.
- Regular verbal abuse.
- Inadequate and inappropriate food, including being forced to eat pork (contrary to their Muslim faith).

- A threat to kill one of them the night before the captain was killed.
- Unsustainably long working days (on average 20-hour work days).

The six men told Greenpeace that their passports were held by the captain, and that they had not been paid in accordance with their previously signed contracts.

The following pages feature excerpts from interviews with some of the incarcerated crew. The excerpts are translated and may be jarring and difficult to read.

I asked the captain for a medicine, he slapped my head. And he kicked me. He also said 'if you come to ask for the medicine again, I'll kill you.'



I just wanted to do my work. One day, there was an accident, I got a wound because a part of my body had been cut and torn open by the hook.

For food, because we are all Muslim, we are not allowed to eat pork, but we always get pork for the meal. But we did not have any choice if we do not eat the pork, we would not have any energy to work again.

I was still not angry at that time, because it was just a small accident. After that, when he [the captain] woke up, I did not understand what was the matter with him, he changed, he said....'alarm'....'beep beep'.... then we have to wake up, if we are still sleeping, eating, or doing anything else, then just go home. I don't understand why he was like that.

One day, I did not do anything wrong, but he went to our room and kicked all the boys in my room. He came to our room, and then he started to kick everybody inside the room.

Every night, sometimes I just had 1 hour to sleep. He said 'stay here', and then I had to look around, in case if there was something wrong, I have to report it. But I cried, I only have 1 hour to sleep. I wanted to go back home. The treatment is not humane.



There was a day, one of the crew got wounded by the hook. Others said he had to take a rest, but he still had to work. He got the wound in the afternoon, but he had to work again in the middle of the night.

Every time, during the working time, sometimes when we took a rest or sleep, he will change the working time.

Sometimes when we got sick, when I did not have any energy to work, but the captain still forced us to work. 'Fuck you...go to work!'

I asked him for a medicine, he still asked me to continue my work

and slapped my head. He told my friend, do not ask about it again. And he kicked me. The captain also said to me, 'if you come to ask for the medicine again, I will kill you.'



“If just angry and scolding, for me it is not a problem, but it become a problem because hit with a broom, eat have to be faster, asked to get up with the foot, often hit the head / slap, not just once or twice, it was often for about 3-4 months”

Below // Tunago No. 61 crew member
© // Dan Salmon

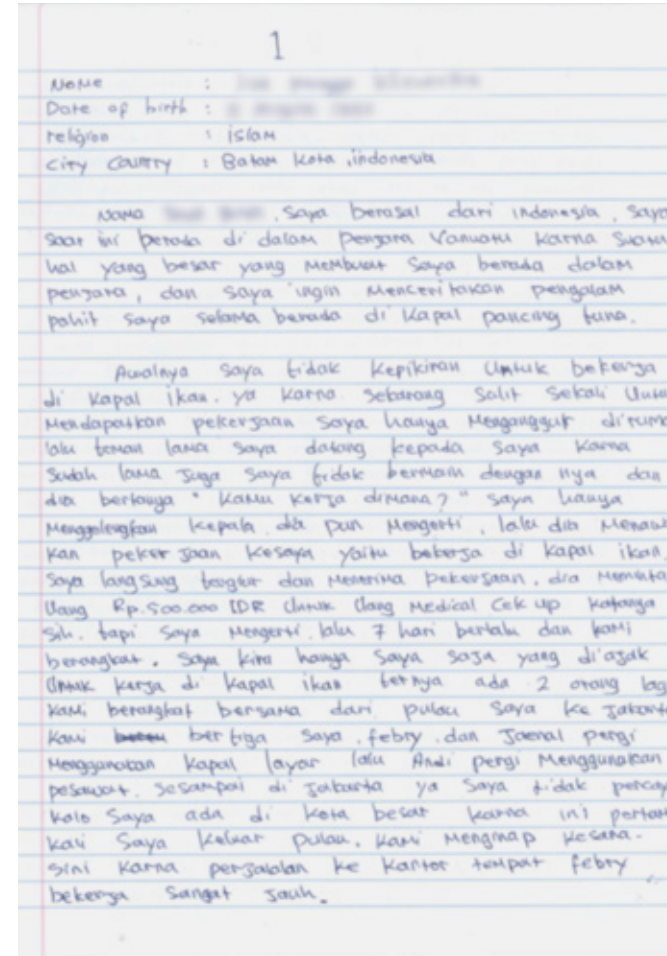


“ I am responsible to rolling up the string. For about 15 hours I had to stand up at the edge of the boat, hit by the waves without any protective equipment. Then I transferred to the mengline that is to untangle the ropes.

Since the bad weather and big waves are coming, a lot of the strings and mengline ropes tangled each other. I was overwhelmed because too many of them and only 2 of us were working in the mengline without any help. The captain came and slapped me twice, I just speechless, I thought maybe it was my fault, but why you have to do it with abusive behavior, but I took the positive things.

There was a time, I transferred the fishes to a bigger boat, I was working on the top of the freezer, but captain asked me to working inside the freezer, I refused it. And he thrown a frozen fish to me, I dodged it, but it slapped my right leg, make my foot wounded.

After that, we worked for 2 days to transfer the fishes, we only took a rest for 4 hours, and then filled the diesel fuel. After filled it, we were walking, the captain said, in the evening have to set the baits.



Above // Tunago No. 61
letter to Greenpeace

“We even were prohibited to eat the haul fishes, we only ate the pork, it was forced to eat by the captain”

“ If just angry and scolding, for me it is not a problem, but it become a problem because hit with a broom, eat have to be faster, asked to get up with the foot, often hit the head / slap, not just once or twice, it was often for about 3-4 months. The captain's behavior is not good for me, even I did not being scolded a lot or being hit a lot.

Not just this time, before in 2014 I went to South Africa, but different boat and different company.

Some friends from the same nation and I not just worked, but also tormented. Not only me, my friends too, such as the men from Garut, Cianjur, and Tegal. Three of them got hit by the captain with the beam block, their butts were hit just because a small things.

It was my first time to work at the boat, I did not anything, tortured, I only have to be patient through those things and waiting for the next berth.

At that time, the captain not only often hit us, there is a guy who had been working for 11 months, his arm sore even ulcerated, swollen, the foot also had boils since had to work often, and only had a little spare time to take a bath, really sleepy, work, sleep, eat, that is everyday things to do.



Below // Tunago No. 61 crew members
© // Dan Salmon

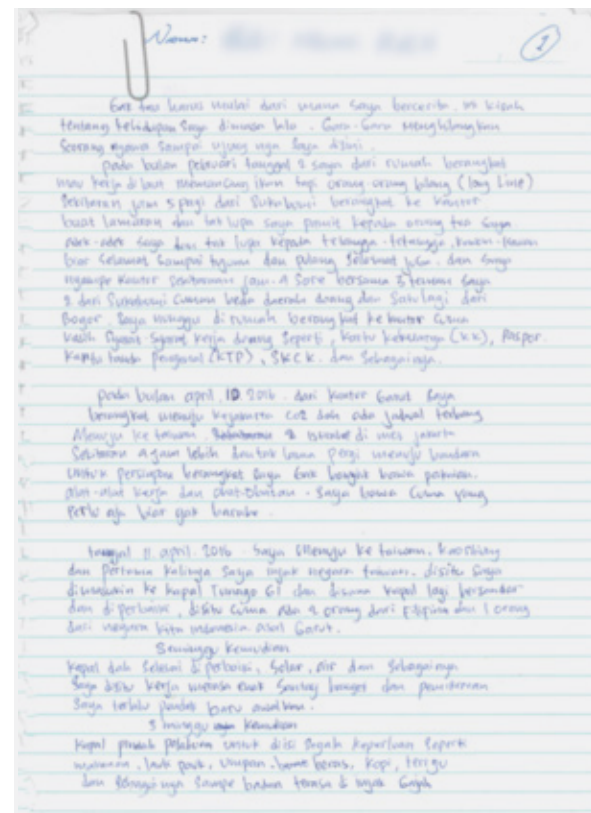


“When we’d just got up from bed, we always got hit by a bamboo stem, when (we) were eating he always watching (us) and we’d just get 5 minutes to finish it all... When working, if the captain saw the Indonesian crews take a break, he would be upset and hit or do some violence things”



Above // Tunago No. 61 crew members © // Dan Salmon

Below // Tunago No. 61 letter to Greenpeace



“On 6, 7 September, it was even getting worse, I finished throw some kilos of the fishes, not just kilos, even tons, I forget.

I did that inside the freezer area for 5 hours, I had a break time just for eat, on 7 (September) I really want to go back home”

Dr. Ian Goodwin’s analysis

Greenpeace referred transcripts of their interviews to forensic psychiatrist Dr. Ian Goodwin,⁷⁴ seeking an opinion on what, if any, features of the crew’s experience at sea were relevant to their offending. His opinion on the case is informative:

“The living and working conditions, as described by the interviewees would clearly have had a significant impact on their mental health. Specifically, they were significantly fatigued, sleep deprived and poorly fed.”

“From a medico-legal perspective, the circumstances of the captain’s murder raise questions around both provocation and diminished responsibility, due to the prolonged and extreme nature of the abuse these men suffered, during the months they were on board for this voyage.”

The interviews raise issues around self-defence, provocation, and diminished responsibility, but suggest

the following indicators of forced labor existed on board Tunago No. 61 prior to the death of the captain.

1. Abuse of vulnerability
2. Deception
3. Physical abuse
4. Isolation
5. Intimidation and threats
6. Abusive working conditions
7. Retention of identity documents
8. Excessive overtime

In spite of these indicators, Taiwan does not appear to have conducted any formal investigation into the recruitment, placement, and treatment of the crew aboard the Taiwanese owned Tunago No. 61 in the months leading up to the captain’s death.

Below // Post Office Box 213, Port Vila, Vanuatu © // Dan Salmon



Yet another example of uninvestigated forced labor in Taiwan's fishing industry?

Down // Vanuatu Prison,
Port Vila, Vanuatu
© // Dan Salmon

Greenpeace is concerned that Taiwanese authorities are using the vessel's Vanuatu flag as an excuse to avoid investigating or prosecuting possible crimes involving Tunago No. 61.

It is clear substantial parts of the recruitment process took place and were controlled in Taiwan. Given the scale of Taiwan's longline fleet using flags of convenience,⁷⁵ this raises troubling



Above // Five of the Tunago No. 61 crew
© // Dan Salmon



Above // Vanuatu prison
© // Dan Salmon

questions about whether the use of FOCs is enabling Taiwan to avoid responsibility for the actions of its citizens and businesses at sea. In the tragic case of the Tunago No 61. It appears, yet

again, that the Fisheries Agency has failed to meet the minimum standards of the US TVPA by failing to vigorously investigate and prosecute what to all outward appearances looks like another case

of serious exploitation on board a Taiwanese owned longline fishing vessel.



The FCF connection

FCF's website acknowledges the existence of exploitation and human rights risks in its supply chain. The "FCF Social Accountability Project" prohibits child labor, forced labor and other abuses on board vessels supplying FCF.⁷⁶

However, the Social Accountability Project applies exclusively to FCF's purse seine fleet.

The longline fleet, where human rights and labor abuses appear to be concentrated, has no accountability project or code of conduct.

Greenpeace examined the three longline vessel cases in Chapter Two, in an effort to establish if FCF was at risk of receiving, and therefore selling, tuna from these tainted vessels.



Above // Waves crash against the side of longline fishing vessel
© // Mark Smith, Greenpeace

Did FCF do business with giant ocean vessels?

Vessel identification by victims of exploitation, forced labor and trafficking is often frustrated by fishers' inability to read, the language of vessel markings, or recollection of victims.⁷⁷ Despite this, around a third of Giant Ocean victims were able to name the vessel(s) they were on.

Greenpeace researchers have sighted several business records detailing cooperation between FCF and its subsidiary FCN, and vessels involved in the Giant Ocean case. Our analysis has been divided into two parts; the events leading up to and including the conviction (up to 2014), and the period following the Giant

Ocean shareholders' conviction (2016-17). The records show that FCF and its subsidiary were buying fish from vessels implicated in the human trafficking ring before Giant Ocean shareholder were prosecuted and at least one continued to supply FCF following the Cambodian prosecution.

Giant Ocean vessels which have had a trading relationship with FCF include Wei Ching and Shin Lung 216.⁷⁸

Analyzing 2016 and 2017 records, Greenpeace found that Wei Ching continued to sell fish to Japan via FCF or FCN.

Does FCF do business with Tunago No. 61?

Greenpeace has identified links between Tunago No. 61 and FCF, including from the voyage that resulted in the death of Xie Dingrong.

Just days before the captain's death Tunago No. 61 transshipped with a Shin Ho Chun No. 102, a Panamanian flagged, Taiwanese owned, fish carrier. Greenpeace

have sighted records that confirm FCF has traded with both Shin Ho Chun No. 102, and its sister vessel, Shin Ho Chun No. 101.

FCF have acknowledged to Greenpeace that they trade with both vessels, confirming FCF's link to this tragic case.

Did FCF do business with Fu Tsz Chiun?

Greenpeace did not find any evidence to link FCF with the vessel on which Supriyanto died.

FCF ignored questions from Greenpeace about whether Fu Tsz Chiun was one of their suppliers.



Below // The crew of a tuna longliner at work during a transshipment of frozen fish to a carrier mothership.
© // Juan Vilata



Conclusion

Despite the modest improvements noted in the 2017 US Trafficking in Persons report, the evidence outlined in this chapter suggests that Taiwan's efforts to address modern day slavery, forced labor and labor abuse in the fishing industry are far from effective. They also fail to meet existing legal obligations under the 2012 Taiwanese Human Trafficking Prevention Act, and higher international standards or benchmarks such as those set out in the US Trafficking Victims Protection Act of 2000.⁷⁹

In the Giant Ocean case, convicted human traffickers have been allowed to continue profiting from the recruitment of migrant crew for Taiwanese fishing companies despite being responsible for dozens, if not hundreds, of trafficking victims being placed on

Taiwanese fishing vessels. Taiwan appears to have put this egregious case of human trafficking into the 'too hard' basket.

In both the Tunago No. 61 and Supriyanto cases, there are clear indicators of violence and exploitation, and unanswered questions around forced labor and trafficking. Yet Taiwanese authorities appear to have failed to take any substantive steps to deal with this evidence. Moreover, those involved in placing crew onboard Taiwanese vessels appear to have faced no scrutiny from Taiwan's authorities.

Confirmation that vessels linked with FCF have engaged trafficked labor should ring alarm bells with major seafood retailers around the world.

FCF is a major supplier to global seafood brands, including Chicken of the Sea, Bumble Bee, Princes, Frinsa, and SeaValue.⁸⁰ If its supply chain is tainted with human rights abuses, there is little doubt that tainted seafood is making its way into sushi shops and dinner plates in Asia, Europe and the Americas.

FCF's apparent silence on standards for the treatment of migrant crew on its longline fleet is a glaring gap that needs urgent attention. There are many hundreds of Taiwanese longline vessels operating largely unobserved, and unless they are properly monitored and regulated, abuses will continue unchecked.

Below // Taiwanese Longliner during a tuna transshipment on the high seas in the Indian Ocean.
© // Jiri Rezac, Greenpeace



Chapter 3: Muddied waters: Systemic enablers of misery at sea

This chapter explores the major contributing factors that allow human rights abuses (and IUU) to persist in Taiwan's distant water fisheries.

Throughout 2017, Greenpeace investigators repeatedly received reports from migrant workers on fishing vessels, mostly tuna longliners, forced to work long hours in unhygienic living conditions, receiving wages well below minimum wage, and suffering verbal and physical abuse at the hands of senior crew.⁸¹ These issues have been identified as ongoing by other (local) NGOs who work with migrant crew onboard Taiwanese vessels.⁸²

These reports and the cases discussed in Chapter Two indicate there is a substantial body of evidence that the Taiwanese longline DWF fleet is rife with exploitation. This raises important questions about the role of key actors, and whether Taiwan's government, regulatory bodies, and industry are enabling and inadvertently encouraging an exploitative industry, predicated on low cost migrant labor?

This chapter examines the structural and governance issues in Taiwan's fishing regulatory system that continue to allow abuses to occur, including:

Weak enforcement by regulators: Taiwan's key regulatory agencies appear to regularly fail migrant workers by not properly investigating or sanctioning law and rule breakers. When penalties are imposed, they are often minor and not clear deterrents to new cases.

Incoherent and unenforced laws: Confusing or unclear legislation, creates an environment where offenders are able to slip through legal loopholes. Taiwan's unusual diplomatic status, the complexities of jurisdictional issues at sea, and confusion created by the use of flags of convenience and offshore companies, make the legal landscape difficult to navigate.

The role of recruitment agencies and Fishermen's Associations: The outsourcing of recruitment services to companies based in third countries, involving

Taiwanese intermediaries, creates legal uncertainty, confusing crew and regulators alike. In addition, proxy regulators, like Fishermen's Associations, are fundamentally compromised by conflicts of interest. They provide employment and are therefore responsible, in theory, for ensuring workers' rights are respected, and on the other hand they represent the financial interests of the Taiwanese fishing industry.

The second section discusses in detail how, relative to the cases in Chapter Two, mechanisms such as shell corporations, flags of convenience, recruitment agents, and transshipment at sea, protect individuals, businesses, and corporations from accountability.

For full accountability, there must be complete transparency around who is catching fish, who it is being supplied to, and where it is being sold. The existing conditions make the transparency the industry so urgently needs very difficult to achieve.

Governmental factors

Weak enforcement by regulators

Taiwan's Fisheries Agency (FA) is an arm of the Council of Agriculture. The FA is the regulator responsible for all domestic and international fisheries related matters. This includes supervising and auditing the employment of foreign crew members aboard Taiwanese owned and operated fishing vessels. Its wide ranging powers and resources should enable it to effectively monitor and regulate Taiwan's lucrative fishing industry. However, it appears the FA fails to deliver on this key function.

The Supriyanto and Giant Ocean cases highlight fundamental issues in Taiwan's management of its DWF fleet, and raise questions about the FA's ability to protect migrant fishers onboard Taiwanese flagged vessels from trafficking, forced labor and exploitation.

In Supriyanto's case the Fisheries Agency's negligence, well summarized by Control Yuan, strikes at the core of its duty to protect

the labor rights and working conditions of migrant fishers. Following Supriyanto's death, it was established that the Fisheries Agency conducted no oversight and supervision of the manpower brokers⁸³ involved in Supriyanto's employment and were "severely negligent" in their duty to manage the employment of foreign crew.

This and recent reports⁸⁴ indicate the egregious and widespread violations of human and labor rights evident in the Giant Ocean case are endemic in Taiwan's DWF fleet. The lack of regulatory action in this case is further highlighted by the Fisheries Agency's continued authorization of recruitment agents convicted of human trafficking to work in similar roles in Taiwan. The approval of these employment agents by the Fisheries Agency is a failure in the duty of care towards foreign crew aboard Taiwanese vessels. It is an example of the permissive approach Taiwan's regulators take with these issues.

Below // Yellowfin tuna are offloaded at the Chien-Chen Port, Kaohsiung.
© // Paul Hilton, Greenpeace



A DWF operator can hire crew directly or commission agents authorized by the Fisheries Agency to conduct the overseas crew employment.^{85 86} The fact that the Fisheries Agency authorised convicted Giant Ocean human traffickers to hire crew epitomizes the lack of oversight and permissive behaviour.

There does not appear to have been any Fisheries Agency investigation into the labor situation aboard Tunago No. 61, despite court-documented complaints

about violence and threats aboard the vessel, and strong ownership links with Taiwan. With Taiwanese nationals involved, the fact that Tunago No. 61 was flagged to Vanuatu should not absolve Taiwanese authorities from responsibility.

This is not the first time the treatment of crew aboard Tunago No. 61 has been an issue. The absence of any Taiwanese investigation is troubling.

Incoherent, unenforced laws



Above// Shoppers at the Sinda Port fish market in Kaohsiung, Taiwan
© // Shutterstock.com

International criticism and political pressure from the EU yellow card led Taiwan to make changes to legislation governing its DWF operations in 2016.^{87 88} The law changes targeted problematic fishing practices and vessel management regulations in an attempt to combat IUU fishing.⁸⁹

Authorized by the Distant Water Fisheries Act, the Council of Agriculture implemented the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members (the Regulations) in early 2017.⁹⁰ The Regulations sought to eliminate the serious exploita-

tion of crew, establishing specific provisions for manning agents and vessel operators. Under the new regulations,⁹¹ the Fisheries Agency is authorised to inspect and investigate human trafficking and labor rights abuses taking place in Taiwanese territory, on land or at sea.⁹²

However, there are notable discrepancies between the Regulations and the International Labor Organisation Work in Fishing Convention (ILO 188), including fewer days of rest, the potential for the deduction of wages,⁹³ and the continuation of a minimum wage below Taiwan's Labor

Standard Act, as well as the absence of mechanisms for effective oversight and supervision.

Under Taiwanese law an employment contract with fair terms of work must be established between a migrant fisher and the Taiwanese vessel operator, or an FA authorised crew agency.

Despite this, Greenpeace has interviewed several migrant crew who reported their only employment contract was with overseas-based brokers and that there was no contract, as far as they knew, with any Taiwanese entity.⁹⁴

Recruitment agents and the role of Fishermen's Associations: A conflict of interest?

Globally, the role of recruitment agencies in enabling human rights abuses at sea is well documented and has received considerable academic, media and law enforcement attention. The issue is particularly acute for Taiwan, because of the size of its DWF fleet and the reluctance of its domestic workers to embark on fishing careers at sea.

Existing research and literature tends to examine the supply side of the forced labor and trafficking equation, focusing on geographic regions such as South East Asia rather than the global picture. The legal frameworks and contributing factors that exist on the demand side of the equation have received much less attention, particularly in Taiwan, perhaps because of its reputation as an advanced economy.

Taiwan's broken business model (as discussed in Chapter 1), contributes to an environment where strong drivers encourage recruiters and vessel operators to exploit vulnerable migrant workers. DWF operators can either hire crew directly, or commission agents authorized by the FA to conduct the overseas crew employment.⁹⁵

To further complicate the labor supply chain, a powerful group of "Fishermen's Associations" play a vital role in Taiwan in the recruitment of migrant crew, alongside their regulatory work and related responsibilities. These dual roles appear to create a conflict of interest, where Fishermen's Associations are mandated to assist the government with regulatory functions,⁹⁶ while at the same time representing the commercial interests of the fishing industry.

How the Fishermen's Associations prioritize their dual roles is not clear, but there will be occasions where they will be required to report or sanction errant DWF operators, and in doing so, act against the interests of the industry itself.

The three cases discussed in Chapter Two raise important questions about the role of recruitment agents, and the involvement of Fishermen's Associations, in placing migrant workers on board vessels where they are exploited.

The ongoing authorization by the government regulator, the Fisheries Agency, of crewing agencies operated by the convicted Giant Ocean human traffickers demonstrates a permissive and troubling approach to grave human rights abuses by the Taiwanese government.

Fishermen's Associations in Taiwan

Fishermen's Associations are generally populated by fishers, as well as vessel and fishing company owners. Different branches are established according to administrative districts and fishing grounds. These Associations combine the characteristics of a

professional business entity and a fishing community entity. Presently, there are 40 Associations in Taiwan: one national and 39 regional, with a total of 420,000 members throughout Taiwan.⁹⁷

Blurring supply chains

Whether the perpetrators of human trafficking, forced labor and exploitation in Taiwan's fishing industry are ever really called to account, very much depends on supply chain transparency. The international police organisation, Interpol, describes global fisheries supply chains as both lucrative and complex.⁹⁸ It is this complexity that frustrates regulators, and those monitoring the fishing industry, who are attempt-

ing to hold industry operators to account. Untangling ownership structures, and assigning legal and financial liability, can be difficult, and requires considerable resources, coordination, and effort.

Those wishing to hide their activities are able to employ a variety of tools and mechanisms to confuse legal responsibility and liability. This section discusses three

regularly used mechanisms: flags of convenience, the use of front companies, and transshipment at sea. The use of each of these mechanisms feature to varying degrees in the cases outlined in Chapter 2. Unfortunately, their use is not yet illegal, but all three mechanisms contribute substantially to ongoing abuses at sea, and any serious attempt to prevent abuse must include investigating closure of these loopholes.

Flags of convenience

A Flag of Convenience (FOC) vessel is defined by the International Transport Workers Federation as one that flies the flag of a country other than the country of ownership. Globally around 35 States have open vessel registries, with enticing conditions for foreign vessel owners, including cheap vessel registration, lax monitoring and control of fishing activities, low taxes, and poor labor regulations.⁹⁹

The FOC regime is regularly used by Taiwan's DWF fleet. In addition to the large Taiwan-flagged fleet, a substantial number of Taiwanese-owned vessels fly a FOC. This benefits vessel operators by help-

ing to circumvent potential quota restrictions and avoid reductions of fishing fleet numbers.¹⁰⁰ Taiwanese ship owners commonly 'flag-out' their fishing vessels to countries like Vanuatu, Panama, and the Seychelles.

Under international law, every state has the right to grant their nationality to vessels registered in their state.¹⁰¹ However, a core criterion is that 'there must exist a genuine link between the State and the ship'.¹⁰²

Not only is the meaning of "genuine link" ambiguous and open to interpretation,¹⁰³ but the use of an FOC has serious impacts on

investigations into exploitation, forced labor, human trafficking and even murder.

The multiple countries with an interest in the investigation into the killing of Tunago No. 61's captain indicate how legal, diplomatic and commercial interests can be far reaching, competing and complicated.

In this instance, the flag state of Tunago No. 61, Vanuatu, has

prescriptive jurisdiction (legislative powers over labor laws) and enforcement jurisdiction (investigation and prosecution of crimes) over the vessel flying their flag.¹⁰⁴ The various roles and responsibilities of Fiji, Indonesia, China and Taiwan are less clear to the accused men, the captain's family and the public in Vanuatu.

The case of the Tunago No. 61 highlights the dangers inherent in a vessel working under an

FOC. The allegations made by the imprisoned crew raise important questions over who has responsibility for investigating the recruitment of crew, their treatment at sea, and the manner in which the vessel was operated. Because the Taiwanese vessel has elected to fly Vanuatu's flag, is Taiwan able to wash its hands of the offending? How could Vanuatu properly scrutinize and sanction an entity based in Taiwan?



Front companies

Fishing operators, like the owners of Tunago No. 61 and many other businesses, use foreign subsidiaries as front companies. When combined with a FOC, this often makes vessel ownership opaque, providing a potential veil of anonymity for those that seek it.

States operating open registries normally require any vessel they flag to be owned by a national citizen or corporation registered in its territory.¹⁰⁵ For a foreign entity to register a vessel under an FOC, that entity will need to set up a company in the state of registration. This creates an environment where the use of FOCs is a driver

for the creation of offshore shell or front companies.¹⁰⁶

While most shell or front companies will not be illegal, they have often been linked to illegal activities including tax evasion, money laundering and fraud.^{107 108 109} This has happened, in part, because the identity of the person(s) who own, control or benefit from these companies is often obscured.

In the course of this investigation, Greenpeace repeatedly attempted to visit the premises of companies, vessel owners, labor recruitment agents and fish suppliers linked to cases of abuse in this

report. Most addresses required scouring multiple vessel registration lists, contracts, company registrations, and other official or open sources. In each case, the beneficial owners were either difficult to find, or at times entirely untraceable.

This is by no means a new problem in global fishing. However, it appears to be a particularly acute issue within Taiwan's fishing industry.



Left // Fishers catching tuna on longline fishing vessel in the Pacific Ocean.
© // Mark Smith, Greenpeace

Below // Post Office Box 1640, Port Vila, Vanuatu
© // Dan Salmon



In 2016, at the time of the Tunago 61 incident, the vessel owners — Tunago Shipping, Lo Shieh Chih — were listed by the WCPFC as situated in a large fishery building in Kaohsiung Taiwan. The listed address for Tunago No. 61 has since changed to a post office box in Port Vila, Vanuatu.¹¹⁰ The registered address was the International Building in downtown Port Vila.

In early 2018, the International Building appeared vacant, with remnant 'European Trust Company' signage on the walls. A second address previously linked to Tunago Shipping is also featured as the contact address for an intriguing collection of offshore entities including fisheries companies, FCF and a Member of Parliament.

Transshipment at sea

Transshipment is the transfer of catch from a fishing vessel to a refrigerated cargo vessel. It can happen inport or at sea. Transshipping at sea allows smaller boats to refuel, restock and remain fishing for extended periods, sometimes for years at a time. Fish caught by longline vessels very often enter the global supply chain, and major markets, after being transhipped at sea.

Transshipment can obscure the origin of catch, at times facilitating illegal, unreported, and unregulated fishing.^{111 112} Human rights abuses and other criminal activity, including trafficking and smuggling, are also enabled by transshipment at sea.^{113 114 115} Victims of forced labor and trafficking have reported being trapped on vessels at sea for up to years at a time.^{116 117 118}

With their ability to track vessel behaviour, electronic monitoring systems provide tools to estimate the global footprint of fishing activity, and offer new insights into vessel behavior.¹¹⁹ In early 2018 Global Fishing Watch and Skytruth analyzed over 22 billion Automatic Identification System

(AIS) messages between 2012 and 2016, and found over 5,500 rendezvous events between a fishing vessel and a larger cargo vessel.¹²⁰ The data suggests that vessels were likely transshipping at sea. Taiwan flagged fishing vessels represented 8% of the suspected global transshipments at sea. That figure did not include FOC vessels owned and operated from Taiwan.



With the assistance of Global Fishing Watch, Greenpeace examined the AIS data tracking for Tunago No. 61. It showed a meeting with the refrigerated vessel, Shin Ho Chun 102, four months after departing Kaohsiung, Taiwan. While both vessels are authorised by the WCPFC to tranship, the transshipment

mechanism is the pivotal point at which fish caught by abused crew enters the supply chains of major markets.

In this case, the Panama flagged Shin Ho Chun 102 is owned by Tunago Shipping whose operating model appears to rely on transshipment at sea for longline caught tuna. Greenpeace have established that Tunago Shipping Company supply links to Taiwan fisheries giant FCF, meaning that events aboard Tunago No. 61 are inextricably linked to FCF's supply chain, and that of FCF's customers.

FCF is a proponent of transshipment at sea. It has more than 30 carriers that rendezvous with fishing vessels at sea and provides a variety of locations to meet with the fishing vessels.¹²¹

FCF's transshipping activities include the transshipment of purse seine catch to Thai canneries, coordinating longline delivery to PAFCO in Fiji, and likely arranging longline catch from the Indian Ocean to European markets via the Fishery Improvement Project (FIP).^{122 123}

Right // Illegal pacific tuna transshipment.
© // Shannon Service, Greenpeace

Left // Illegal Transshipment.
© // Pierre Gleizes, Greenpeace



Impenetrable supply chains

Seafood supply chains can be incredibly complex, involving multiple fishing grounds, processing locations, and market destinations.¹²⁴ Supply chains span regions, states, and companies, which means a single catch can be subject to multiple regulatory jurisdictions and legislative institutions between oceans and markets.¹²⁴

Accountability is the key to protecting human rights. Corporate social responsibility is not enough. Entities at all levels of global supply chains must be responsible for preventing trafficking, forced labor and exploitation in their operations. While govern-

ments and regulators allow the conditions and mechanisms we have outlined in this chapter to exist, they will continue to allow large fishing corporations, like FCF, to profit from global supply chains whilst distancing themselves from exploitation.

Unless these core systemic issues are addressed, the industry will continue to pay lip service to human rights abuses and IUU. This is evident in Taiwan's DWF fleet where despite improvements in the regulatory response to evidence of these issues, there is still much to do before Taiwan's fishing industry is a sustainable, legal, humane business.

Conclusions

With many fishing vessels and companies operating throughout the world, Taiwan is an undoubtedly a major global fishing player. The actions and omissions of the Taiwanese government in relation to the management of fishing activities impact the lives of thousands of people, inside and outside Taiwan, as well as the conservation of global fish stocks. The global reach of this harmful and destructive fleet, combined with Taiwan's failure to deliver responsible fishing policies and practices, is significantly damaging the country's reputation.

From the point of view of the sustainability of fishing activities, the notification by the EU in October 2015, under its IUU Regulation, of the possibility of being identified as a non-cooperating third country in fighting IUU fishing, puts Taiwan on the list of laggard countries when it comes to responsible fisheries.

Two and a half years after the notification, Taiwan is yet to fully address the problems identified.

Further, this report demonstrates that Taiwan's efforts to effectively address modern-day slavery, forced labor and labor abuse, following cases identified over the last few years, are insufficient. In an egregious example, convicted human traffickers in the Giant Ocean case continue to be allowed by the Taiwanese government to profit from the recruitment of migrant crew for Taiwanese fishing companies. In both the Tunago No. 61 and Supriyanto cases, the Taiwanese authorities appear to have failed to conduct an in-depth investigation.

Those involved in placing crew onto Taiwanese vessels involved appear to have faced no scrutiny from Taiwanese authorities.

We argue that the Taiwanese government is failing to meet existing legal obligations under its own national legislation, notably the 2012 Taiwanese Human Trafficking Prevention Act, as well as international standards or benchmarks, such as those set out in the US Trafficking Victims Protection Act of 2000.

The lack of political will in Taiwan to address such important matters is troubling. Not least, Greenpeace has found links between

some of these cases and global fish trader FCF in two of our cases, exposing the responsibility of a global fishing corporation in these abuses and the fundamental need for major companies to move away from a business model which relies on human exploitation.

FCF is a major supplier to global seafood brands, including Chicken of the Sea, Bumble Bee, Princes, Frinsa, and SeaValue: if its supply chain is tainted with human rights abuses, there is high probability that tainted seafood is making its way into sushi shops and dinner plates in Asia, Europe and the Americas.



Left // A longline fishing vessel passes through choppy waters in the Pacific Ocean. © // Mark Smith, Greenpeace

Recommendations

The failure to address the problems identified in this and other reports, despite the seriousness of the cases involved, or the insufficient progress following the notification to Taiwan under the EU IUU regulation, speaks of deep-rooted problems in Taiwan's structures dealing with its fishing activities.

First and foremost, the Taiwanese government needs to step back and re-think its priorities when it comes to fishing. It is clear that there is too much proximity — when not plain conflict of interest — between the government and the fishing industry of Taiwan. A much needed fisheries reform

must reflect the interests of all parties involved, putting at its centre both the rights of workers in the fishing sector and the public's right to a well preserved marine environment. Meeting these rights clearly requires an in-depth reform, as these problems are systemic.

There are common themes driving both IUU fishing and human rights abuses, including under-regulation and inadequate controls by government, and cost pressures arising from overcapacity and overfishing, which encourage and enable fishing companies to break laws, exploit workers and deplete fish stocks. Without adequate seafood traceability from capture to plate, and proper detailed labelling on end products, consumers have little chance to avoid tainted seafood in global food chains.

In summary,¹³¹ Taiwan must take urgent steps to:

- comply with, and ensure the effective implementation of, international fisheries agreements and instruments;
- fully comply with national legislation and international law and standards to prevent human trafficking and labor abuse in its fishing sector, including ensuring adequate resources to investigate and prosecute alleged cases of human rights violations; adopt, ratify and implement international labor standards pertaining to decent work in the fisheries sector;
- ensure best available monitoring, control and surveillance measures are adopted throughout its fisheries control regulations and that known loopholes are addressed, such as through a prohibition of at-sea transshipments;
- put in place legislation ensuring full transparency and traceability of fishing activities and fish supply chains, in order to meet the right of consumers to know the origin of their products and to allow the participation of civil society;
- Taiwanese companies involved in fishing must urgently review their business models and put in place the means to ensure that the human rights abuses and poor environmental standards endemic to parts of this industry are effectively eliminated. We encourage governments, regulators and companies to look at commitments made by Thai Union in 2017 to address such issues in their supply chains.
- conduct an in-depth reform of its fisheries policies, putting sustainability and human rights at the core of its objectives;
- eliminate overcapacity of its fishing fleet and join international initiatives to ensure that overcapacity is eliminated globally, including at Regional Fisheries Management Organizations or through the adoption of measures to implement the sustainable development goals (SDGs), inter alia to eliminate subsidies that contribute to overfishing, overcapacity and IUU fishing;

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Glossary

AIS: Automatic Identification System

COA: Council of Agriculture

DWF: Distant Water Fishing

EEZ: Exclusive Economic Zone

EJF: Environmental Justice Foundation

EU: European Union

FA: Fisheries Agency

FCF: Fong Chun Formosa Fisher Company Ltd

FOC: Flag of Convenience

ILO: International Labour Organisation

IUU: Illegal, Unregulated and Unreported fishing

LSCW: Legal Support for Children and Women

MCS: Monitoring Control and Surveillance

NGO: Non Governmental Organisation

RFMO: Regional Fisheries Management Organisation

TIP: Trafficking in Persons

SDG: Sustainable Development Goals

UK: United Kingdom

UN: United Nations

US: United States of America

USAID: United States Agency for International Aid

VMS: Vessel Monitoring System

WCPFC: Western and Central Pacific Fishing Commission

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With thanks to:
Dan Salmon

Published in May 2018 by:
Greenpeace East Asia
No.109, Sec. 1, Chongqing S. Rd.,
Zhongzheng Dist., Taipei City
10045, TAIWAN

www.greenpeace.org/eastasia/
Tel: +886 22321 5006

Design and Layout:
Andrea Lo Vetere
andrealovetere.com



Printed on 100%
recycled paper.

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protect and conserve the environment
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