



GREENPEACE IN COLLABORATION WITH **SBMI**

SEABOUND: THE JOURNEY TO MODERN SLAVERY ON THE HIGH SEAS

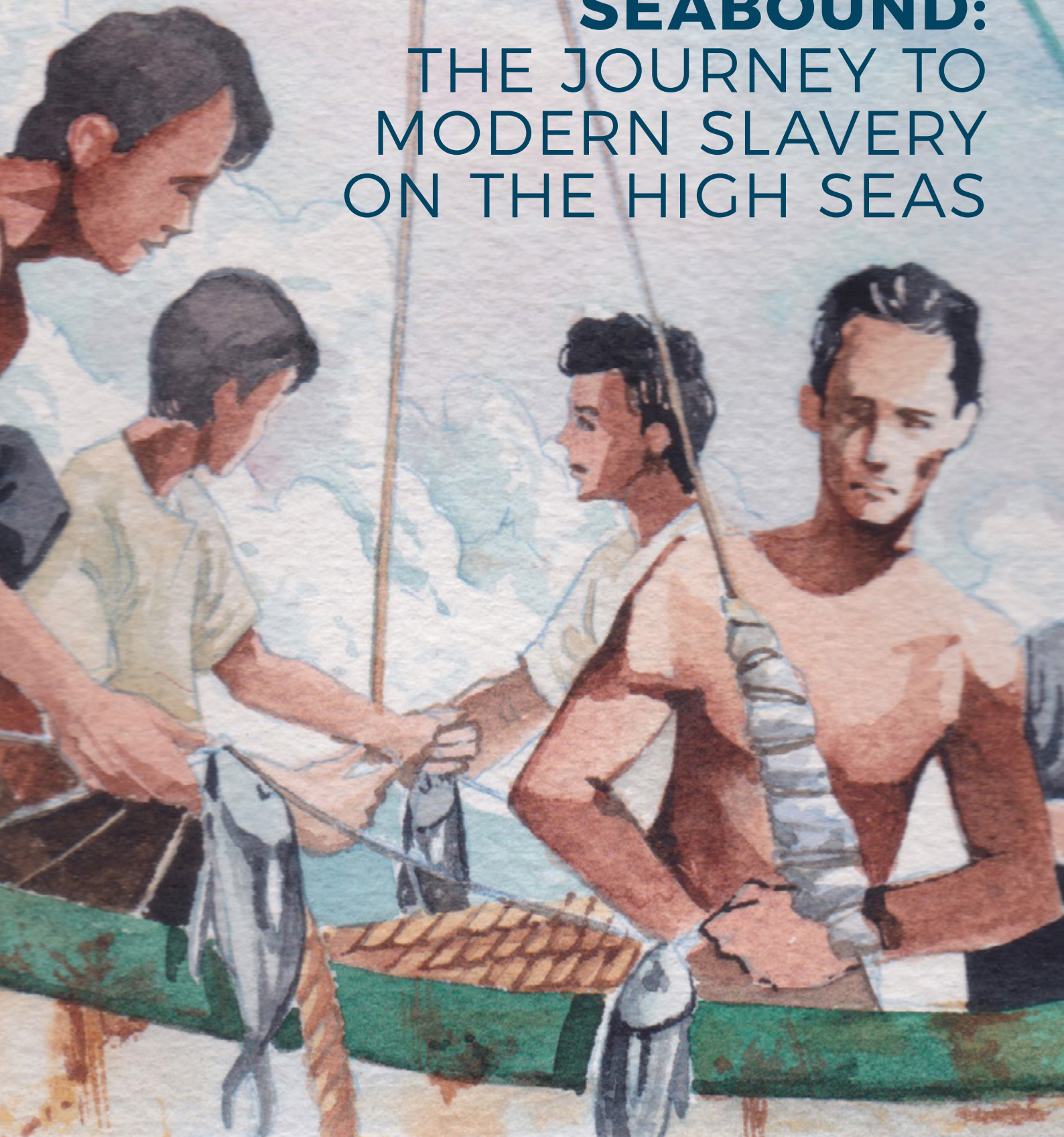


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SBMI

SPECIAL THANKS TO SBMI

Established on February 25, 2003, Serikat Buruh Migran Indonesia (also known as the Indonesian Migrant Workers Union or "SBMI") is an organisation operated by former, present, or aspiring Indonesian migrant workers and their families. The organisation aims to bolster the welfare and rights of Indonesian migrant workers through advocacy work, client support, education, and economic empowerment. SBMI was later recognised as a Trade Union in 2006.

EXECUTIVE SUMMARY

For several years now, international media has shone a spotlight on the inhumane working conditions of migrant fishers from Southeast Asia. The vessels they work on reportedly use destructive, illegal, and unreported methods, which take a heavy toll on the health and viability of our already fragile oceans.

By the fishers' own accounts, lured by promises of higher wages, many find themselves indebted to shady brokers and employment agencies. Through salary deductions, as indicated in their payment schedules, Indonesian migrant fishers have to pay guarantee deposits and processing costs, far in excess of the amounts they were expecting, for the first 6 to 8 months of their employment. As a result, they often work ridiculous hours in one of the world's most dangerous industries, for little or no pay. This alone suggests modern slavery, but the issues at hand are multifarious and just as heart-wrenching.

Isolation at sea for months, even years, makes escape difficult and often impossible. It is all too easy for these vessels to operate away from the reach of the law. Such a scenario, where fishing vessel captains rule with impunity, makes modern slavery at sea possible. Through direct interviews, paper trail, and corroborative information, Greenpeace Southeast Asia describes the alleged working conditions as claimed by Indonesian and Filipino migrant fishers on distant water fishing fleets.

According to the Taiwan Fisheries Agency, as of June 2019, some 21,994 migrant fishers from Indonesia and 7,730 from the Philippines are reportedly working on Taiwanese distant water fishing vessels. These two countries combined represent the majority of migrant fishers on Taiwan's distant water fleets - a USD2 billion industry and one of the top five distant water fishing fleets on the high seas.



Central to this report are the 13 suspected foreign fishing vessels where 34 Indonesian migrant fishers have reported conditions which suggest signs of forced labour. Four main complaints have been identified: deception involving 11 foreign fishing vessels; withholding of wages involving 9 foreign fishing vessels; excessive overtime involving 8 foreign fishing vessels; physical and sexual abuse involving 7 foreign fishing vessels.

Dwindling fish populations are forcing vessels to seek fish further and further out to sea, which results in higher operation costs and increases the possibility of violation and exploitation of migrant fishers who endure backbreaking work just to make a living.

The fates of migrant fishers remain uncertain because the crimes they allege that were committed against them usually happen out in the open sea, far away from the scrutiny of regulators who might ensure their proper working conditions and safety.

As a result of the learnings outlined in this report, Greenpeace Southeast Asia strongly emphasises the need for ASEAN member States, particularly the Philippine and Indonesian governments, to take concrete policy actions to address the labour and environmental issues cited and ensure that modern slavery at sea becomes a thing of the past.



Photo Credit: © Jiri Rezac/Greenpeace

INTRODUCTION

This report raises the varied but interrelated issues, both social and environmental, concerning many distant water fishing operations. It is written with the purpose of bringing these issues to the public's attention, raising greater awareness among authorities, and eventually mobilising support for critical policy actions in the region.

A commercial fishing industry has existed in Southeast Asia since the mid-1800s. In the 1900s, it experienced rapid growth to serve a growing population, opening up a regional export market which remains to this day, one of the most robust, thanks to a steady stream of low-paid, regular workforce.

At the center of this report are the experiences of Indonesian and Filipino migrant fishers who commonly work onboard foreign distant water fishing fleets. Through direct interviews, paper trail and corroborative information,

Greenpeace Southeast Asia presents a snapshot of the particular conditions of their lives onboard these fishing vessels – a life they have described as being characterised mainly by forced labour, mistreatment, and rampant human rights abuses – and how they arrived to be in such situations in the first place.

In Indonesia, the story generally begins with a manning agency recruiting migrant fishers. Workers have to pay guarantee deposits to foreign brokers and processing fees to Indonesian manning agencies for the first six to eight months of their 24-month contract – often, a third of their salary is deducted to pay for debts incurred in the recruitment process.

Cross-referencing documents obtained from Serikat Buruh Migran Indonesia (SBMI - Indonesian Migrant Workers'

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Taiwanese longliner *Jordan No 5* sets a line in the Indian Ocean. Photo taken from Greenpeace ship *Esperanza* in the Indian Ocean when investigating fishing vessels that are operating illegally or using highly destructive and wasteful fishing techniques.

Union), with the International Labour Organization's (ILO) forced labour indicators, shows that 34 migrant fishers working on 13 suspected foreign fishing vessels have reported conditions that indicate forced labour.

The same is true in the Philippines, where Filipinos end up as victims of false recruitment, or worse, in debt. But the Philippine experience is also unique as the country has the Davao Fish Port Complex (DFPC) used almost exclusively by Taiwanese longliners for transshipment activities¹ - that is, the act of transferring the catch from one fishing vessel to another or a vessel used solely for the carriage of cargo. While foreign fishing vessels transshipping in the DFPC are subjected to boarding formalities, the presence or absence of forced labour conditions onboard may remain unknown.

Many of the cases documented in this research take place onboard longline vessels, where working conditions are among the most labour intensive. With a crew of 5 to 12 men, workers need to place bait on some 2,500 to 3,000 hooks on hanging lines which can extend from 10 to 100 kilometers from the vessel². Vessels tend to be small and operating costs are high, providing a strong incentive to minimise crew costs and/or investment in safety and living conditions.

Aside from the various labour violations, poorly managed longline fisheries can be involved in overfishing and illegal, unreported and unregulated (IUU) fishing which place a huge burden on marine ecosystems. While this report includes 8 longliners, Greenpeace Southeast Asia is not claiming that these vessels are involved in IUU fishing or shark catch / finning as this issue is beyond the scope of this report. Many longline fishing operations also have high shark by-catch rates as their fishing grounds significantly overlap with shark habitats³. Longliners have been documented as being involved in shark finning - where fins are severed from the shark and the body thrown back to the sea with sharks left to bleed to death⁴.

Crucially, this report emphasises the need for both the Indonesian and Philippine governments to take concrete policy actions in order to address the labour

and environmental issues raised. Three international instruments are particularly relevant for migrant fishers: 1) the International Labour Organization (ILO) Work in Fishing Convention, 2007 (Convention No. 188 or C-188); 2) the International Maritime Organization (IMO) Cape Town Agreement; and 3) the Food and Agricultural Organization (FAO) Agreement on Port State Measures (PSMA).

Of the 10 member states of the Association of Southeast Asian Nations (ASEAN), only Thailand has ratified C-188. The PSMA has been ratified by Indonesia, the Philippines, and Thailand. The Cape Town Agreement, on the other hand, has yet to be ratified by any of the members of the ASEAN.

Industrial fishing has been rated the second deadliest profession in 2019⁵. It involves long work shifts, physically demanding tasks, poor availability and use of protective equipment, inexperienced crew, and high injury rates⁶.

Reports documenting the experiences of Indonesian and Filipino migrant fishers reveal a common pattern throughout the recruitment process, the terrible working conditions onboard vessels, as well as the uncertainty of repatriation when vessel operators are caught violating fishing laws in foreign countries.

The fact that high seas fishing operations take place so far from shore creates perfect conditions for such exploitation to continue unreported and unmonitored.

Perhaps the biggest complication, however, lies in the fact that the industry involves so many State actors, meaning responsibility and accountability is often elusive. Where one operation may involve two or more countries, a host of agencies and possibly corrupt authorities, implementing laws and resolving cases becomes lengthy and discouraging, especially for complainants.

As such, this report lays down a framework with policy actions for addressing exploitative labour practices, unsustainable fishing methods, and the issue of state accountability.





METHODOLOGY

For the cases of Indonesian migrant fishers, Greenpeace Southeast Asia reviewed the documentation of pending cases with permission from SBMI. These were compiled Letters of Guarantee, contracts, complaints filed, salary schedules, passports and plane tickets. Only contracts from 2017 onwards, with complete complaint documentation, were included.

All documents were carefully reviewed to establish patterns. Data were specific to each fishing vessel although generalisations have been made to describe the overall pattern common to all 13 fishing vessels.

The International Labour Organization's (ILO) Forced Labour Convention 1930 (No. 29) defines forced or compulsory labour as: "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."⁷ See *Box 1*.



Box 1. Indicators of Forced Labor^a

1. Abuse of vulnerability

People who lack knowledge of the local language or laws, have few livelihood options, belong to a minority religious or ethnic group, have a disability or have other characteristics that set them apart from the majority of the population are especially vulnerable to abuse and more often found in forced labour.

2. Deception

Victims of forced labour are often recruited with promises of decent, well-paid jobs. But once they begin working, the promised conditions of work do not materialise, and workers find themselves trapped in abusive conditions without the ability to escape.



3. Restriction of movement

If workers are not free to enter and exit the work premises, subject to certain restrictions which are considered reasonable, this represents a strong indicator of forced labour.

4. Isolation

Workers may not know where they are, the worksite may be far from habitation and there may be no means of transportation available. But equally, workers may be isolated even within populated areas, by being kept behind closed doors or having their mobile phones or other means of communication confiscated, to prevent them from having contact with their families and seeking help.



5. Physical and sexual violence

Forced labourers, their family members and close associates may be subjected to actual physical or sexual violence. Violence can include forcing workers to take drugs or alcohol so as to have greater control over them. Violence can also be used to force a worker to undertake tasks that were not part of the initial agreement, such as to have sex with the employer or a family member or, less extreme, to undertake obligatory domestic work in addition to their “normal” tasks. Physical abduction or kidnapping is an extreme form of violence which can be used to take a person captive and then force them to work.

6. Intimidation and threats

In addition to threats of physical violence, other common threats used against workers include denunciation to the immigration authorities, loss of wages or access to housing or land, sacking of family members, further worsening of working conditions or withdrawal of “privileges” such as the right to leave the workplace. Constantly insulting and undermining workers also constitutes a form of psychological coercion, designed to increase their sense of vulnerability.



7. Retention of identity documents

The retention by the employer of identity documents or other valuable personal possessions is an element of forced labour if workers are unable to access these items on demand and if they feel that they cannot leave the job without risking their loss.

8. Withholding of wages

When wages are systematically and deliberately withheld as a means to compel the worker to remain, and deny him or her the opportunity to change employer, this points to forced labour.



9. Debt bondage

Forced labourers are often working in an attempt to pay off an incurred or sometimes even inherited debt. The debt can arise from wage advances or loans to cover recruitment or transport costs or from daily living or emergency expenses, such as medical costs.



10. Abusive working and living conditions

Forced labour victims are likely to endure living and working conditions that workers would never freely accept. Work may be performed under conditions that are degrading (humiliating or dirty) or hazardous (difficult or dangerous without adequate protective gear), and in severe breach of labour law



11. Excessive overtime

Forced labourers may be obliged to work excessive hours or days beyond the limits prescribed by national law or collective agreement. They can be denied breaks and days off, having to take over the shifts and working hours of colleagues who are absent, or by being on call 24 hours a day, seven days a week.



Potential migrant workers learn Korean language at an agency for workers destined to work in South Korea at Suradadi District, Tegal, Central Java.

Note: According to the ILO, all indicators of forced labour fall under the “menace of penalty” element except deception and excessive overtime which fall under the “involuntariness” element. Degrading living conditions imposed by the employer, recruiter, or third-party, when the worker was uninformed or did not consent, should be considered an indicator of involuntariness. If the worker was informed and consented to the conditions, then such conditions should be considered an indicator of menace of penalty. There needs to be a combination of both elements (menace of penalty and involuntariness) present in order to deduce forced labour exists. One element alone is considered a forced labour risk, not conclusive forced labour.

In the Philippines, Greenpeace Southeast Asia commissioned a review of relevant laws pertaining to migrant fishers. Two roundtable discussions were organized in Manila and in Davao. These forums brought together relevant government departments and bureaus and non-government organisations to discuss their respective mandates, system of recruitment and penalties, roles and responsibilities, and current projects they are undertaking. Based on these, a general description of the system (e.g. recruitment and port inspection) was presented in this report.

The main sources for verifying the information of each foreign fishing vessel include Marine Traffic cross-checked with Western and Central Pacific Fisheries Commission (WCPFC) and the North Pacific Fisheries Commission (NPFPC) records of fishing vessels authorised to fish in their respective convention areas.

In addition, Greenpeace Southeast Asia estimated the days at port of foreign fishing vessels docking at the Davao Fish Port Complex (DFPC) from 1 January 2019 to 14 November 2019 using Exact Earth. Greenpeace Southeast Asia also visited the DFPC, where they unload fish for transshipment.





MIGRANT FISHERS FROM INDONESIA AND THE PHILIPPINES

At a recent ILO meeting held in Bali⁹, representatives from the Philippines and Indonesia indicated that both countries had a large number of migrant fishers working on other fleets.

According to Indonesian government sources, there were 186,430 Indonesian migrant fishers aboard Malaysian fishing vessels, 12,278 in Taiwanese fishing vessels, and 4,885 in South Korean fishing vessels in 2018. However, these figures were mere estimates because outbound recruitment (and migrant fishers documentation for that matter) is currently split across several government authorities.

The Philippines, on the other hand, does not disaggregate between fishers and seafarers in their statistics. Philippine Overseas Employment Administration (POEA) 2017 data reveals that at least 378,072 work at sea. But undocumented workers are common, such as the 10 Filipino fishers, including one minor, who were arrested by Indonesian authorities for various violations including illegal fishing, poaching, smuggling and illegal entry into Indonesia¹⁰.

In any case, it is safe to conclude that most the Indonesian and Filipino migrant fishers end up working on Taiwanese distant water fishing vessels.

The Taiwan Fisheries Agency estimates that around 22,710 migrant fishers have been hired overseas to work aboard Taiwanese fishing vessels, while some 12,223 were hired in Taiwan under the Taiwan Labour Standards Act (2018)¹¹. As shown in *Table 1*, most of Indonesian and Philippine migrant fishers have been hired overseas. Migrant fishers in Taiwan's DWF fleet are currently paid USD450 per month¹². On the other hand, migrant fishers hired within Taiwan are covered by the national minimum wage, which is approximately USD740 per month¹³. As of June 2019, some 21,994 migrant fishers from Indonesia (59% of which were hired overseas) and 7,730 migrant fishers from the Philippines (78% of which were hired overseas) are working on Taiwanese coastal and distant water fishing vessels.¹⁴

POEA data shows that from 1 January 2017 to 30 April 2019, there were 65 Philippine manning agencies which processed applications for work onboard 675 Taiwanese fishing vessels. At least 485 Taiwanese manning counterparts were also involved.

Additionally, official 2017 data from POEA pegs the number of Filipino migrant fishers working on fishing vessels from China Mainland, Taiwan and South Korea at 4,009; 2,533; and 272, respectively. With the inefficiency of data access and management in the Philippines and Indonesia, it is not surprising to see discrepancies between countries.

Table 1. Number of foreign crews employed by Taiwanese fishing vessels

Country	Crew hired oversea	Crew hired under the Employment Act
Total	22,710	12,223
China Mainland	2,238	-
Indonesia	12,991	9,003
Philippines	6,016	1,714
Thailand	-	25
Vietnam	1,015	1,481
Cambodia	3	-
Myanmar	215	-
Vanuatu	8	-
Bangladesh	38	-
Japan	3	-
Others	93	-

Latest Update: 2019/06/30

Source: Taiwan Fisheries Agency

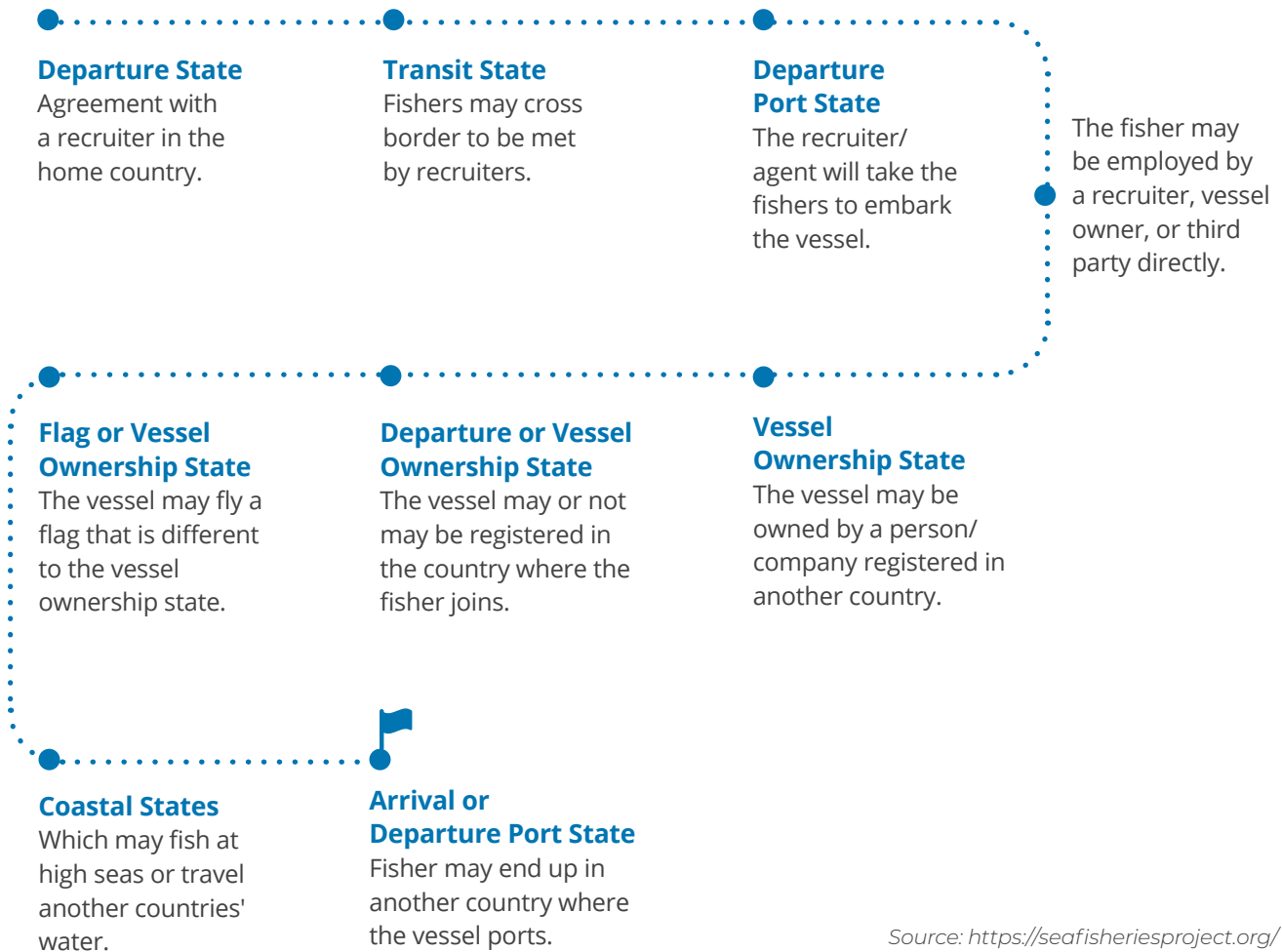
Box 2. ILO Categorisation of States Involved in Work in Fishing

The ILO categorises countries in the following ways:

Source States¹⁵ serve as points of recruitment and transit of migrant fishers – such as in the case of Indonesia and the Philippines, plus most countries in Southeast Asia and West Africa. **Flag States**¹⁶ determine the nationality of the vessel or the country where the beneficial owner is based. Some vessels are flagged in international open registers, which are also known as flags of convenience.¹⁷ **Coastal States**¹⁸ control issuance of fishing licenses to

vessels operating within their Exclusive Economic Zone or EEZ. **Port States**, like the Philippines, are those that host vessels during transshipment or discharge of catch in port other than those of the Flag State¹⁹. **Trade and Market States** are those involved in the processing, wholesale and retail of fish and fish products – the top five exporters being China Mainland, Norway, Vietnam, Thailand and the United States of America (USA); and the top five importers being USA, Japan, China Mainland, Spain and France²⁰.

Figure 1 Transnational nature of working in fishing



Source: <https://seafisheriesproject.org/>

MODERN SLAVERY IN THE FISHING INDUSTRY

The 2018 Global Slavery Index²¹ lists the top 20 fishing entities with low, medium, and high risk of modern slavery along with their parallel share in the world's catch. According to the International Labour Organization (ILO) and the Walk Free Foundation, modern-day slavery is described as "any situation of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power". This includes "forced labour, debt bondage, forced marriage, slavery and slavery-like practices and human trafficking".²²

A Vulnerable Workforce

Considering the global nature of the lucrative fishing industry, with an estimated traded value of USD153 billion²³, it is no surprise that one migrant fisher's fate often lies in the hands of too many actors, agencies and governments.

In the case of Indonesia, foreign and local fishers, migrant fishers and seafarers have been found to be trafficked in the country and subjected to inhumane living conditions²⁴.

Research conducted by the International Organization for Migration (IOM) featuring 2011 to 2015 data, also found that the majority of Indonesian migrant fishers worked on Taiwanese fishing vessels.

Although Indonesian migrant fishers are exploited in other countries or regions, Indonesia, in turn, is the main destination of almost half of the migrant fishers trafficked from Thailand, Cambodia, and Vietnam, according to a study conducted by the Study on Trafficking, Exploitation and Abuse in the Mekong or STEAM²⁵.

THE DIFFERENT FACETS OF EXPLOITATION

To fully comprehend the stories of exploitation of migrant fishers, it is imperative to understand the recruitment process they go through, the lives they lead onboard fishing vessels and the cases they have to face if and when they are arrested in a foreign country.

It is also crucial to understand that prioritising profits drives this exploitation – the companies' need for greater profits, not only during fishing operations but also during the recruitment process. Overexploitation of coastal water resources and dwindling fish populations compel the industry to increase fishing efforts in the high seas, which often results in higher operating costs and increases the possibilities of exploitation of migrant fishers.

Unsustainable Fishing Harms Fishers and the Environment

Illegal, Unreported, and Unregulated or IUU fishing is central to the issue of modern slavery on the high seas. According to Channing (2017), "Annual illegal and unreported marine fishing generates USD15.5 billion to USD36.4 billion in illicit profits; of that, the majority is generated off the coasts of developing countries." Unfortunately, these figures are a conservative estimate of what exactly is generated by IUU fishing.²⁶

The situation is even more worrisome as overfishing and IUU fishing have major impacts on the environment, the working conditions of migrant fishers and on the food security of affected countries. Some firms allegedly involved in IUU fishing have been linked to other crimes such as the smuggling of migrants, and the trafficking of drugs and persons²⁷.

This happens because of lack of oversight, impunity and loose policies. Migrant fishers, local economies and marine ecosystems are the ones to pay the price for these crimes.







Work on Distant Water Fishing Fleets

Purse seiners are super large nets, resembling a large purse when full. They are used to encircle schools of tuna, often attracted by fish aggregating devices, which catch mostly juvenile fish.

Longlines, as the name implies, is a method consisting of a line which stretches up to 100 km long and uses bait placed on hooks every few metres, to attract tuna.

In terms of labour conditions, longlines are more labour intensive compared with purse seiners as workers are required to place the bait on each hook. After that, hauling of the catch entails another physically-draining challenge as migrant fishers have to remove the tuna from the line one by one. Purse seines are less manual, using mechanised nets (e.g. winches) which haul in the catch.

Illegal fishing not only deprives nations of their fisheries resources, but ultimately results in the collapse of fish stocks and other important marine species. Globally, around 33% of fish stocks are already overfished beyond sustainable limits while some 60% are on the edge of collapse or fished to maximum sustainable limits.²⁸

Tuna longline fleets operate in all four oceans – the Western and Central Pacific Ocean (WCPO), Eastern Pacific Ocean (EPO), Atlantic Ocean (AO), and Indian Ocean (IO). According to Campling *et al.* (2017), the total number of all sizes of longliners currently registered on the four Regional Fisheries Management Organisation's (RFMO) record of fishing vessels is 17,494.²⁹

China Mainland, Taiwan, South Korea, and Japan operate significant distant water longline fleets in WCPO and EPO. On the high seas 86% of fishing effort has been attributed to only five fishing entities: China Mainland, Taiwan, Japan, South Korea, and Spain.³⁰







LABOUR REQUIREMENTS

Depleted fish stocks put additional pressure on fishing operators to maintain profitability. It increases costs as fishing vessels need to travel longer distances to sustain catch levels, consuming more fuel. Crews, as a result, need to stay at sea for long periods of time³¹

Operating an industrial tuna longliner requires at least five crew members to set some 2500 to 3000 hooks over a distance of about 100 km, taking five to six hours to complete. Hauling longlines typically takes 11 hours or more and requires a line hauler and at least a dozen crew members³². In general, estimates for industrial fishing labour costs range from 30 to 50% of total fishing costs.^{33 34}

This is why fishing firms resort to trafficking fishers onboard, sourced from countries that have loose labour migration policies. This makes migrant fishers vulnerable to low wages, poor working and living conditions on substandard fishing vessels and egregious abuses, such as forced labour.³⁵

In the midst of this mad race for the few remaining fish, migrant fishers endure backbreaking work trying to make a living. Isolation at sea for months makes escape difficult and often impossible. Such a scenario, where fishing vessel captains rule with impunity, makes modern slavery at sea possible.

SUPPLY CHAIN



Distant water fishing fleets can stay at sea for months. To reduce costs of shipping, fish caught are stored in refrigerated chambers.



Fish are then transferred to reefers, which are refrigerated cargo vessels used in transshipments with distant water fishing vessels. Reefers store the fish and take it to the port or market destination. It can also deliver supplies and in some cases, crew members who join fishing vessels while on the high seas.



Fish are processed by global tuna companies such as those based in Thailand.



After processing fresh, frozen, chilled and canned fish, products are exported abroad to markets in the United States and Europe where it is distributed to various supermarkets and retail stores.

Isolation at sea for months makes escape difficult and often impossible. Such a scenario, where fishing vessel captains rule with impunity, makes modern slavery at sea possible.





IN FOCUS: CASES OF INDONESIAN MIGRANT FISHERS

One story published in Indonesian magazine, *Liputan BMI*³⁶ describes a village boy who used to work at a local convenience store not far from his home. Rahmatullah was desperate to improve economic conditions and provide a better life for his parents with a higher paying job.

According to Rahmatullah, he was promised a monthly salary of USD400 and a large fishing bonus on the Chinese reefer vessel³⁷ *Han Rong 353* operating in Somali waters. Rahmatullah took the bait, hoping to find his fortune as a migrant fisher.

Rahmatullah's story is very similar to other Indonesian migrant fishers who consider "economic reasons" as the primary factor that encouraged them to work in foreign fishing fleets. Rahmatullah claims that he left from Soekarno-Hatta Airport on December 2017, along with 21 other crew members. The following are excerpts from an interview by *Liputan BMI*.³⁸

"We were scattered on several ships, some were on Han Rong 355."

"The captain likes to play hands (hitting), if the fish catch is small,"

"I haven't bathed in 8 months. I only eat with raw cabbage and drink AC water (water dripping from air conditioning units) and rusty water. But for other foreign nationals, they can get mineral water (like bottled Aqua)."

"... on my friend's ship (Han Rong 355), there are 2 crew (members) who have died. One migrant fisher from the Philippines because of food poisoning in June 2018 and one migrant fisher from China in August 2018 that I myself do not know the cause."

Rahmatullah claims that he got his salary only in the second week of July 2018 – seven months after he went onboard - and it only amounted to IDR8,775,000 (USD608).

After working for seven months, Rahmatullah says that he should have received USD2,400 based on the USD400 monthly pay that was promised, minus a supposed "office deduction" of USD400.

In the Liputan BMI interview, Rahmatullah expressed, "I am confused. The agreement is that my salary will be paid every three or four months. If it was only sent in July it should be USD2,400. Why is this only USD608?", Rahmatullah said.

On 28 November 2019, Greenpeace Southeast Asia contacted Imam Syafi'i, Head of Advocacy, Legal and Human Rights of Indonesian Seafarer's Movement (PPI), regarding the latest status of Rahmatullah's complaint. According to Imam Syafi'i, a legal investigation by the Indonesian National Police began in January 2019, but no case has been filed in court.

In SBMI and Greenpeace Southeast Asia's view, it is imperative that the LG placement require the involvement and oversight of public authorities, both in Indonesia and Taiwan, so as to ensure that migrant fishers are not exploited.

THE RECRUITMENT PROCESS

In general, there are two types of placement for Indonesian migrant fishers who work on a Taiwanese distant water fishing vessel: 1) Official placement; and 2) Letter-guaranteed placement.

Official Placement is a government-to-government placement scheme where migrant fishers are placed through the National Agency for the Placement and Protection of Indonesian Workers (BNP2TKI)³⁹ on Taiwanese vessels that only operate in Taiwanese waters. This process provides better protection for Indonesian fishers given its official nature. It provides Indonesian fishers with an 'alien resident certificate' which guarantees their rights under Taiwanese laws⁴⁰. As such, they are less vulnerable to labour exploitation and abuse.

The letter-guaranteed (LG) placement, on the other hand, is a private-to-private placement scheme that places the fate of Indonesian fishers under the authority of private manning agencies and fishing firms⁴¹. Most of the vessels that fall under this type of placement operate outside Taiwanese waters⁴². Indonesian migrant fishers who work under this type of placement are more vulnerable and face a greater risk of being exploited and abused. Most of the Indonesian migrant fishers assisted by the IOM in Indonesia fall within this category⁴³.

In SBMI and Greenpeace Southeast Asia's view, it is imperative that the LG placement require the involvement and oversight of public authorities, both in Indonesia and Taiwan, so as to ensure that migrant fishers are not exploited.

According to investigations by Indonesia's newspaper Tempo, Indonesian migrant fishers were unaware that they were provided fake seafarers' books and were placed by manning agents who do not have permission from the Ministry of Transportation to operate in Indonesia⁴⁴.

Government efforts, however insufficient, are not nil. In a May 2019 document obtained by SBMI from the Ministry of Transportation, records indicate that as of May 2019, there were 124 registered companies with a Business Permit for Recruitment and Placement of Crews, known as SIUPPAK. However, only two are allowed to recruit and place migrant fishers onboard foreign vessels which suggests that other manning agencies were not able to fulfill a set of 12 conditions⁴⁵ in order to obtain official permits. Among other things, the agent must submit a copy of the fisher's data (a copy of which must be available on the ship) and a copy of the agreement between the fisher and the vessel owner. According to the Ministry of Transportation these conditions were introduced to protect crew members.

The fishing crew who work on foreign vessels are categorised by the Indonesian Ministry of Transportation as

seafarers and not fishers. According to an article in Tempo, seafarers must have basic safety training before being allowed to work onboard a fishing vessel.⁴⁶

Debt Bondage

Greenpeace Southeast Asia, with the help of SBMI, analysed contracts, letters of guarantee and related documents, to understand the system of recruitment and how migrant fishers are paid. The most notable findings are as follows.

A migrant fisher is typically contracted for two years with a monthly gross salary ranging from USD300 to USD500. Of the 34 fisher's documents and contracts analysed, 22 migrant fishers worked on Chinese fishing vessels receiving USD300, while 6 migrant fishers working on Taiwanese-owned and Taiwanese-flagged fishing vessels had a monthly salary ranging from USD300 to USD500. You may recall that the minimum salary required under Taiwanese law⁴⁷ for those working on Taiwanese fishing vessels is USD450. "Processing fees" are then charged by Indonesian manning agents, ranging from USD600 to USD800, and are deducted from the migrant fisher's salary in the first six to eight months.

In addition to the processing fee, migrant fishers also have to pay "guarantee deposits" in the first eight months of

employment. For example, a guarantee deposit of USD800 will go to the foreign broker and is deducted from the migrant fisher's salary at around USD100 to USD150 per month. After all "fees" have been deducted, this leaves the migrant fisher a monthly income of only USD50 (see Table 2). While the deduction of guarantee deposits may be illegal under Taiwanese law⁴⁸, it remains a common practice onboard distant water fleets regardless of nationality.

Brokers claim that the guarantee deposits are returned to the crew upon finishing their two-year contract. If the crew breaches the contract, the guarantee deposit will not be returned and all charges, including plane tickets, will be shouldered by the crew. However, there are cases where guarantee deposits have not been returned, despite migrant fishers fulfilling their contracts.

Despite the many red flags and even though such circumstances may be considered debt bondage, migrant fishers will still take a chance on the opportunity to break free from poverty.

Table 2. Sample Monthly Payslip

Explanation	Chin Chun 12		Lian Yi Hsing 12	
	USD	%	USD	%
Basic Pay	300	100	450	100
Less				
Guarantee Payment*	200	66.67	150	33.3
Processing Fee**	50	16.67	200	44.4
Total Deduction	250	83.33	350	77.8
Pay on Board	-	-	50	11.11
Remittance	50	16.67	50	11.11
Net Pay	50	16.67	100	22.2

*Usually deducted on a monthly basis from the first 8 months of employment

** Usually deducted on a monthly basis from the first 6 to 7 months of employment

Figure 2. Crew salary and deduction table Fishing Vessel (FV) *Chin Chun 12*


SALARY AND DEDUCTION TABLE/ TABEL GAJI DAN POTONGAN

Name :
 Date of Birth :
 Passport Number :
 Seaman book No :
 Vessel Name : FV. CHIN CHUN NO.12
 Position/jabatan : DECKHAND
 Salary/ Gaji : \$300 - \$300
 Deduction/Potongan : \$800
 Address/Alamat :
 Bank Account :

BULAN KE- (Month)	GAJI POKOK (Basic Salary)	GAJI ON BOAT	JAMINAN (Bail)	POTONGAN (Deduction)	PENERIMAAN (Acceptance)
1	\$ 300,00	\$ 50,00	\$ 200,00	\$ 50	\$ 0,00
2	\$ 300,00	\$ 50,00	\$ 200,00	\$ 50	\$ 0,00
3	\$ 300,00	\$ 50,00	\$ 200,00	\$ 50	\$ 0,00
4	\$ 300,00	\$ 50,00	\$ 200,00	\$ 50	\$ 0,00
5	\$ 300,00	\$ 50,00		\$ 250	\$ 0,00
6	\$ 300,00	\$ 50,00		\$ 250	\$ 0,00
7	\$ 300,00	\$ 50,00		\$ 150	\$ 100,00
8	\$ 300,00	\$ 50,00			\$ 250,00
9	\$ 300,00	\$ 50,00			\$ 250,00
10	\$ 300,00	\$ 50,00			\$ 250,00
11	\$ 300,00	\$ 50,00			\$ 250,00
12	\$ 300,00	\$ 50,00			\$ 250,00
13	\$ 300,00	\$ 50,00			\$ 250,00
14	\$ 300,00	\$ 50,00			\$ 250,00
15	\$ 300,00	\$ 50,00			\$ 250,00
16	\$ 300,00	\$ 50,00			\$ 250,00
17	\$ 300,00	\$ 50,00			\$ 250,00
18	\$ 300,00	\$ 50,00			\$ 250,00
19	\$ 300,00	\$ 50,00			\$ 250,00
20	\$ 300,00	\$ 50,00			\$ 250,00
21	\$ 300,00	\$ 50,00			\$ 250,00
22	\$ 300,00	\$ 50,00			\$ 250,00
23	\$ 300,00	\$ 50,00			\$ 250,00
24	\$ 300,00	\$ 50,00			\$ 250,00
Total	\$ 7.200,00	\$ 1.200,00	\$ 800,00	\$ 850	\$ 4.350,00

Tegal, 27 Maret 2017

Pihak Pertama




Source: SBMI

Figure 3. Crew salary and deduction table Fishing Vessel (FV) Lien Yi Hsing 12

NO. ABK :
NO. PASPORT :
NO. ABK :
Tgl Berangkat : Tempat Naik Kapal :
Nama kapal : LIEN YI HSING 12 Tgl Sign On :

BULAN Bekerja	Gaji / Bulan	JAMINAN DI OWNER / AGEN TAIWAN	Potongan ke kantor yg menalangi	AMBIL GAJI DIKAPAL	Gaji ditransfer per 3 bulan sekali oleh Agen Taiwan pada bulan Januari, April, Juli, dan Oktober	TANDA TANGAN	KETERANGAN
工作月份	每月薪資	保留款押在船東/台灣仲介	船員出去前沒領所以要扣款	船上領薪	/或超過保留款時期由台灣直接匯款	簽名	備註欄
1	US\$ 450	US\$ 150	US\$ 200	US\$ 50	US\$ 50		
2	US\$ 450	US\$ 150	US\$ 200	US\$ 50	US\$ 50		
3	US\$ 450	US\$ 150	US\$ 200	US\$ 50	US\$ 50		
4	US\$ 450	US\$ 150	US\$ 200	US\$ 50	US\$ 50		
5	US\$ 450	US\$ 100		US\$ 50	US\$ 300		
6	US\$ 450	US\$ 100		US\$ 50	US\$ 300		
7	US\$ 450			US\$ 50	US\$ 400		
8	US\$ 450			US\$ 50	US\$ 400		
9	US\$ 450			US\$ 50	US\$ 400		
10	US\$ 450			US\$ 50	US\$ 400		
11	US\$ 450			US\$ 50	US\$ 400		
12	US\$ 450			US\$ 50	US\$ 400		
13	US\$ 450			US\$ 50	US\$ 400		
14	US\$ 450			US\$ 50	US\$ 400		
15	US\$ 450			US\$ 50	US\$ 400		
16	US\$ 450			US\$ 50	US\$ 400		
17	US\$ 450			US\$ 50	US\$ 400		
18	US\$ 450			US\$ 50	US\$ 400		
19	US\$ 450			US\$ 50	US\$ 400		
20	US\$ 450			US\$ 50	US\$ 400		
21	US\$ 450			US\$ 50	US\$ 400		
22	US\$ 450			US\$ 50	US\$ 400		
23	US\$ 450			US\$ 50	US\$ 400		
24	US\$ 450			US\$ 50	US\$ 400		
TOTAL	US\$ 10.800	US\$ 800	US\$ 800	US\$ 1.200	US\$ 8.000		

Catatan :
Resiko yang harus ABK tanggung dlm pemutusan kontrak secara sepihak
1. Tidak habis kontrak 2 (dua) tahun : Jaminan hangus (tidak dikembalikan) ,
Tiket berangkat & pulang di tanggung ABK sendiri .
Saya telah pahan dan mengerti mengenai surat pernyataan pembagian gaji ini.
Demikian surat pembagian gaji ini saya tandatangan secara sadar,
sehat jasmani, dan tanpa paksaan dari pihak manapun.

TANDA TANGAN


Source: SBMI

The risk of forced labour is shown in Table 3. Of the 13 suspected fishing vessels involved, 5 are from Taiwan, 6 are from China Mainland and 1 is from Fiji. Eight of the 13 fishing vessels are longliners while 4 are purse seiners. Eight tuna longliners are listed in the Western Central Pacific Fisheries Commission (WCPFC) and 4 purse seiners are listed in the North Pacific Fisheries Commission (NPFC).

A total of 34 cases of Indonesian migrant fishers involving 13 suspected foreign distant water fishing (Table 3) vessels

were identified and selected for inclusion in this report. Each case linked to the 13 suspected foreign distant water fishing vessels was classified according to ILO's Forced Labour indicators (see Box 1). Four main complaints have been identified. Deception was identified in 11 suspected foreign fishing vessels; withholding of wages was identified in 9 suspected foreign fishing vessels; excessive overtime in 8 suspected foreign fishing vessels; physical and sexual abuse in 7 suspected foreign fishing vessels.

Table 3. Cases filed with Serikat Buruh Migran Indonesia (SBMI) from 2017-2019

No	Vessel Name RFMO Registry Vessel Type	Owner - Company / Where the Company Registered / Fishing Entity	Complainants	* Numbers refer to ILO Forced Labor Indicators in Box 1.												
				1	2	3	4	5	6	7	8	9	10	11		
1.	<i>Chin Chun No.12</i> https://www.wcpfc.int/node/15684 Tuna longliner	Sheng Sheng Fishery Co., Ltd., Hung Chih Jung/ Taiwan/Vanuatu (FoC)	1		●							●				
2.	<i>Da Wang</i> https://www.wcpfc.int/node/15625 Tuna Longliner	Yong Feng Fishery Co., Ltd. /Taiwan /Vanuatu (FoC)	1	●	●			●				●		●	●	
3.	<i>Fu Yuan Yu No. 054</i> https://www.npfc.int/vessels/476 Purse Seiner	China Mainland	10		●							●				●
4.	<i>Fu Yuan Yu No. 055</i> https://www.npfc.int/vessels/477 Purse Seiner	China Mainland	3		●			●	●					●	●	
5.	<i>Fu Yuan Yu No. 056</i> https://www.npfc.int/vessels/478 Purse Seiner	China Mainland	2		●			●	●							●
6.	<i>Fu Yuan Yu No. 062</i> https://www.npfc.int/vessels/484 Purse Seiner	China Mainland	4			●	●					●				●
7.	<i>Fwu Maan No.88</i> https://www.wcpfc.int/node/17556 Tuna Longliner	Wu, Bor-Shyan / Taiwan /Taiwan	3	●				●			●					

No	Vessel Name RFMO Registry Vessel Type	Owner - Company / Where the Company Registered / Fishing Entity	Complainants	* Numbers refer to ILO Forced Labor Indicators in Box 1.										
				1	2	3	4	5	6	7	8	9	10	11
8	<i>Han Rong 353</i> Cargo Ship	China Mainland	4		●			●	●		●		●	●
9	<i>Hangton No. 112</i> https://www.wcpfc.int/node/30417 Tuna Longliner Contract says Hangton No. 1115	Hangton Pacific Company PTE Ltd. / Fiji	1	●	●					●		●	●	●
10	<i>Lien Yi Hsing No.12</i> https://www.wcpfc.int/node/15299 Tuna Longliner	Chai, Maung-jian / Taiwan / Taiwan	2		●							●		
11	<i>Lu Rong Yuan Yu No.30</i> https://www.wcpfc.int/node/16939 Tuna Longliner	Shandong Lidao Oceanic Technology Co. Ltd. / China Mainland	1		●			●	●	●	●	●		
12	<i>Shin Jaan Shin</i> https://www.wcpfc.int/node/15409 Tuna Longliner	Chen,Shin-Dean/ Taiwan / Taiwan	1		●									
13	<i>Zhong Da No. 2</i> https://www.wcpfc.int/node/16161 Tuna Longliner	Zhong Da Co. Ltd / China Mainland / Fiji	1	●	●			●	●	●	●		●	●
Total			34	4	11	1	1	7	6	3	9	2	5	8

Source: SBMI

Note: *Han Rong 353* is not listed in WCPFC or NPFC. NPFC does not mention owner, company and address.

*** ILO Forced Labour Indicators**

1= Abuse of Vulnerability

2= Deception

3= Restriction of Movement

4= Isolation

5= Physical and Sexual Violence

6= Intimidation and Threats

7= Retention of Identity Documents

8= Withholding of Wages

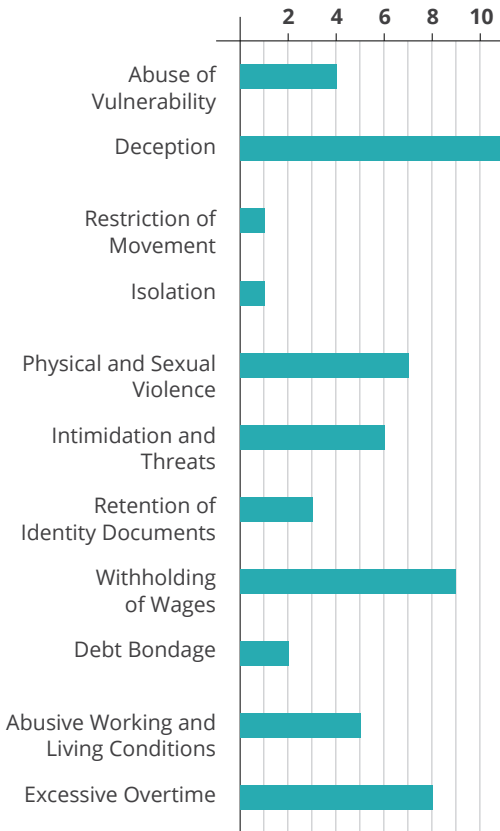
9= Debt Bondage

10= Abusive Working
and Living Conditions

11= Excessive Overtime

FISHING VESSELS LOCATION

Table 3A.
Suspected fishing vessels involved



To visualise how far distant water fishing fleets are from Indonesia, see *Figure 4* which shows the recent locations of distant water fishing vessels according to Marine Traffic.



Vessel Name

- | | |
|-------------------|----------------------------|
| 1. Chin Chun #12 | 8. Han Rong 353 |
| 2. Da Wang | 9. Hangton 115 |
| 3. Fu Yuan Yu 054 | 10. Lian Yi Hsing No. 012 |
| 4. Fu Yuan Yu 055 | 11. Lu Rong Yuan Yu No. 30 |
| 5. Fu Yuan Yu 056 | 12. Shin Jaan Shin |
| 6. Fu Yuan Yu 062 | 13. Zhong Da 2 |
| 7. Fwu Mann #88 | |

Figure 4. Fishing Vessel Location



Source: Marine Traffic 16 September 2019

VOICES OF MIGRANT FISHERS

The following are testimonials of migrant fishers obtained by SBMI and Greenpeace Southeast Asia. The stories are shocking, disturbing, and when taken together, expose a pattern of abuse, violence, and impunity to which no human being should ever be subjected.

“I witnessed horrible torture. We were working even on midnights. When the Fishing Master was angry, he hit my friend’s head near his left ear. After that he was forced to continue working until the work was finished and only then was he allowed to rest. In the morning when we woke up for breakfast, we found him dead in his room. The Captain wrapped up my dead friend’s body with a blanket and then stored him in the freezer.”

Mr. D, 28 years old, a former crew on *Da Wang* (statement made on July 2019)

“The fishing crew often got bad and unpleasant treatment from the Captain. We did not get our salaries as promised. Our passports were also held by the Captain.”

Mr. F, 31 years old, a former crew on *Fwu Maan No.88* (statement made on January 2019)

“When I arrived in Taiwan, I was directly brought to the vessel berthed at port. The next day we sailed. Work conditions such as food, working hours, social insurance, among others were not like as promised by the manning agency in Indonesia. We were promised salaries that will be paid cumulatively every three months, but that did not happen. The reality was different from my expectations before deciding to board the ship.”

Mr. C, 24 years old a former crew on *Chin Chun No.12* (statement made on May 2019)

"I and several other crew members were sent home because the boat owner reported that *Han Rong 353* had to sail back to China. The *Han Rong 353* was operated together with the *Han Rong 355*. The problem was that there were three crew members who had died in the last 6 months since we were working - one from the Philippines and two from China."

Mr. HR, 28 years old, a former crew on *Han Rong No.353*
(statement made on January 2019)

"I was forced to work without enough rest and food. I was exhausted and could not continue my duty. I saw that others went for a rest. I stopped and went to the galley but food was not served anymore. My boss came to me and asked, "What's your problem?" I asked back, "Don't you know the rules, also I need to rest and eat food, what's my fault? *Zhong Da No. 2* operated in Fiji and sometimes fishing close to New Zealand waters too. To my knowledge, this vessel was owned by China, but Fiji-flagged. Quite confusing!"

Mr. Z, 24 years old, a former crew on *Zhong Da No. 2* (statement made in May 2018)



RESPONSES FROM FISHING VESSELS

Greenpeace Southeast Asia reached out to all the companies or individuals associated with the fishing vessels mentioned in this report. Emails and letters by courier were sent to allow them an opportunity to comment on the alleged forced labour cases. In cases where contact details were not available, Greenpeace Southeast Asia also informed the RFMO where the fishing vessels in question were registered and requested disclosure of contact details of the said vessels involved in the complaint.

In an email sent to Greenpeace Southeast Asia dated 28 November 2019, a representative from the Taiwanese fishing vessel *Shin Jaan Shin* denied withholding salaries from the crew and claimed that it will investigate the matter.

A representative from the Fiji flagged *Hangton 112* responded on 2 December 2019 and claimed that the said vessel is not a distant water fishing vessel and that its Indonesian crew are recruited by an Indonesian agent. The representative also claimed that they make no salary deductions nor retain any of the crew's documents in Fiji while crew is at sea. There was mention of an incident from another vessel *Hangton 112* where a crew member resigned after fighting with another crew onboard.

A representative from the Taiwanese fishing vessel *Da Wang* also responded on 2 December 2019 and denied that crews were treated inhumanely, emphasising that working is prohibited between midnight and 5 AM. The representative also claimed that their crew are paid through labor service companies in Taiwan. There was mention of an incident wherein a crewman allegedly died in his sleep on 17 June 2019.

A representative from the Taiwanese fishing vessel *Fwu Maan 88* responded on 3 December 2019 and claimed that the accusations are "groundless". The representative also emphasised that efforts are being done by the vessels and the Taiwanese government to improve human rights of fishing migrants.

A representative from the Taiwanese fishing vessel *Lien Yi Hsing 12* responded on 7 December 2019. The representative claimed that their crew are always paid on time, coursed through a Taiwanese agent.





IN FOCUS: CASES OF FILIPINO MIGRANT FISHERS

In 2015, the New York Times recounted the tragedy of Eriil Andrade from Linabuan Sur, Aklan⁴⁹ According to the report, Andrade and his town mates were promised a handsome salary by a local recruiter and the opportunity to work onboard a commercial fishing vessel for a Singapore-based manning agency.

Seven months after leaving for Singapore on a tourist visa, Andrade came back inside a coffin, without his eyes and pancreas. The report claims that an autopsy conducted later on, revealed that the cuts and bruises on his body had been inflicted before he died.⁵⁰

Another story involved 10 Filipino fishers, including one minor, who were arrested by Indonesian authorities for various violations, including illegal fishing, poaching, smuggling and illegal entry in Indonesia. In the report,⁵¹ Joeper Escobal of Malapatan in Sarangani Province, was named among the arrested fishers who were held for about a year in Indonesia, for illegal fishing. Escobal told that they went to Indonesia on May 14, 2018 and got caught by Indonesian authorities without proper documents and were charged for illegal fishing.

These narratives echo the vulnerabilities of so many migrant fishers and the grim reality of decent work deficit, where fishers or crew members continue to suffer from what could be called a 3D occupation - dirty, difficult, and dangerous. While there have been technological advances in fisheries and fish production, migrant fishers worldwide lag behind significantly compared to other occupations in terms of being afforded basic human and labour rights.







Photo Credit: ©Karlitos Manlupig/Greenpeace

LIFE ONBOARD

The Environmental Justice Foundation released a video showing two Filipinos who claimed to have experienced forced labour onboard an unnamed Taiwanese fishing vessel.⁵² One of them warns prospective migrant fishers not to sign contracts that appear to offer a disproportionately high salary. He spoke of enduring nine months onboard, being trapped and helpless as he and his fellow migrant fishers, were declared by their captain as undocumented migrants.

Another migrant fisher in the video said that the captain didn't allow them to sleep⁵³. According to him, at times they would work for 24 hours and were not given proper meals. In one incident, the migrant fisher claimed that his finger was almost cut-off by the fishing line and that the captain failed to take him to hospital for treatment.

Another mentioned that they were promised a salary increase upon reaching their second year onboard but their salary has since stayed the same. Yet another shared that he was promised a salary of USD625, but when he

came to Taiwan, he was only given USD260 apparently with deductions for "loans, food, and accommodation." He also shared that while he wanted to understand the contract he was signing on to, this was not possible since they were written in Chinese.⁵⁴

In February 2019, a Filipino crew member of the Taiwanese fishing vessel *Wen Peng*, allegedly attacked crewmates killing two and ordering six others to jump into the sea. The Taipei Times mentioned that the suspect, *Wen Peng's* chief officer, apparently become violent but the actual reason behind his behavior remains unknown⁵⁵.

This Page:

Taiwanese long liner *Chao Yeung 5* docked at the Davao Fish Port Complex on 21 October 2019.

THE RECRUITMENT PROCESS IN THE PHILIPPINES

As mentioned earlier, 2017 data from POEA show that 4,009 Filipinos work on fishing vessels from China Mainland while 2,533 work on fishing vessels from Taiwan.

POEA data also shows that migrant fishers come from various parts of the Philippines. Many of them are recruited by unregistered manning agencies who lure people from rural regions with beautiful promises that tend to be untrue.

In 2016, the top 10 source provinces for fishers included: 1) Iloilo 416 – 7%; 2) Ilocos Norte 392 – 6.6%; 3) Isabela 386 – 6.5%; 4) Ilocos Sur 380 – 6.6%; 5) Negros Occidental 324 – 5.5%; 6) Cagayan 310 – 5.2 %; 7) La Union 223 – 3.8%; 8) Pangasinan 202 – 3.4%; 9) Palawan 183 – 3.1%; and 10) Nueva Vizcaya 175 – 3%⁵⁶

Payment for Philippine recruitment agencies vary from full payment before departure, partial payment with salary deduction, or entire salary deductions.

The POEA also has a special hiring program for Taiwan (SHPT) where pre-departure expenses are about PHP22,785 (USD437)⁵⁷. Post arrival expenses include National Health Insurance at NT\$295 (USD9.40) and 'Alien Certificate of Registration' which costs around NT\$1,000 (USD32.00) per year⁵⁸.

Through the POEA, the Philippines sets up a licensing system where it regulates the recruitment and placement of sea-based workers. This is done through licensing manning agencies, accreditation of foreign principals or employers, enrollment of vessels and the introduction of the POEA Standard Contract.

Where there are problems concerning seafarers and migrant fishers, cases are handled by POEA. Legal remedies are available either through conciliation, administrative action, criminal action or money claims through the National Labour Relations Commission.

In August 2019, Greenpeace Southeast Asia requested information from the POEA Legal and Adjudication Office concerning the cases filed by Filipinos involving foreign fishing vessels. After two and a half months of continuous follow up, we received an official reply on 6 November 2019 informing us that, pursuant to the Data Privacy Act of 2012, the POEA would have to request consent from manning

While the existence of human trafficking is widely recognised to exist, it is very rare for it to be proven in individual cases because of the difficulties in documenting the case. Migrant fishers and some of their families tend to remain silent and settle for some sort of settlement.

agencies before they can disclose information. Greenpeace was informed that there are 14 cases still pending, which involve 10 fishing vessels from China Mainland, 2 fishing vessels from Taiwan, 1 fishing vessel from Vanuatu and another from the Seychelles. Greenpeace Southeast Asia sent a follow up letter asking for a reconsideration of our request to disclose at least the names of the fishing vessels but has yet to receive an official reply.

A PORT OF CONVENIENCE

Located in southern Philippines, the Davao Fish Port Complex (DFPC), (Figure 5) is the homeport of some 35 to 40 domestic fishing vessels⁵⁹. It is also conveniently used by foreign fishing vessels for transshipment activities regulated under the 2000 "Guidelines on Transshipment".⁶⁰ The DFPC particularly defines transshipment as "the process in which the fish cargo (sashimi-grade tuna) from foreign fishing vessels are unloaded, classified, packed at the DFPC and transshipped by air freight to other countries of destination."

Tuna catch landed and transshipped through DFPC are sashimi grade tuna caught by longliners. Those that are not of export quality are offloaded locally and sold to the local market.

Since the issuance of the Fisheries Administrative Order 199 in 2000, the DFPC has been reportedly used by Taiwanese longliners for transshipment. In 2001, Taiwanese fishing vessels made 932 port calls, but there has been a significant decline throughout the years.⁶¹ In 2019, 19 Taiwanese longliners transshipped at DFPC, based on data by Exact Earth

(Table 4). From credible sources, Greenpeace Southeast Asia learned that most of the migrant fishers onboard these longliners are Indonesian. However, the absence of trained labour inspectors (in DPFC) makes determinations of forced labour and other abuses of migrant fishers very difficult.

Table 4. Total time in Davao Port (2019) ⁶²

Fishing Vessel	Total Times In	Total Time
Sheng Teng Chun #66	8	1 month, 19 days
Ching Chuen Fa #10	5	1 month, 3 days
Chyuan Liang Fa	6	1 month, 2 days
Chin Dong Fa #11	5	27 days, 4 hours
Hwa Gwo #58	6	25 days, 4 hours
Ching Yih Wanq	6	19 days, 6 hours
Lian Fa Fwu #6*	4	12 days, 2 hours
Maan Horng Jinn #3	4	10 days, 4 hours
Ming Sheng Tsair	3	8 days, 9 hours
Jin Yu Sheng	5	7 days, 20 hours
Ti N Fa Tsai #26	3	7 days, 7 hours
Hsin Ming Tsai	2	5 days, 4 hours
Jnn Yng Lih	1	5 days, 3 hours
Goang Shing Lih	2	4 days, 19 hours
Shinn Fure Shen #11	2	3 days, 20 hours
Tein Fa Tsai #26	2	2 days, 3 hours
Kun Chi Chai	1	1 day, 20 hours
Kim Der Cheng	1	1 day, 5 hours
Hwa Gwo #6	2	

*Not in WCPFC fishing vessel list

Based on Marine Traffic, recent locations of TW fishing vessels in Table 4 are shown in Figure 5.

The DFPC provides the Philippines a unique opportunity as a port State to determine the conditions of migrant fishers onboard. It could well serve as a pilot port to assess and review where policies fail to inform future actions.

The DFPC had set out rules and guidelines that should give them authority to monitor the practices of vessels that dock in the complex. For one, the DFPC created the One-Stop Action Center (OSAC), a multi-agency, government office

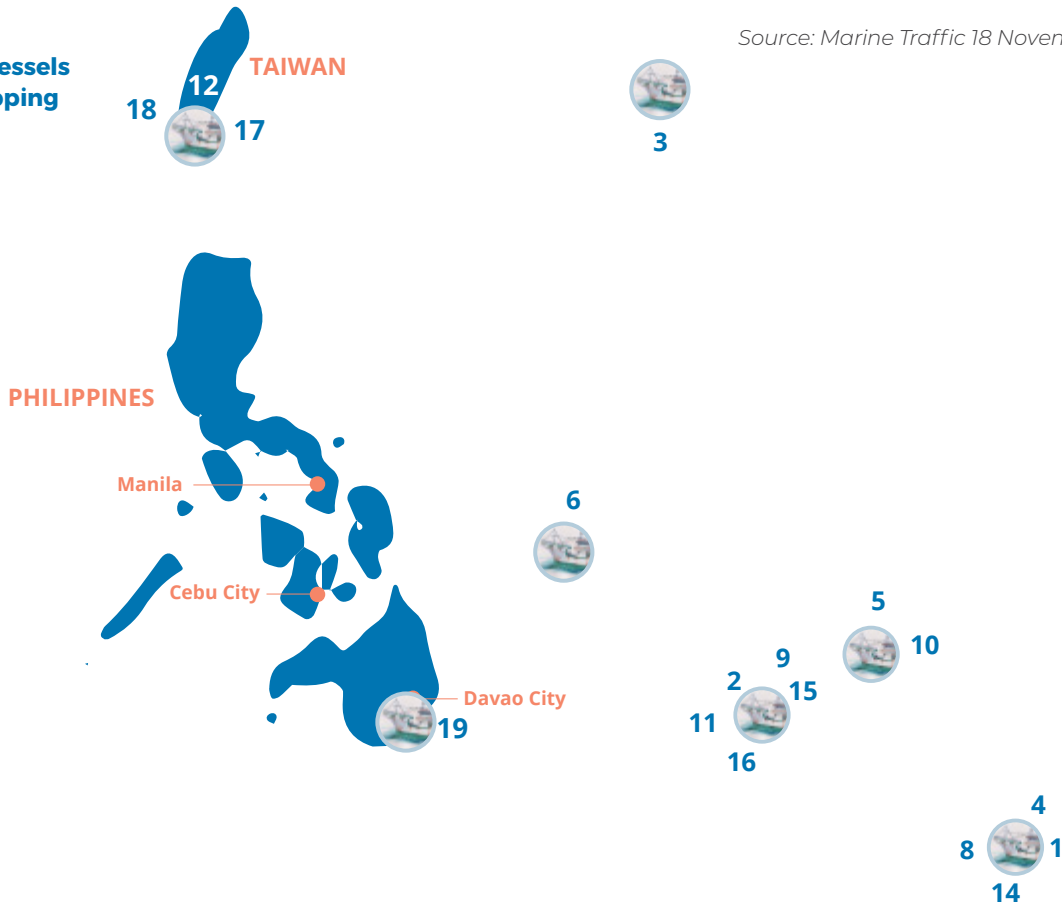
whose main task includes processing of documents of fishery products that are to be transshipped to foreign markets, and the documentation of incoming and outgoing foreign vessels, among others.⁶³

In addition, DFPC rules states that any foreign fishing vessel is subjected to boarding formalities conducted by the Bureau of Customs, Bureau of Immigration (BI), Bureau of Quarantine and the Philippine Coast Guard. The BI ensures that foreign nationals are guarded, remain under their custody and shall be off limits to unauthorised persons.⁶⁴

TAIWAN FISHING VESSELS IN DAVAO

Figure 5.
Taiwan vessels
transshipping
in DFPC

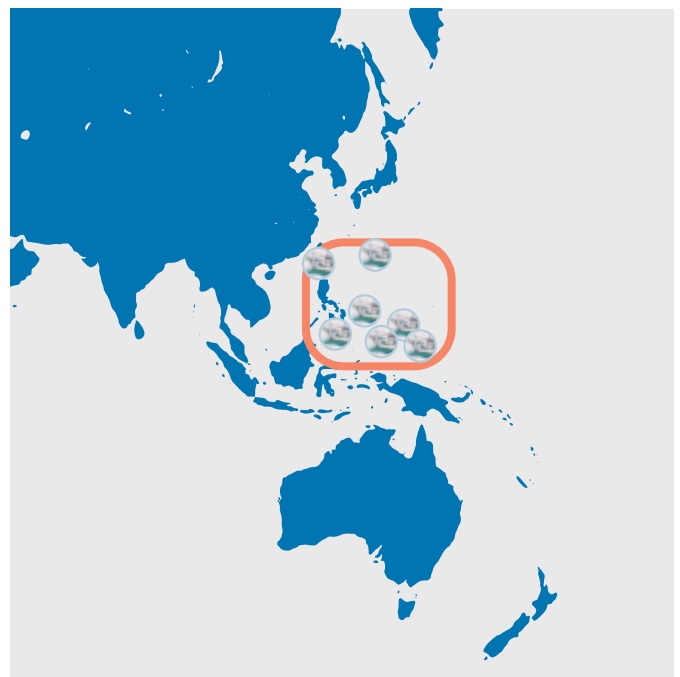
Source: Marine Traffic 18 November 2019



Vessel Name

- | | |
|------------------------|-------------------------|
| 1. Sheng Teng Chun #66 | 11. Ti N Fa Tsai #26 |
| 2. Ching CHuen Fa #10 | 12. Hsin Ming Tsai |
| 3. Chyuan Liang Fa | 13. Jnn Yng Lih |
| 4. Chin Dong Fa #11 | 14. Goang Shing Lih |
| 5. Hwa Gwo #58 | 15. Shinn Fure Shen #11 |
| 6. Ching Yih Wang | 16. Tein Fa Tsai #26 |
| 7. Lian Fa Hwu #6 | 17. Kun Chi Chai |
| 8. Maan Horng Jinn #3 | 18. Kim Der Cheng |
| 9. Ming Sheng Tsair | 19. Hwa Gwo #6 |
| 10. Jin Yu Sheng | |

In 2015, the Philippines and Taiwan forged an agreement concerning facilitation of cooperation on law enforcement in fisheries matters.⁶⁵ It sets out cooperative mechanisms between Taiwan and the Philippines to provide mutual assistance for “law enforcement proceedings related to fisheries matters”. However, this agreement falls short on procedures involving issues relating to forced labour onboard Taiwan fishing vessels docking at DFPC.







A NEED FOR POLICY SHIFT

INDONESIA

Indonesian laws seek to provide full protection to its migrant workers. Act 18-2017⁶⁶ re-emphasises that:

1) Every worker has equal rights and opportunities to obtain proper work and income; 2) Indonesian overseas workers are frequently subjected to trafficking, slavery, forced labour, and whose human rights are violated; and 3) The government is obliged to guarantee and protect its citizens' human rights based on the principles of equality, democracy, social justice, gender equality, anti-discrimination, and anti-human trafficking; among others. Note that Act 18-2017 also explicitly recognises Indonesian migrant fishers working abroad as migrant workers whose rights must be protected.

As such, the law stipulates that the government has the obligation to: 1) Ensure the compliance of prospective worker / worker rights, both those who departed through a worker placement institution, or independently; 2) Supervise the implementation of prospective worker placement; 3) Establish and develop an information system on prospective worker placement in destination country; 4) Perform diplomacy effort to ensure rights compliance and protections of worker, optimally in destination country; and 5) Protect workers during the pre-departure, during placement and post-placement periods.

In 2010, however, a study conducted by the International Organization for Migration (IOM)⁶⁷ brought forward an analysis of how the previous Act 39-2004 (which was replaced by Act 18-2017) had failed to provide complete protection for Indonesian migrant workers. For one, it presented a limited scope of protection and only provides safeguards for documented migrants. Undocumented migrants, whether willingly or unwillingly, are not protected by the law.

Moreover, IOM emphasised the failure of the law to ensure the functions and responsibilities of key government agencies, especially in determining clear jurisdictions and maintaining transparency in coordination between them. Equally important, IOM highlighted the failure of the law to recognise the rights of family members of the migrants – this means that in times of emergency, family members of migrant workers have no access to accurate and important documents and information regarding their migrant family members as well as no right to communicate with them.

As seen in the cases mentioned in this report, the Indonesian government has been remiss in protecting and upholding

the rights of its migrant fishers. Sadly, the implementing regulations mandated by Act 18-2017, which are key to protecting Indonesian migrant fishers, have not been adopted as of November 2019.

PHILIPPINES

There seem to be a considerable number of Filipino migrants reportedly being subjected to inhumane conditions while performing their jobs in countries where foreign laws have primacy over Philippines laws. On top of that, the existence of laws and policies which are meant to protect fishers, such as Department Order (DO) No 156 - 2016, pose some challenges.

As mentioned earlier, there are still pending cases at the POEA involving foreign fishing vessels. Indeed, the Philippines' law can be used to hold manning agencies, jointly or severally, liable for the abuses of the foreign employer, however, enforcement has been lacking.

Republic Act No. 10022⁶⁸ is an act amending Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995 declared the State policy to "afford full protection to labour, local and overseas, organised and unorganised, and promote full employment and equality of employment opportunities for all." It further declared that the State "shall provide adequate, timely social, economic and legal services to Filipino migrant workers."

RA 8042 also assures Filipino workers that they will only be sent to countries where their rights are protected by existing labour and social laws, said country being signatory to multilateral conventions, declarations or resolutions relating to the protection of migrant workers, forged bilateral agreement or arrangement with the Philippine government protecting the rights of OFWs and that said country is taking measures to protect the rights of migrant workers (Sec. 4).

This law also emphasises illegal recruitment as an offense which refers to engaging in "recruitment and placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines (Sec. 6).

Particularly for fishers in commercial fishing operations, the Department of Labour and Employment (DOLE) released Department Order (DO) No 156 in 2016. The DO 156-16 clearly outlined rules governing the employment of Filipino fishers including: 1) Responsibilities of fishing vessel owner, captain, master, and fisher; 2) Minimum requirements for work onboard fishing vessels; 3) Terms and conditions of employment; 4) Compensation scheme; and 5) Occupational safety and health; among others.

Where DO156 -16 fails is in covering Filipinos working onboard foreign distant water fishing vessels, as it only applies to Philippine-registered fishing vessels. It states, "These (sic) Rules shall apply to fishing vessel owners, fishers, and captains or masters onboard Philippine-registered fishing vessels engaged in commercial fishing operation in Philippine or international waters." It points out that those onboard commercial fishing vessels with foreign registry shall be governed by applicable rules and regulations of the POEA (Rule 1, Sec. 2).

To date, DO 156-16 has yet to be fully implemented. During the 11 November 2019 meeting of the Inter Agency Committee against Trafficking, where Greenpeace Southeast Asia is a member, the DOLE mentioned that violations include occupational safety and health standards and non-payment of social security benefits. The DOLE claims that only 30-50, out of more than 3,500 commercial fishing vessels have been inspected. It would seem that the powerful commercial fishing sector still questions the validity of DO 156-16.⁶⁹

This Page:

Greenpeace activists and SBMI members carry portraits of former human trafficking victims during a protest in front of the Ministry of Manpower in Jakarta.



Box 3. International instruments on protecting workers rights in fisheries

INTERNATIONAL LABOUR ORGANIZATION C188 - WORK IN FISHING CONVENTION

Adopted in 2007 by the International Labour Organization, the Work in Fishing Convention entered into force only in November 2017. The Convention, also known as C188, was forged “to ensure that fishers have decent conditions of work onboard fishing vessels with regard to minimum requirements for work onboard; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security”.

To this end, C188 takes into account the responsibilities of Member States, fishing vessel owners, skippers, and fishers. More importantly, C188 sets the minimum requirements for work onboard fishing vessels such as minimum age (set at 16, however), medical examination, manning and hours of rest, carrying of crew list, forging fisher’s work agreement, entitlement to repatriation, recruitment and placement regulations, payment of fishers, accommodation and food, access to medical, health care, and social security, and occupational safety, among others.

C188 provides greater protection to migrant fishers compared to having no international instruments at all. The convention is in force in 12 countries with Thailand and the United Kingdom entering into force on January 2010.

THE CAPE TOWN AGREEMENT OF 2012

Initiated by the International Maritime Organization (IMO), the Cape Town Agreement (CTA) was, in effect, a renewed effort to uphold the Torremolinos International Convention for the Safety of Fishing Vessels, adopted in 1977, and the Torremolinos Protocol, adopted in 1993, which both failed to enter into force for various technical and legal constraints and lack of political will.

The Agreement particularly espouses the 1993 Torremolinos Protocol whose provisions generally refer to the legitimacy of a fishing vessel thereby ensuring its safety and the safety of those onboard. While also considering the right of vessels

from being unduly detained or delayed, the Agreement provides clarity in terms of who are the rightful parties to exercise jurisdiction over a vessel. The CTA outlines fishing vessel standards and includes regulations designed to protect the safety of crews and observers and provide a level playing field for industry. Currently, there are only 11 States which have signed the CTA out of the 22 States needed for the Agreement to enter into force.

AGREEMENT ON PORT STATE MEASURES

Negotiated under the Food and Agriculture Organization of the United Nations (FAO), the 2009 Agreement on Port State Measures (PSMA) “lays down a minimum set of standard measures for Parties to apply when foreign vessels seek entry into their ports or while they are in their ports” in an attempt to fight and curb illegal, unreported and unregulated (IUU) fishing.

IUU fishing “remains one of the greatest threats to marine ecosystems due to its potent ability to undermine national and regional efforts to manage fisheries sustainably as well as endeavours to conserve marine biodiversity.”

Corrupt administrations and weak management regimes pave the way for IUU fishing. Developing countries that lack capacity and resources for effective and efficient monitoring, control, and surveillance are especially susceptible to its impacts.

The agreement entered into force on 5 June 2016 and the Philippines, Indonesia and Thailand are Parties to the PSMA. Unfortunately, these countries have yet to demonstrate their commitment and full implementation of the PSMA provisions to address IUU fishing.

In the case of Davao’s port of convenience, the Philippines must ratify the ILO Work in Fishing Convention (C-188) and harmonise or amend existing laws and regulations to allow trained labour inspectors to board foreign fishing vessels in any fishing port in the Philippines and then be able to monitor, report and address cases of labour violations onboard.

CALLS FOR CONCRETE POLICY ACTIONS

In Greenpeace Southeast Asia’s view, the 34 complaints described in this report give strong indications of exploitation of migrant fishers working on foreign-owned distant water fishing vessels, complaints so severe that it has been characterised by many as “modern slavery”.

Evidently, these issues must be prioritised by ASEAN governments. Such abuses also greatly impact the already fragile marine environment which is even more reason to address them with urgency.

Greenpeace Southeast Asia calls upon Indonesian and Philippine governments to protect the rights of their migrant fishers and the marine environment: first, by ratifying international conventions that strengthen the protection of migrant fishers and the marine environment; second, by passing robust legislation that offers equal protection to migrant fishers and protection for the marine environment; and third, by implementing and enforcing existing laws to provide greater protection of the rights of migrant fishers and citizens’ rights to a healthy environment.



Photo Credit: © Jiri Rezac/Greenpeace



CONCLUSION

At a time when slavery has long been outlawed, it is inconceivable that today's migrant fishers still suffer from this unjustifiable situation. The stories of Indonesian and Filipino migrant fishers, whose intention was to escape a life of poverty but end up shackled at sea are not isolated. With help from the media and NGOs, many cases have been uncovered and even brought forward to the courts. But there are still many cases that have remained unresolved or eluding justice. These are powerful testimonies of how cheap labour is taken advantage of by the rich and powerful in the fishing industry.

The quest for bigger profit also ravages marine ecosystems with overcapacity, overfishing and the practice of illegal, unreported, and unregulated fishing. Bad fishing practices, while it may provide greater profit for the fishing companies, is emptying our oceans of fish and other marine life, which in turn will adversely impact the world's food security.

National and international laws are supposed to address such abhorrent practices - if they are strictly observed. But gaps in the laws and in their implementation, coupled with the relevant authorities' lack of sense of responsibility, allow for IUU fishing and modern slavery to persist in the 21st century. Governments must first be held accountable and take proactive steps in addressing the issues with concrete policies and programs, including stronger enforcement of laws to protect their citizens working even in the remotest corners of the world. Greater awareness of these issues can then be achieved among the general public so that support for policy shift is mobilised.

A society that values human and labour rights, environmental sustainability and food security should take stock of the very real events that take place before food is served to our tables. Modern slavery should have no place in Southeast Asia or anywhere else on the planet.

Tuna transshipment on the high seas in the Indian Ocean between the Taiwanese longliner *Yi Long No 202* and the *Tuna Queen*, registered in Panama. Photo taken during Greenpeace's patrol in the Indian Ocean to document fishing activities.

RECOMMENDATIONS

This paper recommends that all ASEAN member states follow Thailand's lead, by ratifying and implementing the ILO (C-188) Work in Fishing Convention as a matter of urgency. In order to address both labour issues and IUU fishing, States need to strengthen their national legislation and ensure coordination among different departments. They also need to invest in control and inspection, ensuring the presence of labour inspectors at ports of interest, and improve transparency on documentation and conditions of migrant fishers working in all distant water fishing fleets.

Since Indonesia, the Philippines and Thailand have already signed the Food and Agricultural Organization Port State Measures Agreement (PSMA), these three countries should take the lead in its effective implementation in the region to address IUU fishing.

For ASEAN Member States

1. Ratify ILO C-188 and apply it in full to all fishers and commercial fishing vessels
2. Ratify and implement the ILO Core Conventions
 - a. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
 - b. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
 - c. Forced Labour Convention, 1930 (No. 29), include the 2014 Protocol to the ILO Forced Labour Convention (No. 29)
 - d. Abolition of Forced Labour Convention, 1957 (No. 105)
 - e. Minimum Age Convention, 1973 (No. 138)
 - f. Worst Forms of Child Labour Convention, 1999 (No. 182)
 - g. Equal Remuneration Convention, 1951 (No. 100)
 - h. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
3. Ratify and implement the IMO Cape Town Agreement
4. Ratify and implement the FAO Port State Measures Agreement
5. Improve transparency, national measures and strengthen collaboration across government departments:
 - a. Country to country dialogue with respective government offices e.g. Fisheries, Foreign Affairs, Labour
 - b. Public disclosure of fishing vessel – crew list
 - c. Public disclosure of Vessel Monitoring System (VMS) data for their fishing vessels, and request the same disclosure from all Flag States where ASEAN migrant fishers work.
 - d. Require mandatory pre-departure orientation of sufficient quality and duration to ensure migrant fishers know their rights and responsibilities. Pre-departure or post-arrival orientation should include adequate training on work in fishing, safety at sea, and basic education about IUU fishing. All costs of such orientation and training should be covered by the employer.
 - e. Assign official labour inspectors in ports known to be used by foreign fishing vessels
 - f. Port State inspections should be carried out on all foreign vessels
 - g. Integrate decent work in fishing into all national action plans on labour migration and human trafficking
 - h. Adopt a National Action Plan consistent with the UN Guiding Principles on Business and Human Rights and guidance produced by the UN Working Group on Business and Human Rights
6. International collaboration and advocacy:
 - a. Declaration or Consensus on Work in Fishing that calls on Flag States to end unequal treatment of ASEAN migrant fishers in the distant water fishing fleet
 - b. Regional Fisheries Management Organizations' IUU Vessel list should also include cases on human rights abuses

The implementation of the International Maritime Organization Cape Town Agreement (CTA) may take some time, as there are only 11 signatories out of the 22 States needed for the Agreement to take force, but if all 10 ASEAN member states sign the CTA, then it comes into force (see *Box 3*).

Such political undertaking, coupled by meaningful cross-country dialogue among key States and non-state actors – such as labour and fisheries administrations, the private sector, migrant fishers and their organisations, among others – can hopefully put an end to modern slavery at sea and strengthen the fight against IUU fishing.

Specific recommendations are listed below.

NOT JUST TUNA

**PERHATIAN!
NYA TUNA**

**HINDARI
PEKERJAAN KOTOR**

**END SLAVERY
AT SEA**

**HEALTHY OCEANS
WITHOUT SLAVERY**

**STOP
DIRTY**

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