

Taiwan



UK seafood industry exports from Taiwan 2018*

Fish type	Value, £	Weight, tonnes
Squid	960,638	149.6
Tuna	89,518	6.9
Eels	37,007	6.7
Other fish	55,771	5.4
Ornamental	177,152	5.1
Surimi	30,130	4.4
Other shellfish	80,188	2.7
Mixed	26,534	1.7
Mackerel	3,946	1.4

*Source: Her Majesty's Revenue and Customs (HMRC).

Introduction

This report is part of a series of country risk profiles that are designed to provide an understanding of the social risks associated with source countries that play a key role in the UK's seafood industry. Each report covers risks related to the production and processing of wild catch and aquaculture seafood products.

This report covers issues concerning human rights violations, health and safety, and impacts of the industry on local communities; and the mitigation efforts and regulatory frameworks put in place to address these issues.

This country risk profile has been compiled by Verisk Maplecroft on behalf of Seafish. Information on issues has been collated from publicly available sources, varying from international rankings and ratings, research by academics and other organisations, through to media articles. It has been prepared for general information only. You should not rely solely on its contents; always verify information from your own suppliers in your own supply chain. References for all information sources are provided.

Overview

Taiwan is one of the world's top seafood exporters in the world and has an estimated USD2 billion fishing industry.¹ However, Taiwan has a long history of environmental and labour abuses within the seafood industry, which has weakened bilateral ties between Taipei and Washington, so it is essential that the country brings its fishing fleet into compliance with domestic and international law.² Major seafood exports from Taiwan to the UK include squid and miscellaneous tunas.

Social risks

Weak labour protection laws contribute to the high occurrence of incidents involving forced labour onboard distant water fleets that participate in longline fishing. Efforts to address forced labour are hampered by the lack of prosecutions against Taiwanese individuals found to have subjected migrant workers to forced labour.³ Migrant workers aboard distant water fleets (DWFs) that fish for tuna, swordfish and marlins, are reportedly subjected to long working hours, physical abuse and verbal threats.⁴

The close association enjoyed between commercial fishing industry and the Fisheries Agency reportedly exacerbates the exploitation of migrant workers. Commercial fishery associations, formed by fishing companies and vessel owners, receive government funds used to pay migrant workers hired via labour recruitment firms. In many cases, this system of using third-party labour suppliers fuel wage deductions as labour firms charge exorbitant service fee schemes based on work experience.⁵

Reports of salary deductions to pay for recruitment fees create conditions of bonded labour. Workers are reportedly pressured into signing employment contracts without being given adequate time to read or understand the terms and conditions of employment.⁶ Due to isolated conditions, serious rights violations such as trafficking and forced labour are easily obscured.⁷ Companies found to be associated with modern slavery or forced labour within their Taiwanese supply chains increase their exposure to legal, operational and reputational risk. For example, cases of forced labour can be found in global supply chains of Western companies who source from operations owned by Taiwanese fishing giant Fong Chun Formosa Fishery (FCF), who are known to export tuna and other fish globally.⁸

Gaps in labour laws reportedly afford sea-based fishermen, who are more vulnerable to labour exploitation and abuse, less protection than land-based fishermen. Sea-based fishermen are typically migrant workers hired to work on a Taiwanese vessel in foreign ports. While land-based fishermen receive protections under labour regulations issued by the Ministry of Labour, sea-based fishermen receive scant coverage under a separate set of weaker regulations under the purview of the Fisheries Agency.⁹ Although the government has increased protection mechanisms, gaps in enforcement mean that companies cannot fully rely on the state to eradicate forced labour in supply chains. For example, the announcement of labour inspections in advance undermine their effectiveness.¹⁰

In recent years the Taiwanese government have, however, put reform measures in place, that if implemented adequately, may improve governance of the seafood industry. Fishing vessels registered under “flags of convenience” (FOCs) are often considered breeding ground for labour rights violations as they allow ship operators to be under the jurisdiction of countries that are weak in regulation and enforcement.¹¹ However, the Taiwanese government has recently revised regulations, requiring Taiwanese-operated vessels flying FOCs to register with the Fisheries Agency, thus allowing for easier monitoring and control.¹²

In addition, the revision of fines against non-compliant companies found to violate long-range fishing regulations signal stronger political will to address issues of fraud. In the first three months of 2017, Taiwanese vessel owners were fined a total of TWD 58.75 million (USD 1.9 million) for 71 violations that included unloading at ports without permission and filing false electronic reports on bigeye tuna hauls.¹³ Increased fines and greater numbers of prosecuted cases will likely be effective in reducing the risk of forced labour violations in the Taiwanese fishing industry.¹⁴ Companies are able to mitigate their exposure to modern slavery or forced labour within their Taiwanese supply chains by conducting their own due diligence processes.

Efforts put in place by unions to tackle debt bondage amongst migrant workers present reduced risks for fishing vessel operators. In 2015, the government allowed Taiwanese employers to directly hire or rehire migrant workers without the use of third-party recruitment agencies. This method of directly hiring workers reduced the risk of debt bondage.¹⁵ Yilan, the first migrant worker union in the country, also successfully negotiated reforms that require companies to consult with workers regarding working conditions, if over half of the fishers on a given vessel were members of the union.¹⁶ Migrant worker unions play a crucial role in ensuring workers’ rights – companies that source from union-represented labour face reduced risks of serious labour rights violations, including conditions forced labour.

Regulations and risk mitigation

Over the past three years, Taiwan has taken effective measures to crackdown on illegal fishing resulting in the EU lifting a so called “yellow card”. In 2015, the EU issued Taiwan with a yellow card, which meant that Taiwanese authorities could face an import ban, or a “red card”, if they do not improve regulations of their fleet. Since then, Taiwan has made considerable efforts to tackle illegal, unregulated and unreported fishing (IUU), through reform to its fisheries legal framework, implementing new control tools and improving traceability of marine fisheries products. For example, the government passed legislation imposing higher penalties on IUU fishing activities and now require vessel operators seeking to hire migrant labours abroad, to employ standard contract terms and obtain permission from Taiwanese authorities.¹⁷ These changes did not go unnoticed by the European Commission, resulting in the decision to remove Taiwan from the IUU watch list.

Taiwan still deemed to be involved in human rights violations according to international NGO’s. Despite improvement in regulations to tackle IUU fishing, NGO’s such as the Environment Justice Foundation (EJF) have reported that the EU did not consider human rights issues when making its decision to lift the yellow card on Taiwan.¹⁸ Significant gaps still remain in Taiwan’s fisheries legal framework, especially as the country does not participate in any ILO Conventions. Unlike the requirements stipulated under ILO C188, current regulations allow recruitment agencies to charge unlimited service fees as long as it is for ‘reasonable’ service items. This allows a common method for trapping workers in bonded labour. Furthermore, EJF have reported that working and safety conditions on the vessels are ignored by current regulations and that there are no requirements for quality or amount of food/water provided.¹⁹

International conventions and rankings

The following tables indicate which international labour conventions Taiwan has ratified. The ratification of these conventions is a good indicator of a source country's commitment to enforcing internationally accepted best practices in the seafood industry when combined with thorough national legislation and well-resourced enforcement mechanisms.

International Labour Organization (ILO) Conventions	Ratification
Freedom of Association and Protection of the Right to Organise (No. 87)	No**
Right to Organise and Collective Bargaining (No. 98)	No**
Forced Labour (No. 29)	No**
Abolition of Forced Labour (No. 105)	No**
Equal Remuneration (No. 100)	No**
Discrimination (Employment and Occupation) (No. 111)	No**
Minimum Age (No. 138)	No**
Worst Forms of Child Labour (No. 182)	No**
Hours of Work (Industry) (No.1)	No**
Weekly Rest (Industry) (No.14)	No**
Protection of Wages (No. 95)	No**
Minimum Wage Fixing (No.131)	No**
Occupational Safety and Health (No. 155)	No**
Occupational Health Services (No. 161)	No**
Labour Inspection (No. 81)	No**
Private Employment Agencies (No. 181)	No**
Maritime Labour Convention (No. 186)	No**
Work in Fishing Convention (No. 188)	No**

United Nations (UN) Conventions	Ratification
Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	No**
Convention against Transnational Organized Crime	No**
Convention for the Suppression of the Traffic in Persons and of the Exploitation and the Prostitution of Others	No**
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No**
Convention to Suppress the Slave Trade and Slavery	No**
Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery	No**

Other Conventions	Ratification
FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	No

** Due to Taiwan's non-membership of the ILO, it cannot be a signatory to its conventions. However, Taiwanese labour law guarantees similar labour protections.

Rankings in global indices

US Department of State Trafficking in Persons (TIP) Report

The TIP report is released annually by the US Department of State and offers a summary of the laws and enforcement efforts of various countries with respect to human trafficking. Specifically, it ranks countries based on a '3P paradigm' of prosecuting traffickers, protecting victims and preventing crime. Scoring on these elements is then collated to give each country a ranking. The rankings range from Tier 1 which indicates governments of countries that fully comply with the Trafficking Victims Prevention Act (TVPA) minimum standards for the elimination of trafficking to Tier 3 for the governments of countries that do not fully comply with the TVPA's minimum standards and are not making significant efforts to do so.

Rating: Tier 1

The Government of Taiwan fully meets the minimum standards for the elimination of trafficking.²⁰

Global Slavery Index

The 2018 Global Slavery Index measures the extent of modern slavery country by country, and the steps governments are taking to respond to this issue, to objectively measure progress toward ending modern slavery.

There are two rankings:

1. Rankings of countries by prevalence of the population in modern slavery. Rankings range from 1 to 167 - with 1 the worst and 167 the best, in terms of the prevalence of slavery.
2. Rank of countries in terms of Government response to the issue. This is an indication of how governments are tackling modern slavery. This ranking ranges from AAA at the top to D at the bottom, with AAA denoting the most effective and comprehensive Government response.

For prevalence Taiwan ranks :165/167 (where a ranking of 1 indicates highest risk).

The Global Slavery Index rates Taiwan as a low risk for the prevalence of forced labour and gives the government a low rating for its response to the issue.²¹

In terms of Government response Taiwan ranks CCC. This indicates the Government has a limited response to modern slavery, with limited victim support services, a criminal justice framework that criminalises some forms of modern slavery and has policies that provide some protection for those vulnerable to modern slavery. There may be evidence of a national action plan, and/or national coordination body. There may be evidence that some government policies and practices may criminalise and/or deport victims and/or facilitate slavery. Services may be largely provided by IOs/NGOs with international funding, with limited government funding or in-kind support.

EU Illegal, Unreported and Unregulated Fishing Carding Process/Watch List

Under the IUU Regulation, non-EU countries identified as having inadequate measures in place to prevent and deter this activity may be issued with a formal warning (yellow card) to improve. If they fail to do so, they face having their fish banned from the EU market (red card) among other measures.

Taiwan is not on the EU IUU watch list.

Endnotes

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For further information see the Seafish ethics in Seafood web page.
Available at: <https://www.seafish.org/article/ethics-in-seafood>