Violations to the Access of Safe Drinking Water and Sanitation for Migrant Fishermen in Public Spaces

A Report to the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation

Submitted by

The Yilan Migrant Fishermen Union

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**Introduction:**

1. Recently the Yilan Migrant Fishermen Union (YMFU) received numerous complaints from members regarding the accessibility, quality, and affordability of drinking water and sanitation facilities for migrant fishermen in Taiwan. YMFU is a union comprised of migrant fishermen from Indonesia, the Philippines, and Vietnam, and is based in Yilan, Taiwan. There are currently 126 active members and about 2000 migrant fishermen in total in Yilan county. Migrant fishermen in Taiwan often experience a number of abuses that are indicators of forced labor: wage debt from employers or job agencies, physical and verbal abuse from employers, workdays that exceed twelve hours, and working without overtime pay. While migrant fishermen are unable to enjoy a number of basic human rights when working on Taiwanese ships, this report specifically focuses on how the private and public sectors fail to provide migrant fishermen with a sufficient amount of potable water and decent sanitation facilities. Recently, YMFU discussed these problems with other organizations providing support for fishermen in Taiwan and found that the human rights violations outlined in this report are prevalent in other fishing ports around the island.

**Water and Sanitation Access Issues in Private and Public Spheres:**

2. Both in private and public spheres, fishermen are being denied access to a sufficient amount of potable water. Fishermen employment contracts typically state that employers will supply a sufficient amount of potable water for workers, yet, employers often fail to provide any or enough water. One fisherman shared that he and five other crew members were only permitted to drink one box of water (600 ml in a bottle, 24 bottles in a box) each month, approximately, 2.4 liters of water per person for a full month. The Food and Agriculture Organization of the United Nations recommends that fishermen should have access to at least 2.5 liters of water per day for drinking and cooking.[[1]](#footnote-0) Other fishermen have reported that the water provided by their employers has a ‘fishy’ taste. Fishermen believe the water tastes fishy because their employers give them the melted ice water used for preserving fish as drinking water. When fishermen do not receive water or reach their water limit, they are forced to find water onshore. Unfortunately, migrant fishermen in Taiwan often do not have options for potable water in public spheres; the only alternative is to purchase water at grocery stores. In order to ensure fishermen are enjoying their human rights when employers do not give them water, the government must provide access in public spaces.

3. Fishermen have trouble accessing toilets on and off of their boats. Some have reported that their onboard toilets are incredibly dirty, too small to stand up inside of or lack a door. When fishermen are working on land or on the docks (arranging nets, filleting fish, packaging fish), there is often a lack of public toilets that can meet the needs of so many individuals. Often the only option for fishermen is to urinate in the ocean. Taiwan’s Foreign Worker’s Living Care Service Plan requires employers to provide sanitation facilities for foreign national employees, yet provisions frequently fall short of requirements.[[2]](#footnote-1) The law states that when employers are in violation, “the local competent authority shall notify the employer in writing to make an improvement within a specified period,” however, despite complaints, the YMFU has seen few improvements.[[3]](#footnote-2)

4. It is the government’s responsibility to step in when employers fail to provide basic human rights to fishermen, however, when employers fail, the government is failing to provide sufficient access to water and sanitation. The Taiwanese government has a budget to provide sanitation facilities for migrant fishermen but has failed to utilize funds effectively. In Suao, one of the fishery harbors in Yilan, the government just recently renovated a bathroom facility, but there was no plan for its operation hours or access. Since it was built, the facilities have been locked. In September of 2018, YMFU informed the Fisheries Department that the facilities were inaccessible, but to date, the facilities have not opened. Currently, the Fisheries Department is discussing whether the fishermen should pay the employers or pay the Fisheries Department for access--either way, fishermen will be charged a fee to access the sanitation facility. In order to uphold the human rights and dignity of migrant fishermen, the government must hold employers responsible for providing facilities or create free facilities for fishermen in the public sphere.

5. YMFU has worked with several individuals who are facing kidney-related illnesses. Those suffering from ailments, and the union, suspect that lack of water intake or restriction to using the restroom is responsible for these issues. The union has seen multiple cases of kidney stones, and a recent case of uremia. YMFU is currently conducting research in this area to determine any linkage between water and sanitation access and kidney-related illnesses.

6. Fishermen have been struggling to gain access to showers on the boats where they live, and onshore in public spheres. Global recommendations specifically call for boats to have additional freshwater available for members to shower, but union members say their living facilities often fail to meet this basic requirement.[[4]](#footnote-3) Not all boats have showers, and of boats that do have showers, very few have hot water. Union members have shared that because of lack of access to showering facilities, some have resorted to scooping seawater from the ocean and using this method to publicly shower on the docks. Other fishermen utilize tap water from public restrooms to shower.[[5]](#footnote-4) Similar to issues raised in Thailand’s 2013 Special Rapporteur Report on the human right to safe drinking water and sanitation, “this situation contravenes the normative content of the rights to water and sanitation – these migrants suffer not only from a lack of access to sufficient water and sanitation, but also from stigma and denial of privacy and dignity.”[[6]](#footnote-5) Free clean water shower access must be provided to all migrant fishermen in the private or public sphere.

**Violations and System Failures:**

7. Most fishermen sign contracts through one of the many Taiwanese employment agencies that force migrants to pay monthly fees. Agents say that the fees pay for negotiation and mediation support, but in reality, agencies rarely meditate. Instead, frequently agents work with employers to actively deny fishermen of their basic human rights.When union members complain about their living situation, employment agencies often transfer the fishermen to new employers. Transferring to new employers denies fishermen their due process. Forcing the fisherman to change employers also does not guarantee that the fisherman will have better onboard amenities with the next employer; it merely delays resolving the systemic issue of poor water access and sanitary facilities. In other occurrences, employment agencies have threatened to cut ties between the fishermen and employer, in this situation the fishermen would fall out of status and be at risk for deportation. In some cases, fishermen feel their only option is to run away from their abusive employers, by doing this they fall out of legal status. Undocumented workers are at higher risk for exploitation or trafficking by other fraudulent employers in Taiwan. In order to combat this situation, the government must hold employment agencies responsible for denying fishermen of their rights.

8. When fishermen try to reach out to the government for support, their cries for help often go unheard. The Ministry of Labor created a hotline (the hotline number is 1955) for fisherman to report labor-related issues, however, many fishermen reported having a negative experience when calling this hotline. When attempting to file a complaint, fishermen have experienced a variety of issues: lack of language interpreters, the hotline gathering an incomplete record of their complaint, and others felt that miscommunications between them and the hotline made it difficult to know how to bring their case to the labor authority or the court.[[7]](#footnote-6) These experiences show that the Ministry of Labor wants to provide services for migrants who need help, but so far they have just paid lip service to the idea.

9. The Fisheries Agency claims that their organization is working to improve the situation for migrant fishermen who live on vessels, however, improvements have been slow. As of now, it is unclear how and when the Fisheries Agency inspects ships, and what the consequences are for ships that fail to meet inspection. Since the Fisheries Agency is also responsible for reporting the income and productivity within the Taiwanese fishing industry, they cannot be truly neutral in their stance on labor protections for migrant fishermen.In general, the inspection and supervision of migrant workers’ living conditions should be operated by the Ministry of Labor. However, the Ministry of Labor often claims that it cannot manage issues on fishing boats because the Fisheries Agency has the authority to monitor the equipment and facilities of fishing vessels. The Yilan Migrant Fishermen Union believes that the Ministry of Labor should also oversee these areas in the fishing industry, as they are professional and a more neutral party.

10. A long term solution for the issue of water and sanitation access would be to build living facilities for foreign fishermen. This option is not so far-fetched considering that the government has a budget to renovate and build living facilities, and since there are already vacant facilities near ports. The vacant facilities near the port have been unused for about two years. Half of the facility is occupied by approximately 300 Chinese national fishermen. Chinese foreign nationals live in this space free of charge and with no oversight from their employers. The complex has dormitories, toilets, showers, communal spaces, and kitchens. The large building complex adjacent to the Chinese dormitory is vacant. Other migrant fishermen have been offered the opportunity to live in these facilities, but all have decided against moving in. It has been rumored among fishermen that they would need to pay a living fee and would be restricted in their movements because employers or the local fishery association would manage the living facilities. For two years the Fisheries Agency and the Ministry of Labor have not clarified whether or not migrant fishermen would need to pay for living facilities or who would manage the facility.The local fishery association is currently discussing using the facilities for other activities, one current option is a tourism facility. In order to uphold the rights of all migrant fishermen, this facility should be open to all migrant fishermen, free of charge and without oversight from their employers or the Fisheries Agency.

**Recommendations:**

In conclusion, The Yilan Migrant Fishermen’s Union recommends the following in order to in order to improve the dire situation for migrant fishermen in Taiwan:

1. We strongly recommend that all fishing boats in Taiwan meet the minimum requirements of Taiwan’s Regulations on the Permission and Administration of the Employment of Foreign Workers, Life Care Service Plan Standard for Foreign workers, Labor Standards Act, and Occupational Safety and Health Act, and Human Trafficking Prevention Act. Additionally, YMFU believes that the Taiwanese government should implement all regulations outlined in The International Labour Organization Work in Fishing Convention, Number 188.
2. We strongly recommend Taiwan to uphold its ratified International Covenant on Economic, Social and Cultural Rights. We recommend Taiwan focuses on upholding Article 7, Article 11 and Article 12, which aim to ensure satisfactory living and working conditions for all.
3. We strongly recommend that the Ministry of Labor oversee investigations of employer conduct and living conditions on board ships. We recommend that the government hold employers accountable when they deny fishermen access to the enjoyment of basic human rights.
4. We strongly recommend that the government ensure all fishermen receive a sufficient amount of potable drinking water at their place of working and residency and that free potable water is also available onshore near the boats.
5. We recommend that the Taiwanese government utilize its budget to build or renovate living facilities for migrant fishermen. All living facilities should be transparent in their management, and be free of charge.
6. Where dormitory facilities cannot be built, we recommend that the government provide bathroom, shower and potable water facilities free of charge. These facilities should be provided by the government, managed by the fishermen themselves and never restricted in access.
7. We recommend that the government continue to audit employment agencies and hold agencies accountable when they join employers in preventing migrant fishermen from enjoying basic human rights.
8. We recommend that the Ministry of Labor follow the recommendations of the U.S. Department of State Trafficking in Persons report and improve the 1955 Counseling and Protection Hotline for Foreign Workers.[[8]](#footnote-7) Staff must be trained to handle administrative procedures and properly address complaints. In addition, hotline centers must be properly staffed with interpreters that can take complaints from foreign workers.
1. Food and Agriculture Organization of the United Nations, **SAFETY RECOMMENDATIONS FOR DECKED FISHING VESSELS OF LESS THAN 12 METRES IN LENGTH AND UNDECKED FISHING VESSELS (2012)**, <http://www.fao.org/3/i3108e/i3108e.pdf> [↑](#footnote-ref-0)
2. Taiwan Ministry of Labor, [Regulations on the Permission and Administration of the Employment of Foreign Workers](https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090027), The Foreign Worker’s Living Care Service Plan. March 21, 2018. [↑](#footnote-ref-1)
3. See *id,* Article 19 [↑](#footnote-ref-2)
4. *supra* note 1, at 67. [↑](#footnote-ref-3)
5. Ann Maxon, *Poor treatment of fishers ‘embarrassing’: lawmaker*, Taipei Times (January 11, 2019), http://www.taipeitimes.com/News/taiwan/archives/2019/01/11/2003707725

These anecdotes were gathered by the Yilan Migrant Fishermen Union and shared with local lawmakers. They were publically announced at a press conference in January 2019. [↑](#footnote-ref-4)
6. Catarina de Albuquerque (Special Rapporteur on the human right to safe drinking water and sanitation), Report of the Special Rapporteur on the human right to safe drinking water and sanitation on her mission to Thailand*.* U.N. Doc. A/HRC/24/44/Add.3 (Feb. 18 2013). [↑](#footnote-ref-5)
7. U.S. Department of States, TRAFFICKING IN PERSONS COUNTRY NARRATIVE: TAIWAN, (2018), <https://www.ait.org.tw/2018-trafficking-persons-report-taiwan/> [↑](#footnote-ref-6)
8. *See id.* [↑](#footnote-ref-7)