February 28th, 2019

**Yilan Migrant Fishermen Union Questions Submission to the UN Special Rapporteur on the human rights to safe drinking water and sanitation**

**1. Please outline your organization’s purpose, target populations, and methods of achieving your stated aims.**

The Yilan Migrant Fishermen Union (YMFU) works specifically with migrant fishermen in Taiwan. YMFU is the first migrant labor union in Taiwan. The majority of migrant fishermen are from Indonesia, the Philippines, and Vietnam. There are currently 126 active Union members.

Focusing on the issues of labor rights, working conditions, and anti-trafficking, YMFU assists migrant fishermen to negotiate with employers or organizes labor movements and also provides legal assistance to individuals and trafficking victims. Union co-founder and Secretary-General, Ms. Allison Li-Hua Lee, was honored as Trafficking in Person Report Hero of 2017 by the U.S. Department of State for her dedicated advocacy against forced labor and human trafficking. YMFU is extremely vocal about labor rights issues in Taiwan and is in frequent conversion with local, national, and foreign government representatives about the working conditions for migrant fishermen.

**2. How does your organization define public space and does this differ from how public space is defined in the legislative or policy framework of the country where you operate?**

In this report, our organization is defining public space to be areas outside of personal living facilities. Specifically, we discuss areas surrounding fishing ports. These are areas where fishermen typically work. They are open to anyone in the public without exception and there is no difference between our definition and the legislative definition. Migrant fishermen in Yilan often must turn to public spaces for water and sanitation needs because their employers fail to provide these in their living facilities.

**3. Please describe your involvement in ensuring or improving access to water and sanitation in various public spaces (e.g. streets and squares, markets, bus stations, train stations and airports), including details of any past, current, or future projects in this area.**

In the Suao port area, several toilets and bathrooms were located in the building of local fishery association. These facilities were only provided to members and visitors of the association. Migrant fishermen were not allowed to use them. To ensure the basic human rights of migrant fishermen, YMFU made a complaint to the local authority, the Fisheries Agency, and the Ministry of Labor, pushing them to order the Fishery Association to open the toilets and bathrooms for public use. Since September the YMFU has asked to open the stalls but they still have not. Currently, the government is not meeting the population’s needs. There is also still not enough potable water provided by employers or the government. Currently, YMFU is conducting surveys and inspection concerning the living conditions of migrant fishermen on Taiwanese fishing vessels. The Union hopes the results could be published in the future and is willing to assist any studies of the issues of migrant fishermen in Taiwan.

**4. Please outline the major difficulties faced by populations needing to access water and sanitation in public spaces.**

Migrant fishermen are suffering from lack of access to water and sanitary facilities. Taiwan’s regulations for migrant fishermen working conditions allows employers to determine the living facilities on fishing vessels. It has become a common practice to place migrant fishermen in onboard living facilities because of the low cost to employers. Unfortunately, many facilities are failing to meet the minimum legal standards of care. For example, contracts between migrant fishermen and employers often state that employers are required to provide water for fishermen but many employers fail to provide enough. When fishermen utilize all the water provided by their employer, they are forced to turn to options available onshore. There are no points of public access for potable water for fishermen so they have no choice but to purchase water.

Many boats are also lacking shower facilities. Even Of boats that have showers, few have hot water. Fishermen turn to onshore options when they cannot shower at their place of residency. The only shower facilities available are private facilities that require a monthly fee. Some fishermen turn to use the taps in public toilets or utilize ocean water, both of which do not have hot water or privacy.

According to Taiwanese regulations regarding employment for foreign nationals, employers are required to provide water and sanitation to migrant fishermen, however, they are failing to do so. When employers fail to provide these items promised in the contract and laws, the local government does not hold employers responsible, nor does it provide fishermen with any alternative, free options.

**5. Please describe the main obstacles faced by people that live or work in public spaces in the country where you operate in accessing water and sanitation in accordance with the normative content of the rights and the principles of equality and non-discrimination, participation, sustainability, progressive realization and access to remedies, and accountability.**

Migrant fishermen in Taiwan objectively have no or limited access to water and sanitation. This is a problem faced primarily by migrants which means there are equality and discrimination issues. These migrant workers do not have a right to participate in the political process, so this limits their ability to remedy this issue through legislative change. There is a lack of access either through private services like their employment agencies and employers, that promised water and sanitation access and also through public services. The government fails to hold employment agencies and employers accountable for failure to provide services. Additionally, the government fails to provide options for when employers fail or when fishermen are working on the land for extended periods of time. Even when a migrant fisherman makes a complaint about the issues of water and sanitation to the labor authority, the government fails to provide adequate translating assistance for migrants on any disputes or legal process, often leaving the complaint unresolved.

**6. Please describe your organization’s assessment of access to water and sanitation in public spaces in the country where you operate, providing both positive and negative examples, including costs for use, availability of the services, safety of users during access, quality of facilities and other human rights concerns. Please outline any research or assessment that have been done in this regard.**

In general, the cost, availability, safety, and quality of water and sanitation facilities in Taiwan are on par with international standards. Taiwan's government performs annual evaluations in these areas and state and local authorities publish their results every year. Theoretically, everyone could enjoy water and sanitation in public space freely in Taiwan. However, migrant workers face additional barriers and costs to access water and sanitation facilities, indicating that inequality or discrimination exists.

**7. Please specify how access to water and sanitation in public space is regulated and monitored, and whether this monitoring and regulatory framework is effective.**

The water and sanitation provided in public space is regulated and monitored by the local authority, such as the district public health center or department of public health of the city. It is their responsibility to check the cleanliness of the facilities and the quality of water, not including the accessibility, so there is no restraint to water and sanitation in public space generally. However, in fishing ports, there is a very high volume of individuals needing consistent access to facilities. Additionally, these individuals feel excluded from the local culture either do not know they can access bathrooms or face language and cultural barriers that do not easily grant them access to facilities.

**8. Please give details of any relevant judicial or quasi-judicial action at both domestic or international level you have been involved in, or are aware of, that concerns access to water and sanitation in public spaces, and which applies a rights-based approach.**

Although Taiwan is not a member of the United Nations nor of the International Labour Organization, the government has ratified ICCPR and ICESCR and has made them effective in domestic since 2009. 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, Occupational Safety and Health Act have established a clear standard for migrant workers rights, including the access to water and sanitation. Despite these legal frameworks, migrant fishermen are still unable to enjoy basic human rights. Therefore, the Union believes the government should request employers and local fishery associations to develop public water and sanitation in port areas for migrant fishermen to use. There are some labor disputes about the accessibility of water or sanitation in Taiwan, but there have been no judicial cases.