Cooperative Mechanism for Strengthening Combat against Human Trafficking at Sea

I. Objective

This Mechanism is formulated to fully implement the Action Plan for Fisheries and Human Rights, to increase the sensitivity of front-line personnel from the judicial police authority and other administrative bodies when handling complaints (or reports) about foreign crew members suspected of being victims of forced labor, to strengthen cross-agency cooperation, and to provide prompt assistance and protection for the victims, with the objective to reduce such crime.

II. Building a Three-Phase Mechanism

(I) Phase 1: Suspected Cases Notification and Victim Protection

A. Goal

To ensure that the suspected victims are provided with access to immediate assistance and effective protection during the administrative handling, criminal notification, and placement procedures.

B. Competent Authorities (organizations)

- Fisheries Agency of the Council of Agriculture, Executive Yuan (and its subordinated agencies);
- Ministry of Labor (and its subordinated agencies);
- Coast Guard Administration, Oceana Affairs Council;
- National Police Agency, Ministry of the Interior (and its subordinated agencies);
- National Immigration Agency, Ministry of the Interior;
 and
- Civic society organizations.

C. Strategy

- 1. To increase crew members' understanding about their labor rights and the access to complaint channels with input from civic society organizations. (Fisheries Agency and Ministry of Labor)
- 2. To implement the shelter-first principle and increase the number of emergency shelters. (Fisheries Agency)
- 3. To make improvement in complaint channels.
 - Domestic side: Publicize the 1955-Hotline and/or with assistance from civic society organizations.
 (Fisheries Agency and Ministry of Labor)
 - ii. Foreign side: Hold dialogues/seek cooperation with the countries of origin of crew members, or subsidize civic society organizations for such purpose. (Fisheries Agency)

4. To train civil servants of key stakeholder agencies on handling complaint cases, referral, interview and investigation skills. (Fisheries Agency, Coast Guard Administration, and Ministry of Labor)

(II) Phase 2: Cross-agency Joint Investigation

A. Goal

To coordinate efforts on conducting administrative investigations and judicial police investigations.

B. Competent Authorities

- Fisheries Agency of the Council of Agriculture, Executive Yuan (and its subordinated authorities);
- Ministry of Labor (and its subordinated authorities);
- Coast Guard Administration, Oceana Affairs Council;
- Investigation Bureau, Ministry of Justice;
- National Police Agency, Ministry of the Interior (and its subordinated authorities); and
- National Immigration Agency, Ministry of the Interior.

C. Strategy

1. To establish cooperation mechanism for joint investigations of crew members being exploited with the

- law enforcement authority and the subordinated authorities of the Fisheries Agency. (National Immigration Agency)
- 2. To complete the administrative investigations to the extent possible, including, in the event when the vessel suspected of the case is abroad, to collect information on the vessel owner, major shareholder of the vessel and/or involved recruitment agents, and inform the law enforcement authority of the case later; or to refer the case to the judicial police authority. (Fishery Agency)
- 3. To formulate the guidelines on indicators of crew members being exploited at sea, including the checklist and transcript template (National Immigration Agency); and to make necessary amendments to the "Standard Operation Procedures for Reporting and Processing Cases of Foreign Crew Members Employed Overseas Onboard Distant Water Fishing Vessels Suspicious of Violating Human Trafficking Prevention Act." (Fishery Agency)
- 4. To strengthen human trafficking identification training and to build partnerships with civic social organizations and share hands-on experience and frequently encountered problems. (front-line personnel from the judicial police authority and other administrative bodies)
- (III) Phase 3: Increasing participation in human trafficking prevention task force at local level

A. Goal

To collect extensive evidence; to conduct sophisticated investigations; and to increase conviction rate.

B. Competent Authorities

- Prosecutors' Offices
- Fisheries Agency of the Council of Agriculture, Executive Yuan (and its subordinated authorities);
- Ministry of Labor (and its subordinated authorities);
- Coast Guard Administration, Oceana Affairs Council;
- Investigation Bureau, Ministry of Justice;
- National Police Agency, Ministry of the Interior (and its subordinated authorities); and
- National Immigration Agency, Ministry of the Interior.

C. Strategy

- 1. To include the Fisheries Agency and the Ministry of Labor in the Human Trafficking Prevention Task Force of each district prosecutors' office. (Ministry of Justice)
- 2. To oversee the implementation of the CCTV system on board, human and electronic observer programs, and attendance record and preserve relevant information collected through above means. (Fishery Agency)
- 3. To train and share experience of investigating cases of crew members being exploited with prosecutors and

judicial police authority. (Judicial police authority and prosecutors' offices at local level)

III. Operation Procedures for the Three-Phase Mechanism and Work Instructions

(I) To clearly define roles and responsibilities of relevant authorities in different phases, and to consider the different employment scheme of foreign crew members, the operation procedures are as follows:

A. Phase 1: Suspected Cases and Victim Protection

- 1. Information provision: Information is mainly received from the Fisheries Agency (in charge management of overseas employment scheme), the Ministry of Labor (in charge management of domestic employment scheme), letters of accusation, notifications of civic social organizations, international organizations or foreign governments, and through the 1955-Hotline and complaints from crew members. After receiving the information, the competent authority, either the Fisheries Agency or the Ministry of Labor (subject to the employment scheme applicable to the suspected victim), will examine and handle the cases.
- 2. Notification authority: The personnel of the Fisheries Agency (and its subordinated authorities), the Ministry of Labor (and its subordinated authorities), and other administration bodies, upon the discovery of a suspected case of human trafficking during the normal course of their

duty, shall notify the following front-line judicial police authority:

Work Distribution Chart of Suspected Cases of Exploitation of Crew Members Suspected

Source of the Case	Employment Scheme of and the		Competent	Emergency Shelter
	Whereabout of the Crew Member		Authority	Emergency shereer
 The suspected victim Civic society organizations The fisheries authority and the labor affairs authority (detection) 	Overseas Employment	Without entry permit (on board fishing vessels or at seas near ports)	Coast Guard Administration	the case to directly place the suspected victim in the emergency shelter provided by the fisheries authority.
		Without entry permit (stranded in commercial ports)		2. After the placement of the crew members, the authority handling the case to notify the Border Affairs Corps of the National Immigration Agency for arranging the
		Withhold entry permit and is within the territory Missed trips/ jump off from vessels		entry permit for the suspected victim.

	Domestic	The place wh	nere the	The judicial police	The authority uncovering the
	Employment	suspected vic	etim is	authority receiving	case to directly place the
		exploited or w	here the	the information	suspected victim in the
		rescue of the s	uspected		emergency shelter provided
		victim is carried	out		by the labor affairs
					authorities.
T 1 . 11	Irrespective of t	the employment	scheme	The judicial police	To place the suspected
Investigation conducted by	applied and th	ne whereabout	of the	authority to conduct	victim in the appropriate
the judicial/police authority	concerned crew n	nembers		investigations	emergency shelter according
				following the	the employment scheme
				instructions of	applicable to the suspected
				prosecutors	victim.
D 1 1	Irrespective of t	the employment	scheme	District	To place the suspected
Detected by prosecutors during investigations of	applied and th	ne whereabout	of the	Prosecutors' Office	victim in the appropriate
	concerned crew n	nembers			emergency shelter according
other cases					the employment scheme
					applicable to the suspected
					victim.

- 3. Investigation conducted by the judicial police authority: To ensure resources are efficiently used, the judicial police authority that conducts investigations, if not part of the judicial police authority specified in the work distribution chart, shall notify prosecutors.
- 4. Ensuring the time-effectiveness of the case: Victim identification shall be conducted **within 14 days** after the judicial police authority accepting the case checks the "suspected case of human trafficking" box on the "Checklist of the Suspected Case of Labor Exploitation of Foreign Crew Member."

B. Phase 2: Cross-agency Joint Investigation

- 1. Preliminary Investigation: The Fisheries Agency and the Ministry of Labor (in accordance with their roles and responsibility) shall first conduct administrative investigation, collecting information on the suspected victim's working conditions and applied employment scheme. The case may also be investigated by the Investigation Task Force.
- 2. Investigation Task Force in Action: The Fisheries Agency shall notify the investigation task force of cases with suspected victim that is foreign crew member employed overseas; the front-line personnel of the labor affairs authority shall notify the investigation task force of cases with suspected victim that is domestically-employed foreign crew member.

- 3. Evidence Collection: The judicial police authority, after accepting the case, shall go through relevant procedures for inquiry and evidence collection before referring the case to district prosecutors' offices. If necessary, consult with prosecutors for case analysis or report to prosecutors for conducting investigations following their instructions first.
- C. Phase 3: Increasing participation in human trafficking prevention task force at local level
 - 1. Building and Improving At-Sea Monitoring Environment:
 The Fisheries Agency shall enact regulations requiring installations/implementation of at-sea monitoring equipment/measures on fishing vessels, and provide relevant information and evidence to the judicial police authority for further investigation when detecting suspected case of human trafficking. Relevant stakeholder authorities shall also engage in the investigation, use technologies to handle cases, and keep abreast of new and emerging forms of crime.
 - 2. Improving Investigation Competence of Front-Line Personnel: The Fisheries Agency, the Ministry of Labor (and their subordinated authorities), and the judicial police authority shall hold trainings regularly and invite experienced judges, prosecutors and investigators as instructors.
- (II) Authorities shall distribute works as per their roles and responsibilities and according the employment scheme applicable to and the status of the suspected victim, and handle cases

following the "Operation Procedures and Work Instructions for Suspected Cases of Exploitation of Foreign Crew Members" (Attachment).

IV. Matters Needing Attention

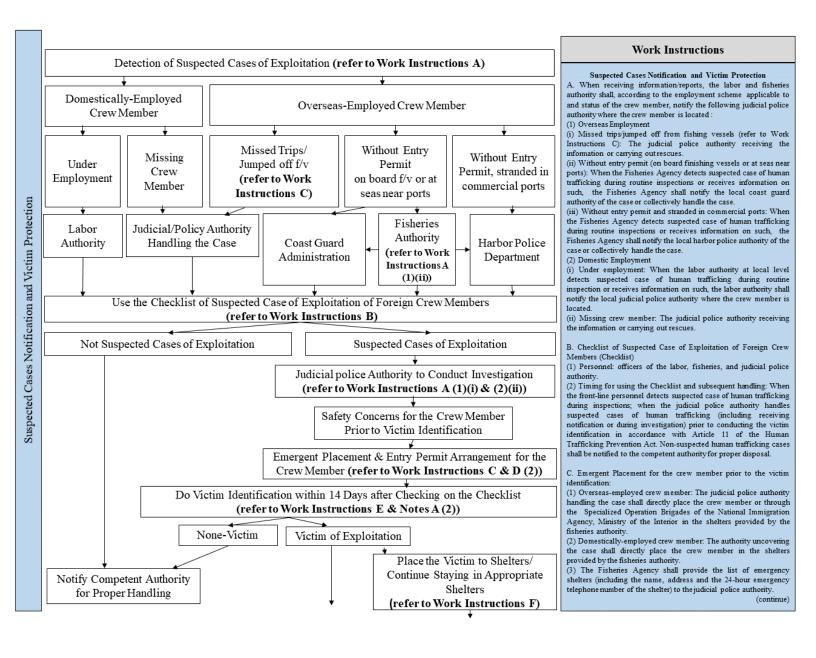
- (I) The "Checklist of Suspected Case of Exploitation of Foreign Crew Members" attached to the "Operation Procedures and Work Instructions for Suspected Cases of Exploitation of Foreign Crew Members" is drawn up with reference to the ILO Indicators of Forced Labor and the "Indicators of Human Trafficking for Victim Identification" published by the Ministry of Justice, for the utilization of the Ministry of Labor, the Fisheries Agency and their subordinated authorities, and front-line personnel of the judicial police authority.
- (II) In the event when foreign crew members file complaints of maltreatment or exploitation after returning to their home countries and relevant investigations require assistance from foreign governments or international organizations, the Fisheries Agency shall follow the "Standard Operation Procedures for Reporting and Processing Cases of Foreign Crew Members Employed Overseas Onboard Distant Water Fishing Vessels Suspicious of Violating Human Trafficking Prevention Act," seeking their assistance through the Ministry of Foreign Affairs.
- (III) In the event when an agreement of mutual legal assistance or relevant memorandum is signed between the judicial policy authority and the involved foreign counterpart, the judicial policy authority shall seek assistance in providing information/evidence through such mechanism.

(IV) The foreign crew members referred to in this Cooperative Mechanism include foreign crew members employed on Taiwanese-flagged fishing vessels, either under domestic employment scheme or overseas employment scheme, and foreign crew members employed on foreign-flagged fishing vessels invested or operated by the Taiwan nationals.

Attachment

Operation Procedures and Work Instructions for Suspected Cases of Exploitation of Foreign Crew Members

Operation Procedures



Notes:

A. The judicial police authority shall note the following matters when investigating suspected cases of exploitation:

- (1) Basic information required for cases to be registered:
 - (i) To request the Fisheries Agency and its subordinated authorities and the labor affairs authority to provide information on the involved distant water fishing vessel, including the vessel name, vessel operator, recruitment agent, crew list, and the estimate time of arrival and departure of the involved vessel as soon as accepting suspected cases of exploitation.
 - (ii) To confirm whether there is any supplementary evidence apart from the victim's testimony, such as other witnesses, monitoring recordings, monthly wage remittance records; meanwhile, to discuss with district prosecutors' offices about evidence collection in a timely manner.

(2) Suspected victim

- (i) To invite social worker or other relevant professional during the victim identification, in accordance with the "Work Instructions on Handling Cases of Human Trafficking of Foreign Nationals" circulated by the Ministry of the Interior.
- (ii) To produce police interview transcripts alone with the result of the victim identification, in accordance with the "Principles of Human Trafficking Victim Identification" circulated by the Ministry of Justice, and with reference to the crew member interview transcript template.

(3) Evidence Collection:

- (i) To collect objective evidence apart from the victim's testimony.
- (ii) To conduct police interview with relevant witnesses separately.
- (iii) To request assistance as necessary from interpreters when conducting police interviews.
- (iv) To examine carefully, when conducting on-site vessel investigations, whether the living and working conditions meet the basic requirements. If unreasonable circumstances are found (e.g., setting life management regulations other than the original contract), be sure to take photos or video as supplementary evidence of exploitation.
- (v) To judge whether the wage is not commensurate with the work duty based on the employment contract of the crew member and relevant labor regulations.
- (vi) To conduct separate investigations of crew members and vessel operator, vessel master (or officer members) with reference to respective interview transcript template.
- B. The National Immigration Agency, Ministry of the Interior, had launched on December 2nd, 2020, the "Passing the Torch Program: Human Trafficking Cases Investigation" and circulated the contact list of officers affiliated to their agency that are experienced in investigating human trafficking cases. The judicial police authority please make use of those resources when handling such cases.

C. Definitions:

- (1) "Missed Trips Crew Members" means overseas-employed foreign crew members who are granted with temporary entry permit but fail to embark the fishing vessel when the vessel departs domestic ports.
- (2) "Jumped off Crew Members" means overseas-employed foreign crew members who are not granted with temporary entry permit but illegally go ashore.
- D. For the purpose of this Cooperative Mechanism, foreign crew members employed overseas include those employed on foreign-flagged fishing vessels invested or operated by Taiwan nationals.

Checklist of Suspected Case of Exploitation of Foreign Crew Members

Name:	Gender:	Date of Birth:
		(yyyy/mm/dd)
Nationality:	Passport No.:	Contact No.:
Address:		
Vessel Name:	Vessel Company &	Agent's Name and Contact
	Contact No.:	No.:
Working Period: From (yyyy/m	m/dd) to (yyyy/mm/dd)	i

Employment Scheme:

Overseas Employment (including FOC-vessels)

□ Domestic Employment (authorized by the Ministry of Labor)

[Check only one box]

No.	Indicators of Exploitation	Suspected Unlawful Acts
1	Abuse of Vulnerability	 □ The vessel company (or operator) never gave me the employment contract written in the language that I am familiar with or is my mother tongue; or the vessel company (or operator) had provided me with my employment contract but did not allow me to keep it or its copy. □ The officer members on the vessel treated me badly and punished me. I do not now complaint channels (or I had filed complaints but there has been no response.) □ I was transferred to other fishing vessels but I did not sign any new

No.	Indicators of Exploitation	Suspected Unlawful Acts
		employment contract.
2	Physical Violence	 □ When it was my rest hours or when I was sick and I did not want to work, the vessel master/officer members verbally (e.g., wage deduction or terminating the contract)/physically threatened me to work. □ I was once beaten by the master or officer members with their bare hands or objects because I did not follow their instructions while working.
3	Intimidation and Threats	 □ When I was working onboard, the master/officer members often held objects (e.g., hooks, sticks or bars) to scold crew members with poor working performance. I (or other crew members) was once injured because of it. □ When working onboard, I was forced to continue working because the master, officer members or agent threatened me that they will hurt my families.
4	Restriction of Movement	 □ When the vessel stopped at ports, we were allowed to go ashore; however, we were always monitored by officer members (e.g., not allowed to use our cellphone) or we were not allowed to walk around by ourselves. □ When the vessel stopped at ports, I was punished by prohibition from going ashore, for reasons not because I did not have a valid passport or due to other reasons that kept me from leaving the vessel. □ During the voyage, I was locked by the master/officer members in the fish hold or other confined cabins.
5	Debt Bondage	□ I was charged a recruitment fee/debt interest that is higher than the agreed one from the agent, but because I was already on the vessel, I had no

No.	Indicators of Exploitation	Suspected Unlawful Acts
6	Exploitation Withholding of Wages	choice but accept it (or I could not make complaints). □ It is agreed in the contract that the transportation fee, training fee, or other fees will be paid by the vessel company (or the operator), but when I got my wages, I found those fees were deducted from my wages. □ I did not get my wages every month or at the agreed time, and I was usually paid less than the agreed amount or later than the agreed time. □ I did not get the allowance that was agreed to give me monthly or in the agreed period. The amount of the allowance was often less than the agreed one and I often got the allowance late. □ I found that there were many unreasonable penalties in money when working on the vessel or when we went ashore. I was punished and the
		vessel operator, agent or other staff making wage payment directly deduct the amount from my wages.
7	Excessive Overtime	 My daily working hours on the vessel were longer than (more than four hours in average in a day) the agreed ones, and I was not paid for overtime (or compensated with rest hours after the vessel stopped at a port). During the fishing season, I had worked continuously for seven days or more, and my average rest hours per day was less than six hours.
8	Abusive Working and Living Conditions	☐ When I was sick, I was often not allowed to take leaves or rest. ☐ The vessel company, master or officer members did not prepare sufficient and clean food/drinking water on the vessel before the vessel left the port. I had reported this issue to them but after the vessel stopped at another port and went out at sea, food and drinking water were still not

No.	Indicators of	Suspected Unlawful Acts	
	Exploitation		
		enough.	
		☐ The sleeping cabin is so small that could hardly accommodate a single	
		person.	
		☐ There was no sufficient life-saving equipment or essential medicines.	
		□ I was allowed to go ashore after the vessel stopped at ports but my	
		passport or other identity documents were kept by the master or officer	
	Retention of	members. And when I asked to take my documents back, they did not	
9	Identity	give them to me.	
	Documents	☐ My identity documents were kept by the master or officer members with	
	Documents	no reason while other crew members could keep their passport	
		themselves. And when I asked to take my documents back, they did not	
		give it to me	
		☐ I worked on a vessel that was not the one agreed in the contract. My wages	
	Deception	were lower than the agreed ones, or the living conditions on that vessel	
		was much worse, but I had no choice but continue working.	
10		☐ My working hours were longer than the ones agreed in the contract, and	
10		the labor conditions were also worse than what I had heard from the	
		agent.	
		☐ I was asked to transfer to work on another vessel, and my wage were less	
		than the original one.	
	Isolation	☐ When I was working or resting on the vessel, I was often prohibited from	
11	(Barrier to	talking or texting with other crew members coming from the same	
11	Seeking Help)	country.	
	Seeking Heip)		

No.	Indicators of Exploitation	Suspected Unlawful Acts
		 □ Unlike other crew members, I could not keep my cellphone with me. □ Most of the foreign crew members, including me, were told not to talk or interact with government officials of the port state when they are conducting inspection of the vessel.
No.	work duty d [Check on th of his/her mo	uring the voyage (or the term of the employment contract). is box if the crew member's total owed payment is more than three times onthly wage. The interviewer please complete the following columns.] ing wages, no deduction was made from wages, or the amount of unpaid ew member is not more than three times of his/her monthly wages. (Check only one box)
1	Hours of Overtime and Overtime Pays Owed	 □ With irregular monthly working hours: Overtime pay owed NTD/USD
2	Owed Wage	 □ Owed wages NTD/USD, equivalent to times of my monthly wage. □ Owed allowance NTD/USD, equivalent to times of my monthly wage.

No.	Indicators of Exploitation	Suspected Unlawful Acts
3	Unreasonable Wage Deduction (Punishments)	□ Wage deduction due to unreasonable punishments, NTD/USD in total, equivalent to times of my monthly wage. □ I was required to pay NTD/USD in total for breaching the contract, my return flight ticket, or other fees myself, which is either different from what have been agreed in the contract or against relevant regulations. The total amount of the payment equals to times of my monthly wage.

Interview Date: From (yyyy-mm-dd HH:MM) to(yyyy-mm-dd HH:MM)

Interviewee Name (signature): (may be left blank under exceptional circumstances)

Interviewer Authority & Contact No.:

Interviewer Name (signature/seal): Section Head (signature/seal):

After completing the interview, it is preliminarily judged that the case is:

- □ Not a suspected case of human trafficking: No more than two "Indicators of Exploitation" are identified, and the box of "No withholding wages, no deduction was made from wages, or the amount of unpaid wages of the crew member is not more than three times of his/her monthly wages" is checked.
- □ A suspected case of human trafficking: Two or more "Indicators of Exploitation" are identified, and the wage is not commensurate with the work duty. (However, in the event that the crew member is physically abused, despite the wage is commensurate with the work duty, shall be considered as suspected case of exploitation.)

Notes:

- 1. This Checklist of Suspected Case of Exploitation of Foreign Crew Members is drawn up with reference to the ILO Indicators of Forced Labor and the "Indicators of Human Trafficking for Victim Identification" published by the Ministry of Justice, for the utilization of front-line personnel, and the information collected from the Checklist can serve as preliminary information for subsequent investigation of human trafficking.
- 2. This Checklist is regarded as one of the information in accordance with Article 9 of the Human Trafficking Prevention Act to be notified to the front-line personnel conducting investigations of the labor affairs authority and the fisheries authority; this Checklist can be utilized by the judicial police authority such as the Coast Guard Administration of the Ocean Affairs Council and the National Immigration Agency of the Ministry of the Interior upon discovering or receiving a report on a suspected case of human trafficking prior to undertaking the victim identification in accordance with Article 11 of the Human Trafficking Prevention Act.
- 3. The judicial police authority shall refer the case of human trafficking with this Checklist enclosed to the district prosecutors' office after concluding the investigation.
- 4. According to the International Labor Organization, cases that workers are physical abused and forced to work despite no wages are withheld or deducted shall still be considered as forced labor. Being isolated or locked on fishing vessels may constitute forced labor as well. For such cases, the interviewer may check the "suspected case of human trafficking" box for subsequent identification undertaken in accordance with the "Indicators of Human Trafficking for Victim Identification" published by the Ministry of Justice by the judicial police authority.

- 5. The interviewee may choose not to sign on this Checklist in consideration of the interviewee's personal safety.
- 6. The interviewer shall, after completing this Checklist, notify the fisheries authority and the labor affairs authority of cases that are not suspected human trafficking, and refer the case to relevant competent authority in the event when the person involved is suspected to violate domestic laws or regulations.
- 7. For the purpose of this Checklist, foreign crew members employed overseas include those employed on foreign-flagged fishing vessels invested or operated by Taiwan nationals.
- 8. This Checklist shall, in addition to the signature or seal of the interviewer, be signed or sealed by the section head of the interviewer.