

Public Statement on the *You-Fu* Fishing Human Trafficking Criminal Case

Waiting for Justice:

Taiwan's Failure to Prosecute the *You-Fu* Human Trafficking Case Does Not Meet International Legal Standards

Taipei, 11 August 2025

About the *You-Fu* Criminal Case

In August 2024, the prolonged withholding of wages of 10 Indonesian fishers onboard the Taiwanese-flagged distant-water fishing vessel *You-Fu* came to light when Taiwanese civil society organisations and lawmakers held a press conference revealing that the fishers had been working without pay for 15 months. The fishers were owed a total of USD 80,850 (about TWD 2.64 million) in unpaid wages.

After the press conference, the vessel owners of *You-Fu* paid the withheld wages and additionally provided each fisher with about USD 60 (TWD 2,000). Subsequent investigation by Taiwan's Ministry of Justice Investigation Bureau (Kaohsiung City) identified eight members of the Indonesian crew as victims of human trafficking. As victims of human trafficking, they were granted the right to temporary residency in Taiwan. Since September 2025, most victims have remained and are sheltered in Taiwan.

Following the Ministry of Justice Investigation Bureau's report, the Pingtung District Prosecutors Office initiated a criminal investigation against the vessel owners for violating provisions in Taiwan's Human Trafficking Prevention Act regarding the exploitation of another person's labour (勞力剝削罪) (Article. 31, Paragraphs 1-2) and the crime of obtaining financial gain by fraud under Article 339, Paragraph 1 of the Criminal Code (詐欺取財罪).

In June 2025, civil society received information that the Pingtung District Prosecutors Office had decided to not lodge a criminal lawsuit against the vessel owners, on the basis that the local prosecutors found no objective evidence that the Indonesian fishers were engaged in labour where their remuneration was disproportionate (勞動與報酬顯不相當), thus not meeting the threshold to constitute a human trafficking offense.

According to the paperwork and information received by supporting civil society organisations, local prosecutors decided to not charge the employers and lodge a criminal lawsuit at the district court on 21 April 2025. This prosecutorial decision, however, was not communicated to the Indonesian fishers by the time the supporting civil society organisations became aware of the decision of non-prosecution. By then, the 10-day period for filing an appeal had already passed.

We, the undersigned.

We, a group of Taiwanese legal scholars and civil society practitioners with years of experience on business and human rights, are disappointed in the decision of the Pingtung District prosecutors. We regret the deep knowledge gap between what is internationally understood

to be the crimes of forced labour and human trafficking versus an out-dated and unrealistic judicial understanding of what constitutes the worst of human exploitation, falling drastically short of international standards.

The failure of the prosecutors to charge the offenders and proceed with a criminal lawsuit is a missed opportunity for Taiwan to protect victims of forced labour, and prevent similar future abuses. For the Indonesian fishers onboard *You-Fu* whom judicial authorities have already determined to be victims of human trafficking, the failure to proceed on a criminal prosecution is justice denied. It potentially has a negative impact on the human rights reputation of the distant-water fishing sector, the government and the supply chains of Taiwan, where notable progress on business and human rights have taken place in recent years.

We believe the Pingtung District Prosecutors Office's decision not to prosecute is a grave mistake. It fails to protect victims of forced labour in Taiwan and does not deter similar incidents from occurring. Our reasons are as follows:

(1) Prosecutors misaligned with international law on what constitutes work without voluntary consent

The International Labour Organization (ILO) defines forced 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.**” There are two key elements in this international definition: the use of coercion (menace of penalty) and the lack of voluntary consent from the worker.

The prosecutor's determination of no evidence to support the charge of human trafficking was made largely based on the fishers' reportedly having given verbal consent to only receive their wage after docking at port after 15 months at sea, and they also voluntarily surrendered their passports to the vessel owner for safekeeping.

These conditions clearly constitute unfair working conditions and disregard the migrant fishers' position of vulnerability. Consent must be informed and not obtained under deception and coercion. It is important to note that the legal understanding of coercion extends beyond the use or threats of force to other forms of coercion, such as “fraud, of deception, of the abuse of power or of a position of vulnerability” (UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Article 3(a)).

No one can consent to work in exploitation. Article 4 of the Universal Declaration of Human Rights states, without exception, that “**No one shall be held in slavery or servitude.**”

The International Covenant on Civil and Political Rights (ICCPR) further affirms the fundamental prohibition against slavery, servitude and forced or compulsory labour. In 2009, Taiwan enacted legislation to incorporate both the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR) into Taiwan's domestic law. Importantly, this gives both Covenants the same legal status as Taiwan's national laws. All government authorities, including the judiciary, are obligated to uphold the provisions of the ICCPR, including its prohibition of slavery, servitude and forced labour, with the same force and authority as any domestic law.

Even if the fisher agrees to the work, if that agreement is shaped by coercion, deception or misinformation, then the supposed initial consent cannot be used to justify and validate the labour exploitation. In the *You-Fu* case, there is no dispute that the fishers were not paid their wage for 15 months. We believe the local prosecutors had failed to properly investigate the fishers' disadvantaged position of vulnerability in the employment relationship, where they were unable to seek help due to them working at sea.

(2) Even if consent can be taken into account in this case of prolonged wage withholding, the terms of payment violate the Taiwanese employment contract.

The vessel owners stipulated in the labour contract that wages for the fishers would be paid every six months. However, the Pingtung District Prosecutors Office declined to pursue human trafficking charges against the vessel owners based on claims that the fishers had verbally consented to delay payment until the vessel docked, after 15 months at sea.

Even though the withheld wages were eventually paid (with an additional TWD 2,000) in August 2024, the terms of payment diverged significantly from the original Taiwanese labour contract. This prolonged withholding of wages (長期扣留薪資) left fishers' families without meaningful income for over a year. One report highlighted the extent of hardship: one fisher's family was forced to mortgage their home to cover medical expenses due to the lack of received remittances over 15 months. Under such conditions, it is questionable whether any fisher would voluntarily agree, with full and informed consent, to wait 15 months until the vessel docks to receive their wage.

This situation is a clear case of prolonged withholding of wages, one of the indicators of forced labour as established by the International Labour Organization (ILO) and Taiwan Labor Standard Act, Article 23, that wage shall be paid on a regular basis.

It also constitutes a violation of Articles 22, 23 and 27 of Taiwan's Labor Standards Act, which stipulates that wages must be paid directly to workers in full and be paid on time, indicating that this case not only fails to comply with forced labour under international human rights law, but also a breach of Taiwan's fundamental labour laws.

(3) Local prosecutors failed to properly investigate fishers' working conditions to establish labour exploitation; instead, prosecutors relied on a formulaic and superficial view of labour abuses as mainly wage disputes.

The fishers onboard *You-Fu* were subjected to intensive, high-pressure operations, often working extended hours depending on fishing conditions, yet they did not receive corresponding overtime pay. The labour they provided was not proportional to the compensation they received.

In fact, overtime and remuneration pay in the distant-water fishing sector is a structural issue that is chronically overlooked by the Ministry of Labor and the Fisheries Agency, and even the prosecutors, who fail to recognise the fishers were engaged in work for which the labour provided was disproportionate to the compensation they had received, particularly with regard to overtime. Despite this, local prosecutors failed to properly

investigate other important indicators of forced labour, such as the abuse of the fishers' vulnerability, deception, withholding of wages, and abusive working and living conditions. These are indicators of forced labour as identified by the ILO.

Without a proper inquiry and investigation, the local prosecutors prematurely and erroneously concluded that no criminal charge could be brought under Taiwan's Human Trafficking Prevention Act. This is a significant oversight that will not only affect the search for justice for the fishers onboard the *You-Fu* vessel, but also grossly undermines the development of jurisprudence in human trafficking cases within Taiwan that is properly aligned with international law.

Supporting Scholars, Practitioners and Organisations

(reflecting ordering in the original Chinese statement)

- **Prof. Yu-Fan Chiu** (Associate Professor, School of Law, and Research Fellow, International Center for Cultural Studies (ICCS), National Yang Ming Chiao Tung University)
- **Dr Bonny Ling** (Visiting Professor, School of Law, National Yang Ming Chiao Tung University; and Senior Non-Resident Fellow, Taiwan Research Hub at the University of Nottingham)
- **Dr Ya-Wen Yang** (Assistant Research Professor, Institutum Iurisprudentiae, Academia Sinica)

Organisations

- **Taiwan Association for Human Rights (TAHR)**
- **Taiwan Labour Front (TLF)**
- **Serve the People Association (SPA)**
- **International Center for Cultural Studies (ICCS), National Yang Ming Chiao Tung University (NYCU)**
- **Work Better Innovations (WBI)**