Troubled Waters:

Trafficking of Filipino Men into the Long Haul Fishing Industry through Singapore

By

Sallie Yea

With Contributions By

Shelley Thio (TWC2)

December 2012
This report is dedicated to the memory of Eril Morales Andrade who died at 18 degree 55'/ 87 degree 0’ on 22 February 2011. Rest in Peace.
Acknowledgements

The data and fieldwork that informs this report was facilitated by the Philippines Embassy in Singapore. The Embassy gave me access to case files of trafficked Filipino men deployed on long haul fishing vessels for the previous 18 months which constituted the period in which they kept records of these men’s situations. The Embassy also managed to contact several of the men who had returned to the Philippines, seeking permission for interviews for this study. Thanks also to Amihan Abueva from Asia ACTs in the Philippines for providing additional information concerning the treatment of trafficked Filipino fishermen by the Philippines state and for case information related to men deployed on fishing boats operating from neighbouring Malaysia. I am grateful to Shelley Thio from TWC2 for providing additional information on the general conditions of men aboard long haul fishing vessels operating out of Singapore, photographs of vessel conditions, and further case information. Without the insights gain through her support work with these men this report would be far less rigorous. Thanks to my husband, Ariel Ellao, for acting as (unpaid) research assistant in the Philippines and also in Singapore, and particularly for his ethical and sensitive approach to his interactions with his kababayan. Thanks also to Kathryn Baer from The Trafficking Research Project for her careful reading of a draft. Most importantly, thanks to the men who provided case information and follow-up interviews concerning their situations. Without their brave and sometimes difficult disclosures this report would not have been possible.
Table of Contents

Acknowledgements

List of Tables, Figures & Photos

List of Acronyms

Executive Summary

1. Introduction
2. Who Are the Fishermen?
3. From the Barangay to the Boat
4. Exploitation at Sea
5. Post-Trafficking Trajectories
6. Conclusions and Reflections

References

Appendix One – Sarawak Case Summary

Appendix Two - Sample Case – Case Summary and Narrative of Victim

Appendix Three – Relevant News Articles

Appendix Four – Copies of Affidavits Involved in One Case
List of Tables, Figures & Photos

Figure One – Excerpt from Affidavit of a Filipino Fisherman Concerning Recruitment and Deployment

Figure Two - “Contracts” and Agreements for Signing by Filipino Fisherman Upon Arrival into Singapore (from Step Up Marine Enterprises, Singapore)

Table One - Mismatch between Work Conditions Given Pre-Departure (Manila) and Upon Arrival (Singapore)

Photo One – A Fishing Hook Injury (Photo by Shelley Thio)

Photo Two - Fishing Hooks and Line (photo by Shelley Thio)
List of Acronyms

Asia ACTS – Asia Against Child Trafficking (Philippines)

AVA – Agri-foods and Veterinary Authority of Singapore

BME – Beverley Marine Enterprises

LSM – Lutheran Seafarers Mission

MOM – Ministry of Manpower (Singapore)

NGO – Non-Government Organisation

NID – Nationals in Distress

NOK – Next of Kin

OFW – Overseas Filipino Worker

PES – Philippines Embassy Singapore

POEA – Philippines Overseas Employment Administration

SMOU – Singapore Maritime Officer’s Union

TIP – Trafficking in Persons

TWC2 – Transient Workers Count Too

UNIAP – United Nations Inter-Agency Project
Executive Summary

Trafficking and related exploitative practices in the offshore or long haul fishing industry have recently captured the attention of international and local non-governmental organisations (NGOs) and some governments in Europe, Asia and Oceania. This attention has variously lead to the publication of a report about the experiences of trafficked fishermen from Eastern Europe (Surtees 2012) and, within Asia, at least two studies of fishermen trafficked into Thailand’s offshore fishing industry (IOM 2010, UNIAP 2007 & 2009). Contemporaneously, there has been increasing evidence of the trafficking of men from a range of nationalities, including the Philippines, Indonesia, Vietnam, India and Bangladesh, onto long haul fishing vessels berthed in Singapore where Singaporean-registered manning agencies are involved in their deployment.

The key objectives of the research are threefold: first, to map the trajectory of Filipino men deployed in this sector through Singapore (from recruitment in, to return to the Philippines); second, to develop an initial picture of the profiles of these fishermen, including key vulnerabilities that may have lead to their trafficking, and; third, to document the particular human and labour rights abuses that characterise these men’s deployment in the sector. In addition to these aims, the researcher was interested in the geographical dynamics of this industry, particularly the lack of jurisdictional responsibility by Singapore, since the exploitation of the men’s labour took place in international waters, and since the Singaporean-based agencies who facilitated these men’s deployment were purported by the government to provide an administrative, rather than recruitment and employment service. These deflections raise particular concerns about trafficking specific to the long haul fishing sector which require more extensive discussion, including the fact that the UN Trafficking Protocol (2000) does not cover trafficking for labour exploitation where exploitation takes place in international waters.
This report emerges from a request for assistance to document the presence of Filipino men in this sector in/ through Singapore from the Philippines Embassy there. In 2010/11 the Philippines Embassy in Singapore received more requests for assistance from Nationals in Distress (NID) from men deployed on fishing boats and from their Next of Kin (NOK) than from Filipinas deployed in Singapore’s sex and nightlife entertainment sectors (with the latter previously thought to constitute by far the larger problem of trafficking of Filipino nationals in Singapore). The data that informs discussion in this report consists of:

a) a review of all 63 case files of trafficked Filipino fishermen kept by the Philippines Embassy in Singapore (including affidavits for some);

b) in-depth interviews with seven Filipino fishermen who ‘jumped ship’ when docked in Singapore and sought assistance from the Philippines Embassy;

c) in-depth interviews with an additional five men whose cases were recorded by the Philippines Embassy, but who had since returned to the Philippines, and;

d) case information about some cases handled by the Singaporean NGO TWC2 and SLM.

In addition, the author drew on information provided by Asia Against Child Trafficking (Asia ACTs), an NGO based in the Philippines. This may be considered an exploratory study since little is known about this issue in Singapore/ the Philippines. The research was undertaken without any funding support, and this naturally placed limitations on the information that could be collected.

The study found that the type and level of exploitation of Filipino fishermen deployed through Singapore, principally on Taiwanese vessels, was akin to that found in recent studies of Thailand and Eastern Europe. Men were variously subjected to excessive working hours, no days off, extremely substandard living conditions, including inadequate food, lack of treatment for injuries and sickness, lack of protective gear whilst working, and enforced isolation – sometimes for
years – on the vessels. Further, many participants’ recounted experiences of physical and psychological abuse by the captain or senior officers on the vessels. Apart from conditions on board, the study found that men were universally deceived during the recruitment process, with the nature of deception including agreements concerning remuneration, working conditions and, in some cases, deception about the actual job that was to be performed in/ through Singapore. Deceptive recruitment and the witting deployment of a person into a situation of exploitation are key defining elements of human trafficking.
1. Introduction

1.1 Background and Aims

Asia’s long haul fishing industry has recently received considerable scrutiny for labour and human rights abuses of crew, including where they constitute victims of trafficking. This is in line with growing recognition internationally that men comprise a significant proportion of trafficked persons, and in some sectors (such as construction and long haul fishing) their presence far outweighs that of women and children (Surtees 2008). To date, interest in trafficking within the long haul fishing sector in Asia has focused primarily on the fishing industry that operates out of Southern Thailand (see UNIAP 2007 & 2009, IOM 2010, Derks 2010). In drawing attention to the modus operandi of the industry and the conditions of crew, these studies highlight the significance of human trafficking as a way of both framing and responding to the issue. As International Organisation for Migration (IOM)’s Sophie Nonnenmacher has written elsewhere: “Asia hosts the largest fleet of fishing boats in the world and most of the marine fish in the region are caught by small or medium-size vessels. Due to poor working conditions, low salary levels, and the dangers of being at sea, it has become increasingly difficult for fisheries to find labour. This has given rise to a large-scale business of trafficking in persons for their employment on fishing boats” (2012: page 3).

The focus on human trafficking within Thailand’s long haul fishing industry has dwarfed other geographical contexts in Asia where human trafficking and related exploitative practices in this sector may also be prevalent. In particular, Singapore, as Asia’s largest commercial port hosts a substantial presence of internationally owned and operated fishing boats, primarily Taiwanese. To date, there has been little public recognition of trafficking in this sector through Singapore as
a problem, with only scattered anecdotal reports from the Philippines Embassy and migrant worker NGOs in Singapore. One case in which Singaporean NGO HOME was involved, for example, received some media attention (The Online Citizen 2010 a and b, see also Appendix Three). In 2011 another case involving 28 Filipino men trafficked onto fishing boats operating out of Sarawak, Malaysia had also come to light, suggesting that trafficking and exploitation in this sector both involve Singapore and Malaysia as destination countries\(^1\) and Philippine nationals as victims (see Appendix One).

According to the accounts of men in this study, Taiwan operates the principal fleet on which men are deployed/ exploited. Indeed, Taiwan has come to dominate Asia’s long haul industry recently, with the largest proportion of the catches on small to medium sized Taiwanese vessels sold on the Japanese and South Korean markets, with a smaller proportion offloaded in Singapore, China and Taiwan itself. The world’s largest consumer of ocean fish, Japan, consumes approximately ten percent of the world’s total (7.5 billion tonnes per year), with the most popular fish including tuna, salmon and shrimp. Tuna and shrimp are fished on the Taiwanese vessels where trafficked men were deployed. With fish stocks declining globally, largely due to unsustainable fishing practices, high level consumer nations in Asia, including Japan (and secondarily South Korea), have turned to cheap imports from Taiwan fishing vessels. A further explanation for the growing reliance of these countries on fish imports lies in the decline of Japan’s, South Korea’s and China’s own long haul fishing industries due to rising production costs of running fishing fleets, particularly exorbitant fuel costs from the mid-2000’s onwards\(^2\).

---

\(^1\) Where exploitation takes place in international waters the use of the words ‘transit’ and ‘destination’ to describe human trafficking activities are less clearly utilised. In this case Singapore is the destination through which deployment occurs, but it is also a transit point for the transfer of men onto fishing vessels.

\(^2\) The cost of heavy fuel oil, the main fuel for fishing vessels, rose from about ¥39,000 per kiloliter in 2003 to ¥69,000 in 2007 to ¥105,000 in June 2008. Trawlers that operated in seas off Japan did everything they could to cut costs: operating their boats at lower speeds and using fewer fish luring lights, but still found their annual cost were about $50,000 higher than previous years. Many fishermen were forced to stop working or scale back their operations. An estimated 40 percent of fishing operations faced bankruptcy. In June 2008, tuna fish boat operators in Japan, China, South Korea announced they were going to suspend operations for several months because of rising fuel costs. Because quotas for bluefin had already been met the ruling was expected
In the 2005 the price of bigeye tuna in Japan was reduced to JY 1500 per kilogram, which is around half of the price of the 1980s, due to Taiwanese imports. Taiwan’s long haul fishing fleet is not immune to these rising costs, raising the question: how has Taiwan’s fishing industry managed to maintain profitability in the face of the simultaneous decline of profitability in the industry elsewhere in the East Asian region? The answer to this question lies in the particular (transnational) labour regime on which Taiwanese vessels have come to draw. In short, in order to maintain profit levels the costs of labour and equipment, as well as the maintenance of vessels, have been dramatically reduced through the use of deceptive recruitment, exploitative labour practices at sea and substandard health and safety conditions on vessels.

This report emerges from a request for assistance to document the presence of Filipino men in this sector in/ through Singapore from the Philippines Embassy there. In 2010/11 the Philippines Embassy in Singapore received more requests for assistance from Nationals in Distress (NID) from men deployed on fishing boats and from their Next of Kin (NOK) than from Filipinas deployed in Singapore’s sex and nightlife entertainment sectors (with the latter previously thought to constitute by far the larger problem of trafficking of Filipino nationals in Singapore (for example, Yea 2012)). The data that informs discussion in this report consists of:

a) a review of all 63 case files of trafficked Filipino fishermen kept by the Philippines Embassy in Singapore (including affidavits for some);

b) in-depth interviews with seven Filipino fishermen who ‘jumped ship’ when docked in Singapore and sought assistance from the Philippines Embassy;

c) in-depth interviews with an additional five men whose cases were recorded by the Philippines Embassy, but who had since returned to the Philippines, and;

3 See also Apostleship of the Sea (no date). ‘Taiwan’ http://www.aos-world.org/articles/fishers/taiwan.htm, which makes specific reference to the involvement of Singaporean agencies.
In addition, the author drew on information provided by Asia Against Child Trafficking (Asia ACTs), an NGO based in the Philippines, as well as on information provided by the Singaporean based migrant work NGO, TWC2. This may be considered an exploratory study since little is known about this issue in Singapore/the Philippines. The research was undertaken without any funding support, and this naturally placed limitations on the information that could be collected.

The key objectives of the research were threefold:

1. To map the trajectory of Filipino men deployed in this sector through Singapore (from recruitment in, to return to the Philippines);

2. To develop an initial picture of the profiles of these fishermen, including key vulnerabilities that may have lead to their trafficking, and;

3. To document the particular human and labour rights abuses that characterised these men’s deployment in the sector.

In addition to these aims, the researcher was interested in the geographical dynamics of this industry, particularly whose jurisdiction this problem fell under. The fact that the exploitation of the men’s labour took place mainly in international waters has proven particularly problematic in seeking redress for the exploitation and harms the men faced. The responsibility for supporting the men as victims of trafficking is further complicated by the fact that Singaporean-based manning (or crewing) agencies who facilitated these men’s deployment onto the vessels were purported by the government to provide an administrative, rather than recruitment and employment service⁴. In their Detailed Response to the 2012 Annual Trafficking in Persons

---

⁴ In 2011 the debate about whose responsibility the ‘fishermen problem’ is emerged with gusto after Singapore’s entry in the Annual US Trafficking in Persons (TIP) Report stated that, “there was greater reporting on victims of forced labour identified by NGOs and foreign missions on long-haul fishing boats that dock in
Report produced by the United States Department of State (US DoD), Singapore’s Trafficking in Persons Task Force consequently stated, “While we share concerns about their [fishermen’s] work conditions, Singapore does not have jurisdiction over foreign fishermen working in off-shore waters on non-Singapore flags”. Thus, although Singapore’s newly established Trafficking in Persons (TIP) Task Force has undertaken some positive support measures for foreign fishermen, these deflections of responsibility because of lack of jurisdiction raise particular concerns about trafficking specific to the long haul fishing sector which require more extensive discussion, including the fact that the UN Trafficking Protocol (2000) does not cover trafficking for labour exploitation where it exploitation takes place in international waters and where agencies involved are not regarded as employment agencies as such. These issues are discussed in further detail in the final Part of the report with a view to exploring possible avenues towards the reduction of this problem and more effective ways to seek redress for the men.

Southeast Asian ports, including Singapore. Workers reported severe abuse by fishing boat captains, the inability to disembark from their vessels, the inability to terminate their contracts, and the non-payment of wages. MOM [Ministry of Manpower] interviewed several fishermen who claimed abuses suggesting human trafficking but reported that they could not further investigate due to lack of jurisdiction over the suspected offenses. In response, the Singapore government rejected the suggestions made in the TIP Report and stated, ‘We would like the State Department to clarify these “reports” and to suggest how this issue could be addressed by Singapore, given the jurisdictional issues highlighted below…. We have not found any evidence of forced labour being committed on Singapore-flagged ships, by Singapore employers, or within Singapore waters.’

The Task Force has claimed to be working with CSOs and NGOs to improve reporting methods, on-shore amenities, and delivery of humanitarian assistance to fishermen in need. One of the main efforts of the Task Force has been to put up posters in the port areas so that fishermen can call relevant authorities or NGOs for assistance. The government provides facts of cases to relevant embassies in Singapore of source country nationals and embassies of relevant flags. See MOM (2012), Singapore Inter-Agency Taskforce’s Detailed Response to The 2012 U.S. State Department’s Trafficking in Persons Report. Available at: http://www.mom.gov.sg/newsroom/Pages/PressReleaseDetail.aspx?listid=439

According to the United Nations Convention on the Law of the Sea (UNCLOS), oceans may be divided into differing zones of sovereignty. Waters from the coast to twelve nautical miles are classified as ‘territorial waters’ where states have sovereignty. Waters beyond this are classified as ‘high seas’ and are considered to be beyond the jurisdiction of the State, but criminal acts that take place in these waters would come under the purview of International Law. These complexities have been most extensively discussed in relation to the issue of piracy. See, for example, Elizabeth Nyman (2011). ‘Modern Piracy and International Law: Definitional Issues with the Law of the Sea’, Geography Compass 5 (11): 863-874.
The first part of the report introduces the profiles of the cases introduced in this study. I then turn to examine the modus operandi of trafficking within this sector as it operates through Singapore. The third part of the report details the nature of exploitation of these fishermen. I divide these into health, labour and social effects. Following this I briefly examine the post-exit trajectories of the victims, both in Singapore and upon return home to the Philippines. The final part of the report provides some reflections and, as this is an exploratory study, directions for future consideration of this issue in the Singaporean/Philippines context. Before turning to the main findings of this exploratory study however, a brief word on ethics and methodology in the research process is warranted.

1.2 Ethics and Methodology

Far too much research on human trafficking has proceeded without due consideration to appropriate and feasible methods and approaches to participants, and may be ethically unsound. Mindful of these concerns, this report took the following steps to ensure that the data collection and report were conducted ethically:

- The nature of men’s involvement, as well as any risks their involvement might entail, was clearly explained, as was their option to withdraw from the research at any point, should they so choose;

- Information about individual participants would be related in research outputs in a way that maintained the confidentiality of the participant (including the use of pseudonyms for participants, the exclusion of identifying information such as addresses and photographs of participants);

- Participants verbal consent was recorded and participants were given an information sheet which contained provisions around involvement, withdrawal and contact details of
the researcher (should participants wish to follow up or have the opportunity to review any research outputs);

- The researcher undertook to manage risks that involvement might entail by ensuring that appropriate supporting organisations were available for referral to participants (in the Philippines this included Asia-ACTS, and in Singapore this included TWC2).

In administering these formal ethics processes I drew primarily on a UNIAP (2008) publication of ethics guidelines for trafficking research. Beyond these standard ethical procedures however, one should be cognizant of the fact that there are extensive barriers to trafficked and exploited persons disclosing information about their situations, especially where they may be outside (the protections of) their home country. The research was also mindful of the relational and processual aspects of researching with vulnerable populations such as these men, which I have discussed elsewhere (Yea forthcoming).

The research employed a mixed methodology (both qualitative and quantitative). The qualitative component involved in-depth semi-structured interviews with trafficked men as the primary method. This yielded deeper insights into individual experiences and trajectories, as well as feelings and attitudes towards their situations and broader lives. The quantitative part of the research relied on the case files of men who sought assistance from the Philippines Embassy in Singapore and although some information was not consistently collected by the Embassy, the data they had on file allowed for the approximation of victim profiles, major complaints and some insights into the *modus operandi* of trafficking.
2. Who are the Fishermen?

Sixty-three Filipino men sought assistance from the Philippines Embassy during the period January 2010 to April 2011. This study draws primarily on material gathered on the basis of information provided by these men.\footnote{The Philippines Embassy in Singapore was not able to keep entirely consistent information from questionnaires administered to these men. For research purposes this resulted in an incomplete data set.}

2.1 Backgrounds of Men

The following general characteristics were gleaned from the men’s biographical information:

- The majority of men were in their early-mid thirties when recruited (the youngest was 22 years and the oldest 39 years)
- There were almost equal numbers of married (twenty-four men, including one widowed) and unmarried men (twenty-five men), with the civil status of fourteen men not recorded
- Twenty-three men (including two unmarried men) had children to support
- Thirty-nine men had graduated high school and, of these, twenty had some college education (though most dropped out due to financial constraints)
- The remainder (twenty-four men) had either only elementary school education or no recorded formal education
- Eight men listed their prior occupation in the Philippines as farmer, four as truck or van drivers, three as rubbish collectors, three as service workers/ salesmen, two as waiters, two as factory/ construction workers, four as a security guard, carpenter, fireman, and delivery man respectively (all considered low waged occupations in the Philippines)
• There was no occupation listed for the remaining thirty-eight men and it was unclear whether this was because they were unemployed or because of the failure for this information to be recorded.

• The majority of men were from and were recruited in various provincial areas of the capital island of Luzon. In Luzon men originated predominantly from Ilocos and Batangas respectively.

Existing studies on men trafficked into the long haul fishing industry operating in/ from southern Thailand have found that men recruited predominantly from Burma are refugees or economic migrants who had no previous experience as fishermen, while many of the men recruited from Cambodia were independent fishermen previously (UNIAP 2007 & 2009). Whilst all sixty-three men in this study were economic migrants seeking work abroad (and not refugees) apart from one man their prior work experience – unlike that of the Cambodian participants in the Thai studies – did not include fishing. Also contra these studies for the Thai context, a large number of the Filipino men were well-educated (including several men who had received vocational training as seafarers) but lacked opportunities for reasonably renumerated work locally in the Philippines. A substantial number of the Filipino participants were nonetheless less well educated and worked in poorly renumerated unskilled jobs, such as rubbish collection. What this information tells us is that there is no single profile of Filipino men recruited into the long haul fishing industry operating out of Singapore, with men of different education levels, familial circumstances, and work history recruited. The single common factor for all Filipino men recruited was a desire to improve their economic circumstances – including to migrate out of poverty/ economic marginality – and those of their families.
2.2 Reasons for Labour Migration

Participants were universally motivated to come to Singapore for economic reasons. Primarily men aspired to fulfil their roles as family breadwinners, which is a key cultural precept of Filipino masculinity (Rubio and Green 2009, Pingol 2001). This included supporting natal as well as marital families. The familial welfare motivation for migration has also been ascribed to Filipinas who migrate to work as paid domestics or entertainers. However for these women often a short term family crisis (such as husband becoming redundant or a serious family illness requiring medical treatment) propels women to seek opportunities in Singapore or elsewhere. None of the men mentioned such circumstances as informing their decisions to come to Singapore. In research with Filipino seafarers, Steve McKay (2010) argues that Filipino seafarers are represented as ‘exemplars of masculinity’ in the Philippines; “This is due in large part to the precarious nature of their work and their stories of adventures but also, most importantly, because of their high earnings and remittances to their families” (p. 2). In this sense masculinity, “constructed traditionally may still be based on or help reinforce locally-specific gender norms” (p. 3). It may be that working as a seafarer/ on a ship is perceived by Filipino men not only as a means of fulfilling a family breadwinning role, but also as a sector where traditional cultural constructs of masculinity finds exemplary expression.

Because many of the participants had not attended college and the vast majority lacked the formal qualification of seafarer (only three of the men in this study had legitimately gained this qualification whilst two others had ‘bought’ the qualification) there were very few semi-skilled and low skilled overseas labour migration routes open to them. Most of the participants held jobs in other sectors prior to migration and only one man considered himself a ‘career fishermen’. But even in this man’s case his boat was small and his fishing activities were not considered long haul or deep sea. Whilst in the 1970s Filipino men provided the mainstay of construction workers in the Middle East, this sector has increasingly drawn on South Asian
labourers, leaving Filipino men performing unskilled overseas work few other options. The desires of these men was simply to work abroad, which in the social imaginary of Filipino modernity is perceived as the normative route to familial and indeed national development (Rodriguez 2010). Albert summed it up well; “I just wanted to work in another country, so when the agent [name deleted] recruited me to work as a fisherman I said yes. In the contract they said we would just wrap fish and I thought that sounded easy”. In addition to this emerging culture of migration in the Philippines, the lack of employment opportunities with decent pay in the Philippines for these men must be noted as an important push factor in explaining their migration decisions. As we shall see in the Part Two, when the men were recruited in the Philippines they were told that the work would not be difficult but, unlike Albert, many were not told they would be deployed as fishermen and were deceived about important conditions of the work.
3. From the Barangay to the Boat:

Trajectories of Trafficking

In this Part of the Report I discuss the recruitment processes for the men in this research. Specifically, I examine the individuals/ organisations involved in recruitment – both in the Philippines and in Singapore – and the information that was provided to men relating to their living and working conditions and the nature of their work. This is particularly important to consider since most men in this study left their work on the fishing vessels precisely because of the mismatch between the work they believed they would be doing, including the conditions attached to it, and the actual work they performed. In terms of internationally recognised definitions of human trafficking, deceptive recruitment with the intention to exploit a person at the destination is a key component of trafficking, and was evident for all men whose cases are considered here.

In this chapter I also wish to highlight the role of Singaporean-based agencies in the exploitation of the men in this research. Although undoubtedly the exploitation of men’s labour takes place at sea, financial exploitation (including debt bondage, non-payment of salary, deductions, penalties, removal of documents and so on) takes place in Singapore. The recruitment process, particularly the contracts and agreements that men are bullied to signing in Singapore are a central feature of men’s exploitation.

3.1 Recruitment Processes
Men’s recruitment in the Philippines fell into three loose groups. These include:

- those who were recruited through newspaper advertisements (and presented at the ‘agency’ in Manila featured in the advertisement);
- those recruited through the advice and contacts of friends or compatriots (who referred recruits to either an ‘agency’ in Manila or a recruiter/scout in Manila or in Singapore);
- those recruited directly by a recruiter/scout (and were either referred to an ‘agency’ in Manila or directly to a manning agency in Singapore)⁸.

Thus, men were either actively recruited by an intermediary scout/recruiter based in the Philippines or in Singapore; were recommended to the same by a friend or acquaintance; or were recruited directly by a Philippines-based agency without the involvement of any intermediary (see also the affidavits in Figure One). In some of the cases pursued legally in the Philippines and involving the Singaporean manning agencies that deployed the men on the fishing vessels, the relationship and collusion between these various actors is paramount to efforts to prosecute those involved in the trafficking of the men. Specifically, if it can be established that a Philippines-based recruiter/scout and/or Manila-based agency was acting on behalf of, and in the interests of a Singaporean-based manning agency then Singaporean actors may be legally implicated in the deceptive recruitment and deployment of the men. Although men suggested that this was the case, a thorough police investigation would be required to establish this.

The following three narratives of recruitment provided by three participants describe the three respective recruitment processes:

---

⁸ The term ‘agency’s is inverted here because the agencies mentioned by the participants in this study are not registered labour recruitment agencies in the Philippines. Formal government registration would require recruitment agencies to conform to the Philippine Overseas Employment Administration (POEA) which includes functions such as reviewing employment contracts for overseas Filipino workers (OFWs), providing pre-departure briefings, and licensing and regulating recruitment agencies in the Philippines (see www.poea.gov.ph). The agencies men described appeared to function more as travel agencies than recruitment agencies in Manila.
Recruitment through a broker:

When we [three men together] were all in the Philippines last February 19 2010, resting, this woman [name omitted] kept bugging us and calling us. She was a domestic helper in Singapore and she was also acting as an agent for Step-Up Marine Agency in Singapore. We finally agreed to come to Singapore because we were sweet talked into it. She promised us over the phone our salary is USD 420 per month. She told us that Step Up wanted us to report in Manila and give our passports to [name omitted, recruiter’s friend]. She asked us to bring PP 5000 each to pay our booking as seamen, but actually we found later that we were not booked as seamen (Jeffry).

Recruitment through a friend/ compatriot:

[Name omitted, employee of Winrock Travel Agency, Manila] worked at Winrock and knew [name omitted] who was a neighbour of mine in Tayuman. [Name omitted, neighbour] has no idea what will happen to us. All she thought was to help us get work abroad by telling us about opportunities to work on ships. She told us to contact [name omitted] at Winrock (Sherwyn).

Recruitment through an advertisement/ direct to agency:

One day I saw an advertisement in the newspaper. I was living in Mindanao at that time and the recruitment agency was in Manila. The advertisement said, “Men wanted to work abroad as seafarers. Please apply to [name omitted”]. And then there was a phone number to call. I was already qualified as a seafarer with no opportunity to work on a ship, so I jumped at this chance (Jay).
Thus, as suggested above, the recruiter could have been a ‘scout’ working on commission for an intermediary ‘agency’ in Manila (I repeatedly heard men name Winrock Travel Agency in Manila as filling this role), or possibly for one of the Singaporean-based manning agencies directly, or someone working with a partner in Singapore who was not connected to an agency. In the latter case the men were told that they would be “direct hires” and that no other intermediary apart from themselves was involved in the recruitment and deployment process.

All the men paid some money to a recruiter and/or agent in the Philippines, which ranged between PHP 5,000-30,000. The money the men gave to scouts, recruiters and agencies in Manila was for various purposes. For some men it was to cover part of the costs of migration (air ticket, seaman’s book\(^9\), health check and so on), whilst other men understood this fee as an agency fee, meaning it was to cover the cost of the service of the agency in placing them on a boat through Singapore. For some men the fee was intended to cover both of these elements. As Allan and Roderick respectively stated:

I was a security guard in the Philippines before coming to Singapore. I wanted to give my family a better life. I paid PHP 10,000 in the Philippines [to the recruiter]. Here [Singapore] I paid PHP 1,400 deductions each month for seven months. Now that we ran away they [Singaporean-agency] are holding our passports unless we give them another PHP 750. I didn’t know they were going to make these deductions until I got to Singapore (Allan).

In the Philippines I paid PHP30,000 placement fee to the agent, and another PHP2,500 for my medical. In Singapore I was asked to pay another SGD1,500 deduction and SGD300 for the

\(^9\) A seaman’s book is issued by the Philippines Marine Authority to men who gain the formal qualification of seafarer. The book documents the work history of a seafarer and entitles him to certain protections under international law, including the International Seafarers Convention, which the Singapore government is currently preparing to sign (see [www.ilo.org/.../index.htm](http://www.ilo.org/.../index.htm)). Unfortunately, because the men in this study were deployed as fishermen any protections afforded under this convention are not relevant.
plane ticket. I could not understand the deduction in Singapore, because I already paid my placement fee in the Philippines and there seemed no explanation for this SGD1,500 (Roderick).

These costs (placement fee, medical, documents and travel arrangements) were typical of the men in the research.

3.2 Debt before Migrating

One of the most significant recurrent circumstances of men who migrated to Singapore for this work was the borrowing of significant amounts of money to finance their migration, as per the costs/fees described above. Most common was the ‘pawning’ (pagsangla, in Tagalog) of family assets. The following accounts of Sherwyn and Gary were typical amongst participants in the study:

In my case, I spent PHP40,000 all in all to come to Singapore. My parents pawned the fishing boat that we have to pay for my costs. They were thinking that working abroad will help me and all of us to have a better life. After all this experience my family never got the fishing boat back and my sister is still paying off our debt for my migration (Sherwyn).

I paid PHP25,000 all in all; nothing to pay after that. PHP12,500 was for the fee and the other PP12,500 was for my costs and the airfare. I know I can pay this back through my salary when I’m on the boat, but I didn’t know about the salary deduction of four months until I get to Singapore. This was going to make it more difficult to repay my costs. My grandparents pawned their property so I could cover my fee and costs (Gary).
Gary’s statement exemplifies the dilemma men face when they reach Singapore and are presented with different financial scenarios to what they agreed in the Philippines, which make debt repayment obligations to recover assets far more difficult to meet. This left men with no choice but to accept the new conditions in the hope that they might eventually be able to recover the money borrowed to finance their migration. As Jason, for example, stated:

My family is poor so I... had to borrow the money that I used to pay my agent... I went to the agency [in Manila] because of an acquaintance who offered me USD 300 per month and a raise if my performance is good. But when I got here [to Singapore] in March 2004 I went straight to the agency where I discovered that the salary is just USD 200 with deductions and deposits added to this. I had no choice but to sign anyway. I was here already and it would be a waste to let the fee go because I borrowed the money and I had no way to pay it back. After signing we went straight to the boat and went to sea.

What is also notable about these debts incurred to finance migration is that the failure to pay off the debts through their work on the boats means that when men return to the Philippines the financial situation of themselves and their families is considerably worsened since they have often lost the key productive asset of their family and so forfeited the livelihood strategy that allowed them to maintain even a basic substance prior to migration.

3.3 Leaving Manila & Signing New Contracts in Singapore

Outbound travel of Filipino nationals from the Philippines in closely monitored at all major airports. This is one of the country’s responses to the high levels of trafficking of migrant
workers abroad. In 2010 men trafficked into the long haul fishing industry have also been targets of this trafficking prevention/ border control measure. As one representative of the Philippines Embassy in Singapore explained, “The Embassy contacted the relevant immigration authority in Manila and requested a bar on travel of Filipino men with a certain profile to Singapore. The men we targeted were generally between ages 20-40 years and looked as through they may be from rural areas which would be indicated by darker skin and possible lack of knowledge about travelling and so on”. However, as the accounts of some of the participants in this study reveal, men are still able to circumvent this regime of border control because of corruption amongst immigration officers at major airports. Most of the participants in this study exited the Philippines through NAIA (Ninoy Aquino International Airport) in Manila, primarily because their agency was located in Manila and/ or because most recruits originated from the capital island of Luzon. One accounts of a group of men’s exit from the Philippines illustrates the web of connections that collude to facilitate men’s expedient departures:

We stayed at Winrock agency in Manila for two weeks until our flight. On the day of departure the representative from Winrock told us to line up at a particular counter at Immigration. We went to that officer and we passed immigration easily. When we arrive in Singapore there is a representative of the agency waiting for us at the airport (Edward).

Another example of these connections is provided in an affidavit from a Filipino national recruited in the Philippines to be deployed through Step Up Agency in Singapore (see Figure One, below, and Appendix Four for selected affidavits of this case).

Figure One – Excerpt from Affidavit of a Filipino Fisherman Concerning Recruitment and Deployment
AFFIDAVIT

I, NAME DELETED 42 years old, married, unemployed, and a resident of Barangay NAME DELETED, Kalibo, Aklan, after having been duly sworn in accordance with the law, do hereby depose and say:

That Ms. Celia Robelo, of Linabuan Sur, Banga, Aklan working in conjunction with her sister-in-law Ms. Roselyn Robelo, also of Linabuan Sur, Banga Aklan, who I understand is employed in Singapore as a domestic helper (DH), recruited me in early October 2010 with the offer of a job through Step up Marine Agency on board a Taiwanese fishing vessel on a three-year contract, with a promised salary of US $ 400 per month.

That on October 6, 2010, I remitted ₱ 10,000 to Ms. Roselyn Robelo, by Western Union (receipt number 565-685-9261). Ms. Roselyn Robelo asked Step Up Marine Enterprise to accept me above the Agency’s age limit of 40, and I was asked to send a full body photograph.

That I was processed in Manila by a certain Cathy Andaya (Tel: 09122103570) who arranged my tickets and travel documents. I met her at Pitong Gatang Street Tondo. I gave Cathy Andaya a further ₱ 10,000. She told me that my salary would be only US $ 200 per month.

That on November 25, 2010 I was driven to the Airport by my sister, where I was met by Cathy Andaya and an officer from Immigration, who told me that I could use any desk when passing through Immigration. There were six other Filipinos with me on the flight to Singapore. On passing through Manila Immigration, an officer stopped two of us and denied us permission to leave the country as tourists. I asked Cathy Andaya for instructions by text message and was told to wait there. Within five minutes another Immigration Officer with the name of Mendoza on his security pass, took me and the other Filipino and checked us through another desk. I was subsequently told that Immigration officers were receiving ₱ 10,000 for each seaman processed by Step Up Marine Enterprise, although I cannot verify this.

That on arrival in Singapore, we were instructed by a certain ‘Bong’ in a text message to write “Transit” on our Immigration Arrival Cards, which indicated that the Singapore Government knew that we were in transit for employment, as opposed to tourists. We were also processed through a separate lane and our passports were given by Immigration to the Filipino woman from Step Up Marine Enterprise who collected us from the Airport and took us by MRT to the Agency. We were met at the Agency by a certain “Bong”, a Filipino male (Ilocano) aged
about 35, about 5’4” tall and chubby. “Bong” took photographs of us dressed as seamen for our log books. I received my forged seaman’s log book the next day and I noted that it was signed by a certain ‘Emerson M Lorenzo, Administrator Marina’. The log book appeared authentic as it was embossed with a perforated number B 316045, which implied that Step Up Marine Enterprise were either able to acquire a consignment of blank seaman’s log books or produce a credible forgery. Bong also told us to sign our contracts. When I started to read the contract, Bong said impatiently, “no need to read it, just sign it.”

That we were taken to an apartment on the 16th floor of the building, where we joined some 20 other male Filipinos, mostly Ilocanos who slept on the floor of the living room and five or six Filipino women, who slept in one of the two bedrooms with Lina, a 35 year old chubby Singaporean Chinese woman. The Filipino women were tasked to cook the food. The other bedroom was occupied by Bong and Lina.

In the case of this man and his companions their agent in Manila assisted the men to clear immigration through the use of a contact at the airport, after their initial attempt to depart was denied. The recruiters were two sisters – one based in Singapore (as a domestic helper) and the other in Manila. From this affidavit it also appears that the recruiters were working directly for Step-Up Marine Enterprises. Indeed it was Step-Up that issued the men with false seaman’s books. It was unclear why the men were not processed through Singapore and Step Up Marine as fishermen rather than the (false) occupation of seafarer. It is possible to speculate that seafarers would be more likely to clear Philippines and Singapore immigration authorities more readily given the scrutiny of men who attempted to depart the Philippines as fishermen. In addition the agencies involved in the men’s deployment (in this case Step Up) were able to charge the men for their false seafarers books, thus adding to their debt obligations and ostensibly the period of their bondage.

3.4 Transit in Singapore, Agencies and ‘Contract Bullying’
One area of considerable confusion in this study was the status and role of the agencies in Singapore in the fishermen’s deployment: are they, for example, manning, managing, or employment agencies? In 2009 the Singapore government’s Ministry of Manpower (MOM) investigated one of these agencies (Beverley Agency). Their findings were released in a newspaper report (Neo 2009, 'The search for a missing brother', Monday September 14), and stated:

The Ministry of Manpower's investigations have found that Beverly Agency is not an employment agency and hence, it is not regulated under the Employment Agencies Act. MOM has established that there are no recruitment activities or job matching carried out by the agency in Singapore. Actual recruitment of the seamen is carried out by Beverly's business partners based overseas.

Instead, Beverly Agency works as a managing agent for overseas clients and handles administrative work. Managing agents provide business service, and in this case includes arranging for seamen's visas, lodging and providing meals for the seamen while they are in transit here in Singapore.

The seamen in question are deployed to work for employers not based in Singapore and on international waters. Local or foreign seamen who have encountered employment related issues in Singapore can seek assistance from the Singapore Organisation of Seamen.
This suggestion that the agencies can be defined as ‘managing agencies’ (rather than employment or manning agencies\textsuperscript{10}) and perform an administrative role only (receiving and transferring fishing crew) was reiterated by Singapore’s TIP Taskforce in 2012 in their official response to their Tier Two rank in that year’s Annual TIP Report (see p. 14, this report). Further, both the Singapore government and the Singaporean manning agencies themselves suggest that the agencies are not directly involved in the recruitment of the men in the Philippines and therefore cannot be held accountable for the deceptive recruitment practices of intermediaries in the source country. This stance was confirmed in a personal communication with a representative of the TIP Taskforce in August 2012: “....”. If, however, these managing agencies are stepping beyond their roles as administrators and/ or are knowingly involved in the deceptive recruitment of men and/ or knowingly place them in exploitative situations on fishing vessels then it may be that more stringent regulation and monitoring of these agencies needs to take place in Singapore, even if this portends legislative revisions. A tighter regulatory environment for these agencies may have positive repercussions for fishermen’s labour rights. To further complicate this matter, upon investigation this study found that two of the agencies most commonly named by trafficked fishermen as their agencies (Step Up Marine Enterprises and Beverley Agency) were in fact registered as manning, ie. employment (rather than managing) agencies. However, as the Singaporean government suggests, even if they are manning agencies, the fact that the

\textsuperscript{10} Whilst the Singapore government uses the term ‘employment agency’, the ITF refers to agencies specifically in the seafaring sector as ‘manning agencies’. According to the ITF, manning agencies should: Provide seafarers orientation on recruitment policies and procedures, terms and conditions of employment and other relevant information; Ensure that any seafarer recruited or deployed by them is qualified and holds the documents necessary for the job concerned; Ensure that contracts of employment are in accordance with any applicable laws, regulations and collective bargaining agreements; Ensure that seafarers are informed of their rights and duties under their contracts of employment and the articles of agreement prior to or in the process of engagement; Ensure that proper arrangements are made for seafarers to examine their contracts of employment and articles of agreement before and after they are signed and for them to receive a copy of the contract of employment; Ensure that the vessel/s and the crew are adequately covered by P & I Club or similar insurance through the submission of the certificate of insurance coverage; Assume joint and solidity liability with the employer for all claims and liabilities which may arise in connection with the implementation of the employment contract, including but not limited to wages, death and disability compensation and their repatriation; Guarantee compliance with the applicable labour, social and maritime legislations, and applicable regulations of the flag state and international maritime bodies such as the International Maritime Organization (IMO) and the International Labor Organization (ILO); Repatriate the deployed seafarers when the need arises. See http://www.itfseafarers.org/manning_agents.cfm.
exploitation take place off-shore (in international waters) restricts how the government may respond to the issue. We will return briefly to this issue in the final part of the report as the role and regulation of agencies is an important avenue through which possible preventative measures and protections to fishermen may be extended in future.

There was a list of standard conditions narrated to recruits by Philippines-based (and sometimes Singaporean-based) intermediary recruiters and agencies. The information that the recruits were given concerning their work and conditions and the ways these were flouted when they arrived at their agency in Singapore are given in Table One (below) and men’s own narratives supported these findings.

Table One: Mismatch between Work Conditions Given Pre-Departure (Manila) and Upon Arrival (Singapore)

<table>
<thead>
<tr>
<th>Pre-Departure (the Philippines)</th>
<th>Upon Arrival (Singapore)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of between USD 250-400 per month</td>
<td>Salary of USD 200 or less per month</td>
</tr>
<tr>
<td>No salary deductions for amenities and food</td>
<td>Deductions (usually USD 50 per month) for food and amenities</td>
</tr>
<tr>
<td>No deductions for equipment and medical</td>
<td>Deductions (variable) for equipment and medical</td>
</tr>
<tr>
<td>Salary to be paid monthly after a period of salary deduction for placement fee (normally four months)</td>
<td>Salary not paid even after deduction period ended (kept supposedly in an account in employees name to be given at conclusion of contract)</td>
</tr>
<tr>
<td>Rest during sickness or injury</td>
<td>No rest during sickness or injury</td>
</tr>
<tr>
<td>No penalty for early release from contract</td>
<td>Penalty of up to USD 2000 for requesting early release</td>
</tr>
</tbody>
</table>
The captain wanted us to transfer to his sister boat, the [name deleted], but I didn’t want to because I fear that no-one will know where we are. We complained to our agency in Singapore and asked to be released from the contract, but they said I’ll only get my salary after my three years contract is up. They said after four months salary deduction they will remit money to my family. But up till now (nine months) my family has not seen any money. I want to go home.

In my contract it says 8 hours of work but it became 18-20 hours [a day]. They [Philippine agency] said I would be working on a cargo tanker [a seafarer’s position]. They promised me USD 350 per month as salary, but I only got USD 200 and deductions from that. We have colleagues back there [on the boat] that want to leave but they can’t because the agency in Singapore didn’t fix their immigration status. They are here as tourists.

According to the above Table and men’s own narratives, they would normally earn a salary of USD 150 per month after deductions, but even then this salary was not paid to them (most men requested their monthly salaries be remitted to an account held in their names in the Philippines, so their families could access this, but this normally did not happen). Figure Two provides a
copy of a ‘payment agreement’ and ‘deductions receipt’ from their Singaporean-agency that men are requested to sign.

Figure Two – Copy of One Recruit’s ‘Payment Agreement’ and ‘Deductions Receipt’ from their Singaporean Agency

Plate One (below)
In the above case, the fisherman concerned did not accept these payments and deductions upon his release from the Singaporean agency and consequently he did not sign the agreement. For our purposes, the significance of Plate One is two-fold: first, his agreed to salary dropped from an initially promised USD 400 per month at the time of recruitment to USD 160 per month in the final agreement presented him in Singapore, and; second, even with thirteen months payments at the new salary rate (a total of USD 2080), this man owed USD 83 after having to pay USD 2163 worth of unforeseen deductions\(^n\).

In addition to these financial complications, even once men realised that they were to be deployed according to the above work conditions and on a fishing vessel (rather than in another job), there were other conditions that were not disclosed to them until they were deployed on the

\(^n\) These include payment of USD50 for their work gear and purchase of their own provisions and dry goods on the vessels, for which the captain charges them exorbitant prices. Each month the men are given USD50 in order to cover these costs and at the end of their 3 year contract, they are paid their remaining salaries.
boats themselves and well out at sea where there was no option of deserting/breaking their ‘contracts’. As Wayne (my emphasis) and Arman respectively stated:

They [Philippines agent] said we are going to get USD 200 per month plus a USD 50 allowance for food. But no allowance was given and then they subtracted USD 50 from the salary. The agent [name deleted] said the boat will dock for three months [meaning every three months] but I was at sea for two years without it docking. The captain won’t give us our passports back, even if we want to leave. *The agent never explained how hard the work is.* We have to pull the big fish out of the ocean manually and we only get 2-3 hours sleep a night (Wayne).

Somebody recruited me in the Philippines. He told me it’s to be a helper on a cargo or passenger ship. When I get here in Singapore, I was surprised that the open position is for a fisherman. I can’t back out because I was already here and I pay a big amount to go back to the Philippines. I endured and flew to Mauritius where our boat was waiting (Arman).

The conditions Wayne mentions – relating to working hours and conditions – were also discussed by other men and are further examined in Part Three of this report. But what is important to emphasise here is that the exploitation that men experienced related not only to the working conditions and type of work, but also to the financial aspects associated with their recruitment and deployment which occurred principally in Singapore (FN – Shelley’s discussion with Lim).

Both the financial and working conditions of their deployment were set out in new contracts which the men had to sign once in Singapore. The copied documents below (Figure Three) are examples of the types of “contracts” and agreements men are pressured to sign once they arrive
in Singapore and which, indeed, none had any foreknowledge of whilst awaiting departure in the
Philippines.

Figure Three – “Contracts” and Agreements for Signing by Filipino Fisherman Upon
Arrival into Singapore (from Step Up Marine Enterprises, Singapore)

Plate One
CONTRACT BETWEEN CREW AND FISHING VESSEL
(SIGN IN PHILIPPINES)

NAME: [Redacted]  F. Name: [Redacted]  PASSPORT NO: [Redacted]  DOB: [Redacted]
FATHER'S NAME: [Redacted]  MOTHER'S NAME: [Redacted]  DOB: [Redacted]
WIFE NAME: [Redacted]  ADDRESS: [Redacted]
TEL. NO: [Redacted]  VISA NO: [Redacted]

1. TERMS AND CONDITIONS WITH UNOVERTAKING:
1.1 Term of Contract 36 months starting from [Redacted] 2010.
1.2 Sea water will be used for bathing and laundary purposes only.
1.3 Cigarettes and personal supplies (e.g. tooth brush, noodles, Shampoo, etc) is not free, will be paid by crew himself.
1.4 He is working on board fishing vessel without any overtime pay with working hours 18 – 22 hours daily.
1.5 The fishing Vessel will operate in the high sea for 1 trip, it takes about minimum 6 months to 18 months without communication with the family.
1.6 New fishing crew who are beginners may suffer from seasick, he will receive automatically after few week working in the vessel.
1.7 The crew(s) must all the safety rules on board of the ship.
1.8 Crew(s) must promise to work hard, obediency and diligently in the ship.
1.9 Any crew(s) who breaches the contract (own sickness, fighting, lazy and reject by captain etc.) must bear for all expenses incurred in going home Philippines.

2. SALARY
2.1 US$ 2000/mth (allowance US$ 400/US$ 50 will be paid on board every time the ship berths at port and the remaining salary US$ 1500/US$ 160 will be collected in Singapore or Philippines).

NOTE: All crew(s) is not allowed to ask or request to take their remaining salary US$ 1500/US$ 160 when ship berths in any other country. If the crew(s) finishes his contract or has over contract and the ship did not berth in Singapore port, crew(s) is to fly over Singapore and stop over for two(2) days to collect his balance monthly salary of US$ 1500/US$ 160.

IMPORTANT: When the crew(s) finishes contract or over contract if he wishes to go home to the Philippines, he must collect all payable allowance of US$ 400/US$ 50/mth, Shark fin bonus and working bonus from Captain. It is also the responsibility of the crew(s) to call Singapore office three (3) days before his departure back to Singapore to confirm with us if their owner has already settled their salary to us. In any case, if the crew comes back to take his salary without our confirmation, we are not liable to pay them their salary immediately. We are responsible only after the Owner has settled it to us.

2.2 A deposit of US$ 300 will be affixed for crews who are collecting salary for the first time. It is refundable to them upon finishing contract or if over contract in the airport before their departure back to Philippines.

AGREED BY CREW:

SIGN & THUMB PRINT
DATE: [Redacted] 12, 2010

38 | P a g e
The ‘contract’ example provided above, which is typical of that which men sign once in Singapore, presents entirely different conditions than those to which men agreed in the Philippines. Further, the promissory note, such as the one provided in Figure Three, is an instrument that effectively debt bonds the men to their agency in Singapore and operates as a powerful disincentive to break their contract, despite exploitative working conditions at sea.
Manning Agencies in Singapore

Although the Singapore government maintains that the agencies involved in the deployment of these men provide only an ‘administrative function’, it is clear from the above that the men’s employment contracts are held by the agency and therefore these agencies function as manning agencies in Singapore in the same sense as employment agencies operating to cater to paid domestic workers and workers in the construction, shipyard and landscaping sectors.

Apart from these concerns relating to the mismatch between contract conditions and explanations relating to work, men experienced extremely poor conditions of stay in Singapore during their transit (which could be a period of anywhere between a few days to weeks). The men were threatened if they refused to sign a revised contract once in the office of the Singapore agency and were physically detained in ‘living’ quarters above or near the agency whilst awaiting their deployment. The rooms where the men stayed during this transit period were dirty and substandard. No beds were provided and men were forced to sleep one against the other on the floor, with an average of 20 plus men accommodated this way at any one time. Food was supposed to be provided freely for the recruits during this time, but in many cases was not, as Patrick stated: “[Name deleted] from [name deleted] agency said he’ll be in charge of our food, but our agency never gave us any during our several days stay there. We sleep on the floor and the room is crowded with about forty men”.

4. Exploitation at Sea

Men’s exploitation fell into four broad categories: financial exploitation, labour exploitation, physical abuse and psychological manipulation. It is argued in this report that financial exploitation occurs principally in relation to contract arrangements with Singaporean-based agencies, whilst the other three elements of exploitation occur primarily at sea (although, as suggested above, some coercion and abuse was documented during men’s sojourns that the agencies in Singapore as well). In addition, in extreme instances there were cases of men who died at sea due to health concerns induced by the conditions of their work. All these circumstances are documented below. As well as these conditions, another major concern surfaced through the research; namely the flight of men in third countries and their subsequent “disappearance”. This last concern is further discussed in Part Four, however it is noted here that, for men who fall into this category, exit from the fishing vessel presents new vulnerabilities in countries where they may be unable to avail legal or social protections.

4.1 Labour exploitation

Filipino men on long haul fishing boats were principally exploited for their labour. Common concerns that were recounted to myself, TWC2 and the Philippines Embassy included: excessive working hours, concomitant fatigue leading for some to complete mental and physical exhaustion, lack of protective gear and resulting high frequency of preventable “accidents”, lack of adequate medical treatment for accidents and sickness, work in extreme environmental conditions (especially frigid temperatures in polar regions), and food and water rations that are inadequate for basic sustenance.
According to information provided by TWC2, as a result of their own documentation of men’s work on the boats, the following additional problems were identified: “The men store fish in the cold "hole". The men work in these cold rooms with no cold weather gear in -80 degree temperatures. They have life buoys but these are locked up in a room. They don't wear life jackets. Nobody does because most vessels do not have life jackets. In rough seas, many men have been thrown overboard, bitten by sharks... they lose a limb and they have to wait for the vessel to berth (which could be many months) before they get medical attention for their lost limb. There is no protective gear. If there are life jackets, they are in a room and are torn; there are life buoys but they are locked up and no one knows if they are in good working condition. There have been stories of Indonesian fishermen throwing themselves overboard”.

Joey and Victor presented together at the Philippines Embassy in April 2011 after deserting their vessel when in docked in Singapore. They summarised to me the main elements of their labour exploitation at sea which were typical of men in this study, as including:

- Working 18-22 hours a day, seven days a week
- No day off and no overtime for hours worked beyond those agreed to (8-9 hours per day)
- No rest day for sickness or injury
- Forced to work during the storm and with no protective gear
- Forced to pull the heavy fish up manually from the ocean
- Food that was rotten or expired and water rations that were inadequate.

4.2 Financial exploitation

Both captains on the fishing vessels and Singaporean based marine agencies make considerable profits from the exploitation of these men’s labour. The men in this study agreed to salaries that
ranged from USD 420 – 250 per month. In fact, most men agreed to a monthly salary of at least USD 400 per month, which was subsequently reduced upon arrival in Singapore where their marine agency forced men to sign a new contract which stipulated a reduced salary, normally at USD 200 per month, minus a further USD 50 for on board costs and insurance. These arbitrary deductions are discussed in detail in Part 2 of the report, above. However, what I wish to emphasise here are the profits the Singaporean-based agencies make from the recruitment/deployment of the men. LSM Report...

4.3 Physical and Psychological Abuse

Extreme fatigue coupled with lack of adequate sustenance, as well as difficult working conditions, lead many men to become depressed whilst on board the fishing vessels. Jason related the very common problem of seasickness: “After big waves struck the boat my nausea grew and I wasn’t able to eat. They still forced us to work even with the seasickness. That’s why I decided I wanted to go home”. Forcing men to work when they were sick or injured was the norm on the vessels, including working excessive hours, as other participants related:

| They asked us to work for 18-20 hours a day, seven days a week; even weird hours [meaning during the night]. We lacked food and sometimes we were just given bread to eat. Even if we are sick they force us to work (Arman). |

One man related in his affidavit to the Philippines Embassy:

| They would give us expired and rotten food, cans of drink and medicine. A compatriot died because of that; when he got injured on the boat they gave him medicine – an injection - that was more than 5 years out of date. I believe this is maltreatment and I can’t take it anymore. |
Victor and Joey recounted to me in their interview at the Philippines Embassy that:

Victor: I got a swollen leg because we are forced to work standing for about 18 hours a day. We are not allowed to sit down. I got fever after that and they just gave me some painkillers and told me to keep working. We were given two meals a day – rice, bread and noodles only. Sometimes we would eat the fish that we caught because we were really hungry. The bread was always stale and the noodles were three years past expiry date. Now I [Victor] have lost 37 kilograms. I was 127 kilograms when we first started the work and now I am only 90 kilograms. We have many wounds from jellyfish stings [Joey rolls up his left sleeve and shows several scars].

Joey: When you work like that you remember your family and you are crying. You have no news. You are just waiting for the boat to go to port. A carrier ship comes out to collect the fish and give supplies. We have no way to leave and it is so lonely out on the sea.

As Joey suggests, men are socially isolated on the fishing vessels, as they normally only docked once a year unless repairs were needed. Because the isolation at sea men were unable to contact their relatives back in the Philippines, further compounding their anxiety.

A particularly prevalent injury from working on the vessels involves fishing hooks. Each fishing line is about 14 kilometres in length and each line holds around 4000 hooks. When the lines are reeled into the boat the men must dodge them in order to avoid being stuck. Men who are not experienced at the work or who are not quick enough to move risk injuries, most commonly to the face, neck and arms (see Photos One and Two, below). Wounds are normally sewn up with a needle and thread, with no antiseptic or pain relievers administered. Men with more serious injuries – either from fishing hooks or commonly from shark bites – must wait until their vessel berths before being treated by a doctor. There have been cases of deaths of men who have been
unable to endure the wait or who have died from other illnesses induced by the working conditions they must endure.

Photo One – A Fishing Hook Injury (Photo by Shelley Thio)
Even when vessels were berthed in Singapore men whose passports are held by the captain were told they were unable to go into the port area. Men explained that the captain would inform them that they would incur a fine of SGD 10,000 for each crew member that jumped ship whilst berthed in Singapore. Naturally this raises the important question of why – if conditions on board and remuneration were reasonable – men would attempt to jump ship in the first place.

According to a briefing paper penned in March 2012 concerning Eril Andrade’s death and the illegal recruitment and trafficking of Filipino fishermen through Singapore, “Eril Andrade died on or about 22/02/11 in the Bay of Bengal on board Taiwanese fishing trawler MV Hung Yu # 212 that was fishing at that time in the Indian Ocean, but his body was not landed until the vessel docked in Singapore on 6 April 2011. The Post Mortem conducted on 12 April 2011 by Dr. Wee Kheng Poh, Senior Consultant Forensic Pathologist in the Mortuary of the Forensic Medicine Division of the Health Services Authority, Outram Road concluded that the cause of death was “Consistent with Acute Myocarditis”- inflammation of the heart caused by infection”. The author of this report has requested that they not be named. The report remains unpublished and held in confidence.
Because they were unable to take shore leave in Singapore then men were unable to buy a SIM card or phone credit to call their families and were unable to use the port facilities to shower or use the laundry facilities.

Men were subjected to verbal and physical abuse whilst on the boats, usually from the Taiwanese captain and sometimes the Taiwanese officers. These senior personnel on the boats would beat the men on the face and body and verbally abuse them, usually for poor working performance or for making a complaint. To exemplify this, the following excerpt is taken from the case summary of the ‘Batangas Four’ (see Appendix Two):

The Filipino and Indonesian men would be routinely punished if they were found resting during work time or if their work was not carried out quickly enough. The punishments were usually in the form of beatings (kicks, punches, slaps) by either the captain or the officers. The captain drank heavily and would further abuse the men when he was drunk. It was difficult for the men to keep up with the pace of work required of them since the six hours rest they agreed to when they were recruited was not followed. In addition to physical abuse, fatigue from lack of sleep and food served to them that was rotten or expired were the main complaints of the men.

4.4 Indicators of trafficking

From the above information provided by the men in this study the following indicators of trafficking were evident:

- Removal of freedom of movement and association (in Singapore and at sea)
- Withholding of personal documents, including passports (in Singapore and at sea)
- Deception in the description of work compared to the actual job performed and/or conditions of that work (in the Philippines and in Singapore)
• Threats and intimidation (in Singapore and at sea)
• Debt bondage (in Singapore and at sea)
• Substandard living conditions (in Singapore and at sea)
• Substandard working conditions (at sea)
• Surveillance and an arbitrarily imposed system of punitive actions and penalties (at sea)
• Lack of adequate medical treatments and health provisions (at sea)
• Non-payment of salary (at sea, but facilitated by the Singaporean agency)

These indicators are based on internationally-conceived measures of human trafficking developed by the International Labour Organisation (ILO) and the International Organisation for Migration (IOM). At the crux of human trafficking is the deliberate and knowing intention to place a person(s) into situations of exploitation from which they cannot easily exit and de-humanising view of such person(s) including a disregard for their welfare and dignity. It is suggested in this report that these circumstances characterised all the men whose cases are considered by this report.
5. Post-Exit Trajectories

Men in this study departed their situations on the fishing vessels in one of three modes: a). they jumped ship (deserted) when their vessel berthed in Singapore; b). they completed their contracts and returned to the Philippines; c). less commonly, they exited their vessel in a third country (either by jumping ship or because they were detained by third country authorities). Most men in this study fell into group a), since it was common for those in this group to seek assistance from either the Philippines Embassy or another organisation after jumping ship in Singapore. Further research would bring to light specific issues concerning groups b) and c) and they are considered here in less detail. Notably no fishermen were identified by any authority in Singapore as trafficked and removed from their situations on fishing vessels as a result of investigations into practices of labour exploitation on the boats. The reason for this is simple (and is discussed further in the final part of the report): although the Singapore government recognises that these men are exploited (in international waters), because men are labouring outside the country and are therefore not issued with work permits for Singapore, they are not covered by Singaporean regulations governing the employment of foreign manpower. Instead, fishermen who jump ship after possibly having been trafficked are charged with a fine of SGD 10,000 for desertion. These types of barriers to fishermen being detected and exiting exploitative situations when their vessels berths in Singapore actively discourage detection of trafficking in the sector during what may be considered the best opportunity they may have: namely, whilst at a port call.

5. 1 Negotiating Justice in Singapore

13 After 9/11 AVA and ICA imposed further restrictions on foreign fishermen whose vessels berthed in Singapore. Barriers were erected closer to the vessels, thus denying men the opportunity to access the toilet, shower and food court facilities available at the ports in Singapore. Captains of the vessels routinely withhold the passports of crews as a disincentive for them to leave the vessel while at port for any reason.
Men who sought assistance from the Philippines Embassy aimed for redress for two items: unpaid salaries/salary deductions; and passage back to the Philippines. Further, in the case of deaths at sea the NOK of the deceased attempted to seek justice from/in the Philippines. Whilst the men invariably made complaints (usually in the form of affidavits or other signed statements) about the conditions of recruitment and deployment (such as those discussed in Part 3.), they were always informed by the Philippines Embassy that there was no mechanism for redress where compensation was concerned and that even recovery of unpaid or reduced salaries was not assured. The main reason for this, as suggested above, was that the men never received working visas whilst in Singapore and normally held a visa status of ‘in transit’ or, in some cases ‘tourist’. In effect this meant that the men were not covered by Singapore’s labour laws and consequently could not make complaints to Singapore’s MOM. This situation mitigated against the possibility of seeking justice for wrongful deployment and exploitative working conditions, including where (unpaid) salaries were concerned. The Singaporean government’s newly formed TIP (Trafficking in Persons) Task Force themselves confirmed this view, claiming that there was little the MOM could do since the Singaporean-based marine agencies performed an administrative, rather than an employment function and that the men were not issued with Singaporean work permits (personal communication, TIP Task Force representative October 2011). This view was confirmed by TWC2 in their case documentation and support work: “One of the Seafarer’s Missions in Singapore has been sending distressed fishermen to MOM. MOM was unable to recover the fishermen’s full salaries.... MOM also indicated to the Missions that these agencies were not labour recruitment agencies and were only performing an administrative role by transporting the men to the vessels. MOM repatriated the fishermen with only a mere S$300 each after having worked on the boat for 15 months” (personal communication, Shelley Thio, June 2012). Despite this, it is clear from information provided by men in this report (including copies of contracts and promissory notes) that the manning agencies concerned were
performing a far more extensive role than simply transporting men from the airport to the vessels.

The following are some of the accounts contained in men’s affidavits and written complaints lodged with the Embassy:

I ran away because they [agency in Singapore, name omitted] were going to make me go home without any money. I worked for over one year on that boat. Agency representative in Singapore [name omitted] said to me, “You broke your contract so all your wages that that I’m supposed to pay, you’re not going to get”. That’s my big problem; my wage. What about my debts in the Philippines if I’m not going to be able to bring home any money? I pawned my house and so far I cannot send any money back [to his family] to pay back for the house. I was really counting on my salary to buy back my house. I’m allergic to something on the dock or the boat and I had three injections for it. But after a while the allergy came back. I wouldn’t be able to go to sleep and I was so itchy all the time. So this is why I asked permission from the captain and the owner to leave. They said, “When the ship docks in Singapore you should get your money and go home”. Of course I want to go home but the agency must pay my salary first. (Pedro)

Arman recounted a similar experience:

I experienced all hardships in that eleven months on the boat. When my ship docked in Singapore again I asked to leave and they [captain] agreed. When I asked the agency, they also agreed provided I pay my debts and the plane ticket home. I never got a single cent in salary from them because, they said, it all goes to pay my debt for breaking my contract. Only the master [captain] of the boat gave me SGD 550. It’s fine if I don’t get a single cent from my
agency and I'll answer for my ticket home. I just want to be able to go home without a hitch; it’s enough to be able to go home.

Whether men wish to leave because of health problems created by their work (such as Pedro’s allergy) or because they cannot endure the extreme conditions and maltreatment on the boats (such as Arman), they face one key dilemma when attempting to recover lost salary; namely, the promissory note that states that if they break their contract by leaving before the minimum three years employment duration they must pay a ‘fine’ to the agency (of between USD 1500-3000). As suggested in Part 2., men are left with little choice but to sign contracts which they neither receive a copy of or are allowed to read (in Tagalog) prior to signing. They are bullied into signing this note effecting non-salary payment for breaking their contracts. Some men make complaints to the Philippines Embassy in Singapore in the hope of recovering lost wages or having their plane ticket bought for them by their agency, but these actions never result in recovery of lost/ withheld salary (as mentioned above some men are able to recover up to USD 300 only) and additional compensation for labour rights violations is completely out of the question under current legislative provisions in Singapore.

Particularly notable is the use of the promissory notes by the agencies to refute any claims of unpaid salaries or other monies owed to the men, including for their air tickets home. In Pedro’s case, for example, the Philippines Embassy sent a letter to Beverley Agency, with whom Pedro was contracted, regarding unpaid salaries and repatriation costs. In the reply letter from Beverley Agency to the Philippines Embassy it was stated that,

According to our record, he [Pedro] has worked for one year and he was paid USD 300 [two months salary at the revised down amount after deductions]. When we wanted to make the second payment (sic), he chose to break his contract. According to one of the clauses in the
contract agreement, a penalty of USD 2000 is required from him if he breaks the contract. Our company even had to spend the money to brought him a return ticket (sic).

In cases such as this, the agency is able to use the contract clause relating to quitting the work before three years to impose a penalty on the men. This penalty is then used by the agencies to nullify claims of unpaid salaries and other monies owed. In Pedro’s case Beverley suggested that their purchase of an air ticket back to the Philippines for Pedro was an act of kindness beyond any contractual obligations they may have had to him. Interestingly, in Pedro’s case he discovered that salary payments from Beverley were not being remitted to his bank account, so raising the question of whether it was actually Pedro or the agency that broke their contractual obligations (see also the case in Appendix Two).

There are also concerns that when men jump ship in Singapore they are often in extremely poor health, are preoccupied with contacting and seeing their families, and are physically exhausted. Given these circumstances men are not highly motivated to carry their complaints forward, as suggested in Arman’s narrative. This is a common problem when trafficked persons are detected by formal authorities, whether in destination countries or after return home; they do not have the motivation to be involved in what may be lengthy legal proceedings and investigations where the promise of compensation or redress may be tenuous at best. There is certainly no legal precedent for trafficked fishermen to receive either justice or compensation in Singapore. Whilst the Philippines has a strong anti-trafficking law (the Republic Act 9208), the applicability of this law to trafficked fishermen is still uncertain and is pending the outcome of the ‘test case’ of the 28 fishermen trafficked through Sarawak, Malaysia (see Appendix One for a brief background on this case).
4.2 Return to the Philippines

Studies on return in human trafficking have been relatively limited compared to our knowledge of other stages in the trafficking process. There were three particularly common inter-related problems faced by men when they returned to the Philippines: family problems, financial problems, and problems relating to the recall of their experiences of the boats. Similar problems have been documented in the return of migrant entertainers to the Philippines (Yea 2012, Cheng 2010). The first two of these three problems are discussed briefly here. The third problem was more difficult to disclose in the limited time available to meet with and talk to returned men and is only mentioned here as worthy of further examination.

Financial problems

As suggested earlier in the report, many of the participants in this study borrowed heavily in order to finance their migration. This usually either meant borrowing money from informally-operating money lenders who charged exorbitant interest rates or pawning family assets to raise the necessary finances for migrating. The failure of the men to pay off these debts and recover family assets was the financial problem discussed most repeatedly by participants. Participants talked of other family members paying off their debts on their behalf, or of being caught in a catch-22 situation where their productive assets were held in the hands of the person to whom they had pawned these, so leaving them in a situation where they were unable to gain income from these assets. As Ben recounted, “My parents-in-law pawned the rice farm for the PHP25,000 to finance my migration. The farm is pawned to a friend so there is no interest to be paid. But the money from the rice crop goes to my friend and now I can’t get the farm back”.

Apart from debt burdens, most returned men have difficulty finding work. This problem relates especially to men who were previously farmers or fishermen and who were self-employed prior
to migrating to Singapore. The men traced by this study back in the Philippines either had remained unemployed since returning home or had managed to gain low paid work, usually on construction sites. Such work is normally undertaken on a casual basis and, according to the men, cannot be relied on to provide a stable income. As Chris, who pawned his farm, stated, “I had to take work as a construction labourer and the salary is not enough to cover my costs and also to pay the money I borrowed from pawning my farm”. As we shall now see, financial difficulties can also produce tensions within the family upon men’s return.

**Family problems**

As male breadwinners in the family, many of the men in this study were under pressure when they returned home without money. Pedro, who’s salary problem is introduced above, faced marital problems as a result of his financial failure as a labour migrant in/ through Singapore. He recounted, “My wife almost left me coz I was only able to send two months’ salary to them [his family] the whole time I’m away”. In the case of the ‘Batangas Four’ (see Appendix One), one of the returned men became separated from his wife because of his failure to return with promised salary and his failure (actually the Singaporean agency’s failure) to remit salary during his sojourn on the boat. Whilst the other three men in his group participated in the interview we arranged in Batangas, this fourth man refused to participate, with his compatriots explaining the family crisis he was facing since returning home.

Sherwyn returned to the Philippines with a fellow crew member in 2011. Neither man derived any income from their sojourns abroad. Concerning his return to the Philippines he recounted:

> When we got back to the Philippines we didn’t tell our families that we were back. We feel so sad and embarrassed at that time. Sometimes we thought it might have been better for us to stay at the vessel and sacrifice ourselves. Because when we get back in the Philippines and stayed in
Manila we had trouble getting jobs. It’s almost one month staying with a friend in Manila, and it’s not even my friend’s house; she’s just working there. We sold our personal belongings from time to time just to keep us going and look for jobs. Nothing happened. No jobs and nothing left to sell so finally we decided to contact our families and go back home (Sherwyn).

In fact, many men in the study recounted experiences of attempting to make up for lost income in major cities prior to returning home to their families. The shame of returning as ‘failed migrants’ may be said to be linked to the celebration of the successful overseas foreign worker in the Philippines, who is constructed in popular and state discourses as a ‘modern-day hero’. But what this means for men like Sherwyn is that their return home is marked by shame, sadness and the practical realities of unfulfilled migratory promises of upward financial mobility. There is currently no support for men in such circumstances returned from Singapore and, as suggested above, the much needed salary claims and compensation owed these men fails to materialise because of jurisdictional and legal hitches that effectively render these men beyond recognition as trafficked persons in Singapore (or indeed in Taiwan) despite clear indications of their status as such.
6. Conclusions and Reflections

As the information provided in this exploratory study indicates, men suffer a range of abuses in the recruitment and deployment process (in the Philippines and Singapore), at sea (in international and other territorial waters), and after exiting their situations of exploitation, including in Singapore and upon return home to the Philippines. Many of their experiences provide parallels with the exploitation of migrant men (primarily from Cambodia and Burma) in Thailand’s long haul fishing sector (see IOM 2010, UNIAP 2007, 2009). These include; lack of adequate remuneration for work performed, debt bondage, physical and psychological abuse, significant harms resulting from work in unsafe conditions (including serious injury and on occasion death), and lack of care for workers health (resulting variously in physical exhaustion and dramatic weight loss, amongst other effects). Men were unable to easily leave these situations whilst on the boats (because of the infrequency of port calls), and even once they had “jumped ship” (because of debt bondage arrangements).

Despite these similarities the main factor differentiating the Thai case from that of Singapore concerns the legal/ extra-territorial geographies of trafficking and jurisdictional problems that define exploitation in the two fishing industries. In particular, for men deployed on boats through Singapore, Singapore is not just a transit point in the traditional sense of the usage of the word in anti-trafficking since the men sign contracts with, receive (supposedly) salary from, and are beholden to their Singaporean agency if they break contract. This is different from migrant and refugee men on Thai fishing boats whose deployment through Thailand is often not facilitated by a registered Thai-based agency. This complication in terms of understanding the meaning of ‘transit country’ for men trafficking onto fishing boats through Singapore is not presently well understood but requires much greater consideration. In other words, although the
Singapore government has taken commendable positive steps towards supporting exploited fishermen who are deployed through Singapore and whose vessels berth in Singaporean docks, *these supports do not extend to a recognition that these men are a trafficking concern for Singapore*. Further research with Taiwanese government representatives would be needed to ascertain their views about their government’s responsibility concerning this problem.

The remainder of this last part of the report provides some further reflections on the experience and meanings of trafficking in this context and sector. To provide more detailed recommendations for appropriate actions to protect trafficked and exploited migrant fishermen who pass through Singapore further more in-depth research involving documentation of multiple nationalities deployed in this sector would need to be undertaken.

**International and National Protections & Gaps**

*National Instruments:*

In Part Three of the report the role and status of the agencies in Singapore was briefly discussed. There is considerable confusion over their functions, including whether they perform employment or administrative roles, and whether their services are targeted at seafarers or fishermen, or both. Investigations of some of these agencies by the Singapore government have so far failed to provide any light on the answers to these questions. However what can be concluded is that Singaporean manning agencies (ie. employment agencies operating specifically to place seafarers on vessels) are only governed by Singapore’s Maritime Port Authority (MPA) provisions which apply only to Singaporean-registered vessels. Thus, the Taiwanese fishing vessels considered in this study would fall outside the MPA provisions governing the conduct of the manning agencies. Further, as also discussed in Part Three, MOM does not currently have
authority over these agencies because the men do not work in Singapore or hold Singaporean work permits.

So the question remains: which authorities in Singapore do have responsibilities for the fishermen and can assist in their protection and support as trafficked persons? In fact the fishing vessels berth at Jurong Fishery Port which is managed by the AVA and ICA. In matters relating to the fishermen and the fishing vessels, AVA and ICA have to be notified but the problem\textsuperscript{14} is that neither party has jurisdiction over the manning agencies, as is in the case with MOM. As such there is a limit to the types of support AVA or ICA may be able to offer.

Apart from issues around responsibility concerning Singaporean authorities to respond to the labour and human rights abuses, trafficking and slavery of fishing crew, there are issues concerning non-compliance of Singaporean manning agencies to Philippine government regulations concerning fishermen deployed overseas. Although at present there are only a handful of agencies based in Singapore that are involved in deploying fishermen on vessels operating out of Singapore anecdotal evidence indicates that other agencies are keen to become involved in this sector. In particular, the Philippines Embassy in Singapore has received correspondence from a number of registered employment agencies in Singapore (currently involved in deploying men primarily in Singapore’s shipyard and construction sectors) wishing to be accredited by the Philippines Embassy to deploy Filipino men into the long haul fishing sector. According to the Philippines Labour Law, internationally deployed fishermen should receive a minimum wage of USD 500 per month. In this regard the Labour Attache of the Philippines Embassy has stated that, “countries of transit and deployment for fishermen are legally required to submit a request for clearance of recruits before deploying them on fishing vessels. Because none of the agencies operating in Singapore have requested this clearance – so giving the Philippines Embassy the opportunity to review and sign off on their contracts – we

\textsuperscript{14} See \url{http://www.ava.gov.sg/AgricultureFisheriesSector/FisheryPorts/JurongFisheryPort/}. 

59 | Page
consider them to be operating outside the bounds of standard legal regulations of the Philippines”. The failure of agencies in Singapore to abide by Philippines regulatory processes to verify contracts and adhere to standard conditions makes it extremely difficult for the Philippines Embassy in Singapore to respond until after exploitation has taken place.

International Instruments:

In August 2011 the Singaporean government ratified the ILO’s Maritime Labour Convention (2007) extending important protections to seafarers who pass through Singaporean ports. However, the men in this study (and anecdotally those from other nationalities, such as Indonesia, India, Cambodia and Vietnam) fall outside the scope of the protections offered by this Convention since they are not qualified/ accredited seafarers. Both the MOM and the SMOU informed TWC2 that the complications with this Convention emerge from the fact that it does not cover fishermen, only seafarers. Singapore has not yet signed a related ILO Work in Fishing Convention (adopted 2007)\(^\text{15}\).

As Sophie Nonnencher (2012) suggests: “[T]here are considerable gaps in these instruments concerning trafficking at sea. For instance, the Protocol against Trafficking in Persons... does not contain provisions on trafficking on the high seas. In comparison, the UNCTOC Protocol on the Smuggling of Migrants specifically addresses the issue of smuggling at sea. The instrument which could prove most relevant to combating trafficking at sea is the UN Convention on the Law of the Sea, with its provisions against the slave trade. The problem, therefore, is to establish

\(^\text{15}\) The Work in Fishing Convention contains the following provisions which could significantly assist men in the types of situations documented by this study: improved occupational safety and health and medical care at sea; the right for sick or injured fishers to receive care ashore; the right to take sufficient rest; protection of work agreements; the same social security protection as other workers; regulations for the construction of deepsea fishing boats to provide appropriate living conditions.
when trafficking of fishermen constitutes slavery”. Establishing slavery as a means of extending protections to trafficked fishermen is something that the Singaporean, Taiwanese and Philippines governments at a minimum should currently be exploring.

**Other Supports for Fishermen in the Destination**

Christian missions oriented specifically to the welfare of seafarers and fishermen currently provide the greatest level of support to trafficked fishermen who are deployed through Singapore. However we have chosen not to disclose the names of these missions/missionaries in this report because of the possible negative repercussions this may have for their valuable work. This work includes approval from the AVA to display two banners at the port with their helpline numbers; provision of free drinking water at the port (previously men had to pay for water); permission to board vessels for inspections and provision of information to seafarers and fishermen; transit accommodation for men who jump ship; and approval for the construction of two drop-in centres for distresses fishermen and seafarers\(^{16}\). However the two drop-in centres have failed to materialise after over one year of waiting and follow ups with the TIP Task Force representative yielded no certainty. It is unclear why approval of a drop-in centre is proving such a lengthy process.

**Men as victims of human trafficking?**

Following the development of the UN Trafficking Protocol (2000) the presumption that women and children constituted the largest proportion of trafficking victims globally, and that the majority of human trafficking activities took place in the sex industry became entrenched.

\(^{16}\) This latter support involved extensive discussions involving the AVA, some of the missions, the SMOU, MOM, and
Efforts at protection of victims and prevention of trafficking, as well as investigations of trafficking activities and legal proceedings have consequently centred on women and girls in the sex industry. Belatedly, both in Southeast Asia and Europe, it has been recognised that men and boys also constitute a significant component of the population of trafficked persons, and that trafficking for forced and exploitative labour in a range of sectors (such as the construction sector and fishing industry) may be far more widespread than previously thought. Yet because this recognition has emerged belatedly an anti-trafficking infrastructure based on the ‘three P’s’ (Prevention, Protection and Prosecution) that centres of women and girls (in the sex industry) as victims has already become well-established.

Incipient research on trafficking of men in Europe suggests that the types of supports and needs of male victims of trafficking may differ substantially from those of women (see Surtees 2008, 2012). As Surtees suggests, the concept of victimhood may sit awkwardly for men (as well as many women) because it can imply powerlessness and lack of control and agency. These concerns can intersect with traditional concepts of masculinity:

“While there are many variations on the concept of masculinity within and between cultures, it is nonetheless possible to generalize male behavioural norms within a given society, commonly known as ‘hegemonic masculinity’. Hegemonic masculinity in many social and cultural environments requires men to be strong, stoic, and self-sufficient. Men are commonly viewed as the breadwinner and/or the household head; the family protector; and the person most able to care not only for themselves but also for their families”.

This has implications for appropriate ways of interacting with and supporting men who have been trafficked that are applicable both to the men in this study and more widely. These need far more in-depth investigation than they are currently accorded. One of the main insights from Filipino men in this study concerned their deliberate and sometimes excessive efforts to conceal and downplay negative work experiences abroad. Without wishing to state the obvious, these
strategies can reduce efforts to circulate the dangers of unsafe labour migration to Singapore, as men are reluctant to recount their experiences to others in source communities. Concealing experiences can also make it difficult to initiate proceedings to bring men’s exploitation to justice where there may be legal outlets to do so, as men do not want their experiences to be disclosed and known to their families and community. This discourse of shame (lit. *hiya* in Tagalog) has gained further salience in an era of Philippine development through labour migration where the migrant worker is popularly represented as a ‘modern-day hero’ (see Rodriguez 2010).

**Specificities of the Philippines**

The cultural role of seafaring and the male breadwinner in the Philippines is discussed briefly above (see, ‘Men as victims of human trafficking?’). However, what is noteworthy here is the influence of this cultural logic on men’s migration aspirations. Although it is not the intention of this report to make recommendations to governments or other stakeholders involved in anti-trafficking work, there is arguably room to consider the growing problem of trafficking of Filipino men onto long haul fishing boats within state and popular discourses celebrating the migrant seafarer. This may open the way for more nuanced and considered representations of working abroad at sea which could work hand-in-hand with prevention efforts oriented towards the source communities in the Philippines (principally on Luzon).

At present the main response of the Philippine government to this problem has been to profile Filipino men attempting to exit the Philippines to Singapore through international airports in Manila and Subic and prohibit their exit. As the narratives of some participants demonstrated, these border control measures may not be entirely effective because of corruption amongst immigration officials. But more than this, border control measures are not an effective
trafficking prevention measure in the longer term as restricting citizen’s movements (whether this occurs at the source, transit or destination country) does not address the key motivation to travel in the first place; namely the desires of migrants to achieve upward mobility through outward mobility. Further, border control measures deflect attention from broader structural issues relating to the continued salience of exploitative fishing industries within Asia, the intermediaries that also profit from these industries, and the markets that allow fish caught and processed by exploited labourers to continue to be sold throughout the region.

From Crime Issue to Development Issue?

In its responses to evidence of human trafficking, the Singaporean government has embraced the globally prevailing discourse of anti-trafficking put forward by the United Nations (see the Trafficking Protocol 2000) in which human trafficking is principally understood as a transnational crime issue. This understanding also structures responses to the problem of trafficking based on States developing anti-trafficking measures according to the ‘three P’s’. Whilst here is not the place to debate merits and pitfalls of this architecture of anti-trafficking, what is notable is the general absence or marginalisation of issues around poverty/development in framing responses. The men in this study were primarily motivated to migrate through Singapore for work because of their marginal economic situations, to which they returned after exiting their situations on the boats. Moreover, all the men in this study were straddled with additional financial burdens incurred through debts to finance their migration (and sometimes their return home as well). It therefore seems that attention to development aid and sustainable livelihoods would significantly enhance trafficking prevention efforts – both in this sector and possibly others where Singapore is involved as a destination or transit country for human trafficking.
**The New Zealand Solution?**

The New Zealand government recently enacted legislative revisions to increase the protections it can offer foreign fishermen who are found in New Zealand waters. Because the fishermen are neither New Zealanders nor do the fishing vessels do not carry New Zealand flags, the New Zealand government grappled with how to best address the exploitation of fishermen who entered New Zealand territorial waters and/or ports on foreign flagged vessels. The solution adopted involved re-flagging vessels with a New Zealand flag, so that the fishing boats would be subject to New Zealand labour laws and provisions relating to working and other conditions. It would be prudent for the Singaporean government seriously evaluate the feasibility of adopting similar measures to curb the exploitation of trafficked fishermen passing through Singaporean ports and waters (see Appendix Three, Article Three for an overview of the measures being adopted in the New Zealand case).

**The Role of Taiwan and Supply Chains**

In the early 2000s Taiwan was under scrutiny from the US State Department for its trafficking record, much as Singapore is today. At that time Taiwan was admonished primarily as a destination for women trafficked into the sex industry and through brokered marriages. Until now there has been no attention to Taiwan’s fishing long haul fishing industry as involved in abuses of migrant fishermen. At a minimum, raising questions about the practices of the Taiwanese fleet would draw attention to issues concerning supply chains. In particular, markets for Taiwanese imports of tuna, shrimp and salmon could place ‘fair trade’ standards on fish imports as a deterrent to the continuation of exploitative practices within the industry. Further
research on markets and supply chains would be helpful in understanding the focus and possible effects of implementing such standards.

**Impediments to Research and Investigation**

Trafficking generally is considered difficult to research. Despite this, this study was able to locate many Filipino men who had been trafficked through Singapore and onto fishing boats; all without funding. During interviews in the Philippines participants related anecdotal information about dozens of other men in their communities and/or with whom they had been deployed on fishing vessels. More extensive research with a wider group of participants in the Philippines and from other source nations would naturally lead to enhanced understanding of a range of issues associated with their migration to/through Singapore. Having said this, in general research with persons who are still in situations of exploitation should be avoided if possible because of major ethical concerns relating to participants safety (this is particularly notable in the sex industry). In the long haul fishing industry the relative isolation of men at sea mitigates against research with men on boats in any case. Research with men post-exit is therefore preferable from an ethical and practical standpoint and is urgently needed to gain further insights into this issue beyond what this report has been able to achieve.
References

Apostleship of the Sea (no date). ‘Taiwan’ http://www.aos-world.org/articles/fishers/taiwan.htm


ITF Seafarers (no date). ‘Manning Agencies’. Available at: http://www.itfseafarers.org/manning_agents.cfm


McKay, S. 2010 “So They Remember Me When I’m Gone’: Remittances, Fatherhood and Gender Relations in the Philippines’. Unpublished paper submitted to Development and Change


Pingol, A.T. (2001). Remaking Masculinities: Identity, Power and Gender Dynamics in Families with Migrant Wives and Househusband (Quezon City: University Centre for Women’s Studies, University of the Philippines)


Surtees, R. 2012. ....


Appendix One – Sarawak Case Summary


The Philippine-based NGO Asia ACTS documented the case of 28 Filipino men recruited in the Philippines to work as fishermen in boats operating out of Kuching, Sarawak (Malaysia) in 2010-11. As with the men in this study, those deployed in Sarawak were told they were they would earn a decent minimum monthly salary with increments every two months, a percentage of the catch, comfortable accommodation, and flight tickets, termination fee, taxes and document costs paid, and costs of a seaman’s book covered. They were not informed they would have to pay back these expenses once they commenced working. In addition, salary was reduced, arbitrary deductions imposed, and debts not accounted for in terms of real costs. The conditions on the boats were substandard, passports were withheld and the men abused on the boats. Two men paid off their debts by asking their families to send money while one was sent back to Philippines because the remaining men pooled their money for him. Five men sought the help of the Philippine Embassy and were allowed to return to the Philippines on March 2011 after negotiations. The remaining men jumped ship and sought the assistance of the police in Kuching.

The police referred these remaining fishermen to an NGO in Sarawak who provided shelter and accommodation for them. The NGO also negotiated for the release of the remaining salary (at the rates given by the employer, not what had been originally promised to the men, which also took place in the police precinct. The NGO also got the assistance of the immigration authorities to negotiate that the employer pay for the return flights back to the Philippines. The NGO in
Sarawak made contact with their Philippines counterpart, Asia ACTs. The fishermen had also contacted the Philippine Embassy in Kuala Lumpur and it was initially treated as a labour case, and only later as a trafficking case. However, when Asia ACTs requested the police authorities to investigate further as they considered this a trafficking case, they did not do so. Immigration referred the case to the Attorney-General's office and they decided that it was not likely to prosper as a trafficking case. Their point was that the deception took place in the Philippines, and the signed "contracts" were an indication that the men had agreed to work with the rates provided by the employer, so the case must be pursued in the Philippines against the recruiter. The Philippine law provides that trafficking victims can file cases and would receive compensation once the criminal case is successfully prosecuted, and the civil case would then be decided, that's when the compensation would be considered.

They were returned to the Philippines in May 2011.
Appendix Two – Sample Case: The “Batangas Four”

Case Summary

Four men from Barangay “M”, Balete, Batangas were recruited in March 2009 by a Roland Jergara, also a resident of this barangay, to work as fishermen through Singapore. Although the men were each recruited separately, Roland used the same story to attract each man, stating that, “If you have a passport it is easy for you to go to Singapore to work as a fisherman and there is nothing to pay in the agency in Singapore”. Each man was asked to pay only a recruitment fee to Roland, which was PHP 12,000 for Chris, Ben and a fourth man, but was PHP 25,000 for Gary (recruited first). The recruitment fee, the men were informed, was to cover the costs of the airfare (Gary paid double because he also paid for his own airfare and some other costs), a medical check-up, any other documents required, and as a gratuity to Roland himself for his facilitation of the men’s deployment in Singapore. The men were not told that they would also have a four month’s salary deduction by their agency in Singapore were assured that there were no more fees or outgoings to pay apart from the money they handed over to Roland.

All four men in this case pawned land that they owned in order to cover their fees to Roland and finance their migration to Singapore. Ben’s parents-in-law, for example, pawned their rice farm to a friend and although the friend did not charge interest for the money loaned, he did take the rice crop that had previously been consumed and sold by Ben’s relatives.

The four men travelled to Manila from Batangas – about a four hour trip – at their own expense and were told by Roland to visit a certain travel agency (not a labour agency) upon their arrival. The travel agent with whom they spoke issued each man with his air ticket and told the group
that they must present at a particular Immigration counter at NAIA Airport in Manila to ensure
their exit from the Philippines. Roland did not accompany the men either to Manila or to the
airport, where they arrived unaccompanied. At the airport each man had to pay his own
departure tax, despite assurances from Roland that this would be covered in his fee.

Upon arrival at Changi Airport in Singapore, the four men were met by a representative of
Albert Lim, owner of Beverley Marine Enterprises (hereafter, BME), which was the agency
through which the four men were to be deployed. They were driven straight to the Agency and
shepherded into the office upon arrival. In Beverley’s office the men admitted being extremely
nervous when they were asked to read and sign a document, but were not allowed to hold a copy
of the document themselves. The document stipulated that they were on a three years contract
with BME and that if any recruit failed to complete their contract for whatever reason they
would have to pay BME the sum of USD 1000 for breaking the contract. The document also
stipulated that they would receive a salary deduction of the first four months salary (USD 800) as
an additional fee payable to BME. The agreement stated that a further USD 50 each per month
would be deducted from their salaries for food and costs on board, despite Roland having
assured them that all costs (food, water, accommodation) would be covered for them.

Considering that each of the four men had already incurred considerable expense to facilitate this
work opportunity in Singapore – and with no way to repay the money already outlaid - they felt it
would be prudent to simply sign the agreement and commence working as soon as possible.

Thus, a few hours after arriving at BME the four men were taken by car to Jurong Port where
they boarded a small vessel that transported them out into Malaysian waters (as they were
informed by the boat driver) where they boarded a larger Taiwanese flagged fishing vessel. Also
on board the vessel were the Taiwanese captain and three Taiwanese officers, five other Filipino
crew (making a total of nine Filipinos), eight Indonesian crew, five Vietnamese crew and four
Chinese crew. The captain told them they would be allowed to eat every six hours, during a
fifteen minute break. They were also told that they would need to work “on-call” if needed. After handing over their passports and other documents to the captain for “safekeeping” the men were shown their quarters and then asked to start work immediately. They recalled that at the conclusion of the first day of work they felt extremely tired and the following day their bodies were aching because they were unaccustomed to the work. They informed one of the officers who told them just to continue working after administering paracetamol to the men.

In the first few days their relationship with the crew from the other nationalities was good, but after that they only related well with the Indonesian men. It turned out that the captain was married to a Vietnamese woman and that the four Vietnamese crew were her relatives. Consequently they were treated better than the others. The four men did not know the circumstances of recruitment or the agreements the Indonesians had; only that they were also deployed through BMA.

The Filipino and Indonesian men would be routinely punished if they were found resting during work time or if their work was not carried out quickly enough. The punishments were usually in the form of beatings (kicks, punches, slaps) by either the captain or the officers. The captain drank heavily and would further abuse the men when he was drunk. It was difficult for the men to keep up with the pace of work required of them since the six hours rest they agreed to when they were recruited was not followed. In addition to physical abuse, fatigue from lack of sleep and food served to them that was rotten or expired were the main complaints of the men.

The men were also socially isolated as they denied contact with their families. Although the fishing vessel was able to receive calls, the men were never allowed to speak with their relatives if they did manage to call the boat. After nearly twelve months at sea the four men as well as the other five Filipinos decided to speak to the captain about leaving the work. The captain asked them why, to which Gary, the spokesman of the group, replied that they missed their families and wanted to return home. In fact Gary related that they did not want to complain to the
captain about the conditions for fear that the captain would not be sympathetic to their request. The captain consequently telephoned BME and Albert Lim spoke to Gary. Gary asked if the men could talk to Albert Lim at the Agency itself, rather than over the phone, as they feared they would otherwise remain at sea indefinitely. Gary told Victor Lim over the phone that the captain was abusive and treated the crew badly. Victor Lim offered to transfer the men to a different vessel, which would allow them to continue their contract.

A few days later the vessel docked at Jurong Port in Singapore and a representative of BME was sent to pick the men up. The eight Indonesian men went together with the nine Filipino men. However, whilst waiting for the pick up some of the men had a chance phone their families in the Philippines. Through their respective conversations they discovered that their salaries (after the four months deduction had ended) were still not being remitted as per their agreement with BME.

At BME the seventeen men (nine Filipinos and eight Indonesians) asked to be released from their contracts. However they were informed that each man would need to pay USD 1000 for breaking their contracts and they would each need to pay the costs of their own transportation to their home country. BME asked them to consider transferring to another vessel, since they would not have to pay the “fine” for breaking their contracts. They told BME that it was BME who broke the contract by not remitting their salaries as per their agreement. BME responded that if they would just go to another boat BME would start remitting their salaries.

At that point the men realised that this financial exploitation would more than likely continue even if they agreed to work on a different vessel. They left the MBE office and went straight to the Philippines Embassy in Singapore (PES) where they sought assistance for unpaid salaries and the purchase of their air tickets back to Manila. At that point they lost touch with the eight Indonesian men and were unsure what became of them. A representative from the Office for the Assistance to Nationals in Distress at PES contacted BME to recover unpaid salaries and air
tickets. BME refused to pay approximately eight months salaries owed to the men, but agreed to support them men’s air tickets when the PES alleged that they considered the fishermen as victims of trafficking.

The four men flew to Manila in April 2011, almost one year to the day since they arrived in Singapore. They returned to their homes in Batangas carrying the burden of debt repayments associated with their migration, ailing physical health (primarily in the form of severe weight loss), and unemployment. To date, no organisation in Singapore or the Philippines has been involved in the provision of support for these men or in negotiating the recovery of their salaries. They are unassisted as trafficked persons, despite being identified as trafficked by the PES and by this researcher.

Narrative of “Chris”

My name is Chris. I am 31 years old and come from a rural barangay in the province of Batangas, the Philippines. I am married with four children at school. I myself did not finish high school because of financial problems in my family. I worked as a farmer before I came to Singapore and I grew eggplants on my farm. Life was not easy as a farmer because some months we could not make enough to cover our living costs. I would make PP2000 per picking and if the eggplants were good I could pick six loads during a month. But if not I would have to put our living costs on credit and just repay this when I have a good month.

Anyway, one day a man from my barangay approached me with an offer of employment as a fisherman in Singapore. His name is [deleted]. He told me and four other men that were recruited with me that it is easy to get such a job if you have a passport. [Name deleted] told us, “If you get a job as a fisherman the starting salary is USD 200 per month, but if you work well you can double this”. He didn’t mention how many hours we need to work. I know the job is a
fisherman but my recruiter didn’t explain about the conditions. Each of us five men paid PHP 12,000 as a fee to him [recruiter]. This is for the plane ticket, our documents and his recruiter’s fee. There was no agency in the Philippines; it was just [name deleted] arranging everything for us.

When we were ready to leave [name deleted] told us that at the airport in Manila we needed to go to a particular Immigration counter to exit the Philippines. We paid the terminal fee ourselves, which was quite a lot of money as well. For me, I had to borrow the PHP 12,000 for my migration. I had to pawn my farm to get the money. But I’m lucky because I didn’t pay any interest on that because I pawned my farm to my brother-in-law.

After the five of us arrived in Singapore the driver on Mr [name deleted] from Beverley Marine Agency picked us up from the airport and took us straight to the agency. We only stayed at the agency for three hours before we were driven straight to the port in Singapore. While we were at the agency we were surprised that when we signed our contracts it contained a clause that we had to work for three years. We read that if we decided to leave the job before then we would need to pay USD 1000 to Beverley. Our recruiter never mentioned about that, and I began to feel less certain about this job. Although we were allowed to read our contracts, we were not allowed to keep a copy for ourselves.

Anyway, we went to the boat quickly, so no time to think it over. We boarded a small boat which took us out into the ocean in Malaysian waters. There we boarded a bigger boat, which was our fishing vessel. The small boat also took other supplies for the fishing vessel. When we got on board we met the other fishermen who were from Vietnam, Indonesia and China. The captain was Taiwanese and so were his four officers.

We were supposed to get at least six hours sleep every night, but they [captain, officers] never followed this rule. The first day of work we were happy to finally be here, but we were also quite
nervous about whether it’s the right decision to take this job. I thought the captain and the Vietnamese workers had a good relationship because every time a Pinoy fisherman made a mistake the captain gets mad, but when the Vietnamese fishermen make mistakes there is no trouble. Even the Indonesians; when they do wrong the captain gets really mad and gives them a punch. We are working continuously, but the Vietnamese crew are taking it easy; when the captain is not there they are just watching us work. There are nine Pinoys, eight Indonesians, five Vietnamese and four Chinese fishermen on the boat. We are working continuously with no rest day and at call anytime of the day or night. Many days we work twenty-four hours straight. My job is to clean the fish; I have to take the heads off and gut them.

We can’t contact our families, but our families can contact the vessel. But even if a relative calls the captain won’t allow us to speak with them. The sleeping cabin is okay and we are allowed to eat every six hours. But the problem is that the food is rotten and expired. Every six hours we have a meal, but if we have a snack in between meal times we need to pay for it and it is another salary deduction.

One day my back was aching very badly and I told the captain that my back was really sore. The captain gave me a sticky patch to put on it and nothing else. He told me to keep working. I wasn’t allowed to have a day off or any rest. At that time we are almost a year in the boat without going to shore. It was too much for me to work in pain and we [group of nine Filipinos] decided to quit the job, but the captain refused to take us to shore and let us go. He told us we needed to stay a few more months. We told the captain our decision is final; we don’t want to work on the boat anymore. The captain contacted BME in Singapore by phone and told him about our decision. A few days later we docked in Singapore and Mr Lim picked us up from the dock and drove us straight to the agency.

While I was waiting for BME to pick us up from the dock I called my family back in the Philippines to let them know I was alright. My wife told me that she had only received salary
remittance one time in the whole year I was gone. So when we got to the agency we told Mr Lim
that we did not want to transfer to another ship; that we wanted to terminate our contracts. He
reminded us about the USD 1000 penalty for breaking the contract and my companion Gary
told him that BME are the ones breaking the contract because they were not sending our salaries
home. We argued like this for a long time and there was no conclusion. In the end Mr Lim told
us that if we stopped working we would have to pay our own airfares home, so we decided to go
to the Philippines Embassy for advice.

The agency finally agreed to pay our airfares home and now I am back here in Batangas. I got my
health back after a few months being at home, but the financial situation is the problem now. I
had to take a job as a construction labourer, which is only casual work. The salary is not enough
to pay the living costs of my family and the money I borrowed from pawning my farm. I think I
am a victim of trafficking actually and I would like to fight to get the rest of my salary if I can
[Chris is still owed six months’ salary by BME]. When I got back to the Philippines nothing
happened here; there was no investigation, no help, nothing.
Appendix Three – Relevant News Articles

Article One – No Country for Fisherment

Published by The Online Citizen on January 9, 2012

A Filipino’s pursuit for compensation and justice for his brother’s death at sea raises questions on Singapore’s Maritime and Manpower laws.

By Joshua Chiang

The last time Eril Morales Andrade contacted his family was through SMS telling them that he was safely in Singapore – “To c Eril da, iya eon ako sa Singapore owas ka text ka ina naobosan ako it load “Donato” (English translation: “I am in Singapore. I will not be replying to your text messages anymore, because I have used up all my credit on my SIM card.”). It was sent shortly before he boarded the Taiwanese fishing vessel where he would be working presumably for the next 3 years.

Eril died 5 months later on 22 February 2011 on board the vessel when it was fishing in the Bay of Bengal. But it was only 6 weeks later on 16 April, when the ship docked in Singapore that his family was notified of his death. (His body was placed in the ship’s cold store to prevent decomposition.) The post-mortem performed in Singapore concluded that the cause of death was “consistent with acute myocarditis” (inflammation of the heart due to infection).

According to Eril’s elder brother Julius, a secondary post-mortem performed in the Philippines concluded that Eril had died of a heart attack, and that he had sustained several injuries before his death. He also said that the Philippine pathologist told him that the pancreas and one of Eril’s eyes were missing, without any written explanation.

[Editor’s note: the Philippine post-mortem report seen by TOC did not mention these matters.]

Julius believes Eril had died of unnatural causes. “He was 32 years of age when he died. He did not smoke or drink and he did not have any ailment when he left here,” he tells TOC in an email interview. Julius also suspects that Eril had been subjected to physical abuse while on the ship.

When contacted by TOC, the Philippine Embassy in Singapore declined to comment on Eril’s case, as it is currently still working on the case with both the Singapore and Philippine authorities. However, the Embassy revealed that in 2009 and 2010, it had received over 70 complaints by Filipino fishermen
about harsh working conditions onboard their vessels, and non-payment of salaries. As most of these Filipinos did not have work passes in Singapore, they have had difficulties filing cases here.

According to Shelley Thio, a volunteer with migrant workers’ rights NGO Transient Workers Count Too (TWC2), the problems faced by these fishermen are exacerbated by the lack of legal protection for abuses committed against fishermen out at sea. Many countries are not legally obliged to help fishermen in trouble, and Singapore is no exception. An article published on TOC last year documented how a fisherman onboard a fishing vessel docked in Singapore nearly couldn’t escape his harsh work conditions because of bureaucratic red-tape caused by an absence of legislation.

But in Eril’s case, the Singapore connection may well have gone much deeper.

**The Singapore connection**

According to Julius, Eril first learnt about an opening for a job as a fisherman in Singapore in May last year when his cousin told him that a certain Mrs. Celia Flores-Robelo was recruiting workers to work abroad. When they eventually met up, Flores-Robelo apparently promised Eril a monthly salary of US$500 (S$652) plus US$50 (S$65) allowance if he would take up the offer. There was no mention of the work conditions or working hours. Eril eventually took up the offer and his family claimed they paid Flores-Robelo 10,000 pesos (S$297) for the ‘processing’.

The Taiwanese vessel “Hung Yu #212”.

In late August 2010, Eril went to Manila (he was living in the province of Aklan at that time) to finish his application, and was asked to pay a further 15,000 pesos (S$446), which he did. He was then offered an employment contract by a Singapore firm called Step Up Marine Enterprise, to work onboard the Taiwanese vessel “Hung Yu #212”.

After Eril died, representatives from Step Up Marine got in touch with his family to offer ‘limited compensation’. The company offered 100,000 pesos (S$2,942), but Eril’s family asked for 1,000,000 pesos (S$29,000). After 6 months of negotiations, the talks fell through.

In November 2011, Julius lodged a formal complaint to Singapore’s Ministry of Manpower against Step Up Marine. In the letter, Julius wrote: “We believe that hundreds of Filipinos, most of them unqualified as seamen, have been illegally recruited from all over the country by Step Up Marine Enterprise and their agents located in Manila and the provinces.”

**An illegal business?**

The Philippine Embassy in Singapore believes that the Filipinos, who had sought help from it, had been illegally recruited in the Philippines and trafficked into Singapore. They would arrive in Singapore as tourists, and upon arrival, Singaporean agents would facilitate their employment as
fishermen. The Embassy named Step Up Marine Enterprise, the Singapore firm that had acted on Eril’s employment, as one such agent.

The Embassy also noted that many of these Filipinos were former farmers without any seamanship training or experience. The fishermen would be subjected to harsh and dangerous working conditions, and would be made to work up to 18 to 20 hours a day.

When in Singapore, the men would be made to sign onerous contracts with salaries as low as US$200 per month. These contracts would also stipulate that the men would have to pay a certain amount if they tried to terminate the contracts and ask to return to the Philippines. The contracts would usually not be properly explained to the fishermen, as they would be immediately asked to board the fishing ships. The Embassy has seen contracts signed only by the fishermen, without any signatures from the employers or agents, which raised questions about the validity of any employment relationship.

Shelley from TWC2 has been working on Eril’s case. She told TOC that Eril’s case was not the first time complaints have been lodged against Step Up Marine. Since May 2011, TWC2 has assisted with the repatriation of 5 fishermen recruited by Step Up Marine. Shelley said that the fishermen complained about unpaid wages and that Step Up Marine did not inform them of the long working hours and the dangerous working conditions, which exposed them to life-threatening situations at seas.

Shelley had met Step Up Marine’s director Victor Lim several times, but he insisted that he runs a legitimate manning agency sourcing for workers for customers. He has also threatened lawsuits against Shelley. (When TOC approached Mr. Lim for an interview, he declined, and similarly threatened to sue TOC for defamation if it published a story on this case.)

Nonetheless, Shelley says that Victor Lim had admitted to her that he had to recruit Filipino workers through illegal channels because his clients didn’t want to pay the fees to lawfully hire workers who are registered with The Philippine Overseas Employment Administration. And yet, in spite of the numerous complaints lodged against Step Up Marine, one of which resulting in a raid by MOM on Step Up Marine’s premises in May this year (for an unrelated case), TWC2 believes that the company has not yet been charged with any offenses.

Who watches out for fishermen?

Shelley explains that part of the difficulty NGOs face in getting the authorities to act, arises from a lack of concrete evidence to substantiate complaints. In salary disputes for example, the manning agencies were often able to produce contracts signed by complainants – who often allege they were not allowed to first read the contents – to show that they had entered into the agreements willingly. But Shelley says that there are also legislative loopholes that leave fishermen unprotected.

MOM had advised the NGOs that the fishermen are not covered under Singapore laws as they are not holders of Singapore work passes, since they are performing work outside Singapore; the fishing
vessels they worked on are usually not registered in Singapore and are usually foreign-owned; and finally, Singapore has yet to ratify the International Labor Organisation’s (ILO) Work in Fishing Convention. While Singapore has ratified the ILO’s Maritime Labor Convention (which obligates Singapore to apply provisions in the Convention for decent work for seafarers), this Convention does not apply to crew working on fishing vessels.

Presently, there is no system in place in Singapore for fishermen to address their grievances and seek assistance to settle their disputes with the ship owners and manning agents. This is in contrast to seafarers, who have a right to appeal to the Director of Shipping Division of the Maritime Port Authority (MPA) of Singapore. The Maritime and Port Authority of Singapore Act covers the employment of seafarers only.

The only recourse is for the complainants to lodge a civil suit, but the legal fees and court charges involved make this an unlikely option for impoverished families such as Eril’s.

“We want justice for my brother, Eril,” Julius tells TOC.

But until the State ensures that manning agencies for fishermen are, at a minimum, abiding by the same set of rules and principles that apply to manning agencies for seafarers, ‘justice’ for fishermen like Eril will be hard to come by.

**Article Two – Fisherman’s ordeal**

Published by The Online Citizen on August 3, 2010

Joshua Chiang -

For 15 months, Mozambican Augusto Faustino Jorge endured frequent beatings, long working hours and dangerous conditions on board a Taiwanese fishing vessel. Had it not been for the sudden death of a crew-mate – forcing the vessel to dock in Singapore – and the timely intervention of a local NGO, Jorge’s ordeal might have lasted much longer. TOC reports.
On 10th June 2010, Taiwanese fishing vessel Tai Yuan 111 arrived and docked at Singapore’s Jurong Fishery Port. A few days earlier, the ship’s chief engineer had suddenly died from what was likely a rupture in the brain.

A few days later, Jolovan Wham, executive director of H.O.M.E (Humanitarian Organization for Migration Economics), a local NGO focused on migrant worker welfare, learnt that some of the Filipino workers on board the ship were not allowed to leave and return home, even though they were promised they were free to go whenever the ship docks. After a month of protracted negotiations, the workers’ local agent, ‘Jet’, finally agreed to release the workers, and allow Jolovan to board the ship. That was when he met Augusto Jorges.

Jorges’ story

Jorges is from Mozambique, a country in southeastern Africa with a per captia GDP of USD $933, one of the lowest in the world.

From Mozambique, he was flown to Johannesburg and from there to Mauritius, where he boarded the Tai Yuan 111, in March 2009.

At the time, Jorge’s passport was six months from its expiry date. His agent assured him that he would be at sea for only six months, and could disembark and renew his passport or else fly back before it expired. It was only after the ship set sail that he was told the ship would stay at sea for the next 18 months – a whole year more than what he was previously informed of. But more was to come.

The living conditions on the ship were harsh.

Everyday, the men were made to work 16 to 17 hours at a stretch, with only 4 to 5 hours of sleep in between. Their work comprised of managing some 3,000 fishing lines, hauling in the lines when the fish bit, and then slicing, cleaning, gutting and then storing the fish in the deep freezer. It was dangerous work. Each fish could weigh as much as 65 kg. The men were also not given safety vests, or any safety training.

The men were also subjected to frequent beatings by senior crew members for lacking experience and not following instructions – which were given in Chinese. Even after a year, the beatings continued. Jorges recalled the captain telling the senior crew that it was ‘no matter’ if anyone of them were beaten to death.
For Jorges, the 15 months at sea was ‘like a death sentence’. He feared that he would never see his wife and five-year old son again.

Thus it was no wonder that when Jolovan Wham boarded the ship and asked if anyone else other than the Filipino crew wanted to leave, Jorges jumped at the opportunity.

But he nearly didn’t make it.

“I’m sorry, your passport has expired.”

On 20th July 2010, Jorges finally touched land for the first time in 15 months. Jolovan had secured a Special Pass from the Immigration Authority that gave the Mozambican just four hours to get on a flight home. The Special Pass was issued at 10pm, and Jorges’ flight was at 2am. If he were still in Singapore by the time the Special Pass expired, he would be sent to the ship, where he would most certainly face reprisals.

A Singapore Airlines ticket was purchased that would take Jorges to Johannesburg where he would take a connecting flight back to Mozambique. But when Jorges – accompanied by Jolovan and a volunteer – arrived at Changi Airport, he was not allowed to check in as his passport had expired. The staff refused to accept his seaman’s book as identification. (A seaman’s book is a record of a seaman’s career certifications and experiences.)

Jolovan then negotiated with the Immigration and Checkpoint Authority (ICA) for an extension of the Special Pass, so that the issue could be sorted out. ICA relented – Jorge’s Special Pass was extended till 5pm the following day.

The next day, on 21st July, Jorges and a volunteer went to the South African embassy. The embassy refused to give Jorges a transit visa, but told him that since he would only be in transit at Johannesburg, it ‘should be fine’.

The volunteer also called the Mozambique embassy in Jakarta (Mozambique has no embassy in Singapore). The Mozambique High Consulate in Johannesburg agreed to assist Jorges if there was any trouble when he lands in Johannesburg. An email was sent to confirm the arrangement.

But upon arrival at the check-in counter at Changi Airport that night, Jorges was told once again that he could not board – apparently, the immigration at Johannesburg has given this directive. The email that was sent earlier could not be accepted as proof of any prior arrangements.

There was very little Jorges could do except to renew his passport – but the nearest Mozambique Embassy was in Jakarta. It was unlikely that ICA would extend Jorge’s Special Pass by the several days that would be needed for him to renew his passport by mail. Jolovan decided to take the next available flight to Jarkata to renew Jorge’s passport, but not before securing another extension – till 2 a.m. on 23rd July – for Jorge’s Special Pass.

Jolovan departed for Jarkata the following morning while Jorges waited at a shelter. At 11.30 a.m., the good news came – his passport had been renewed till 2013. Jorges was relieved. He was finally going home.

“Just a routine check.”
That evening, Jorges, Jolovan and the volunteer returned to Changi Airport. At 11.30 p.m. Jorges went through the departure gates and approached the immigration counter. His passport and air ticket were taken from him and he was directed to a room and told to wait. When the volunteer called Jorges, he said he did not know why he was asked to wait in the room. Subsequent calls to Jorges by the volunteer went unanswered.

It wasn’t until 1 a.m. that Jorges called back. His passport, documents and handphone had finally been returned to him, and he was waiting to board the plane. Jorges has arrived in Mozambique. He is now finally home safe and sound.

The episode however has raised several questions:

- What are Singapore’s responsibilities regarding seafarers, such as fishermen, and vessels which dock in Singapore?

- The workers, as in the above example, can only leave the ship if the agent responsible for them sign a release form. What about workers who want to leave (for example, because they’re being abused) and the agent does not want to sign any such release forms?

- What are the responsibilities and liabilities of the vessel’s local agent, such as “Jet” in the case of the Tai Yuan 111?

- Jorges and the Filipino workers were only able to leave after the intervention of aid workers like Jolovan Wham. And Jolovan only came to know of the situation because one of the Filipino workers on the ship had contacted his friend who was already working in Singapore. This friend in turn contacted Jolovan Wham and HOME. What avenues are open to such workers to seek help when they dock in Singapore?

- What assistance do the ICA, MOM and other government departments provide in such cases? In the above incident, it was entirely HOME and volunteers who provided Jorges with shelter and helped him with his passport problems.

- Lastly, what legal rights does a person like Jorges have under Singapore laws in such a situation?

**Article Three – Crackdown on foreign fishing boats (NZ Herald)**

Published by the NZ Herald (Paul Harper) on 22 May, 2012
Five Indonesians and their Korean captain died when the Oyang 70 capsized. Photo / NZDF

Foreign-flagged fishing vessels will not be able to fish in New Zealand waters in four years, the Government has announced.

The vessels will have to be reflagged to New Zealand, meaning the full range of New Zealand law, including employment relations and workplace health and safety law, will automatically apply and be enforceable.

The rule change will come into effect after a four year transition period.

Primary Industries Minister David Carter and Labour Minister Kate Wilkinson made the announcement today, after the skipper and factory manager of Korean fishing Oyang 77 was charged with illegal dumping of fish last week. Crew members on another Korean vessel, Oyang 75, have alleged they were subject to physical and sexual abuse.

Today's announcement follows recommendations made by the Ministerial Inquiry into Foreign Charter Vessels.

Mr Carter said reflagging will "strengthen compliance with New Zealand laws and provide more transparency around the operation of foreign-owned vessels".

"We are already moving to strengthen monitoring and enforcement of FCVs, including placing an observer on all FCVs fishing in New Zealand waters.

"The Government continues to welcome foreign charter fishing vessels operating in New Zealand waters, but they must meet our requirements and our standards," he said.

Ms Wilkinson said reflagging will provide "greater protection to the crew as they will be employed by a New Zealand-based party under a New Zealand employment agreement".

"If breaches of labour law occur - such as underpayment of wages or illegal deductions or breaches of the Code of Practice, the Department of Labour will be able to investigate them and take action. Maritime New Zealand is responsible for investigating any unsafe workplace practices."
The ministers said foreign crews will be protected during the four-year transition period with stronger monitoring and enforcement, including tougher independent audits of the New Zealand charter parties, safety monitoring on vessels and increased and enhanced on-board observer coverage.

By Paul Harper
AFFIDAVIT

I, NAME DELETED, 42 years old, married, unemployed, and a resident of NAME DELETED, Kalibo, Aklan, after having been duly sworn in accordance with the law, do hereby depose and say:

That Ms. Celia Robelo, of Linabuan Sur, Banga, Aklan working in conjunction with her sister-in-law Ms. Roselyn Robelo, also of Linabuan Sur, Banga Aklan, who I understand is employed in Singapore as a domestic helper (DH), recruited me in early October 2010 with the offer of a job through Step up Marine Agency on board a Taiwanese fishing vessel on a three-year contract, with a promised salary of US $ 400 per month.

That on October 6, 2010, I remitted P 10,000 to Ms. Roselyn Robelo, by Western Union (receipt number 565-685-9261). Ms. Roselyn Robelo asked Step Up Marine Enterprise to accept me above the Agency’s age limit of 40, and I was asked to send a full body photograph.

That I was processed in Manila by a certain Cathy Andaya (Tel: 09122103570) who arranged my tickets and travel documents. I met her at Pitong Gatang Street Tondo. I gave Cathy Andaya a further P 10,000. She told me that my salary would be only US $ 200 per month.

That on November 25, 2010 I was driven to the Airport by my sister, where I was met by Cathy Andaya and an officer from Immigration, who told me that I could use any desk when passing through Immigration. There were six other Filipinos with me on the flight to Singapore. On passing through Manila Immigration, an officer stopped two of us and denied us permission to leave the country as tourists. I asked Cathy Andaya for instructions by text message and was told to wait there. Within five minutes another Immigration Officer with the name of Mendoza on his security pass, took me and the other Filipino and checked us through another desk. I was subsequently told that Immigration officers were receiving P 10,000 for each seaman processed by Step Up Marine Enterprise, although I cannot verify this.
That on arrival in Singapore, we were instructed by a certain ‘Bong’ in a text message to write “Transit” on our Immigration Arrival Cards, which indicated that the Singapore Government knew that we were in transit for employment, as opposed to tourists. We were also processed through a separate lane and our passports were given by Immigration to the Filipino woman from Step Up Marine Enterprise who collected us from the Airport and took us by MRT to the Agency. We were met at the Agency by a certain “Bong”, a Filipino male (Ilocano) aged about 35, about 5’4” tall and chubby. “Bong” took photographs of us dressed as seamen for our log books. I received my forged seaman’s log book the next day and I noted that it was signed by a certain ‘Emerson M Lorenzo, Administrator Marina’. The log book appeared authentic as it was embossed with a perforated number B 316045, which implied that Step Up Marine Enterprise were either able to acquire a consignment of blank seaman’s log books or produce a credible forgery. Bong also told us to sign our contracts. When I started to read the contract, Bong said impatiently, “no need to read it, just sign it.”

That we were taken to an apartment on the 16th floor of the building, where we joined some 20 other male Filipinos, mostly Ilocanos who slept on the floor of the living room and five or six Filipino women, who slept in one of the two bedrooms with Lina, a 35 year old chubby Singaporean Chinese woman. The Filipino women were tasked to cook the food. The other bedroom was occupied by Bong and Lina.

That I flew to Fiji via Brisbane, Australia on November 26, 2010. On arrival in Fiji, I was driven for three hours to the port in Suva, where I was accommodated overnight in a hotel. The next day, I was collected by a Chinese male and taken to M.V. Jing Lu Yuen 007, which was in dry dock. I remained with this ship for 25 days, before sailing to join the other vessels in the fleet. The Captain and crew of this ship were good. I was later transferred at sea to my assigned ship M.V. Jing Lu Yuen 005. The Taiwanese Captain of this ship was very cruel. The crew was expected to work for 18 hours per day, with only five hours sleep. The Captain punished the slightest mistake by punching the offender in the head. On one occasion when a fight broke out between a Cambodian and a Vietnamese member of the crew, the Captain severely beat the Cambodian with a baseball bat with six blows on his back. Though he could hardly walk, the Cambodian was expected to continue working. A member of the crew from Vanuatu warned me that the Captain had a gun. On one occasion, the Chinese members of the crew had to restrain the Captain from throwing a Chinese crew member into the sea. The Captain and bosun were both Taiwanese and the crew consisted of 12-15 Chinese, 6 Vietnamese, 4 Filipinos, 2 Cambodians and 3 from Vanuatu, all paid at different rates.

That on arrival in Fiji the vessel went into dry dock and I sought help from my wife Lani to terminate my contract. She contacted the Aklan Provisional Task Force, and the latter wrote to the Philippine Consul in Suvato request my immediate repatriation to the Philippines. Dr.
De Asa, the Philippine Consul asked a certain Sister Jane, a missionary working in Suva, to advise me to contact a certain Noel Fajardo, believed to be from Pototan, Iloilo who has been employed in ‘Carpenter's Shipping’ for the past 15 years. Noel Fajardo was able to contact Step Up Marine Enterprise and appears to be acting as the agent for Step up Marine in Fiji. I believe that Noel Fajardo was instructed by Step Up Marine Enterprise to contact the Tian Yi Shipping Agencies in Suva, who acted as broker for the Taiwanese Fishing Company. I was told to formally request termination of my contract and early repatriation to the Philippines from the Tian Yi Shipping Agency and they relayed this to the Fishing Company in Taiwan. The Company accepted my resignation and agreed to repatriate me to Manila, but Noel Fajardo told me that I would have to wait for ten days or so for the ticket to be arranged, and that I must stay on the ship. Fearing for my safety, my wife sent a letter by fax to Mr. Victor Lim and Mrs. Lim to request my immediate repatriation to Manila. She warned them that if I was forced to go to sea with M.V. Jing Lu Yuen 005, I would be doing so against my will, and this action would amount to involuntary servitude, enforced employment and forced labor. My return flight to Manila via Hong Kong was arranged for the next day and I was given US $300 in traveling expenses.

That I am executing this affidavit to establish the truthfulness of the facts narrated and to support the filing of criminal charges against Mr. Victor Lim Chang Khoo and Mrs. Lim Owner and Manager of Step Up Marine Enterprise, Singapore respectively, alias “Bong”, Celia Flores Robelo and Roselyn Malihan Robelo, Cathy Andaya, alias “Lina”, and other persons involved in illegally recruiting me pursuant to trafficking me abroad to work under conditions of forced labor and slavery without proper compensation contrary to their deceitful machinations and false promises of decent and legitimate overseas employment.

IN WITNESS WHEREOF, I have hereunto affixed my signature this__th day of October 2011, at Kalibo, Aklan, Philippines.

Tyrone J. Jardinico
Affiant
CERTIFICATION

SUBSCRIBED AND SWORN to before me this ___ th day of October 2011 at Kalibo, Aklan, Philippines. I hereby certify that I have personally examined the Affiant and it appears that he voluntarily executed his affidavit and that I am satisfied that he fully understood the contents of the foregoing statements.

AFFIDAVIT

I, NAME DELETED 33 years old, single, driver and a resident of NAME DELETED, Banga, Aklan, after having been duly sworn in accordance with the law, do hereby depose and say:

That sometime in May 2010, I accompanied my brother Eril M. Andrade in going to the house of Mrs. Celia Flores-Robelo located also at Brgy. Linabuan Sur, Banga, Aklan purposely to apply for work abroad since we heard from our cousin Jorry Morales that Mrs. Celia F. Robelo was recruiting applicants to work in Singapore as fishermen.

That during our conversation with Mrs. Celia Robelo inside her residence, she told my brother to prepare the documents needed for the processing of papers if my brother was interested to work in Singapore as a fisherman with a promised monthly salary of US $ 500 plus US $ 50 for expenses. Then Mrs. Celia Robelo also asked my brother to prepare P 10,000 for the processing fee.

That in July 2010, my brother NAME DELETED received his new passport as required and sometime in the month of August 2010, my mother Molina Andrade went to the house of Mrs. Celia Robelo and personally gave her the amount of P 10,000 for the processing of papers of my brother, Eril Andrade in relation to the promised employment abroad.

That one week after the payment of the P 10,000 to Mrs. Celia Robelo, my brother Eril Andrade went to Manila to follow up his application and in early September 2010, we sent the amount of P 15,000 to my brother Eril Andrade, allegedly intended to pay for his medical examination and the plane ticket to Singapore. On September 5, 2010, my brother flew to Singapore, but was immediately deported back to the Philippines for lack of the required documents, which Step Up Marine Enterprise then prepared for his subsequent departure to Singapore on September 15, 2010. Whilst in Manila Eril Andrade stayed with my brother Rely M. Andrade, who saw the written contract provided by Step Up Marine Enterprise for Eril to show the Immigration authorities in Singapore as proof of employment. The contract specified that he was to join Taiwanese M.V. Hung Yu No. 212 for employment as a fisherman with a
promised monthly salary of US $500 plus US $ 50 expenses, and the Singapore Immigration entry stamp in Eril's passport dated September 15, 2010 is annotated “To Join MV Hung Yu No. 212”, which clearly indicates that the Singapore Immigration authorities were informed that the purpose of Eril Andrade’s entry to Singapore was to obtain employment on board Taiwanese M.V. Hung Yu No 212, as stated in his contract. Step Up Marine Enterprise were directly involved in the illegal recruitment and shipment of my brother to Singapore for the purpose of employment on Taiwanese M.V. Hung Yu No. 212.

That on September 15, 2010, at around 4.29 pm, I received a text message from CP # 6585017973 that stated, “To c Eril da, iya con ako sa Singapore owas ka text ka ina naobosan ako it load “Donato”. I presumed that my brother had borrowed the cell phone of his ship mate Joel Donato to inform me that he was already in Singapore. That was the last text message that I received from Eril and I never heard from him again.

That on April 5, 2011, I heard from my mother that she talked with a certain “Melinda” informing her that something had happened to Eril in Singapore.

That on April 16, 2011, I received a telephone call at 0603 hours from a certain “Ed”, from Singapore who informed me that Eril’s remains would be repatriated to the Philippines on April 17, 2011 and he gave the flight details. He said that some of Eril’s personal documents had already been allegedly removed by “relatives” of the deceased in Singapore, including an insurance claim form that was intended for my mother’s signature. However, when the sealed container containing Eril’s remains arrived in Kalibo, Aklan, it was noted that the crate had already been opened. An opened brown envelope addressed to me contained all Eril’s personal documents that were listed in the Consular Mortuary Certificate, signed by Vice Consul Jed Martin, A. Llona on April 16, 2011.

We ascertained from the documents that my brother Eril Morales Andrade fell sick and died on or about 0215 hours on February 22, 2011, while on board Taiwanese fishing trawler “Hung YU No. 212”, in the Bay of Bengal, and that his cadaver was only brought back to Singapore on April 6, 2011 by the alleged fishing vessel M.V. Hung Yu No.212. Initially, we came to know that the cause of death of my brother as certified by Dr. Wee Keng Poh, Senior Consultant Forensic Pathologist, Forensic Division, Health Sciences Authority, Outram road, Singapore, who conducted the first Post Mortem Examination on April 12, 2011 was “consistent with Acute Myocarditis. The antecedent causes were not indicated in the said report. I and other family members therefore decided to have the cadaver of my brother autopsied by a medico-legal officer.

That Dr. Noel Martinez, the Region VI Pathologist performed a second autopsy on my brother on April 18, 2011 in the Socion Funeral Service, Kalibo, Aklan. After concluding his examination of Eril’s cadaver on April 18, 2011, Dr. Martinez advised those of us who were present at the funeral home that the pancreas was missing, and this fact is corroborated by the Crime Laboratory Report No H11-69, from which we note that the pancreas was not included in any of the 12 sealed plastic bags that were contained in the sealed styrofoam container sent by Dr. Martinez to the Crime Laboratory at Camp Crame. It appears therefore that the pancreas is missing altogether, and there is no written explanation for this. We were also advised on April
18, 2011 that one of Eril’s eyes was missing, again with no explanation. Dr Martinez confirmed that there were ante-Mortem contusions on the brow, the bridge of the nose, the lips and the upper right chest of the deceased.

That Step Up Marine Enterprise have, over the past six months, repeatedly offered to pay us limited compensation for the death of Eril Andrade, provided that we were prepared to sign a waiver. On April 13, 2011, before Eril’s body was returned to the Philippines, I received a text message from a certain Charmaine (Tel: 063 9298472528). She referred to the previous call with Sherile May and asked for my help in getting the family to sign a ‘Quit Claim’, so that his body could be repatriated to the Philippines. Roselyn Robelo also contacted me by text message on April 14, 2011 and asked me to fly to Manila the following day to sign the ‘Quit Claim’, as she was concerned that Eril’s body would be cremated, which was the normal policy, and that the family would blame her. However, thanks to the intervention of the Philippine Government, the body was actually repatriated without any disclaimer being signed. After his remains were repatriated, the agency again asked my mother to travel to Manila to sign the waiver. Cecelia Robelo’s family visited our house and paid us ₱5,000, apparently to cover the cost of my mother’s traveling expenses, although that was not stated. However on April 25, 2011, Roselyn Robelo phoned me and asked me to wait. On May 5, 2011, I went to Manila together with my brother Relly, as instructed by Celia Robelo and Roselyn Robelo by text message. While we were there, we received numerous text messages and calls. Step Up Marine Enterprise initially offered to pay us ₱80,000, and when we refused, they increased the amount to ₱100,000, which we also refused. We were asked how much compensation we wanted, and I replied “₱ 1,000,000”. A certain ‘Mrs. Lim’ said that she would refer the matter to “Mr. Lim of Step Up Marine” for his decision. Mr. Lim refused and I returned to Aklan empty handed.

That in July 2011 the Philippine Embassy in Singapore allegedly received information from a certain “Ms. Catherine”, staff of Step Up Marine Enterprise that the owner of the of the fishing trawler M.V. Hung Yu No. No. 212 had offered to pay the amount of ₱100,000 representing his death benefits and the Embassy advised me to call the agency directly at telephone number (65) 65343179 to coordinate the remittance of this money to our family. At that time, I received a call from “a certain Noel”, who claimed to be a member of the Embassy staff, from telephone number (683) 429388, which is not a Singapore number.

That in September 2011, acting on our behalf, Rev. Msgr. Isagani Fabito and Rev. Fr. Romeo Chan tried to negotiate compensation with Mr. Lim, but the latter only agreed to pay ₱100,000, which we rejected.

That given the circumstances leading to the death of my brother Eril and the fact that I was personally informed by the Provincial Employment Services Office of the Province of Aklan that Celia Robelo is not authorized by law to recruit OFWs, I firmly believe that my brother, Eril Andrade was a victim of Human Trafficking and Illegal Recruitment.

That I am executing this affidavit to establish the truthfulness of the facts narrated and to support the filing of criminal charges against Mr. Victor Lim Chang Khoo and Mrs. Mary Lim, alias Ong Tee Hong, Owner and Manager of Step Up Marine Enterprise, Singapore respectively, alias “Bong”, Celia Flores-Robelio and Roselyn Malihan Robelo, alias
“Melinda”, alias *Charmaine* and *Sherile May Pascua Pagdilao* and other persons involved in illegally recruiting my brother *Eril Morales Andrade* pursuant to trafficking him abroad to work under conditions of forced labor and slavery without proper compensation contrary to their deceitful machinations and false promises of decent and legitimate overseas employment.

IN WITNESS WHEREOF, I have hereunto affixed my signature this ___ th day of October 2011, at Kalibo, Aklan, Philippines.

Julius M. Andrade
Affiant

CERTIFICATION

SUBSCRIBED AND SWORN to before me this ___ th day of October 2011 at Kalibo, Aklan, Philippines. I hereby certify that I have personally examined the Affiant and it appears that he voluntarily executed his affidavit and that I am satisfied that he fully understood the contents of the foregoing statements.