

NINTH MEETING OF THE SRM TWG

(16-20 SEPTEMBER 2024)

Overview document: Background information applicable to the examination of instruments concerning fishers

- This overview document provides background information applicable to the review by the SRM TWG of the instruments concerning fishers that it will review at its ninth meeting in September 2024.

9 August 2024

1. The regulatory approach concerning fishers

International regulation

A number of international treaties and documents are relevant to the regulation of the working conditions of fishers, in addition to the international labour standards.

Two Conventions adopted by the International Maritime Organization are particularly relevant. The IMO [International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel](#) (STCW-F), adopted in 1995 and in force since 2012, provides certification and minimum training requirements for crews of seagoing fishing vessels to promote the safety of life at sea taking into account the unique nature of the fishing industry and the fishing working environment. It has been ratified by 35 countries, accounting for 8.65% of the world gross tonnage in fishing. The IMO [Cape Town Agreement of 2012](#) (CTA), the global treaty for safety of fishing vessels, will enter into force 12 months after at least 22 States, with an aggregate 3,600 fishing vessels of 24 m in length and over operating on the high seas, have expressed their consent to be bound by it.¹ In 2019, more than 50 States committed to ratify the 2012 Cape Town Agreement by 11 October 2022.

An additional two documents have been jointly prepared and adopted by the Food and Agriculture Organization (FAO), the ILO and the IMO. Notably, the [FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel](#) (2001) takes into account international labour standards and aims to improve the training, certification and watchkeeping standards of fishing vessel personnel. The FAO/ILO/IMO [Code of Safety for Fishermen and Fishing Vessels](#) (2005) promotes the safety and health of crew members on board fishing vessel.

The 2015 FAO [Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication](#) strive to secure sustainable small-scale fisheries, to end hunger and poverty and reinforce labour rights of fishers; and the 1995 FAO [Code of Conduct for Responsible Fisheries](#) calls for safe, healthy and fair working and living conditions.

In 2018, the United Nations General Assembly adopted the [Declaration on the Rights of Peasants and Other People Working in Rural Areas](#), which also applies to everyone engaged in fishing. It stresses the importance to eliminate child labour and forced labour and calls on States to take into account the specific characteristics of small-scale fisheries and monitor compliance with labour legislation.

Regionally, the 2023 [ASEAN Declaration on the Placement and Protection of Migrant Fishers](#) aims to promote the human rights and fundamental freedoms of migrant fishers and recognises the fisheries industry as a hazardous occupation particularly prone to exploitation and abuse. The 2005 [Abuja Declaration on sustainable fisheries and aquaculture in Africa](#) resolved to implement the FAO Code of Conduct for Responsible Fisheries, particularly through improved

¹ At present there are 22 contracting IMO Member States to the CTA: *Belgium, Belize, Congo, Cook Islands, Croatia, Denmark, Finland, France, Germany, Iceland, Japan, Kenya, the Netherlands, New Zealand, Nicaragua, Norway, Peru, Portugal, Saint Kitts and Nevis, Sao Tome and Principe, South Africa and Spain.*

governance of fisheries, and to direct particular attention to harnessing the potential of small-scale fishers.

Evolution in ILO regulatory approach

A number of early ILO standards specifically concerned various aspects of protection of the working conditions of fishers in line with the regulatory approach of the time, i.e. a thematic approach. By the 2000s, seven ILO instruments had been adopted on fishers: five Conventions (concerning minimum age, medical examination, articles of agreement, accommodation and competency certificates) and two Recommendations (concerning vocational training and hours of work).²

Additionally, a number of early ILO instruments on seafarers, the majority of which have since been revised by and consolidated into the Maritime Labour Convention, 2006, as amended (MLC, 2006), also encompass fishers.³ Following the recommendations of the Special Tripartite Committee on the MLC, 2006 (STC), as adopted by the Governing Body, the majority of these instruments have been abrogated or withdrawn or are proposed for abrogation or withdrawal by 2030. Noting that the MLC, 2006 explicitly excludes fishers from its scope and in order to avoid a gap in coverage,⁴ Member States that are still, or were previously, bound by those instruments and had extended their coverage to fishing vessels were encouraged to ratify the most up-to-date and comprehensive instrument on work in fishing.

By the 2000s, the regulatory approach had evolved towards the adoption of a comprehensive standard on work in the fishing sector. A revision was considered desirable “to reflect the changes in the sector which have occurred over the last 40 years; to achieve more widespread ratification; to reach, where possible, a greater portion of the world’s fishers, particularly those working on smaller vessels; and to address other critical issues, such as safety and health”.⁵ Two up-to-date and comprehensive instruments on work in fishing were accordingly adopted in 2007: the Work in Fishing Convention, 2007 (No. 188) and the Work in Fishing Recommendation, 2007 (No. 199). Convention No. 188 explicitly revised the Minimum Age (Fishermen) Convention, 1959 (No. 112), the Medical Examination (Fishermen) Convention, 1959 (No. 113), the Fishermen's Articles of Agreement Convention, 1959 (No. 114), and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126).⁶

ILO regulation of fishers should be considered in the context of the broader ILO body of standards and, in particular, the MLC, 2006, as amended. Despite the comprehensiveness of Convention No. 188, two possible issues are raised in relation to the coverage of fishers. First, no ILO instrument specifically regulates paid annual leave for fishers: Convention No. 188 mentions paid annual leave only as information to be included in the fisher’s work agreement,

² The Minimum Age (Fishermen) Convention, 1959 (No. 112), the Medical Examination (Fishermen) Convention, 1959 (No. 113), the Fishermen's Articles of Agreement Convention, 1959 (No. 114), the Fishermen's Competency Certificates Convention, 1966 (No. 125), the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126), the Vocational Training (Fishermen) Recommendation, 1966 (No. 126) and the Hours of Work (Fishing) Recommendation, 1920 (No. 7).

³ Some instruments allow the exclusion of fishing vessels, or categories of fishing vessels, from their scope. See for example, Article 1(2) of Convention No. 55 and Article 2(2) of Convention No. 71.

⁴ Article II, paragraph 4, of the MLC, 2006, as amended.

⁵ ILO: *Conditions of work in the fishing sector: The constituents' views*, [Report V \(2\)](#), ILC, 92nd Session, 2004, p. 1.

⁶ Convention No. 188, Article 46. These are four of the five Conventions on the SRM TWG’s agenda for its ninth meeting (2024).

in Annex II. The related maritime instrument, the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146), permits Member States, after consultation, to extend its application to fishers.⁷ However, its abrogation will be considered by the International Labour Conference at its 118th Session (2030) on the recommendation of the STC, following its revision by the MLC, 2006. Noting that this could lead to a gap concerning the protection of fishers' annual leave, the STC drew the attention of the SRM TWG "to any issues this may raise".⁸

The second issue raised by consideration of the related maritime instruments concerns abandonment of vessels, which affects both seafarers and fishers. In relation to seafarers, the MLC, 2006 was amended in 2014 to strengthen the protection in cases of abandonment of seafarers working on ships under its scope. In particular, these amendments defined abandonment and introduced requirements to ensure the provision of an expeditious and effective financial security system to assist seafarers to recover unpaid wages and be repatriated.⁹ In comparison, no instrument in the ILO body of standards contains provisions on the protection of abandoned fishers.

Ratification of international labour standards on fishers

The following table illustrates the ratification rates of the relevant instruments concerning fishers.

RATIFICATION: FISHERS		
Convention	Effective ratifications:	Further information
Convention No. 112	4 effective ratifications (25 denunciations)	• Minimum age (fishers) • Current status: Outdated instrument • Included in SRM TWG 2024 review
Convention No. 113	24 effective ratifications (6 denunciations)	• Medical examination (fishers) • Current status: Instrument to be revised • Included in SRM TWG 2024 review
Convention No. 114	18 effective ratifications (5 denunciations)	• Fishers' articles of agreement • Current status: Instrument to be revised • Included in SRM TWG 2024 review
Convention No. 125	10 effective ratifications (0 denunciations)	• Fishers' competency certificates • Current status: Instrument to be revised • Included in SRM TWG 2024 review

⁷ Convention No. 146, Article 2(4). See also: [STCMLC/Part I/2021/Technical note 20](#), para. 32.

⁸ [STCMLC/2018/4](#) (Final report of the third meeting of the STC-MLC, 2018), para. 206, (3)(c)

⁹ The financial security system may be in the form of a social security scheme or insurance or a national fund or other similar arrangements. Its form shall be determined by the Member after consultation with the shipowners' and seafarers' organizations concerned.

Convention No. 126	16 effective ratifications (7 denunciations)	• Accommodation of crews (fishers) • Current status: Request for information • Included in SRM TWG 2024 review
Convention No. 188	21 effective ratifications (0 denunciations)	• Work in fishing • Current status: Up-to-date • Not included in SRM TWG's initial programme of work

2. Wider context

Decent work in the fishing sector is critical for achieving several Sustainable Development Goals (SDGs), including SDG 2 on zero hunger; SDG 8 on decent work and economic growth, in particular target 8.7 (elimination of forced and child labour); SDG 10 on reduced inequalities; and SDG 14 on life below water.¹⁰ At a global level there is increasing recognition of the role that fisheries policies and social protection can play in combating poverty and hunger, whilst simultaneously promoting sustainable natural resources management. When combined with agricultural schemes, including in fisheries, social protection interventions can generate a broad range of additional positive impacts on productivity, income diversification, food security and nutrition.¹¹

Providing livelihoods to some 820 million people worldwide,¹² the fishing sector contributes to fighting poverty and achieving sustainable development,¹³ particularly for developing countries.¹⁴ As the fastest growing food production industry over the last five decades,¹⁵ reaching a record of 214 million tonnes in 2020 and generating around USD 151 billion in international trade,¹⁶ the sector's impact on livelihoods and employment is expected to continue growing through enhanced productivity and modernization.¹⁷ In 2020, an estimated 58.5 million workers were engaged in fisheries (65 per cent) and aquaculture (35 per cent), with regional differences. Fishing is one of the largest sectors in terms of employment in the Asia-Pacific region.¹⁸ Fisheries account for an important share of youth employment in many countries across different regions.¹⁹

Fisheries is an especially hazardous sector, with fishers facing a fatality rate several times higher than other workers, including those in fire-fighting and mining. Fishers encounter

¹⁰ ILO: Tripartite Meeting on Issues relating to Migrant Fishers; [Conclusions on the promotion of decent work for migrant fishers](#); TMIMF/2017/7; 2017; 1.

¹¹ FAO: [Strengthening Coherence between Social Protection and Fisheries Policies](#); 2022; iv, 1.

¹² FAO: [Fisheries and Aquaculture | Decent Rural Employment](#).

¹³ FAO: [2021 COFI Declaration for Sustainable Fisheries and Aquaculture](#); 1, 7.

¹⁴ FAO: [The State of World Fisheries and Aquaculture 2022: Towards Blue Transformation](#); 28, 33, 88, 136.

¹⁵ FAO: [2021 COFI Declaration for Sustainable Fisheries and Aquaculture](#); 3.

¹⁶ FAO: [The State of World Fisheries and Aquaculture 2022: Towards Blue Transformation](#); xvi, xx.

¹⁷ FAO: [The State of World Fisheries and Aquaculture 2022: Towards Blue Transformation](#); 111; [OECD-FAO Agricultural Outlook 2021–2030](#); 54.

¹⁸ ILO: [Asia-Pacific Employment and Social Outlook 2022: Rethinking sectoral strategies for a human-centred future of work](#); 2022; 32

¹⁹ ILO: [Global Employment Trends for Youth 2022: Investing in Transforming Futures for Young People](#); 81

numerous risks such as vessel wrecks, onboard fires, falls, equipment injuries, and asphyxiation in confined spaces.²⁰

Climate change affects communities and livelihoods in fisheries, particularly small-scale fishers.²¹ The fishing sector is prone to high levels of poverty and marginalization, subject to volatile revenues and exposed to environmental, economic, social, political and health risks. Many fishing communities are located in remote areas, where livelihood opportunities are limited, with high unemployment rates (particularly among youth) and unhealthy and unsafe working conditions.²² Being out at sea often means being away from professional medical care.²³

The considerable decent work deficits in the fishing sector are the subject of increasing international attention.²⁴ Cases of abandonment of fishers, often raising serious concerns about human rights violations, are growing. Abandoned fishers often find themselves stranded in foreign ports, facing legal and logistical challenges and unable to return to their home countries due to visa issues or lack of resources. This has serious consequences for fishers as well as local fishing communities, disrupting livelihoods and threatening physical and mental well-being. Thirty-two cases of abandonment of fishing vessels have been reported to the ILO,²⁵ with reported cases increasing since 2021.²⁶ Four cases of abandonment of fishers were reported to the ILO in January 2024.

Approximately 128,000 fishers are estimated to be trapped in forced labour aboard fishing vessels.²⁷ Being on board vessels in remote locations, in extreme isolation, often at sea for long periods of time, they are vulnerable to labour abuses, including long working hours, low payment and hazardous working conditions. Capture fisheries have one of the highest occupational fatality rates of any industry.²⁸ Migrant fishers in particular are vulnerable to the risk of forced labour and serious decent work deficits, including abusive and fraudulent recruitment and placement practices, child labour, abandonment, underpayment and withholding of wages, retention of identity documents, violence and intimidation, illegal transfer at sea and excessively long working hours.²⁹ About 71 per cent of children engaged in child labour are in the agricultural sector, including fisheries, often in a way that is incompatible with school attendance and hazardous to their health, safety or morals.³⁰ Child labour appears to be widespread in the informal economy in the small-scale operations of capture fisheries, aquaculture and post-harvest fish processing, distribution and marketing.³¹

²⁰ ILO: [*Decent Working Conditions, Safety and Social Protection - Work in Fishing Convention No. 188 and Recommendation No. 199*](#), Geneva, 2007, pp. 2, 15.

²¹ FAO: [*Impacts of Climate Change on Fisheries and Aquaculture*](#); 2018; 21

²² FAO: [*Strengthening Coherence between Social Protection and Fisheries Policies*](#); 2022; 1.

²³ ILO: [*Providing Decent Employment for Pacific Fishers*](#); 2016; 2.

²⁴ Eg, The Guardian, [*How the fishing industry abuses workers who catch the fish we eat*](#), 2024 [accessed on 13 March 2024].

²⁵ ILO: [*Database on reported incidents of abandonment of seafarers*](#).

²⁶ The following cases have been reported in the last 10 years: 2024: 5 cases; 2023: 6 cases; 2022: 3 cases; 2021: 5 cases; 2020: 1 case; 2018: 1 case; 2015: 1 case; 2009: 1 case; 2007: 5 cases; 2004: 3 cases; 2001: 1 case.

²⁷ ILO: [*Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*](#); 2022; 3, 32.

²⁸ ILO: [*Forced Labour and Human Trafficking in Fisheries \(Forced Labour, Modern Slavery and Human Trafficking\)*](#).

²⁹ ILO: [*TMIMF/2017/7*](#); 2017; 1, 2.

³⁰ [*ILO-FAO Guidance on Addressing Child Labour in Fisheries and Aquaculture*](#); 2013; iii and FAO: [*Eliminating child labour in fisheries and aquaculture*](#); 2018; 1.

³¹ ILO: [*Fishing and Aquaculture*](#).

Across the global fishing industry, women constitute half of the total working population.³² However, their participation across the sector varies drastically, with a high proportion engaged in subsistence aquaculture, artisanal and industrial processing, fresh fish trading and retailing, and other related services.³³ Societal norms and, in some cases, laws may constrain women's participation in some jobs in the fishing sector.³⁴ Fishers are often denied their right to freedom of association or to form labour unions for a range of reasons, including because their rights are not recognized by their employers, their employment is not legally recognized by the State, and as a result of the remote and isolated nature of their work.³⁵

Illegal, unreported and unregulated fishing (IUU) has attracted attention in recent studies, revealing a growing connection between IUU fishing and the worsening labour conditions for fishers, human trafficking, and labour abuses. At the ILO's 2017 Tripartite Meeting on Issues relating to Migrant Fishers, the tripartite constituents adopted a set of conclusions on the promotion of decent work for migrant fishers,³⁶ including that the Office should consider participation in the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters (JWG). In March 2019, the ILO GB authorized the Organization's participation as a full member in the JWG. The link between illegal, unreported and unregulated fishing and decent work deficits had already been emphasized by ILO tripartite constituents at previous meetings.³⁷

3. Review by the SRM TWG

At its ninth meeting, the SRM TWG will conduct its substantive review of instruments pertaining to fishers.

Consideration by previous meetings

At its second meeting in October 2016, the SRM TWG discussed the follow-up to be taken regarding 63 instruments previously identified as outdated by the Cartier Working Party, including on Convention No. 112 and Recommendations Nos 7 and 196 concerning fishers.

Following the 2016 SRM TWG recommendations, the Governing Body noted the juridical replacement of Recommendation No. 196 by Recommendation No. 199 and placed an item on the agenda of the 107th Session of the International Labour Conference (2018) concerning the withdrawal of Recommendation No. 7, as a result of which it was withdrawn in 2018. The Governing Body decided that the SRM TWG would follow up Convention No. 112 at later meetings and invited the Office to follow-up with the governments and the social partners of the Member States bound by it, encouraging them to ratify the related up-to-date Convention No. 188.

³² FAO: [The role of women in the seafood industry](#); 2015; 1.

³³ FAO: [The role of women in the seafood industry](#); 2015; 1.

³⁴ FAO: [The role of women in the seafood industry](#); 2015; 2.

³⁵ Human Rights Council, [Fisheries and the right to food in the context of climate change](#), 2024, A/HRC/55/49, para. 35.

³⁶ ILO: [TMIME/2017/7](#), para. 16(f).

³⁷ Eg. the 2015 FFA/ILO [International Expert Meeting on Labour Exploitation in the Fishing Sector in the Atlantic Region](#) (2015) and the 2013 ILO [Global Dialogue Forum for the Promotion of C.188](#).

Questions to consider

At its ninth meeting, the SRM TWG will review Conventions Nos 113, 114, 125 and 126 and the Vocational Training (Fishermen) Recommendation, 1966 (No. 126), and examine the follow-up to be taken to outdated Convention No. 112, which had been examined for the first time by the SRM TWG at its October 2016 meeting. This will involve considering *technical notes 1.1 on medical examination (fishers), 1.2 on articles of agreement (fishers), 1.3 on certification and vocational training (fishers), 1.4 on accommodation (fishers), and 1.5 on minimum age (fishers)*, and determining the classification of Conventions Nos 113, 114, 125 and 126 and Recommendation No. 126, the follow-up to be taken to outdated Convention No. 112; and the appropriate follow-up action to be taken.

Within its mandate as set out in paragraph 9(b) of its terms of reference, the SRM TWG may wish to consider whether any gaps in coverage exist in relation to the instruments on fishers as a whole and make corresponding recommendations to the Governing Body on any follow-up action, including whether it is necessary to conduct further research to enable a tripartite assessment of whether there are any gaps in the ILO body of international labour standards in respect of fishers and, if so, what possible actions of a normative and/or non-normative nature may be appropriate.

In determining whether or not a gap in coverage requiring normative or non-normative action exists in relation to the subject area of fishers as a whole, the SRM TWG should consider all relevant elements, including that:

- i. It will consider whether or not gaps in coverage exist in relation to the subject matter of the instruments that it is reviewing at the ninth meeting when discussing each technical note;
- ii. In 2018, the STC-MLC decided to draw the attention of the SRM TWG to issues raised by the proposed abrogation of Convention No. 146, which allowed Member States to extend its application to fishers, ensuring coverage of paid annual leave protections, which is otherwise not specifically provided for in any ILO instrument; and
- iii. While the MLC, 2006, as amended, includes protections for seafarers in the case of abandonment, the ILO body of standards does not include any equivalent protections for fishers.