

Forced Labour and Human Trafficking in Fisheries



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"We work all day and all night on the boat. During working hours, we are not allowed to rest. If we do rest, we risk punishment. We try to be diligent and do our work without rest, but if we must [rest], we make sure that no one is around because stealing just one second of work time to look out at the sea means that we will be yelled at. Neither of us has been physically beaten - only yelled at. But we are scared because we have seen some crew members thrown off the boat or beaten with hooks and anchors that weigh close to one kilo and are as long as our arms. The crew who were beaten with these sharp and heavy objects bled profusely, especially when the sharp end of the hooks grabbed onto their skin. They could crack your skull open if they hit you too hard."

14 year old fishing boat worker (Mekong Challenge Report)

Forced labour in fisheries

Recent reports of severe human rights abuses and exploitation aboard fishing vessels have led to calls for greater international attention to forced labour and human trafficking in the fishing sector. These reports suggest that some fishers, many of them migrant workers, are vulnerable to human rights abuse, including forced labour, on board fishing vessels. The majority of victims are men; some are below the age of 18. One of the first reports titled "The Mekong Challenge" was published by the ILO in 2006. It identified the fishing sector in the Greater Mekong Sub-Region as being particularly vulnerable to coercive and deceptive labour practices.

Global estimates of forced labour

Two centuries after the abolition of the transatlantic slave trade, at least 20.9 million people continue to be victims of forced labour, coerced and deceived by their recruiter or employer, and trapped in situations from which it is difficult to escape. About 90 per cent of today's forced labour is extracted in the private economy, primarily in labour intensive industries such as fishing.

Forced labour is different from sub-standard or exploitative working conditions. Various indicators can be used to ascertain when a situation amounts to forced labour, such as restrictions on the freedom of movement of workers, withholding of wages or identity documents, physical or sexual violence, threats and intimidation or fraudulent debt from which workers cannot escape. Often, workers are deceived about the conditions of work and life on board fishing vessels; and in many instances, these exploitative situations are closely related to human trafficking.

Importance of the fishing sector

The global fishing industry supports the livelihoods of millions. According to the FAO, an estimated 54.8 million people are involved in the primary production of fish, 38.3 million of which are on board fishing vessels at sea. The majority of fishing vessel operators do not engage in abusive practices and treat their crews well with good living and working conditions on board. Unscrupulous vessel operators, however, use loopholes in law and weak enforcement to undercut their competitors.

Fishing makes a vital contribution to global food security and public health. However, the critical contribution from fisheries to global food security, public health and economic growth is constrained by a number of challenges, including the poor governance and fisheries management regimes, conflicts over the use of marine resources, and injustices relating to discrimination, child labour and forced labour.

Vulnerability of the fishing sector to forced labour

Recent reports of forced labour in the fishing sector cite the conditions that render workers vulnerable to exploitative and abusive labour practices:

- Isolation of the workplace - Fishers are vulnerable because their movements are restricted and their possibility of escape is limited once on board a fishing vessel at sea.
- Length of time at sea - Fishing vessels may stay at sea for long periods of time, meaning that abuse can take place for some time before any intervention is possible.
- Transnational operations - Fishing operations take place across multiple maritime zones and fishers must often rely on the protection of the country in which the vessel is registered. Some of these registries are established in countries that are unable or unwilling to adequately protect fishers and thus leaving them in a vulnerable position.
- Labour supply - Migrant workers may be particularly vulnerable to forced labour in the fishing sector. Large numbers of workers lack possession and access to their identity documents making it difficult to leave their workplace. Such circumstances are especially common for those who may still owe money to their employer for registration or recruitment costs.

ILO Consultation and Desk Review

A Tripartite consultation on forced labour and human trafficking in the fishing sector was held by the ILO in September 2012. It was attended by ILO tripartite constituents, as well as relevant inter-governmental organizations, non-governmental organizations and experts. The meeting identified key priorities for a global action programme, including research, international and inter-agency cooperation, social dialogue, law and policy responses, and communication and awareness. The participants also provided valuable inputs and comments for an ILO Desk Review which consolidates existing knowledge about forced labour and human trafficking in the fishing sector and identifies institutional and legal frameworks as well as multi-stakeholder initiatives that affect the safety, living and working conditions of fishers.

Role of the ILO in combatting forced labour

The ILO has a central role in the prevention and combat of forced labour and human trafficking globally. There are two fundamental ILO Conventions on forced labour; the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). Both Conventions enjoy nearly universal ratification, meaning that almost all countries are legally obliged to respect their provisions and regularly report on their application to the ILO's supervisory bodies. All ILO member States have to respect the principle of the elimination of forced labour regardless of ratification of the relevant ILO Conventions.



Special Action Programme to Combat Forced Labour (SAP-FL)

The Special Action Programme to Combat Forced Labour (SAP-FL) was established by the ILO Governing Body to intensify global and national efforts to combat the practices and the conditions that give rise to forced labour. It has taken a lead role in raising awareness about forced labour and in assisting governments to establish and implement laws, policies and action plans. It also develops training materials and assists Member States in the implementation of innovative programmes to combat forced labour.



Work in Fishing Convention, 2007 (No. 188)

Since its establishment, the ILO has given special consideration to the fishing sector, having adopted international labour standards specific to work in fishing in 1920, 1959 and 1966. In 2007, the International Labour Conference adopted a comprehensive standard supplemented by a recommendation on work in the fishing sector; the Work in Fishing Convention, 2007 (No. 188), and the Work in Fishing Recommendation, 2007 (No. 199).

The objective of Convention No. 188 is to ensure that fishers have decent conditions of work on board fishing vessels that meet minimum requirements with regards to work on board, conditions of service, accommodation and food, occupational safety and health protection, medical care and social security. It also includes specific provisions concerning compliance and enforcement by flag States and port States. The implementation of key provisions of Convention No. 188 through national legislation would serve to prevent and combat forced labour.

International legal framework

The international legal framework relating to the fishing sector is progressing. In addition to Convention No. 188, there are two significant international Conventions that relate to conditions on fishing vessels; the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F), and the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (Torremolinos Protocol). The STCW-F Convention recently entered into force on 29 September 2012. The Torremolinos Protocol has yet to enter into force; however an IMO diplomatic conference in 2012 addressed the insufficient ratification of the protocol with the objective of promoting its entry into force. A number of codes, guidelines and recommendations regarding fishing vessels and the living and working conditions on board have been developed by the ILO, IMO and FAO.



Multi-stakeholder initiatives

The globalization of the fisheries value chain has led to increased power and control of international retailers over the distribution of fish and fish products. Voluntary multi-stakeholder initiatives have emerged to encourage social responsibility in the fishing sector. Through such initiatives, stakeholders cooperate to foster sustainable business practices. The ILO recognizes that market actors, such as retailers, can have a considerable influence on business practices, especially those relating to labour, in the value chain. Through its tripartite structure, it aims to further strengthen the role of workers' and employers' organisations in global and national initiatives against forced labour.

Priorities of a global action programme

Research

Strengthening the knowledge base on forced labour and human trafficking in the fishing sector is vital to guiding and informing ILO work on the issue. Research can help map the extent and prevalence of forced labour and human trafficking in the fishing sector. The ILO has developed general indicators of forced labour and plans to develop special indicators of forced labour in the fishing sector.

Cooperation and coordination

An effective strategy to combat forced labour and human trafficking in the fishing sector must employ the relevant expertise of numerous international organizations and agencies. Improved cooperation and coordination can contribute to the successful implementation of legislative frameworks and development of policies. International organizations, such as ILO, IMO, FAO, UNODC, INTERPOL and IOM have a key role to play in facilitating such cooperation and promoting common standards.

Law and policy

There are opportunities within the existing international legal framework to protect fishers from being victims of human trafficking and subject to forced labour at sea. Further promotion and technical assistance relating to these instruments to secure their ratification and effective implementation will contribute to preventing forced labour on board fishing vessels.

Communication and awareness

Addressing international problems as complex as forced labour and human trafficking requires a concerted effort to raise awareness of the problem and possible solutions. A communication campaign needs to reach numerous audiences to highlight best practices and how the underlying issues and root causes can be addressed.

Social Dialogue

A continuous social dialogue, at all levels, is crucial to manage change and achieve economic and social goals in the fishing sector. A Global Dialogue Forum - bringing together representatives of employers, workers and governments - was convened in May 2013 to evaluate how the Work in Fishing Convention, 2007 (No.188) can be used as a tool to address major challenges in the industry.

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