

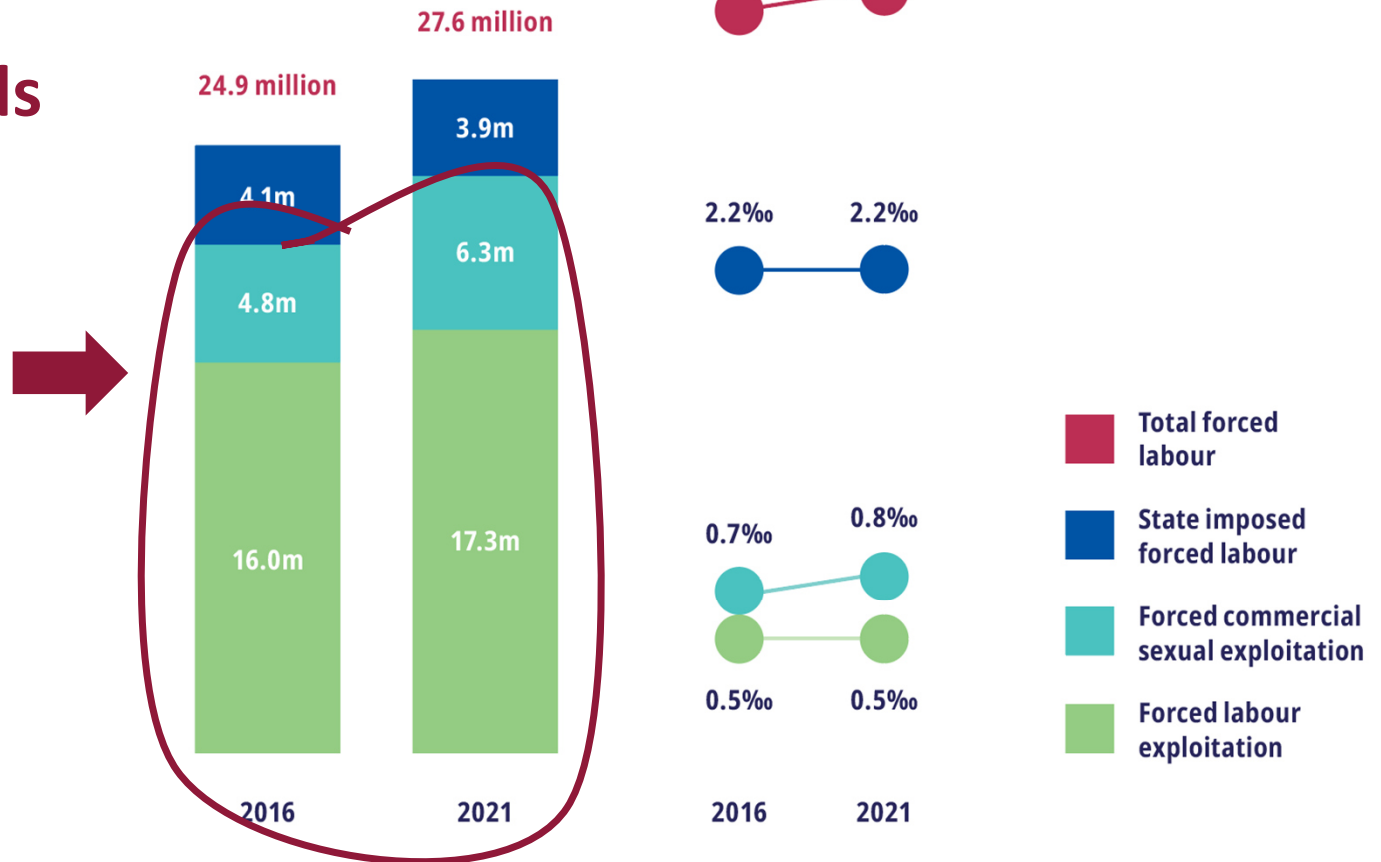


▶ Forced Labour and fishing

Alix Nasri, ILO 8.7 Accelerator Lab Coordinator, nasri@ilo.org

Forced labour trends

The increase in forced labour was driven entirely by forced labour the private economy

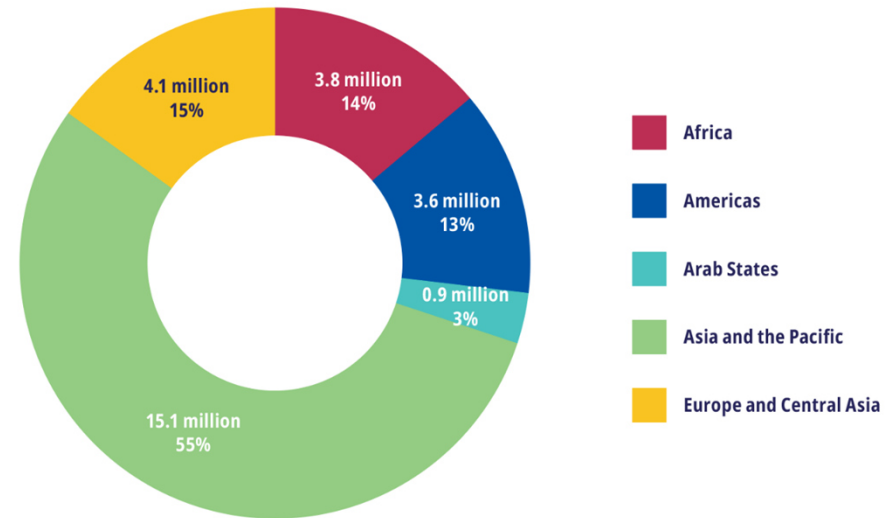


Number and prevalence of people in forced labour, by sub-category, 2016 and 2021

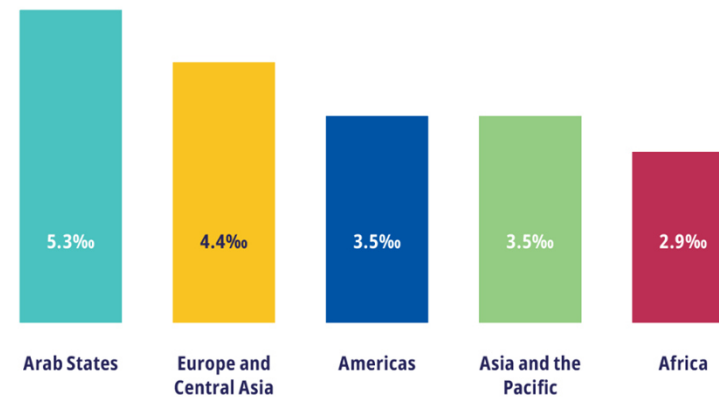
The regional picture

The Asia and Pacific region has the highest number of people in forced labour

128,000 fishers are trapped in forced labour aboard fishing vessels, often at deep sea, a workplace characterised by extreme isolation, hazardousness, and with gaps in regulatory oversight.



Forced labour by region: percentage distribution



Forced labour by region: prevalence per thousand population

Migrant workers and forced labour

Migrant workers who are unprotected in law or practice are at higher risk of forced labour

The forced labour prevalence of migrant workers is three times that of other workers

The prevalence of forced labour exploitation is much higher for migrant workers than for other workers



Prevalence (per thousand workers^(a)) of adults in forced labour exploitation, by migrant status and sex

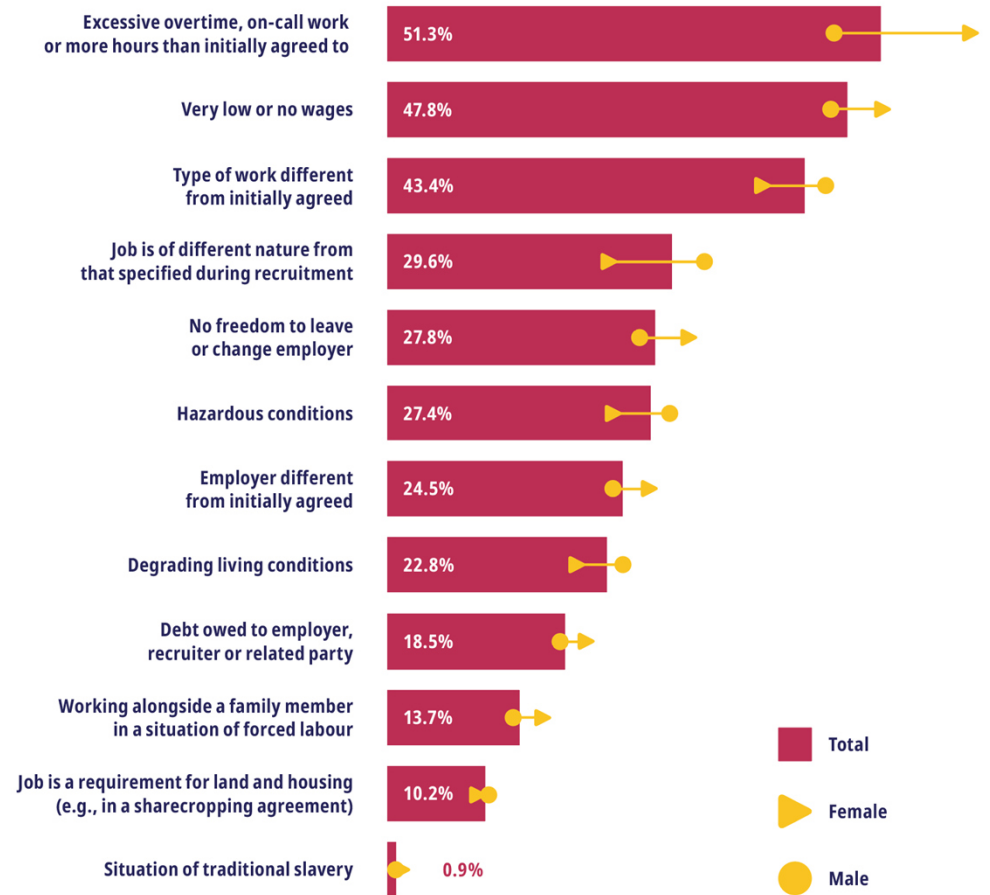
Notes: (a) “‰” denotes cases per thousand workers. (b) As prevalence in this chart is expressed as a share of total workers rather than total population, it is not comparable with the prevalence figures reported elsewhere in this report.

Circumstances leading to involuntariness

The most common circumstances leading to involuntariness are excessive overtime and/or very low or no wages.

Many sources of involuntariness are linked to the recruitment phase of employment

Involuntariness in work can arise from an array work conditions



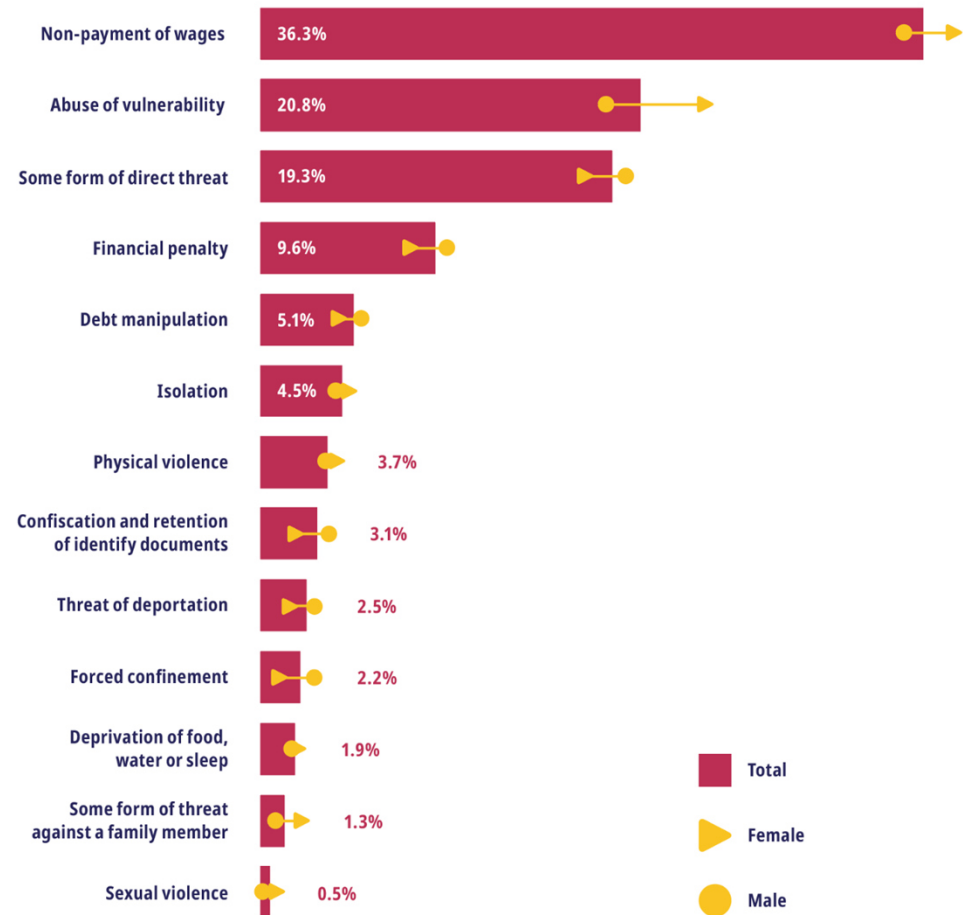
Percentage of adults in forced labour exploitation experiencing conditions leading to involuntariness^(a) by sex

Means of coercion

Non-payment of wages stands out as the most important form of coercion faced by workers.

Many workers face multiple forms of coercion operating simultaneously

Non-payment of wages and threats of dismissal stand out as the most common forms of coercion faced by workers



Key priorities for ending forced labour

Ending forced labour requires a multi-faceted response that addresses the array of **root causes** – economic, social, political and legal – that contribute to vulnerability and enable abuses.



► Forced Labour: the same definition since 1930



ILO Forced Labour Convention, 1930 (No. 29)

« *All **work** or service that is exacted from any person **under the menace of any penalty** and for which the said person **has not offered himself voluntarily** »*

- Must be punishable as a penal offence with adequate penalties
- 1 of the 10 FUNDAMENTAL CONVENTIONS.
- Ratified by Indonesia

► A recent Protocol to address modern challenges

ILO Protocol No. 29, 2014 [NOT YET RATIFIED BY INDONESIA]

➤ **Definition unchanged**

➤ **New obligations:**

✓ Development of a national policy, **in consultation with the social partners**

✓ **Prevention :**

- Education, Training
- All workers / all sectors legally protected
- [More stringent labour inspection](#)
- Combatting abusive/fraudulent recruitment
- Due diligence on the part of private and public sector employers
- Attacking the roots of the forced labour problem

✓ **Protection:** rehabilitation rather than prosecution of victims

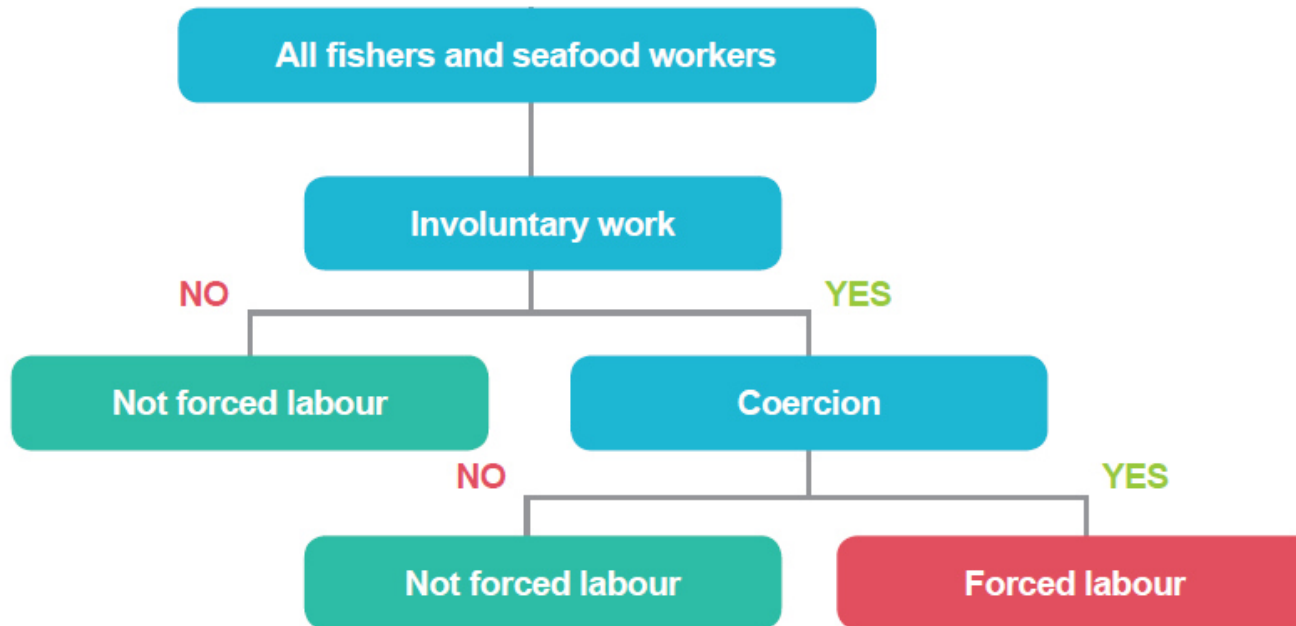
✓ **Access to justice:** incl. compensation

▶ 11 indicators / red flags of forced labour

- ▶ Abuse of vulnerability
- ▶ Deception
- ▶ Restriction of movement
- ▶ Isolation
- ▶ Physical and sexual violence
- ▶ Intimidation and threats
- ▶ Retention of identity documents
- ▶ Withholding of wages
- ▶ Debt bondage
- ▶ Abusive working and living conditions
- ▶ Excessive overtime



Identifying forced labour in fishing



► How is forced labour transcribed into Indonesian Law?

Slavery	Human Trafficking
<p>Constitution article 28l which recognises freedom from enslavement as a right which cannot be limited in any circumstances</p>	<p>Provisions related to trafficking in persons are found in Law 21 of 2007 which criminalises trafficking under article 2.</p>



DECENT WORK

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- ✓ **Recruitment & placement of fishers**
- ✓ **Minimum age**
- ✓ **Medical examination**
- ✓ **Hours of rest**
- ✓ **Safe manning**
- ✓ **Crew list**
- ✓ **Fisher's work agreement**
- ✓ **Repatriation**
- ✓ **Payment of fishers**
- ✓ **Accommodation**
- ✓ **Food and water**
- ✓ **Medical care**
- ✓ **Occupational safety & health**
- ✓ **Social security**
- ✓ **Protection in the case of work-related sickness, injury or death**

What other legislation is applicable to address root causes of forced labour in fishing?

- ▶ **Law 13 of 2003 on Manpower** – general in scope and includes labour taking place on board fishing vessels
- ▶ **Law No. 18 of 2017** concerning the Protection of Indonesian Migrant Workers reinforced policies to provide decentralised end-to-end protection to overseas workers including social security and pre and post placement support
- ▶ **MMAF Regulation No. 33 of 2021** – established minimum age and required a PKL (work contract), a complaints mechanism, Fishing Logbooks, and provided for Monitoring on board Fishing Vessels and Fish Transport Vessels, Inspection, Testing and Marking of Fishing Vessels.
- ▶ **Government Regulation no. 22/2022** on the Placement and Protection of Migrant Trading Vessels Crew and Fishing Vessels Crew is designed to streamline the recruitment and placement process of Indonesian migrant deckhands, establishing MOM as the sole authority to issue permits for recruitment agencies



► **Strategy and practice for forced labour identification in fishing**

Risk assessment, or targeting. Risk assessment tools use officials' experience and judgement, fishing data and algorithms to measure forced labour risk and focus efforts on the fisheries, ports and vessels where the risk is highest.

Face-to-face interviews and **document reviews** with fishers, supervisors, skippers, vessel owners, unions and community-based organizations.

► **Strategy: measuring remote risk**

Manning/crew size ratio. Related forced labor indicator(s): abusive working conditions, excessive overtime

Days at sea. Indicator(s): Restriction of movement, isolation, abusive working and living conditions (Rebuttable resumption)

Crew list mismatch. Indicator(s): Abuse of vulnerability

Invalid/incomplete licensing, taxes, labour records

► **Strategy: measuring remote risk**

Repetitive/uniform hours records. Indicator(s): abusive working conditions, excessive overtime

Repetitive or mismatched pay records. Indicators: Wage withholding, deception

Port-switching or trans-shipment. Indicator(s): Isolation, deception