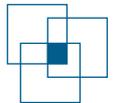




International
Labour
Organization

GAPfish

*Global Action Programme
against forced labour and
trafficking of fishers at sea*





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THE CHALLENGE

1. What is forced labour?

According to the ILO's Forced Labour Convention No. 29, forced or compulsory labour is all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily. It can occur where work is forced upon people by State authorities, by private enterprises or by individuals.

2. How many people are trapped in forced labour?

Two centuries after the abolition of the transatlantic slave trade, at least 20.9 million people continue to work under coercion, largely in the informal and illegal economy (ILO global estimates 2012). This represents about three in every 1,000 of today's world population. About 68 per cent of today's forced labour is extracted by private agents, primarily in labour intensive industries such as manufacturing, fishing, agriculture and food processing, domestic work and construction.

3. How is the fisheries sector affected by forced labour?

A string of recent reports indicate that forced labour and human trafficking in the fisheries sector are a severe problem. These reports suggest that fishers, many of them migrant workers, are vulnerable to severe forms of human rights abuse on board fishing vessels. Migrant workers in particular are vulnerable to being deceived and coerced by brokers and recruitment agencies and forced to work on board vessels under the threat of force or by means of debt bondage. Victims describe illness, physical injury, psychological and sexual abuse, deaths of crewmates, and their vulnerability on board vessels in remote locations of the sea for months and years at a time. Fishers are forced to work for long hours at very low pay, and the work is intense, hazardous and difficult. Capture fisheries have one of the highest occupational fatality rates in the world.

4. Why are fishers particularly vulnerable to forced labour and human trafficking?

Recent trends within the fisheries sector, such as overfishing, illegal fishing, and a shift in sourcing the workforce from high-income to middle- and low-income countries mean that more relatively low cost migrant workers are employed by the fisheries sector. Lack of training, inadequate language skills, and lack of enforcement of safety and labour standards make these fishers particularly vulnerable to forced labour and human trafficking.





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5. *Is there a link between forced labour and other fisheries crime?*

There are also strong indicators that forced labour in the fisheries sector is frequently linked to other forms of transnational organized fisheries crime. The term “fisheries crime” recently appeared in

the context of emerging practical responses against offences committed within the fisheries sector.

Offences include severe cases of illegal fishing, related offences from document fraud, corruption and tax evasion but also human trafficking in the fisheries sector. Fisheries crime threatens marine ecosystems and has consequences for fish stocks. It has an impact on food security and sustainable fishing by coastal communities around the world. It also deeply affects human lives when it entails forced labour of trafficked fishermen.

6. *What are the main legal instruments to combat forced labour in fisheries?*

Several international instruments address condition of work in fishing industry:

- ILO’s Work in Fishing Convention, 2007 (No. 188)
- ILO’s Forced Labour Convention, 1930 (No. 29)
- ILO’s Protocol of 2014 to the Forced Labour Convention, 1930

- IMO International Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel, 1995 (STCW-F)
- IMO Torremolinos International Convention for the Safety of Fishing Vessels, superseded by the 1993 Torremolinos Protocol (Torremolinos Protocol)
- United Nations Convention on the Law of the Sea, 1982 (UNCLOS)
- IMO Convention on Facilitation of International Maritime Traffic, 1965 (FAL Convention)
- FAO Code of Conduct for Responsible Fisheries
- FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing





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7. Which concrete measures are required to effectively prevent and combat forced labour in the fishing industry?

To effectively prevent and combat fisheries crime, the states should:

- better exercise their authority and responsibility to enforce regulations over fisheries sector vessels registered under their flag;
- ratify and/or implement binding legal instruments ensuring fishers' safety and decent working conditions;
- coordinate port state control over fishing vessels;
- control private recruitment agencies so as to avoid situations where migrant workers are recruited to work on vessels under false pretences and highly abusive working conditions;
- set up a coordinated internal and cross-border multi-agency law enforcement cooperation, intelligence gathering and information sharing, as a comprehensive justice sector response to forced labour and human trafficking at sea;
- encourage transparency in the fisheries sector across the value chain, from persons consuming the fish back to the fishers who produced or captured it;
- conduct comprehensive and coordinated research that will help to better understand the problem of deceptive and coercive labour practices in the fisheries sector;
- provide fishers access to information and support services.

8. *What does it require to tackle transnational fisheries crime?*

Tackling transnational fisheries crime requires global scale investigations into the highly organized and well-financed crimes and criminals. In order to bring to justice the individuals controlling the criminal networks, fisheries experts and practitioners need to engage with the police, judiciary, customs, tax, port, security and labour authorities to gather and share information, intelligence and knowledge and to pool investigative resources.



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Fishing at dusk in Muntinlupa City, Philippines A fisherman hooks up bait in the water2012.



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Guy Ryder, Director-General of the ILO visits the PP Tan Shrimp Peeling Facility, Samut Sakhon Province, Thailand, on 15 December 2012.

THE ILO RESPONSE

9. What is GAPfish's overall goal?

The ILO Global Action Programme against forced labour and trafficking of fishers at sea (GAPfish) initiative is a cross-cutting global programme that will have regional and national impacts to promote and protect fishers' human and labour rights.

10. What are GAPfish's main pillars?

A. Research

Qualitative and quantitative research into the push and pull factors of recruitment and exploitation of fishers will be undertaken, as well as studies into instruments and institutions that may impact on fishers working conditions, such as the implementation of the Forced Labour Convention, 1930 (No. 29), the Protocol of 2014 to the Forced Labour Convention, 1930 (PO 29) and

the Work in Fishing Convention, 2007 (No. 188), as well as other national, regional and international legal and institutional frameworks that may protect fishers at sea. Independent studies will be undertaken into the links between forced labour in fisheries and illegal fishing, as well as the effect of the use of technology (such as cell phones) and market based initiatives to promote transparency and due diligence. An immediate outcome of the research is to identify strategic geographical regions, partners and stakeholders for project implementation. Individual countries will be sought to champion new solutions in these regions.

B. Prevention, protection and prosecution

Prevention, protection and prosecution strategies will be developed, implemented, and evaluated, such as regulation of the recruitment process; identification of victims of labour abuse both while at sea and in port, possibly in coordination with initiatives like the Mobile for Work in Freedom Programme; legal assistance and response mechanisms to ensure protection of fishers in port, the swift resolution of compensation claims, timely repatriation to source country and provisions to avoid re-trafficking; and the development and strengthening of legal and institutional frameworks that ensure prosecution of perpetrators of crime and that recognize and ensure the rights of victims of human and labour abuse in fisheries.

GAPfish main pillars

- Research
- Prevention, protection and prosecution
- Capacity building and awareness-raising
- Transparency and multistakeholder Initiatives

C. Capacity building and awareness-raising

Capacity building programmes and train-the-trainers initiatives will be developed to improve the capacity of government agencies in port states, as well as prosecutors to investigate and prosecute offences. Inspector and investigator manuals will be developed on how to detect, inspect and investigate forced labour and allegations of abuse in fisheries. Awareness-raising campaigns targeting migrant workers, labour inspectors, policy makers, harbour officers, flag state administrations, media, retailers and consumers will be undertaken to improve the knowledge of forced labour and human trafficking in fisheries, as well as fishers' rights and recourse to justice and compensation.



Sample crew list with migrant finger prints, Thailand.

D. Transparency and multistakeholder initiatives

The use of hook-to-plate traceability tools to enable reliable social responsibility indicators for consumers will be explored, best practices will be encouraged, and partnerships will be entered into with industry and other pertinent stakeholder to enhance the competitiveness of fish caught in a sustainable and responsible manner. Pilot-projects will be sought with strategic partners for multistakeholder initiatives (MSI)s.

11. Where will GAPfish project be implemented?

The Project will be global, seeking out strategic partners in source states, flag states, coastal/port states and trade/market states.

- **Source states:** source states are the recruitment and transit states of fishers subject to human and labour abuse in fisheries.
- **Flag states:** flag states have the right to confer their nationality to vessels and have primary prescriptive and enforcement jurisdiction over activities taking place on board vessels on their register, and thus the right and responsibility to regulate and enforce working conditions on board fishing vessels.
- **Coastal/port states:** during transshipment or discharge of catch, human and labour abuse of fishers is most likely to be identified in port states by harbour authorities and by fisheries and labour inspectors. Fishers are also sometimes stranded in port without means of repatriation. Port states with fisheries “hubs”, i.e., ports frequently used by foreign vessels, are considered hotspots.
- **Trade and market states:** Fish and fish products caught by fishers subjected to human and labour abuse enter the market at competitive prices, which is harmful to the industry as a whole. There’s also a concern that human and labour abuse is connected with poor hygienic conditions on board vessels, and that the product may therefore pose a threat to food safety. Trade and market states include those involved in the processing, wholesale, and retail of fish and fish products.



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12. When, and for how long, will GAPfish take place?

The project will commence as soon as financing is obtained, and will last for a minimum of four years as indicated below. It will be implemented in two phases.

Phase I is the project inception phase of one year, during which the project will recruit staff, undertake strategic planning

and identification of implementing partners at national level and carry out initial research to inform development of interventions. The strategic planning at national level will include at least one multistakeholder consultation event in each country. This will ensure that GAPfish's planning takes due account of experiences and results from existing initiatives, that stakeholders are fully informed and buy into GAPfish and that stakeholders can jointly identify priorities, strategies and partnerships for delivery of outputs.

Phase II will run through years two to four and will see pilot testing of interventions, analysis of results to identify good practises and consolidation of efforts and results towards the end of the project. If phase II is successful, the ILO may develop another proposal for a follow-up project that will aim to replicate interventions in additional countries.

13. Who will carry out the project?

A coordinated approach will be used to carry out this project in close cooperation between ILO's constituents: governments, workers (fishers' unions) and employers (representatives of fishing companies) at national level. The level of organization of employers and workers in the fishing sector will be important to promote decent work in the sector. Also, GAPfish will cooperate closely with international organizations throughout the project lifespan and partnership agreements will be developed as appropriate with international institutions and organizations such as:

- International Criminal Police Organization (INTERPOL)
- United Nations Organization for Drugs and Crime (UNODC)
- International Organization for Migration (IOM)
- International Maritime Organization (IMO)
- Food and Agricultural Organization of the UN (FAO)
- World Bank Group
- International Trade Union Confederation (ITUC)
- International Organisation of Employers (IOE)
- International Transport Workers' Federation (ITF)
- International Union of Food-workers (IUF)
- PescaDOLUS (Research and capacity-building network on transnational organised fisheries crime)
- German International Cooperation Agency (GIZ)
- FFA (Norwegian National Advisory Group against Organized Fisheries Crime and IUU-Fishing)





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GAPfish

GAPfish I
Source states

GAPfish II
Flag states

GAPfish III
Coastal states

GAPfish IV
Market states

Research

Prevention, protection, prosecution

Capacity building and awareness-raising

Transparency and multistakeholders initiatives (MSI)

Phase I

Phase II

Phase III

Phase IV

Fundamental Principles and Rights at Work Branch
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ILO partner for the inception phase of GAPfish and for the organisation of an international expert meeting on labour exploitation in the fishing sector in the Atlantic region held on 25-26 November 2015, in Oslo, Norway.