

PROMOTING DECENT WORK IN FISHING

Cooperation and coordination on countering labor exploitation aboard fishing vessels and in the seafood sector

Submitted by the United States

SUMMARY

*Executive
summary:*

This document provides information on severe human rights abuses and labor exploitation aboard fishing vessels and in the seafood sector, which can occur concurrently with IUU fishing; and proposes that ILO, FAO, IMO and other international organizations consider ways to increase the understanding of the relationship between labor exploitation and the fishing industry, and explore measures to counter these practices. This document is a follow-up to the 2019 United States submission to JWG 4 and the 2015 United States submission to JWG 3 on *Human Trafficking and IUU Fishing*.

Action to be taken: Paragraph 9

Related document: JWG 3/10/1; JWG 4-8-2

Introduction

1 At the international level, a growing body of evidence documenting severe human rights abuses and exploitation aboard fishing vessels has led to calls for greater attention to forced labor and labor abuses in the seafood sector. The inclusion of the International Labor Organization (ILO) as a full member of the Joint Working Group continues to place greater emphasis on the issue and the need to respect fundamental principles and rights at work (FPRW).

2 Severe labor violations and crimes such as forced labor may occur concurrently with illegal, unreported, and unregulated (IUU) fishing practices in the seafood sector. Operators that engage in IUU fishing may unfairly seek to increase the profitability of their operations by avoiding the costs of following relevant fisheries conservation and management laws and regulations and the relevant vessel safety, security and pollution-prevention laws and regulations. The same motivation and disregard for the law may fuel labor law violations and human rights abuses. These practices may include charging workers recruitment fees, confiscating and withholding workers' passports or identity documents, and using fraudulent recruitment tactics such as contract switching. Isolation at sea has also been associated with forced labor in the seafood sector. ILO, a specialized agency of the United Nations, and other international organizations have reported on the incidences of serious

human rights abuses in the seafood sector. Detection and enforcement of criminal laws prohibiting these labor and human rights abuses and associated crimes are complicated by overlapping jurisdictions, language barriers, and inconsistent legal frameworks in transnational fishing operations related to labor and human rights.

3 Many nations have expressed the will to end forced labor and labor abuses on fishing vessels and within the seafood sector. To that end, strong efforts are needed at multilateral, regional and national levels. The 1998 ILO Declaration on Fundamental Principles and Rights at Work confirms that all ILO Members have an obligation, arising from the very fact of membership in the organization, to respect, promote, and realize, in good faith, the principles concerning these fundamental labor rights. These include freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labor, the abolition of child labor, the elimination of discrimination in respect of employment and occupation, and a safe and healthy working environment. The primary international instrument concerning human trafficking is the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Palermo Protocol), supplementing the *UN Convention against Transnational Organized Crime* (UNTOC). The Palermo Protocol, which is very widely ratified, provides a universally agreed definition of trafficking in persons as well as a framework for countries to criminalize trafficking in persons in all its forms, including for the purpose of forced labor, to prevent the crime, to protect the victims, and to facilitate international cooperation.

4 Increasingly, the international fisheries community has taken action to address illegal and unsafe conditions within the seafood sector as a matter of priority. For example, the United Nations General Assembly's (UNGA) annual sustainable fisheries resolution has reiterated its call each year since 2013 for greater collective action to address human trafficking and labor exploitation in fisheries. Additionally, a number of Regional Fisheries Management Organizations (RFMOs) have adopted, and others are in the process of considering, resolutions that set out labor standards for crew.

5 The United States is committed to identifying and countering human trafficking, and labor exploitation, including in the fishing and seafood sectors. In 2022, President Biden released a National Security Memorandum on Combating IUU Fishing and Associated Labor Abuses, which outlined the policy of the Administration to address IUU fishing and associated labor abuses, including the use of forced labor in the seafood supply chain. The memo directs federal agencies to work collaboratively towards ending forced labor and other crimes or abuses associated with IUU fishing, utilizing a range of labor, trade, economic, diplomatic, and law enforcement tools. The policy also calls upon federal agencies to increase coordination among themselves and with diverse stakeholders – public and private, foreign and domestic – to address these challenges comprehensively.

6 All federal agencies have responded by taking action, both domestically and internationally, to strengthen efforts to promote legal and safe working conditions. For example, NOAA, the United States Coast Guard (USCG), the United States Agency for International Development, and other agencies engage in capacity building activities to assist in the development and implementation of other countries' fishery management and enforcement processes. In helping instill principles of science-based management and strong enforcement around the world, such capacity-building efforts can help to provide the basis for countries to build effective fisheries management and enforcement regimes to address IUU fishing, which in turn helps to disrupt IUU fishing operations that are also engaged in human trafficking and labor exploitation.

7 Additionally, the Department of State (DOS) supports the Responsible

Sourcing Tool, an online resource for private sector companies, contractors, acquisitions personnel, and others to prevent and address forced labor in supply chains and develop comprehensive management systems; this site contains resources and tools specifically tailored for the seafood sector. DOS also funded a recent prevalence study, under its Program to End Modern Slavery, to assess the nature and scale of forced labor in the fishing industry in Costa Rica and is now implementing interventions based on the research findings to strengthen protection systems for vulnerable workers.

8 The Department of Labor (DOL) is currently funding a total of \$20 million to address forced labor and child labor in the seafood supply chain. This includes the Decent Work in Fishing in South America project, which is strengthening the capacities of workers' and fishers' organizations on fundamental principles and rights to improve workers' voice. DOL is also supporting the Fostering Accountability in Recruitment for Fishery Workers (FAIR Fish) Project working with two seafood processing companies in Thailand, as well as their recruitment agencies, as they develop a responsible recruitment pilot model for small and medium size enterprises built on the principles of the Business Social Compliance Initiative. Other projects include the Addressing Labor Exploitation in Fishing in ASEAN project, which is developing, piloting, and promoting regional labor and employment guidelines for the fisheries sector; and support to ILO through the Measurement, Awareness-Raising, and Policy Engagement (MAP16) Project on Child Labor and Forced Labor, which just released a Handbook for identifying forced labor in commercial fishing. DOL also publishes a List of Goods Produced by Child Labor or Forced Labor in violation of international labor standards. As of 2022, the list contains seafood-related goods from 20 countries.

9 The United States Agency for International Development (USAID) supports technical assistance programs to address labor abuses in IUU fishing, including the recent Seafood Alliance for Legality and Traceability (SALT) project implemented by Fishwise, an non-governmental organization. SALT supported a global alliance for knowledge exchange and action to promote legal and sustainable fisheries through improved transparency in seafood supply chains. The initiative brought together the seafood industry, Governments, and civil society to accelerate learning and support collaboration on innovative solutions for legal and sustainable seafood, with a particular focus on traceability to track the movement of seafood through supply chains. FishWise now carries the services and community created by SALT.

Proposal

10 The protection of workers' rights and safety at sea, including the monitoring of labor conditions to prevent, identify and address instances of forced labor on fishing vessels and within the seafood sector, is an important issue for member States of FAO, ILO, and IMO. To that end, JWG 5 should consider how best to:

- .1 identify existing mechanisms and tools, such as relevant international instruments, standards and policies, relating to workers' rights and safety at sea and the monitoring of labor conditions on fishing vessels and within the seafood sector in waters both under and beyond national jurisdiction;
 - .2 identify jurisdictional challenges and other barriers that complicate the effective detection of forced labor on fishing vessels and within the seafood sector;
 - .3 recommend steps to effectively utilize existing mechanisms and tools,
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such as relevant international instruments, standards and policies to help overcome the various barriers to monitoring labor conditions and detecting forced labor on fishing vessels and within the seafood sector;

- .4 discuss roles, authorities, obligations and processes needed for the proper identification of forced labor on fishing vessels and within the seafood sector in both waters under and beyond national jurisdiction, as well as the protection and referral measures needed to appropriately address potential cases of forced labor;
- .5 consider ways to support the ethical recruitment and employment of workers on vessels and within the seafood sector to promote decent work and prevent forced labor;
- .6 identify any convergences between forced labor and IUU fishing practices in order to identify efforts and tools that can support both sustainable fisheries management and labor rights protection;
- .7 identify examples of governmental enforcement in fisheries, as well as in seafood trade and importation, that counter labor abuse and signal to the fishing industry that labor abuse is not profitable; and
- .8 examine and analyze pilot projects involving communication and technological tools on fishing vessels best suited to improve workers' safety and increase access to grievance mechanisms while at sea, reducing worker isolation at sea, and increasing opportunities for reporting and addressing labor violations.

Action requested of the Joint Working Group

- 11 JWG is invited to consider the above paper, take action as appropriate on the actions proposed in paragraph 9, and report back to the 6th JWG meeting.
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