

To the attention of the Directors-General of the European Commission:

Mr. Joao AGUIAR MACHADO (DG MARE)
Mr. Stefano MANSERVISI (DG DEVCO)
Mr. Xavier PRATS MONNE (DG SANTE)
Mr. Jean-Luc DEMARTY (DG TRADE)
Mr. Michel SERVOZ (DG EMPL)
Mr. Matthias RUETE (DG HOME)
Mr. Alain Le Roy (EEAS)

Madrid, 8 August 2016

Subject: Proposals to improve observance of and compliance with International Law rules in terms of human, labour and social rights applicable to workers in the fishing sector.

Dear Directors-General of the European Commission,
Dear General Secretary of the European External Action Service,

The members of the Long Distance Advisory Council, comprising 50 organisations representing the EU fish catching and processing sector of the EU, trade unions and other stakeholders including NGOs would like to express their deep concern about serious offences and the flagrant violation, by third country fleets and industries, of the fundamental rights at work and human rights in the fishing sector around the world.

In the last years we have seen documented cases where human rights have been violated by companies with vessels flagged in countries such as Thailand, Taiwan, China or the Philippines¹.

¹ <http://www.ap.org/explore/seafood-from-slaves/ap-tracks-slave-boats-to-papua-new-guinea.html>
<http://www.ap.org/explore/seafood-from-slaves/over-300-slaves-rescued-from-Indonesia-island-after-ap-investigation.html>
<http://www.ap.org/explore/seafood-from-slaves/ap-investigation-slaves-may-have-caught-the-fish-you-bought.html>
http://www.nytimes.com/2015/11/09/world/asia/philippines-fishing-ships-illegal-manning-agencies.html?_r=0
<http://www.iuf.org/w/?q=node/4611>
<http://www.bbc.com/news/world-asia-27498048>
IOM and Nexus Institute (2014). *In African waters. The trafficking of Cambodian fishers in South Africa*. http://publications.iom.int/system/files/pdf/nexus_africanwaters_web.pdf
Zimmerman, C. et al. (2014). *Health and human trafficking in the Greater Mekong Subregion. Findings from a survey of men women and children in Cambodia, Thailand and Viet Nam*. International Organization for Migration and London School of Hygiene and Tropical Medicine.
http://publications.iom.int/system/files/pdf/steam_report_mekong.pdf

Some of these companies have been reported for the job insecurity their workforce is subject to with outrageous contracts, unacceptably low salaries, appalling working conditions on board and lack of respect for minimum standards in terms of occupational health and safety, even reaching situations of modern slavery and human trafficking.

One of the main aims of the European Union ought to be to promote decent working conditions in the fishing and processing sector, as well as to ensure compliance with regulations and the lawful origin of the fishing products gaining access into the EU market. Furthermore, it is essential that the European Union, in accordance with the EU Charter of European Fundamental Rights, and the EU plan of action on human rights and democracy (2015-2019)², complies with the international obligations to fight against human trafficking, forced labour and modern slavery linked to fishing activities throughout the world.

The LDAC acknowledges the work made in this field by several European trade union organisations such as EFFAT (the European Federation of Food, Agriculture and Tourism Trade Unions) or ETF (European Transport Federation), organisations from the catching sector such as Européche or COGECA, and processing sector (EUROTHON).

It also follows the work and recommendations made by NGOs and international bodies, such as the International Labour Organisation (ILO), Human Rights Watch or Environmental Justice Foundation (EJF) or Greenpeace³ regarding the requirement to tighten controls over imports, paying special attention to those countries with a negative track record of reiterated infringements in this subject matter, as well as to secure supply of fish that has been sustainably and responsibly caught.

The European long distance fishing fleet, ship-owners and workers, the majority of which is represented at the LDAC, are willing to offer their collaboration and sharing their experiences and good practices to achieve, at international level, a harmonisation of labour and social requirements applicable to distant waters fleets.

² <http://data.consilium.europa.eu/doc/document/ST-10897-2015-INIT/en/pdf>

³ EJF (2015) *Thailand's Seafood Slaves. Human Trafficking, Slavery and Murder in Kantang's Fishing Industry*. <http://ejfoundation.org/sites/default/files/public/EJF-Thailand-Seafood-Slaves-low-res.pdf>

EJF (2015) *Pirates and Slaves: How Overfishing in Thailand Fuels Human Trafficking and the Plundering of Our Oceans* http://ejfoundation.org/sites/default/files/public/EJF_Pirates_and_Slaves_2015.pdf

ILO (2013) *Caught at sea: forced labour and trafficking in fisheries* / International Labour Office, Special Action Programme to Combat Forced Labour. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_214472.pdf

Human Rights Watch (2010) *From the Tiger to the Crocodile: Abuse of Migrant Workers in Thailand* https://www.hrw.org/sites/default/files/reports/thailand0210webwcover_0.pdf

Greenpeace (2016) *Made in Taiwan. Government Failure and Illegal, Abusive and Criminal Fisheries* <http://www.greenpeace.org/international/Global/international/publications/oceans/2016/Taiwan-Tuna-Rpt-2016.pdf>

In the light of the foregoing, the LDAC encourages the European Commission to set itself up as world leader in the promotion and defence of strict compliance with international regulations in terms of human rights and fundamental rights at work.

In summary, we are glad to provide the following **ten recommendations**:

1. Ratification by the EU signing Member States of the International Labour Organisation Convention concerning Work in the Fishing Sector (ILO C188), adopted in Geneva on 14 June 2007:
http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188
2. Promote the fast-tracking by the Council of the integration process into the Community “acquis” of the Agreement on Social Stakeholders of ILO C188, as per Commission proposal COM (2016) 235⁴
3. Inclusion of a specific clause on compliance with fundamental rights at work and human rights in all trade agreements and sustainable fisheries partnership agreements with third countries, with clear sanctions, including the denunciation of the agreement, in case labour and human rights are not complied with.
4. Introduction of monitoring mechanisms to check and assess the compliance with fundamental rights at work and human rights within sustainable partnership fisheries agreements, as well as commercial and trade agreements, by way of the already existing joint committees between the EU and the third country.
5. The preferential access to EU market (GSP, etc.) should be conditioned to the observance of human rights and fundamental rights at work.
6. All necessary support, including financial support and capacity building, should be provided to developing countries through the development cooperation funds, for these countries to be able to meet these human and labour rights international standards.

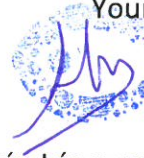
⁴ Proposal for a COUNCIL DIRECTIVE implementing the Agreement concluded between the General Confederation of Agricultural Cooperatives in the European Union (COGECA), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises (EUROPÊCHE) of 21 May 2012 as amended on 8 May 2013 concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation

7. Coordination of the Directorates General of the European Commission to create coherent synergies amongst development aid, labour protection and migrants protection policies with the consistent application of the Control and IUU Regulations to fight against IUU fishing, which is closely linked to job insecurity and violation of human rights of workers, especially in the case of migrant workers, taking as example the model created by some DGs and the EEAS for Thailand.
Coordination and collaboration of the EU with other existing projects carried out by international organisations whenever it is necessary⁵.
8. Enhancement of the policy against human trafficking and organised crime at the DG HOME of the European Commission, especially in the fisheries field.
9. Promotion of the establishment of traceability initiatives by means of due diligence procedures in the EU importing, processing and trading industry in order to contribute to the effective implementation of the IUU Regulation and to minimise risks on the supply and entry of products of IUU origin and/or coming from human trafficking and organised crime into the EU market.
10. Launch of awareness-raising campaigns at European level for encouraging a responsible consumption of fisheries products.

In conclusion, the LDAC requests the European Commission, with the close coordination of its Directorates-General, to intensify its controls and adopt a joint protocol in its approach to and treatment of observance of human, labour and social rights for workers in the fishing sector including crew on board fishing vessels and workers of the fish processing industry in third countries; and to actively and vocally lead the cause at international level and promote strict compliance with international regulations in force.

I look forward to hearing from you in response to our recommendations and specific requests.

Yours sincerely,



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⁵ In Thailand, DG Mare is currently working with EEAS and DG EMPL, and it also exists collaboration with WTO.