



Policy Brief: The Philippines
Safeguarding Against and Addressing Fishers' Exploitation at Sea

SAFE Seas, Plan International

Prepared by Katrina Nakamura, Sustainability Incubator, April 2021

This brief provides a concept for multidisciplinary inspection to stop FL/TIP in fishing workplaces for the safety of Filipino fishers.

The **SAFE Seas Project** of Plan International is providing technical assistance to government agencies in the Philippines to stop forced labour and trafficking in persons (FL/TIP) in fishing with coordination and multidisciplinary inspections.

The project is a four-year program funded by the US Department of Labor and implemented by Plan International, United States National Office (USNO) in cooperation with the Plan Country Offices in Indonesia and the Philippines.

This brief was prepared by Katrina Nakamura PhD of the Sustainability Incubator for Plan International. It is based on a review and analysis of project documents, pertinent labour and fishing regulations, and 4 stakeholder calls. The draft brief was presented to 35 stakeholders on May 24, 2021. This final brief was revised with their feedback and suggestions.

Stakeholders to this process said implementing DOLE 156-16 in a coordinated manner is a shared goal to stop FL/TIP in fishing. They asked for a common agreement for risk identification, rights training, improving workplace safety in hazardous conditions at sea, and preventing employer indebtedness.

As a result, the brief contains the following:

1. Unifying concept of multidisciplinary inspections to stop FL/TIP
2. How to identify “At Risk” FL/TIP conditions on fishing vessels
3. Minimum requirements to stop FL/TIP in fishing defined in pertinent international standards and Philippines domestic law
4. Recommendations and a road map for coordination.

TABLE OF CONTENTS

Multidisciplinary inspection to stop FL/TIP	2
How to identify at-risk conditions in inspections	4
The legal basis to stop FL/TIP in fishing	4
Stakeholder input	9
Recommendations	10
Skeleton of procedures	10
Road map through 2024	11
Conclusion	14
Sources	14

MULTIDISCIPLINARY INSPECTIONS TO STOP FL/TIP

Currently, inspectors at DOLE assist fishing crew at-risk for FL/TIP:

“We provide training to safety officers on large vessels (DOLE Sarangani/Gensan) and participate in a grievance committee for the non-payment of wages or benefits, so we mediate. The best way is calling the hotline from port (PPA). Local organizations and coast guard see fishers so their representation on government committees is effective.”

“Fishers do not use social media when fishing but their wives do. So we (DOLE Palawan) made a facebook group to communicate with families. We also provide a message group for the seafarers management council and a group chat for deputized fish wardens. We receive grievances via chat then know what to do, inspection or arbitration.”

Together, these efforts comprise multidisciplinary inspections and what is needed are a common agreement on fisher rights and a rollout of enforcement functions to stop FL/TIP as fisheries crime. Either inspectors can be multidisciplinary or else the process can be by building a common agreement into existing protocols to oversee fishing workplaces and stop FL/TIP crime.

In 2015, Thailand responded to a FL/TIP crisis in its fishing industry by assigning the responsibility to protect fishers to maritime inspectors. The Thai government then reported that it had inspected 474,334 fishery workers and had failed to identify

a single case of forced labor (Thailand, 2015)¹. Fishers are largely Burmese and did not speak up to inspectors (Human Rights



Watch 2018)²³. The ILO introduced the idea of multidisciplinary inspections and hired and trained a special team to interview and inform the fishers of their rights (ILO 2019)⁴.

Multidisciplinary inspection can stop FL/TIP in fishing by:

1. Unifying regulators, the industry and civil society around a common agreement to stop FL/TIP crime.
2. Criminalizing debt coercion and illegal wage deductions.
3. Tracking at-risk vessels domestically and providing additional safety training.
4. Tracking at-risk fleets abroad and making assistance available to Filipino fishing crew via social media.
5. Training fishers to know their rights and how to uphold them.
6. Training enforcement authorities to know fishers' legally-established rights and their specific duties to uphold.
7. Checking work agreements are clearly understood.

¹ Royal Thai Government, Trafficking in Persons Report 2015: The Royal Thai Government's Response, January 1 – December 31, 2015 (Bangkok: Royal Thai Government, 2016), p. 108.

² Human Rights Watch, Hidden Chains: rights abuses and forced labor in Thailand's fishing industry, 2018.

³ Also the case in private sector audits, see Seafood Working Group, Retailers: The FISH Standard for Crew will fail to detect labor abuse,

https://laborrights.org/sites/default/files/publications/SWG%20FISH%20Standard%20Statement_Final_April20_0.pdf

⁴ ILO, Better labour inspection cuts abuses in the Thai fishing sector, 2019, https://www.ilo.org/global/about-the-ilo/mission-and-objectives/features/WCMS_724780/lang--en/index.htm

HOW TO IDENTIFY AT-RISK CONDITIONS IN INSPECTIONS

Fishers are skilled professionals. Tens of thousands of Filipino fishing crew work with due respect and regular encounters with DOLE, BFAR, MARINA and other officials. All crew need support on the job for safety and to be paid as agreed⁵ but not all are afforded due respect in the fishing workplace.

FL/TIP occurs when vessel owners recruit unskilled crew to save money, avoid minimum labour and safety requirements, or force unpaid work. FL/TIP also occurs when wages are deducted for fishing costs. Checking that crew understand the working agreement is as important to stop FL/TIP as a document system to check its terms are legal. Understanding that debt coercion is illegal is the key to stop illegal wage deductions or holdbacks causing employer indebtedness and FL/TIP. So is understanding that a new recruit can touch the first aid kit or radio onboard in an emergency, even if the captain says no. To stop FL/TIP, fishing crew must know their rights and how and when to speak up so they are upheld—and an authority ready to hear them.

FL/TIP conditions are illegal. They can be identified by vessel and labour inspectors watching for the following:

- Persistent or unhealed injury or is dehydrated or clearly suffering from poor living conditions
- Debt from recruitment fees exceeding a month's pay
- Not in possession of a contract and does not know details of his wages, debt, or wage deductions
- Has a contract or written agreement but cannot read it or its terms are different from reality or has 2 agreements that disagree
- Losing wages regularly to deductions taken for costs of fishing
- Has been at-sea for longer than 3 years and is unable to return due to hold-backs of wages, their identification, force or threats.

⁵ 69% of 112 fishers interviewed said they wanted support on the job for safety, security and for being paid as agreed in the Thai fishing sector in 2016 and asked

THE LEGAL BASIS TO STOP FL/TIP IN FISHING

Filipino fishing crew are entitled to a just share of the fruits of their labour (DOLE 156 16). The challenge is building a common agreement to stop FL/TIP in fishing with coordinated oversight and enforcement—this is multidisciplinary inspection.

The Philippines has sufficient regulatory framework but has not yet delivered inspections that stop FL/TIP systematically. This will change as DOLE 156-16 is implemented and as minimum requirements are integrated to stop fisheries crime.

Human rights at sea are equal to human rights on land.

A fisher's right to be protected from FL/TIP by their government is **universally in force.**
(1948 Declaration of Human Rights, 2011 UN Guiding Principles on Business and Human Rights)

Fishers have a legally-established right to a workplace providing:
- safety in hazardous conditions,
- a clear work agreement (wages, terms, no illegal deductions) never left open to the discretion of bosses,
- rights training in a language they understand, and
- a channel to communicate grievances they can access safely and linked into a timely response.
(1998 Declaration of Fundamental Principles and Rights at Work)

what they needed most. Nakamura et al., Seeing slavery in seafood supply chains, 2018, <https://advances.sciencemag.org/content/4/7/e1701833>

Countries have negotiated and agreed on the essential operational requirements to stop FL/TIP in fishing, including:

1. Safe work in hazardous conditions
2. Protecting legally-established rights in fish workplaces
3. Fair recruitment

1. Operational requirements for safety in hazardous conditions⁶:

- Conditions in the workplace comply with domestic standards for operational health and safety and with regulatory inspectors and law enforcement;
- Conditions in the workplace comply with international standards for operational health and safety, including conditions and equipment for worker safety⁷;
- All new recruits are provided with safety training and upgrading to raise their professional qualifications;
- All new recruits have health coverage for workplace injuries and illnesses;
- All documentation concerning work safety is accessible in the workplace, including safety manuals, a worker handbook, written employment agreements (in languages migrant workers understand), medical certificates and insurance documents;
- First aid is accessible to all people working at the facility at all times;
- People who are injured on the job are transported to hospitals without delay and at the employer's cost;

- Minimum rest hours and working hour limits are observed in all workplaces, including fishing vessels⁸;
- In a confined workplace, access is provided to nutritious and sufficient food and at all times to clean water;
- Annually, safety risks are assessed for crew members on the vessel; and for vessels smaller than 24 meters, due training and personal equipment are provided⁹.

Operational requirements for upholding legally-established rights onboard fishing workplaces¹⁰:

- Before the arrival of new recruits in the workplace, the operation must have a system for managing human resources which provides the rights protections mandatory in the coastal, port or flag state environment, or for providing the mandatory human rights due diligence in jurisdictions offering insufficient governance for protecting human rights like flags of convenience.
- Individual rights to associate and to bargain collectively are upheld, or for providing the mandatory human rights due diligence (Figure 1) in jurisdictions offering insufficient governance for protecting human rights like nations competing on low labour rates;
- Working conditions comply with 15 as the minimum age to work onshore and 16 on fishing vessels, where schooling is also facilitated and hazardous work is limited;

⁶ Instruments: Work in Fishing Convention 188 (ILO), Cape Town-Torremolinos Agreement, The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel - STCW-F, International Convention for the Safety of Life at Sea - SOLAS,

Guidance: Guidance for addressing child labour in fisheries and aquaculture (FAO/ILO), Code of Safety for Fishermen and Fishing (FAO/ILO/IMO), Code of Conduct for Responsible Fisheries (FAO), and Sustainable Development Goal 8 for Decent Work and Economic Growth.

⁷ International Maritime Organization, Cape Town Agreement and Torremolinos International Convention, 2012, in force 2020 (accessed March 11, 2021)

⁸ Fishing vessel owners and captains are required to give crew members a minimum of 10 hours of rest in any 24-hour period and 77 hours in any 7-day period (SCTW-F, WIFc188).

⁹ FAO/ILO/IMO Tripartite statement from the 4th FAO/ILO/IMO [Joint Working Group meeting](https://www.imo.org/en/MediaCentre/MeetingSummaries/Pages/IUU-JWG-4.aspx) on IUU Fishing and other related matters, 2018, <https://www.imo.org/en/MediaCentre/MeetingSummaries/Pages/IUU-JWG-4.aspx> (accessed March 11, 2021)

¹⁰ Instruments: International Bill of Human Rights, Declaration of Fundamental Principles and Rights at Work, Eight ILO Core Labour Conventions

Guidance: Sustainable Development Goals for 1 No Poverty, 5 Gender Equality, and 8 Decent Work and Economic Growth

- Earnings are consistent with decent work and all people in fish work are provided opportunities to advance;
- Women in fish work earn equal pay for equal work;
- Women in fish work have full and effective participation and equal opportunities for leadership at all levels of decision-making across the operations.
- Working conditions are protected from gender-based violence and sex role stereotyping;
- Discrimination in hiring, work placement and advancement are eliminated;
- Maternity and family leave are provided;
- Medical insurance is provided for workplace injuries and incidents;
- Migrant fish workers earn equal pay for equal work and are provided with equal opportunities to decent work terms and benefits as nationals;
- Deductions from pay for costs of work are prohibited (to reduce the exposure of fish workers to debt bondage, forced labour, and human trafficking);
- Work without pay is not required;
- People in fish work in a confined workplace are provided access 24/7 to telecommunication and to their personal identification documents (passports, ID cards);
- Every workplace provides all people working there with access to a grievance mechanism; and
- Every person in fish work holds a written work agreement compliant with ILO core standards, itemizing terms and pay in a language they understand and signed by the facility owner.

Operational requirements for fair recruitment¹¹:

¹¹ Instrument: ILO General Principles and Operational Guidelines for Fair Recruitment, Guidance: Interpol Public Notice on Human Trafficking and Forced Labour: The deceptive and coercive practices undertaken within the recruitment process to work in the fisheries sector, Employer Pays Principle, Sustainable Development Goal 8 for Decent Work and Economic Growth

- People in fish work are hired either direct or through a labour recruiter who is compliant with professional recruitment standards and registered with a competent authority;
- Fish workers shall not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment;
- A list is maintained of every fish worker in the facility with copies of the signed work agreements (and also identity documents on fishing vessels);
- Work agreement documents depict the actual terms and conditions in the workplace and are consistent with what the fish worker signed onto at home; and
- Work agreements do not contain deductions from fish worker pay for items needed to do the job (like boots and protective clothing) or for travel to and from the job.

Many of these requirements are standard in the Philippines law but enforcement is missing to stop FL/TIP cases and to protect fishing crew abroad. Multidisciplinary inspection is a powerful tool for integrating minimum requirements to stop FL/TIP in fishing and uphold fishers' legally-established workplace rights.

Stopping FL/TIP in fishing is important in trade. The US government banned seafood five times recently due to FL/TIP of fishing crew¹². EU will also require all exporters from the Philippines to demonstrate human rights due diligence next year. There is work to do because fish goods from the Philippines are linked to FL/TIP by the US Department of State and also listed as goods made significantly with illegal forms of child labor (US Department of Labor, 2020)¹³.

¹² US DHS 2021: Withhold Release Orders, <https://www.cbp.gov/newsroom/national-media-release/cbp-issues-withhold-release-order-seafood-harvested-forced-labor>

¹³ Department of Labor-International Bureau of Labor Affairs, List of Goods Produced by Child Labor or Forced Labor, 2020 <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods> (accessed March 10, 2021).

The Philippines can stop FL/TIP by enriching the current arrangements for oversight of at-risk fishing workplaces with minimum requirements for safety, fair recruitment, and work agreements. These are well defined in the following instruments and could be taken up into a common agreement between fishers, vessel owners and manning agents. Port State measures are important and will be featured in SAFE Seas' next project.

Cape Town Agreement on Fishing Vessel Safety / Torremolinos International Convention for the Safety of Fishing Vessels

The Torremolinos Protocol was adopted in 1993 to update, amend and absorb the original 1977 Torremolinos Convention of the International Maritime Organization, which addressed the design, construction, equipment and port State maintenance and inspection standards for fishing vessels. It has been replaced by the Cape Town Agreement, which if it enters into force, will require vessels to comply with inspections in port States. Authorised inspectors can pursue legal recourse when violations are observed, adding oversight which may potentially deter the exploitation of fishers¹⁴.

Implementing its minimum requirements: Verify vessel conditions meet the requirements by checking port inspection reports, including adequate provision of equipment for crew safety.

Operational Guidelines for Fair Recruitment by ILO

The principles¹⁵ apply to all actors in the recruitment process for work, including facility owners, labour agents, and workers. In the recruitment process, business enterprises are required to respect workers' human rights and fundamental principles and

rights at work. The operational guidelines provide specific actions to take for States, business enterprises, and labour agents. Involving social organizations is recommended¹⁶.

Implementing minimum requirements: (1) Employ human rights due diligence, (2) assess internal recruitment procedures for risks to workers and any adverse human rights impacts with which they are involve, (3) engage workers only through compliant labour recruiters, (4) contribute to improving professional recruitment standards, (5) never to retain workers' passports, ID, or contracts (workers must have copies or access to their documents), and (6) never to charge workers for costs of work, including to recover recruitment fees.

ILO Work in Fishing Convention 188

Philippines regulations are overall sufficient for ratifying c188 (ILO 2019)¹⁷ with some exceptions:

Areas of substantial conformity	Areas of ambiguity or partial conformity	Areas of non-conformity
<ul style="list-style-type: none"> Competent authority and coordination Minimum age Medical examination Manning and hours Crew list Recruitment and placement Payment of fishers Accommodation and food Occupational safety and health (OSH) and accident prevention 	<ul style="list-style-type: none"> Key definitions Responsibilities of fishing vessel owners, skippers and fishers Fisher's work agreement (FWA) Repatriation Medical care Protection in cases of work-related sickness, injury or death Compliance and enforcement 	<p>No clear national legislation or policies in respect of its port State jurisdiction over foreign-flag vessels in its ports and inspections for living and working conditions on board.</p>

Implementing DOLE 156-16 will improve the visibility of working conditions onboard small, medium and larger fishing vessels. It will

¹⁴ Rebecca. "Trapped at Sea: Using the Legal and Regulatory Framework to Prevent and Combat the Trafficking of Seafarers and Fishers." Groningen Journal of International Law, 1:2 Human Trafficking (2013), 91-153, 96

¹⁵ ILO 2016: General principles and operational requirements for fair recruitment, International Labour Organization, Paris; https://www.ilo.org/wcmsp5/groups/public/-ed_norm/-declaration/documents/publication/wcms_536755.pdf

¹⁶ International Labour Organization 2015: General principles and operational guidelines for fair recruitment, International Labour Organization; https://www.ilo.org/wcmsp5/groups/public/-ed_protect/-protrav/-migrant/documents/publication/wcms_536263.pdf
¹⁷ ILO, The Philippines and the Work in Fishing Convention, 2007 (No. 188): a comparative analysis, ILO Working Paper, 2019.

clarify that all fishers have employment status in all fishing workplaces and include informal conditions.

Compensation will also be resolved. Larger commercial fishing vessels will be required to provide a two-tier compensation scheme combining wages and productivity-based pay. Fishers on medium sized commercial vessels, like those providing seafood consistently to local area markets, stores and restaurants, will be required to be paid a day rate not less than the applicable minimum wage. The NWPC and ILS plan to determine the appropriate compensation scheme for small-scale fishers in the first year. It may be helpful to the implementation of DOLE 156-16 to consult the excellent Fisher Work Agreement that is appended to the WIF c188, noting that its provisions cover all vessels but higher requirements are for vessels generally >24m and at sea for three days or more.

The objective of the Convention is to ensure that fishers have decent conditions of work onboard fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security. It applies to all fishers and all fishing vessels engaged in commercial fishing operations. It sets out the responsibilities of States for enacting laws, regulations or other measures needed for implementation. This includes coordination among authorities, inspection (flag and port State), investigation of complaints and regulation of recruitment and placement services.

Implementing minimum requirements: (1) Ensure the skipper is provided with the necessary resources and facilities to comply with the requirements of the Convention, (2) ensure fishers are not below the minimum age for work on fishing vessels and ensure protection of young fishers (3) ensure vessels are sufficiently and safely manned for safety navigation and operation, including, for vessels at sea more than 3 days, that fishers have prescribed minimum rest; (3) ensure vessels carry a

crew list; (4) ensure fishers have a written work agreement that is comprehensible to them and is consistent with the provisions of the Convention, even when the fishing vessel owner is not the direct employer; (5) ensure fishers hold a medical fitness certificate, (6) provide medical equipment and supplies and ensure a person on board is trained to provide first aid; (7) provide adequate accommodation, food and water (8) protect fishers against occupational accidents diseases and work-related risks, including through risk assessment (9); ensure protection for work-related sickness, injury or death; (10) repatriate fishers following the termination of the agreement or justified reasons.

It is also recommended to include mandatory Human Rights Due Diligence (mHRDD) in the implementation of DOLE 156-16. It is the agreed approach to stop FL/TIP among IMO, ILO, FAO, OECD and the member countries to the United Nations and will be an EU import requirement next year.

Mandatory Human Rights Due Diligence

1. At the outset of the life-work cycle every new recruit is entitled to reach an agreement on terms prior to entering the work environment that must, at minimum, be compliant with national law (this may be a contract or other form of agreement but never left open to the supervisor's or agent's discretion).
2. Upon arrival, rights training for all new recruits is mandatory in a language they understand.
3. A safe, responsive channel for workplace grievances must be accessible to everyone working at the facility that is linked into a credible and timely response by management.
4. Clearly written terms for paying wages are to be explicit about deductions and limited to what is legal in the country of operation, or else prohibited (fees for equipment, ongoing service fees, and excessive deductions as typically defined by national labour are generally illegal).
5. All above are to be verified by fishers themselves safely.

STAKEHOLDER INPUT

Current challenges:

- “Not enough representation from fishers in this area.”
- “Fishing vessel crew say they have no-one to talk to when they find themselves forced to work or stranded. The extent of forced labour within the fishing reality is missed.”
- “The challenge is accessing the crew when they are mobile. We do not have resources to reach them and need agencies to resolve this together.”
- “There is a reluctance to report labour violations in the recruitment process for domestic fishing vessels using handline and purse seine gear. Violations are not often recognized as exploitation due to their informal conditions.”
- “When it comes to forced labour on fishing vessels, the crew do not always recognize the conditions as exploitation.”
- “Big vessel owners are aware but do not practice. Their skippers are not aware. The smaller vessel owners are not aware.”
- “Fishers can report safety but do not know what to expect onboard from the owner for minimum safety requirements.”
- “Accidents and natural disasters at sea for domestic and municipal vessels are the biggest hazard that crew are exposed to. They are not equipped enough. Municipal vessels do not have radio.”
- “Using an air compressor as a breathing apparatus is a big hazard.”
- “Fishers are also at risk on vessels that are fishing illegally.”
- “Domestic Philippines vessels are detained in Indonesia and do not have the documents. They are not prepared.”
- “Mobile apps for capturing violations are ineffective because they are not coordinated with authorities.”

Stakeholder suggestions to stop FL/TIP:

- “It is a must that fishers learn and are trained in occupational safety and health before they embark on a vessel”.
- “We recommend unannounced inspections on a random basis. Domestic fishers need the same channel as POEA. The same

rules apply.”

- “Inspections could be streamlined and roles better understood.”
- “Agencies must impress the terms and conditions upon the owner. We can file a case to stress the point. The prosecutor’s office does not provide services but we can be the back stop and orient cases to a legal remedy.”
- “MG has the power to investigate and to enforce all laws and ordinances relating to the protection of lives and property.”
- “The owner of a smaller vessel is the operator, seldom hiring a captain and can be reached. Stella Maris provides an orientation for fisherfolks to learn their rights.”
- “The International Christian Maritime Association, ICMA, also provides support to seafarers and can be linked in. They are very active through the AOS.”
- “Clarify roles and mandates in the Philippines referrals system. Identify additional roles for those with the mandate”.
- “ISWAN receives calls then facilitates a discussion between the fisher and manning agency. ISWAN links the cases to the appropriate agencies and files cases against manning agencies. We can talk to regulatory authorities. We recommend a database. We can provide an annual report of cases by different categories.”
- “MARINA has direct contact with vessel owners and could place a mandatory crew handbook on vessels so they know their rights.”

Thoughts on better coordination:

- “Coordination is needed so inspection and monitoring are in place.”
- “The next challenge is the private sector; we need a plan of action.”
- “iACAT lacks representation from domestic fishers. Think of having the brief endorsed by iACAT and ASEAN so that it is disseminated.”
- “Bring in the immigration officials who also have a mandate to detect exploitation.”
- “Let us institutionalize our referral system. Documentation is key. Preserve facebook messages for documentation. The Rules on Cybercrime Warrants are a resource.”

RECOMMENDATIONS

1. Develop a common agreement to stop FL/TIP for domestic fishing crew by increasing occupational health and safety (priority #1) and decreasing employer indebtedness (priority #2). Cross-train senior officials at DOLE, BFAR, MARINA, PCG, MG.
2. Track at-risk vessels in domestic waters (prioritize safety ex: US Coast Guard's Risk-based Fishing Vessel Exam Program¹⁸).
3. Establish an online function where anonymous witnesses can submit verifiable information about FL/TIP on a vessel of interest. Staff this function with the capacity to refer cases and evidence onto parties who will follow up. Set up the online portal very clearly with precise instructions on what to submit (ex. vessel name, flag, date/time, if in port then location and truck license plate numbers or other identifiers).
4. Train BFAR officials and industry associations in human rights due diligence and to recognize each other's roles and functions.
5. Add random checks to vessel inspections to ask fishing crew their wages and terms and confirm agreements are understood.
6. Develop a common agreement to stop FL/TIP for Filipinos fishing abroad (example: ILO/IMO/FAO tripartite agreement on migrant fishers¹⁹). Cross-train senior officials at DOLE, POEA and Philippines embassies.
7. Track at-risk fleets for Filipino fishing crew abroad.
8. Build capacity in Philippines embassies to assist fishing crew overseas.

¹⁸ US Coast Guard 2021: https://www.dco.uscg.mil/Portals/9/CVC-WI-025%20At-Risk-8_20final.pdf

SKELETON OF PROCEDURES

1. Inspection capacity to identify illegal FL/TIP conditions on vessels, including hazards (a list was provided on page 4).
2. Inspection capacity to spot fishing crew experiencing FL/TIP and offer referral or removal from the vessel.
3. Inspection capacity to identify at-risk vessels for unsafe conditions and to ground vessels or offer OSH support.
4. Inspection capacity to identify vessel owners or captains operating illegally with FL/TIP conditions and to penalize or report cases to labour and prosecution authorities
5. Assessment capacity to identify at-risk conditions domestically and to then adjust programs to reduce risks.
6. Assessment capacity to identify fleets abroad with FL/TIP for Filipinos and then to assist cases (ex: ASEAN regional advisor and network to stop FL/TIP in fishing).
7. Pertinent medical services, insurance and compensation for fishing workplace injury or illness
8. Dispute resolution at ports
9. Family services to locate and assist communication with fishing crew

¹⁹ ILO, IMO, FAO 2017: Tripartite resolution on issues relating to migrant fishers http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_576899.pdf

ROAD MAP THROUGH 2024

To stop FL/TIP for Filipino fishermen, competent authorities must be unified to stop FL/TIP conditions as fisheries crime and agree to do their part to oversee the law in fishing workplaces. There must be a common agreement on each party's role in stopping FL/TIP. The easiest and most effective way to accomplish this is with a unifying mechanism for multidisciplinary inspection.

The following road map suggests steps and a timeframe between mid-2021 and 2024.

1. Continue to implement the Covid-19 response per the MoU.

Who: All government departments of the Philippines pertinent to fishing, led by DOLE
When: Through 2022

2. Add pertinent rights training to the safety training for fishers

Who: DOLE
When: May 2021-December 2022

3. Reach a common agreement with vessel owners on their duty to know fisher rights and provide conditions which meet minimum requirements to stop FL/TIP in fishing.

Who: Led by BFAR with MARINA, PCG and MG
When: June 2022-May 2024

4. Oversee the placement of crew handbooks on vessels so fisher rights are available to fishers 24/7

Who: MARINA with port authorities, PCG, fishing unions, Stella Maris, ISWAN and AOC to participate.
When: January 2021-June 2023

5. Train onboard inspectors to document FL/TIP conditions when at sea

Who: MG, PCG, BFAR, MARINA

When: January 2022 through December 2022

6. Establish a protocol for virtual inspection of crew for signs of FL/TIP. Train authorities to track and preserve youtube, facebook and other social messages for documentation.

Who: BFAR, DOLE, MARINA, MG, PCG, Prosecutors, and with inputs and training from DOLE, ISWAN, Stella Maris, AOC, iACAT and Greenpeace Philippines.

When: January 2022-December 2023

7. Invite current or former fishing crew into the strategic planning process to represent fishers in this area and prioritize for associating inspections to a master grievance channel to institutionalize the referral system and, most of all, to make sure that it is broadly accessible and acceptable to fishers.

Who: DOLE with Stella Maris, ISWAN, AOC, unions and DOLE with BFAR, MARINA, PCG, MG, Prosecutors, iACAT
When: January 2022-December 2023

8. Celebrate the integration of Worker Voice to stop FL/TIP into the government's oversight of fishing workplaces with events and publications.

Who: DOLE, BFAR, PPA, MARINA, iACAT with Stella Maris, ISWAN, AOC, unions and POEA
When: Fisher's Day in 2023

CONCLUSION

This brief has provided a clear legal basis for stopping FL/TIP in fishing workplaces and to enforce it as fisheries crime.

Procedures and a road map coordination were offered within a unifying concept of multidisciplinary inspection. Taking up any of the suggestions will advance stakeholder priorities and prepare for the implementation of DOLE 156-16 as well as international agreements pertinent to fishing, including the Work in Fishing Convention c188 and the Cape Town / Torremolinos Agreements for safety in fishing workplaces.

Filipino fishing crew are valuable contributors to the economy of the Philippines and to the world's food system. Their professionalism and diligence is due respect and that respect is guaranteed in Philippines and international law. Filipino crew are fishing in fleets in every ocean and, while the Philippines has adopted excellent regulations and policy since 2015, FL/TIP has not stopped or even slowed it down. Domestically, debt coercion is illegal and it must be prosecuted to change the widespread acceptance of employer indebtedness as a norm. At-risk vessels that are unsafe and putting Filipino lives in danger must be tracked and brought into compliance with minimum requirements for the preservation of life. Fisheries economics (low pricing) play a role here and government departments might consider offering incentives like additional safety training, first aid and radios as essential safety equipment to save lives.

The Philippines is a leader worldwide in defending Filipino fishing crew abroad and can help stop FL/TIP by taking the necessary steps to serve Filipinos where they are. Insisting on a solid floor in every fishing workplace will help to change norms and have a demonstration effect for the fish sector worldwide.

SOURCES

A. Project documents

- SAFE Seas, 2019, Pre-Situational Analysis: Forced Labor and Trafficking in Persons among Fish Workers in Indonesia and the Philippines
- SAFE Seas, 2020, Safe Fishing Alliance: Protecting Fishers from Forced Labor and Human Trafficking (Technical Brief)
- SAFE Seas, undated, Internal Communications Structures

B. International legal framework pertinent to upholding human rights in fishing to combat FL/TIP

- International Bill of Human Rights
- Declaration on the Fundamental Principles and Rights at Work (ILO)
- UN Guiding Principles on Business and Human Rights
- Eight Fundamental Labour Conventions (ILO)
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons (UN)
- The United Nations Convention on the Law of the Sea (UNCLOS)
- The Work in Fishing Convention 2007 (No. 188) (ILO)
- The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessels Personnel (STCW-F) by the International Maritime Organization (IMO)
- The Cape Town Agreement on Fishing Vessel Safety by the International Maritime Organization (IMO)
- The Torremolinos International Convention for the Safety of Fishing Vessels by the International Maritime Organization (IMO)
- The International Convention for the Safety of Life at Sea (SOLAS)

-
- The Code of Conduct for Responsible Fisheries by the Food and Agriculture Organization of the United Nations (FAO)
 - The Voluntary Guidelines for Securing Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (FAO)
 - Santiago de Compostela Declaration for Equal Opportunities in the Fishing Sector and Aquaculture (FAO)

C. Stakeholders

Attendance list Focus Group Discussion & Presentation of the draft Policy Brief on Multidisciplinary Inspection

Note of Thanks:

A special thanks to the SAFE Seas Team in the Philippines!

I hope this brief will prove helpful to decision-makers and thank you for the opportunity to work together.

-Katrina Nakamura, PhD, Sustainability Incubator, May 31, 2021