

Resolution on issues relating to migrant fishers¹

The Tripartite Meeting on Issues relating to Migrant Fishers, convened in Geneva, Switzerland, from 18 to 22 September 2017,

Being aware of publications in, and documentaries of, media and investigations carried out by international workers' organizations has shown that a number of migrant fishers, irregular and temporary migrant fishers in particular, have endured and still endure some or all of the following reprehensible treatments that can be classified as clues that could point to the possible existence 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, and excessive overtime,

Taking into consideration:

- the United Nations Convention on the Law of the Sea, 1982, its Articles 73, 94, 99, 110, and 111 in particular;
- the ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998;
- the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), in particular SDG 8 on inclusive and sustainable economic growth, employment and decent work for all;
- the resolution, which includes the conclusions, concerning fair and effective labour migration governance adopted at the 106th Session (2017) of the International Labour Conference;
- the Work in Fishing Convention, 2007 (No. 188), of the ILO;
- the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (as amended);
- the *Guidelines on flag State inspection of working and living conditions on board fishing vessels* of the ILO;
- the *Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188)*, of the ILO;

¹ In accordance with established procedures, this resolution will be submitted to the 332nd Session of the Governing Body of the ILO (March 2018) for its consideration.

-
- the *General principles & operational guidelines for fair recruitment* of the ILO;
 - the Global Action Programme against forced labour and trafficking of fishers at sea (GAPfish) of the ILO;
 - the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995, of the International Maritime Organization (IMO);
 - the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (FAO);
 - the *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* of the FAO; and
 - that the *Guidelines on the medical examinations of seafarers* of the ILO and the IMO do not apply to fishers.

Invites the International Labour Office:

1. to develop general principles and operational guidelines for fair labour market services in the fishing sector, including: (a) sufficient and suitable guidance for fishing vessel owners and (cross border) labour market services; (b) model contracts for (cross border) labour market services in the fishing sector; (c) sufficient and suitable guidance for fishers seeking jobs on board (foreign) fishing vessels; and (d) complaints mechanisms;
2. to develop, in close cooperation with other relevant agencies of the United Nations, an effective roadmap for rapid worldwide implementation of the international agreements relating to work in the fishing sector, in particular: (a) the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (as amended); (b) the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995, of the IMO; (c) Convention No. 188, of the ILO; and (d) the *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* of the FAO;
3. to develop, in close cooperation with the IMO and other relevant organizations, guidelines on the medical examinations of fishers;
4. to develop guidelines for implementing the occupational safety and health and accident prevention provisions of Convention No. 188, as set out in its Articles 31, 32, and 33;
5. to assist employers and enterprises to put in place policies to prevent and eradicate child and forced labour in their operations;
6. to develop an official, structured ratification campaign for Convention No. 188; and
7. to develop guidelines for collecting data and statistics on the issue of migrant fishers.

And invites the member States:

1. to ratify, implement and enforce Convention No. 188, of the ILO;
2. to ensure, through close, effective cooperation between their internal governmental departments and bodies, that their fisheries policies and their fisheries access agreements with third countries take into account the international instruments and/or the member State's internal law concerning: (a) construction, equipment and

seaworthiness of fishing vessels; (b) manning of fishing vessels; (c) training and certification of fishers; and (d) working and living conditions on board fishing vessels;

3. through the regional economic integration organizations and regional fisheries management organizations in which they participate, to respect and promote the international instruments concerning: (a) construction, equipment and seaworthiness of fishing vessels; (b) manning of fishing vessels; (c) training and certification of fishers; and (d) working and living conditions on board fishing vessels; and
4. to enhance cooperation on criminal cases related to exploitation of migrant fishers, such as trafficking in persons and forced labour, using existing bilateral and multilateral arrangements and instruments.