

LDAC 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

1. Ratification of the ILO Convention concerning Work in the Fishing Sector (ILO C188)

The EU promotes the ratification of the ILO Work in Fishing Convention, 2007 (C188) both at EU and international level. A Council Decision was adopted in 2010 authorising the Member States to ratify this Convention and providing they should make efforts to take the necessary steps do so as soon as possible. The Convention has achieved the required number of ratifications and will enter into force on 17 November 2017.

In addition, in the frame of its calls for proposals to support European social dialogue, the Commission has granted funds to the EU Social Partners in Sea-Fisheries to co-finance events aiming at promoting ratification of the ILO C188 by EU Member States.

2. Integration of ILO C188 into the acquis

The Commission proposal for a Council Directive to implement the social partners' agreement on the ILO Fishing Convention into EU law was adopted by the Employment, Social Policy, Health and Consumer Affairs Council. The adoption of the Directive will back up the ratification of C.188 by Member States.

3. and 4. Compliance with fundamental rights

The EU has fourteen SFPAs currently in force with third countries. The protocols negotiated between the EU and third countries comprise a set of binding rules to ensure decent working and living condition for seamen on-board in a specific chapter named "signing-on of seamen".

More generally, the EU actively promotes decent work in external relations, including the ratification and effective implementation of core international labour standards. The Commission considers the swift ratification of the Protocol as particularly important to make the world better equipped to fight today's forms of forced labour, in particular in the fishing and seafood sector, and signed up to the "50 for Freedom" campaign during the 2015 International Labour Conference.

The Commission is also actively promoting adherence to international and European anti-trafficking standards through bilateral, regional and international fora. Both the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and the EU Strategy towards the Eradication of Trafficking in Human Beings are promoting a victim-centred, human rights based, gender specific and child friendly approach to comprehensively address trafficking in human beings.

The Commission further monitors the application of EU law addressing respect of core labour standards by European companies, including in third countries, such as:

- The public procurement Directive providing that public authorities must ensure compliance with applicable labour obligations in the performance of the contract and may exclude companies failing to comply from procurement.

- The non-financial reporting Directive providing that large companies are to disclose in management reports the policies, risks and results of respect for core labour standards and working conditions.
- The anti-trafficking Directive, very strong at ensuring that businesses and legal persons can be sanctioned for the offence of trafficking in human beings.

5. Preferential access to EU market

The EU grants unilateral preferences under the Generalised Scheme of Preferences, GSP (Everything But Arms 'EBA', standard GSP, GSP+), to the developing countries to support their integration into the international trade and to boost their economic development.

Through the GSP+ regime, the EU promotes ratification and implementation of 27 core international conventions: UN human rights, core ILO labour rights, Multilateral Environmental Agreements and Good Governance. A country can enjoy GSP+ preferences only if it commits to a continuous political and practical effort to improve implementation records of the 27 conventions. The EU monitors GSP+ beneficiaries' compliance.

Benefits under any of the three GSP arrangements may be temporarily withdrawn for serious and systematic violation of principles laid down in the core international conventions on human and labour rights, or if the beneficiary country does not comply with the binding undertaking signed at the time of application for GSP+ preferences.

6. Support to developing countries

Assistance is not limited to developing countries but encompasses emerging countries with large-scale fishing industry such as Thailand. In the case of Thailand, labour issues in the fishing and seafood sector are addressed systematically with the authorities, including with the Ministries of Foreign Affairs, Labour and Agriculture (Department of Fisheries) and the Ministry of Commerce. In addition, the Commission underlined the obligation of the State to protect against trafficking in human beings and forced labour and the importance of enforcement of legislation in discussions with the country. It has provided support on matters related to trafficking and the fishing sector, including in the context of the labour dialogue.

Such matters are also discussed regularly with the relevant international organisations, in particular the International Labour Organisation (ILO), as well as with specialised NGOs. In addition, the Commission and the EEAS are working on targeted interventions to assist Thailand to address key labour shortcomings in the fishing and seafood sector in compliance with the core labour standards in particular regarding child labour and forced labour. Working conditions especially for migrant workers are also addressed. The Commission cooperates closely with the ILO regarding Thailand through two complementary initiatives, both started this year. The first is an important joint project financed under EU development cooperation funds (with an EU contribution of 3.7M€) aiming at fighting unacceptable forms of work in the Thai fishing and seafood industry. The second aims to support the application of ILO fundamental Conventions and human rights in Thailand with a focus on the Forced Labour Convention, 1930 (No. 29).

Under the Partnership Instrument (PI), the EEAS and the Commission run several projects that encourage the governments and the business sector in non-EU countries to target the financial and economic aspects of trafficking in human beings. For example, the project on

Responsible supply chains in Asia to start in 2017 intends to support responsible supply chains in Asian trading, by better application of internationally recognised labour, social and environmental standards, principles and commitment.

More generally, as stated in the Agenda for Change, the European Union is committed to encourage more inclusive growth and promote the decent work covering job creation, guarantee of rights at work, social protection and social dialogue. The EU is already using several development cooperation instruments to this end. The thematic programme Global Public Goods and Challenges (GPGC) of the Development Cooperation Instrument (DCI) which covers five areas of cooperation is a good example. Within this programme, support is foreseen for “the Decent Work Agenda (DWA) and rights-based approach to employment and labour, including through approaches that take global supply chains into account, to address issues of living wage, rights at work including freedom of association and rights to organise, health and safety at work and the right to social and legal protection, especially for the most disadvantaged workers.”

7. Coordination between Directorates-General

Coordination between Directorates-General is already taking place to create coherent synergies amongst development aid, labour protection and migrant protection policies with coherent application of the Control and IUU Regulations to fight IUU fishing. The EU Regulation on IUU does not specifically cover labour issues, but abusive labour practices are often linked to IUU. Improving legal, control and enforcement actions in fisheries management is bound to have a positive impact on the working conditions in the fishing industry. In the case you mentioned, Thailand, coordination is not only between DGs and EEAS but also with other existing projects carried out by international organisations such as the WTO or ILO.

8. Anti-trafficking

The EU has set up a comprehensive legal and policy framework to address trafficking in human beings, coordinated by the mandate of the EU Anti-Trafficking Coordinator. The EU anti-trafficking Directive (Directive 2011/36/EU) is a forward looking legal instrument providing a series of provisions for the support and protection of the victims, preventing the crime and ensuring prosecutions. The law is further complemented by the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016), which calls for a comprehensive and multidisciplinary approach, by involving diverse actors such as police officers, border guards, immigration and asylum officials, public prosecutors, lawyers, members of the judiciary and court officials, including labour, health, social and safety inspectors. In this respect, the fisheries sector is recognised as being at high-risk for trafficking in human beings. With regard to the external dimension the EU also raises trafficking of human being in the framework of its human rights dialogues with over 40 countries worldwide. Trafficking is also an integral part of dialogues on migration and the relevant pacts negotiated with non-EU countries. The Commission will continue addressing trafficking in human beings and all forms of exploitation as appropriate, including in the fisheries sector.

9. Traceability initiatives

The IUU Regulation is an instrument which applies to all vessels engaged in the commercial exploitation of fishery resources, and seeks to prevent, deter and eliminate all trade of fishery products into the EU deriving from IUU fishing in all waters, and the involvement of EU nationals in IUU activities conducted under any flag. In order to achieve this ambitious goal, an EU catch certification scheme has been introduced to improve traceability of all marine fishery products traded with the EU, irrespective of means of transport, and at all stages of the production chain, from the fishing net to the plate.

10. Awareness

Over the last few months, we have observed some progress in awareness about the situation of labour in the fishing sector and some steps to improve working conditions in some key sourcing countries. Further efforts and progress are however needed, in particular on enforcement, to prevent and reduce trafficking in human beings, forced labour, child labour and other unacceptable practices, and progressively eliminate the exploitation of workers, particularly migrant workers, in the fishing and seafood industry in line with the ILO Conventions and their Protocols.

Labour issues in the fishing and seafood sector already are and will remain a priority matter in EU relations with countries such as Thailand.