

International Labor Rights Forum

Stop Trafficking by Sea Data Development Workshop Report

On 12 and 13 October 2016, the International Labour Rights Forum (ILRF) convened a diverse group of experts in technology, human trafficking, labor rights, seafood supply chains, vessel monitoring, and other relevant fields at a workshop in Bangkok. The purpose of the two-day workshop was to explore the applicability of satellite-based vessel tracking technology, in combination with newly available and emerging data about fishing crews, to assess and mitigate risks of human trafficking on fishing vessels. This report will provide a summary of key speakers and events as well as overall findings and conclusions from the days' events.

Conference Objectives

1. Identify indicators of forced labor that can be combined with Global Fishing Watch data outputs to give a clearer picture of potential abuse;
2. Identify potential sources of data that could be used by analysts to enhance the available pool of information; and
3. Compose a data collection action plan to guide project implementation and identify possible collaboration and partnerships.

Schedule Overview

Day One

- Opening Remarks: Jessica Zaman, USAID; Judy Gearhart, ILRF
- Panel Discussion: Data-related challenges and successes (Moderator: ILRF; Panelists: Migrant Worker Rights Network, Stella Maris, Issara Institute, Ryuji International)
- Presentation: Commander Piyanan Kaewmanee, Royal Thai Navy (CCCIF), on current efforts to monitor trafficking, gather data, and centralize information for prevention, protection, and prosecution
- Presentation: Rossen Karavachev, International Transport Workers Federation (ITF), on effective worker-based monitoring of conditions on fishing vessels
- Presentation: Global Fishing Watch (GFW) on its new vessel tracking technology
- Group Discussion: Potential utility of an adapted version of the Global Fishing Watch tool for various stakeholders involved in improving conditions in the Thai fishing sector (retailers and suppliers; worker organizations; government agencies)
- Panel Discussion: Is electronic transfer of wages (i.e. proof of payment at sea) a relevant and obtainable data source for identifying risks of forced labor in the distant water fishing sector? (Moderator: ILRF; Participants: Global Fishing Watch, International Transport Workers Federation, Thai Overseas Fisheries Association)

Day Two

- Facilitated review of previous day's discussions and outcomes
- Presentation: Jean-Marie Kagabo, ILO GAPfish (Global Action Programme against Forced Labour and Trafficking of Fishers at Sea), on the link between IUU fishing and forced labor
- Small Group Discussions: Relevant indicators of forced labor in the fishing industry

- Small Group Discussions: Data sources that could be used to gather information relevant to the indicators of forced labor selected; challenges and solutions to accessing them
- Plenary reporting on the recommendations by each small group
- Analysis of indicators and data sources identified during the day; interactive prioritization exercise to identify the most desirable and obtainable data sources

Executive Summary

- The workshop identified 29 separate proxy indicators of forced labour in the fishing industry ranging from rest hours, adequate food and minimum crewing requirements to transshipment at sea, inspection frequency and threats of violence.
- The workshop also identified 30 different sources for data that may be used to detect the proxy indicators, including employment contracts, VMS data, worker interviews and crew manifests;
 - Asked to choose their top four data sources, the most popular data sources within the group were: 1) Employment contracts; 2) Worker interviews; 3) Company & ship records (such as audit and insurance reports); and, 4) Crew manifests;
 - Other popular sources included: Labour broker registries (Cambodia), information gathered through mobile connectivity at sea, media reports, working hours records, PIPO records, accident and injury reports and electronic wage transfer alerts;
- Electronic wage transfer records were discussed at length: While certainly capable of providing a strong and traceable indicator of whether crew are being paid in line with contracts, it was generally agreed that challenges around migrant workers' access to banks and the high prevalence of cash remittances to families in their home country have meant that uptake is very low and the majority of migrants fishers continue to receive their wages in cash;
 - However, several participants, including industry representatives, noted that some fishers in the distant water fishing sector do receive wages through electronic bank transfers since they are at sea for much longer periods than fishers working on vessels operating in the territorial waters of Thailand. Moreover, as the industry continues to modernise, the electronic transfer of wages into crew bank accounts is likely to become more common, and this remains a data point that the project is interested in and will continue to monitor. Participants also discussed the opportunities presented by mobile banking, as well as emerging technologies to assist with remittances, in relation to these challenges.
- One of the key challenges regarding gathering data from various data sources was feasibility of access, considering much of the information is considered sensitive (or classified) and is held by the government, private sector or both. Further discussions and relationship building following the workshop will be required in order establish the feasibility of many data sources;
- Other considerations arising from discussions throughout the workshop included: cost and sustainability; collection, ownership and management of data; data protection; user and end user considerations (workers themselves and their access to technology, civil society, enforcement agencies and industry);
- The CCCIF and DoF are developing information on the number of crew required to safely operate different vessels – by size and gear type – which is particularly relevant to our project as a potential indicator of forced labour, as well as a readily available

data source as comparing crew numbers aboard a given vessel against crew number requirements is relatively straightforward.

- The range of indicators and potential data sources developed through workshop present the project with a number of options with regards to partnership, data gathering, project structure and implementation that require further development and follow up after the workshop. The outcome of consultations with potential partners will determine the final direction of the project.

Key Discussions & Considerations

Data sources

The workshop identified 29 separate proxy indicators and 20 different possible data sources, ranging from government and private sector to worker interviews and in port observations. However, the feasibility of some of the most important of these – such as VMS or PIPO data provided by the Royal Thai Government – is currently unknown, though likely to present challenges.

One of the key challenges regards the proprietary nature of much of the fishing data collected by the government; in particular, VMS data is considered to be a matter of national security, while other data is commercially sensitive.

It is possible to mitigate these challenges through engaged dialogue and relationship building with potential partners (whether government departments or private sector). Considering these challenges, it may also be necessary to reconsider the publically available element of the GFW platform by restricting access, though GFW say this will not be a problem.

While many potential data sources were identified and ranked based on relevance and usefulness to the project during the workshop, feasibility must also be a key element when considering potential data sources.

Electronic transfer of wages

There were a series of discussions around the viability of electronic transfer of wages as a key data point, which may be used to confirm whether fishers have been paid in line with their contracts. While theoretically a strong option, there were a number of practical considerations and current limitations that limited its usefulness at present. However, it was widely agreed that data on electronic wage transfers would offer an excellent means of tracking whether crew were being paid properly and on time, especially in the distant water fishing sector. This is therefore an element that the project remains interested in and will continue to explore as technologies continue to develop and the practice becomes more widespread.

Benefits

- A fully traceable payment record
- Crew paid directly into their bank account, limiting the opportunity for arbitrary wage deductions and debt bondage
- Reduces vulnerabilities associated with large amounts of cash
- Provides clear indication of red flags, such as different names on accounts
- Potential for workers to check balances from phones to ensure they've been paid

Challenges

- Poor uptake of Thai bank accounts amongst migrant fishers
- Ubiquity of cash advances makes ensuring correct amounts are paid very difficult
- Large logistical challenges around remittances, including: cultural propensity towards sending cash home by courier (often referred to as 'hundi' or 'hawala' transfer systems), foreign exchange deductions, poor ATM in coverage in rural areas of source countries

Implementation Challenges

- GFW raised the issue of linking payments to specific vessels under the current system, where unique vessel identifiers cannot always be relied upon
- Would require changing widespread and long-running cultural and industry practices

Increased connectivity at sea

Connectivity at sea emerged as a key consideration throughout the workshop, and is considered one of the most important challenges to overcome to improve conditions aboard fishing vessels.

According to Iain Hayes of CORIN-Asia, "the current problem is that it's out of sight, out of mind – if you solve that problem, you can solve a lot of the issues we're looking at here." The key issue is that, once vessels leave port, they enter into something of a communications black spot, leaving crew unable to communicate with family or the authorities should they require assistance, and addressing this issue would go a long way to helping address serious forms of abuse by allowing crew to communicate with the shore.

CORIN-Asia have been working on addressing this issue over the past few years and have developed some low-cost solutions. ILRF are currently in discussion with CORIN regarding the inclusion of these capabilities into the project.

Connectivity Solutions

- Low-cost internet access for up to 5 devices utilizing existing VMS satellite communication
- Low-cost SMS connectivity piggy-backing onto existing vessel communication systems

Opening Remarks: Jessica Zaman, USAID

- The Supply Unchained initiative is engaging with civil society, the private sector, international organizations, private foundation donors and other stakeholders to identify and prevent human trafficking and forced labor in the seafood industry;
- Supply Unchained, in partnership with the Blue Moon Fund, allows USAID to support the ILRF and partners in this ambitious new activity to explore how satellite-based vessel tracking technology can further our efforts to better identify and counter human trafficking in the global fishing industry;
- USAID supports an 'integrated approach' to counter human trafficking in the seafood industry, which accepts that human rights abuses and illegal fishing practices have overlapping causes and solutions;

- “Our interventions to eliminate human trafficking and illegal fishing are more effective when we view these issues through the same lens.”
- Forced labor drives over-fishing and creates economic disadvantages for companies and fishing families that play by the rules; reducing forced labor in fisheries and on fishing vessels will contribute to improved food security, stronger livelihoods and biodiversity conservation;
- New and innovative technologies are changing the way we identify, prevent and respond to illegal fishing and human trafficking and USAID is partnering with the private sector, civil society, other donors and national governments to counter illegal fishing through two strategic approaches:
 - 1) Using electronic monitoring and traceability to reduce worker isolation and vulnerability, enhance safety, and detect illegally harvested seafood;
 - 2) Collecting data more efficiently to better detect illegality at sea.

Opening Remarks: Judy Gearhart, ILRF

- ILRF developed *Stop Trafficking by Sea* to pool data from many sources to begin identifying good actors from bad actors in the industry
- *Stop Trafficking by Sea* aims integrate satellite-based vessel tracking technology with other available data sources to reduce human rights and labor risks on fishing vessels
- Global Fishing Watch – a partnership of Google, Oceana, and Sky Truth – offers the technological platform to add and integrate a human and labor rights dimension into what is currently an environmentally-focused initiative
- The workshop aims to examine how best to utilise the significant in the type and amount of data being collected as a result of the Thai government’s impressive reforms. Some of the data now being gathered that could be available to us include:

Data collected by government	Data collected by companies & civil society
VMS data; Vessel registration database; Fishing gear license database; Fishing permit database; Overseas vessel database; Hardcopies of all Port in/Port records for all fishing vessels at provincial PIPO Control Centers. Crew manifest database; Hardcopies of all contracts, working hours records, fisheries “pink card” applications, at Provincial Department of Labour Welfare and Protection and Department of Employment offices; IUU violations case data from enforcement agencies; Trafficking in fishing case data from enforcement agencies.	VMS data; Employment contracts; Signed pay slips; Crew manifests; Working hours records; “Pink cards” and associated documents (health certificate, etc) Fishing gear license; Fishing permit; Vessel registration. Worker interviews and reports

Panel Discussion: Data-related challenges and successes

Moderator: Josh Stride

Panelists: Aung Kyaw (MWRN), Apinya Tajit (Stella Maris), Lisa Rende-Taylor (Issara Institute), Nithiwat Therananthakul (Ryuji International)

This panel brought together a diverse group of individuals with a range of experience gathering data from migrant workers and seafarers in Thailand, as well as the usefulness of different types of data and the application of electronic monitoring systems in the Thai fishing industry.

Successes

- Stella Maris has found that even basic vessel information can provide significant information regarding conditions; for example, knowing crew number and vessel size can provide potential welfare indicators regarding sleeping and living conditions;
- Ryuji International – in conjunction with CORIN-Asia – have introduced and continue to develop digitized systems for reporting catch, vessel activity, crew lists and connectivity at sea;
 - Ryuji asserts that much of the technological base already exists, with costs continuously reducing and new functionalities (such as SMS connectivity at sea) becoming available;
- Issara Institute has done considerable research on the feasibility of different technologies for engaging with migrant communities. Findings include: high numbers using smartphones and a preference to use social media platforms (such as Facebook) to communicate;
- Though still in early stages, Issara Institute's mobile app aims to increase connectivity among workers and provide a direct feedback mechanism for workers, service providers and businesses

Challenges

- Cost: The issue of cost was raised by a number of panelists; in particular, the question of who will pay for implementing new technologies and what impact this may have on wages and the price of products
 - Ryuji and Issara both questioned who would pay; Ryuji was concerned about some companies offsetting the cost by reducing workers' wages and suggested that buyers would need to pay more in order to mitigate this
- MWRN spoke about their experience of the practical challenges around accessing, speaking with and getting information to migrant fishers – including low literacy, fear and coercion, lack of access to technology and poor connectivity at sea – as challenges that must be considered when designing these types of programmes
- Issara raised the important challenge of cross-checking or verifying raw data points against information provided by workers

Presentation: Commander Piyanan Kaewmanee, Royal Thai Navy (CCCIF), on current efforts to monitor trafficking, gather data, and centralize information for prevention, protection, and prosecution

Commander Piyanan Kaewmanee, of the Royal Thai Navy (CCCIF), provided a very useful overview of the more recent work undertaken by the Royal Thai Government to combat human trafficking and illegal fishing in the Thai fishing sector.

Key Points:

- The CCCIF focuses on 4 key areas: vessel, gear, catch and crew;
- Ports and piers are identified as ‘choke points’; there are around 900+ ports and piers in Thailand; there are currently 28 PIPO Centres in operation;
- Biometric thumb scanners will be introduced – along with digitized inspection reports – to streamline the system and make it more efficient;
- The government are developing 2 new databases to replace the current Fishing Info system: a Vessel/Crew Database and an Inspection Database. The Vessel/Crew Database will also hold biometric information on crew gather using new biometric fingerprint scanners;
- Currently, inspection crew are not adequately trained to carry out labour inspections, which is being addressed through an ambitious programme to train a total of 200 labour inspectors;
- CCCIF also have a budget to recruit and train 64 ‘language assistants’ (32 Myanmar, 32 Cambodian) to provide translation services during inspections, beginning from 1 November;
 - CCCIF recognises that crew are unlikely to report abuse to Thai officials and it is hoped they will be more willing to speak openly with their own nationals in their languages;
- Department of Fisheries (DoF) is currently developing information on minimum and maximum crew numbers by vessel and gear type*;
- Several cases using VMS data as evidence have been brought to trial;
 - In Chumphon, one operator was fined 250,000THB for returning 1 day late;

*Important Indicator: Sufficient Vessel Crewing

The DoF’s development of information on the number of crew required to safely operate different vessels – by size and gear type – is particularly relevant to our project as a potential indicator of forced labour, as well as a readily available data source as comparing crew numbers aboard a given vessel against crew number requirements is relatively straightforward.

Vessels with insufficient crew may indicate a range of potential issues, not least crew safety in carrying out fishing activity. Under-staffed vessels would also require crew to work harder and potentially for longer hours. Further, a vessel operator willing to insufficiently crew their vessels may be indicative of a propensity towards reducing labour costs in other ways.

This development is something ILRF should monitor as we develop relevant indicators for the project.

Presentation: Rossen Karavachev, International Transport Workers Federation (ITF), on effective worker-based monitoring of conditions on fishing vessels

ITF’s Rossen Karavachev provided a detailed introduction to the work of ITF and the current state of international labour standards around the world.

Key Points

- ITF has 100 fisheries related affiliate unions, representing between 50,000 – 100,000 fishers;
- ITF has regional office in Singapore may open in November, will touch on fisheries;
- ITF has limited coverage of fishing vessels, but more inspectors are being trained under the International Maritime Organisation's International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995, which entered into force in September 2012;
- Part of the reason for limited coverage is due to the fact that only 10-20% of fishers are considered to be engaged in "industrial fishing", which means they are able to have "industrial relations";
- ITF is working with the Marine Stewardship Council (MSC) to integrate labour standards into its certification programme;

Presentation: Global Fishing Watch (GFW) on its new vessel tracking technology

By video link the GFW team gave a demonstration of their vessel tracking platform and provided an overview of its capabilities, as well as some of its drawbacks.

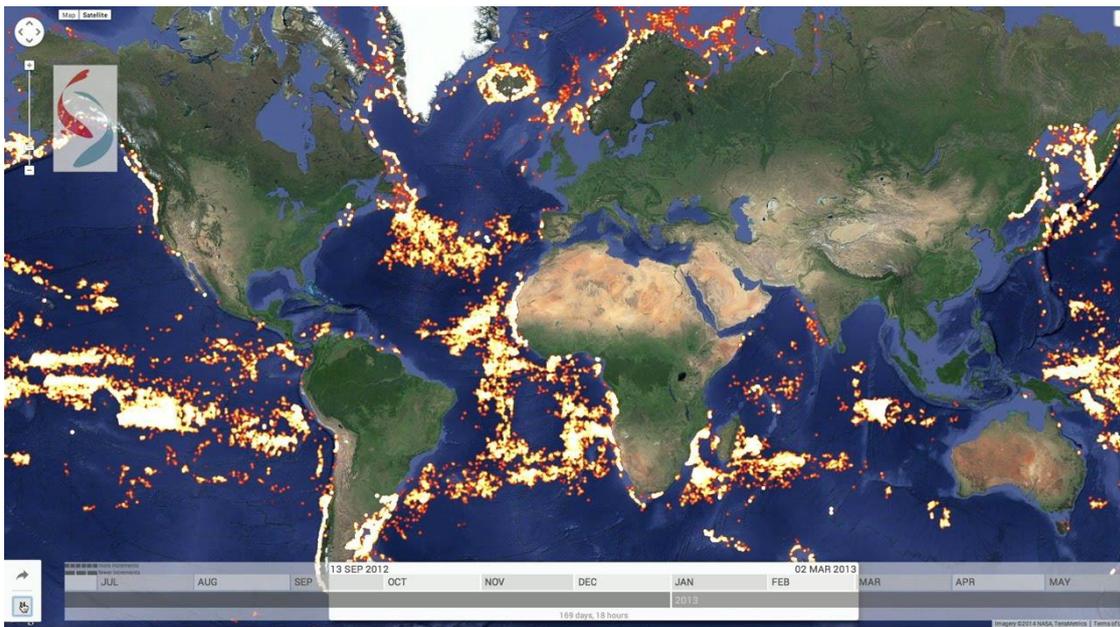
Key Points

- The first free and publically available vessel tracking platform
- Uses freely available AIS data from vessels to display fishing activity and the movements of fishing vessels across the world
- Uses algorithms to identify relevant vessel activities, such as: fishing activity, rendezvous events (transshipping) and port calls;
- Employs sophisticated technology to address persistent issues such as multiple vessels registered under the same ID or unauthorised transshipments at sea;
- Is capable of identifying some important indicators of suspicious activity, including: long periods at sea, unauthorised transshipment, fishing in Marine Protected Areas (MPA) or closed areas and port call patterns demonstrating a propensity towards visiting ports not covered by the Port State Measures Agreement (PSMA);
- GFW is a publically available platform, but is capable of restricting access where sensitive information (such as VMS data) is being displayed*
 - One example of this is work they did the Indonesian government to track the activity of small-scale fishing within its territorial waters using low-cost vessel tracking systems placed on the boats

Challenges

- Currently, GFW relies on AIS data to visualize vessel activity; however, AIS coverage in Thailand's waters (Gulf of Thailand/Andaman Sea) is extremely low (see image below);
- The open access element of GFW's model presents challenges around securing cooperation of government and private sector partners, who are not willing to allow VMS data to be public;
- Relies on publically available vessel information, meaning there is the potential for incorrect information to be displayed

- LPN raised concerns that the technology infrastructure is not currently sufficient, partly due to government restrictions on the availability of data and undeveloped understanding amongst crew



*Public Availability

As discussed, this is a significant challenge to securing VMS data, over which the government and private sector are particularly protective. However, GFW's ability to restrict access where necessary represents an excellent way to mitigate this challenge and is likely to be the only way to secure the buy-in of the government and/or private sector.

For our purposes, and at this stage, proving viability may be more important than public access.

Presentation: Jean-Marie Kagabo, ILO GAPfish (Global Action Programme against Forced Labour and Trafficking of Fishers at Sea), on the link between IUU fishing and forced labor

The ILO's Jean-Marie Kagabo provided an overview of his organisation's GAPfish programme, a 5 year, holistic, multifaceted and integrated Global Action Programme against forced labour and trafficking of fishers in response to the growing concern of forced labour and human trafficking in the fishing sector.

Key Points

- The GAPfish programme aims to engage with all relevant states related to fishing: Flag States, Port States, Coastal States, Trade & Market States and Source States (origin countries for migrant fishers);
- There are many provisions in ILO Convention No. 188 that are relevant to anti-trafficking in fishing sector, including recruitment, contracts, payment, abandonment in port, loss of life at sea, working time, accommodation and child labour;
- ILO considers indicators of forced labour to be*:
 - 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
- Excessive overtime
- Fisheries crime is a new concept developed by UNODC, Norway and others
- Indonesia is calling for a potential new legal instrument on fisheries crimes
- INTERPOL recently came out with its own set of indicators for labor trafficking in the fishing sector, shown in a leaflet handed out at a conference in Indonesia in October
- ILO is developing specific forced labor indicators for fishing sector, based on existing legal instruments
- ILO GAPfish will establish a regional project office in Bangkok

*Forced Labour Indicators

The ILO’s forced labour indicators generally apply to land-based operations, and it is as yet unclear how easily they may be applied to work at sea. However, there is the potential for ILRF’s project to provide guidance regarding which indicators might be most applicable to identifying forced labour at sea. It is also worth noting that UN-ACT decided not focus on sector specific trafficking indicators.

Data Development Outcomes – Indicators and Data Sources

One the second day, break-out sessions involving small groups were asked consider what indicators of forced labour at sea, and what sources this information may be obtained from.

Indicators and data sources were identified and ranked; however, usefulness needs to be balanced against feasibility, and feasibility cannot be determined until further conversations are had and relationships developed.

Proxy indicators

Proxy indicators identified during the workshop have been consolidated to avoid duplication.

PROXY INDICATORS
Food deprivation
Fisher controlled by person who does not have a direct employment relationship to the owner (e.g. broker)
Terms of work and working conditions inconsistent with worker's understanding prior to engaging work
Physical abuse
Fishers are paid in a manner that is not in compliance with applicable articles in the 2014 MR
Charging of prices by applicable actors (operators, brokers, bosons) on any goods (e.g. sundries or alcohol) or services (e.g. cash advances) provided to the fisher different to those

agreed
Long periods at sea/or no opportunities to return to shore and/or move freely
Credible threats or intimidation inducing the fisher to work, to worker harder, to work for less payment or to work for longer
Charging of interest by applicable actors (operators, brokers, bosuns) on any goods (e.g. sundries or alcohol) or services (e.g. cash advances) provided to the fisher
Worker is denied access to copies of key documents (employment contract, pink card, etc)
Workers induced to do illegal activities (e.g. IUU fishing)
Terms of work inconsistent with signed employment contract
Fishers face difficulty changing employers (e.g. fees to broker, told that they are unable do so until specific time period)
Vessel not regularly inspected
Abandonment of crew in a foreign port
Fishers have less days off/holiday that that stipulated in 2014 MoL MR
No access to mobile phone or means of communicating with families or vessel owner
Insufficient workers aboard the vessel
Whether a worker has signed or understood the terms in an employment contract
Doing work outside of job description and not getting paid for it (e.g. moving ice in port)
Fisher have rest periods less than those stipulated in 2014 MoL MR
Overcharging by applicable actors (operators, brokers, bosons) on any goods (e.g. sundries or alcohol) or services (e.g. cash advances) provided to the fisher
No meaningful interaction with officials, especially labour inspectors
Verbal abuse (i.e. swearing)
No access to compensation for accident, injury or death in workplace
Access to medical treatment or supplies that is not in compliance with applicable articles in the 2015 MoA MR
Transshipment at sea
VMS switch-off or malfunctioning
Lack of occupational training prior to boarding vessel

Data Sources

Data sources were identified by workshop participants, with each participant choosing what they considered to be the four most relevant for identifying risks of forced labour. Again, these results should not be considered conclusive, as time restrictions did not allow for full and detailed exploration of the relevance of some of the more unusual suggestions.

Data sources	TOTAL SCORE
Employment contracts	12

Worker interviews	11
Company and ship records, audit and insurance reports	11
Crew manifests	10
Information on labour brokers (inc. registries)	9
Mobile connectivity at sea	9
Media reports (publicly available names of companies, locations)	9
Working hours records	8
PIPO records (e.g. length of time at sea)	4
Accident and injury reports	4
Electronic transfer of wages alert to families and workers	3
Maritime insurance reports	2
Registry of laws, recruitment regulations	0
Mimosa system [IOM]	0
AIS data	0
Crew interview requests	0
Combine satellite imagery with vessel monitoring	0
Catch volume reports	0
Academic reports	0

Conclusion & Next Steps

The workshop was an excellent opportunity to leverage the range of expertise and experience of attendees, giving rise to excellent suggestions, a strong sense of the challenges and practical solutions for overcoming them. Participation was encouraging and has achieved the stated objectives, while providing ILRF with a number of viable and realistic routes to project delivery.

As may be expected, the workshop produced a number of potential options for implementing the project, including a variety of different partners, as well as a range of different indicators based on a variety of data sources to pursue. Many of these elements rely on the cooperation of a number of potential partners and the current priority is to develop these relationships, establish the feasibility of the project under each option, and proceed with one of the options.

Next Steps

- 1) Develop relationships with potential partners
- 2) Establish viability and project direction based on partner participation
- 3) Apply relevant indicators based on partner-specific requirements and data sources
- 4) Develop data-collection action plan
- 5) Implement data-collection action plan