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Special Rapporteur on contemporary forms of slavery

via email: hrc-sr-slavery@un.org

International Transport Workers' Federation (ITF) Submission to the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on the role of workers' organisations in preventing and addressing contemporary forms of slavery

Dear Special Rapporteur,

The 20 million transport workers represented by trade unions around the world affiliated to the ITF¹ are particularly vulnerable to modern forms of slavery and exploitation. Transport workers in certain sectors, such as road transport, maritime, and fisheries are especially at risk. This is often due to the “invisible” nature of the work. Many transport workers are continuously and/or irregularly mobile and often extremely isolated, and the risks further increase once transport workers migrate for work or cross international borders as part of their work. Despite transport workers linking most points along supply chains, the transport sector has long been a blind spot of regulation, surveillance, law enforcement, and company human rights due diligence.

Our submission is broken down along sectoral lines and will cover issues relating to contemporary forms of slavery in maritime, fisheries, inland transport, and civil aviation.

Maritime:

The labour of 1.9 million seafarers from across the world is responsible for moving 90 per cent of consumer goods worldwide. Laws and regulations in place on board a vessel depends on the flag it flies. Ship owners, operators or managers may choose to flag a vessel to a state that, for business purposes, maintains a ship registry and offers the lowest level of worker conditions and protections, resulting in an industry race to the bottom. A complex web of maritime industry actors relies on a lack of sector transparency to obfuscate where employer duties lie, evade accountability for breaches of seafarers' rights, or to “disappear” altogether.

Isolation and restriction of movement are unavoidable realities in the lives of seafarers; however, they are also two of the eleven key International Labour Organization (ILO) indicators of forced labour.² Abusive behaviour under these conditions may more easily satisfy a test of forced labour, exploitation or

¹ See, <https://www.itfglobal.org/en/about-us>

² ILO Special Action Programme to Combat Forced Labour, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf

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even trafficking. ITF data collated from ITF inspectors worldwide records prevalent risks of salient human rights abuses, including further forced labour indicators such as wage theft, deception, debt bondage, excessive overtime and intimidation.

In 2022, ITF inspectors responded to 1500 unpaid wage complaints and recovered USD 36.5 million owed. A seafarer cannot fairly consent to an extension of their contract once on board and under the control of the employer. International laws seek to prevent this and enshrine the right of seafarers to be repatriated to their home countries at no cost to themselves at the end of their contract, and yet ITF inspectors are routinely called to protect seafarers from coercion to extend their contracts, (sometimes non-verbalised) threats of blacklisting, and abandonment³ on vessels without pay, food or a way home. Seafarers have trusted the ITF and its global network of inspectors as an avenue to prevent and escape situations of forced labour for many decades. ITF Agreements on board vessels guarantee this grievance mechanism, including the right of inspectors to go on board, monitor and enforce the higher standards which have been agreed to via an international collective bargaining process.

During the Covid-19 pandemic, public health measures restricted movement and international travel. Some seafarers were kept on board for 24 months – 15 months over the maximum time a seafarer may be onboard according to international law - as companies took advantage of circumstances to avoid, postpone or reduce repatriation costs. At the height of this extreme situation, 400,000 seafarers were either stranded on board, unable to return home, or were unable to onboard and lost their livelihoods. Most were also denied all shore leave and medical care. The situation was so extreme that the ILO Committee of Experts on the Application of Conventions and Recommendations stated that it “create[d] conditions for them to languish for months on end in situations that could amount to forced labour.”⁴

The ITF collaborated with UN OHCHR, ILO and IMO, and through the UN Global Compact brought international attention to this issue and big brand companies on board to leverage their influence along supply chains to find solutions. The ITF continues to educate major companies, including through multistakeholder initiatives such as the Ethical Trading Initiative, on their duties with respect to human rights risks in the transport and logistics in their supply chains and recommends action.

The ITF is supporting responsible multinational corporations to carry out effective human rights due diligence along their supply chains. The ITF is testing a pilot project which provides confidential ITF Rights Checks to companies to locate and weed out concerns in their transport and logistics. These search our ITF worldwide Inspectorate data for human rights issues previously found on vessels used by the company, with the aim of highlighting poor logistics providers or repeat offenders.

The ITF Human Rights Due Diligence [Guidance, Respecting the Human Rights of Seafarers in Global Supply Chains](#) offers more detail.

³ See discussion on how seafarer abandonment can amount to forced labour, <https://www.equaltimes.org/there-must-be-zero-tolerance-of?lang=en>

⁴ ILO, Information note on maritime labour issues and coronavirus (COVID-19), 3 February 2021, paras 11-12, https://www.ilo.org/global/standards/maritime-labour-convention/WCMS_741024/lang--en/index.htm



Fisheries:

Thailand

A comprehensive national survey by the ITF's Fishers Rights Network (ITF-FRN) of more than one thousand (1,000) migrant fishers in Thailand released in January 2024 details disturbing findings regarding working conditions in the Thai fishing industry.⁵ Survey results reveal that, among other things, 87% of fishers are in debt bondage, owing money to their employer for document "fees" or salary "advances", and that 83% of fishers do not possess or have free access to their identity documents.

Despite ratifying ILO Convention 188 (Work in Fishing) in 2019, Thailand has not effectively implemented or enforced the main Convention provisions. The Port-In Port-Out (PIPO) inspection system consistently fails to protect fishers from labour exploitation, does not uphold Convention 188 standards, and fails to provide reliable evidence that Thai seafood supply chains are free from forced labour.⁶

Thailand has not ratified ILO Conventions 87 and 98, and migrant workers do not have the same rights as Thai workers under the State Labor Relations Act (1975). Thailand has a vehemently anti-union environment, where migrant workers are prohibited from legally registering their own union, Blacklisting of union activists is common, as are threats of arrest, deportation and violence for assertion of fundamental labor rights. This reality means that most migrant workers (including fishers) are very afraid to exercise their rights, report violations, or seek any legal remedy.

Despite these limitations, ITF-FRN was set up as an independent democratic union of migrant fishers, dedicated to organizing fishers to stand up for their rights and advocate for positive legal and policy reforms in the fishing industry. The State Enterprises Confederation (SERC) and the Thai Labor Solidarity Committee (TLSC) are two Thai worker organizations that assist migrant workers in organizing through action mobilization and campaign support. The Migrant Worker Rights Network (MWRN) is also active in handling migrant worker legal cases—particularly in the seafood processing sector.

ITF-FRN organizing has assisted migrant fishers in standing up for their rights—to fight against exploitation and dire working conditions onboard Thai fishing vessels. FRN runs five (5) Organizing Centers in Thailand, three near the Burmese border (Ranong, Chumphon and Kuraburi), one in the deep south (Songkhla) and one on the Cambodian border (Trat). FRN assists migrant fishers in organizing to negotiate with vessel owners to improve health and safety and working conditions onboard vessels, improve pay and benefit structures, and address grievances. FRN members and migrant fisher leaders have called on the Thai government to increase the minimum wage, ratify ILO Conventions 188, 29, 87 and 98.

In 2016, the ITF together with the International Trade Union Confederation filed an Article 24

⁵ <https://justiceforfishers.org/wp-content/uploads/2024/01/ITF-FRN-Thailand-National-Fisher-Conditions-Survey-Results-January-2024.pdf>

⁶ <https://justiceforfishers.org/wp-content/uploads/2023/11/PIPO-Inspections-and-The-ILO-Failing-Fishers-Seafood-Supply-Chains-At-Risk.pdf>



Representation with the ILO's Governing Body over allegations of forced labour in the country's fishing industry⁷.

In terms of collaboration and coordination to prevent contemporary forms of slavery, ITF-FRN has engaged in the following activities:

- FRN regularly works with PIPO and other government regulatory agencies on fisher cases to assist fishers with access to justice and legal remedy.⁸ In addition, FRN regularly observes PIPO inspections in various ports, and collaborates with cooperative PIPO centers to relay sensitive fisher case and violation reporting information in a way that safely facilitates investigation and remediation.⁹
- In Songkhla, FRN works with the Songkhla Fisheries Association and PIPO local authorities to run health and safety trainings covering CPR, emergency injury procedure, and medicine use.¹⁰
- In collaboration with the Cambodian Labor Confederation (CLC), the Independent Federation of Myanmar Seafarers union (IFOMS), Legal Services for Women and Children (LSCW), and the ILO Ship to Shore Rights Project, ITF/FRN has conducted pre departure trainings for migrant fishers in both Myanmar and Cambodia to educate migrants on their rights and protections before leaving to work on a foreign vessel.
- In Thailand, in collaboration with the ILO, IOM and other organizations, FRN provides labor rights education and staffs several Migrant Resource Centers (MRCs).
- FRN continues to advocate for proper implementation and enforcement of C188, ratification of C87 and 98, and other important policy and legal reform in Thailand and the South East Asia Region. Some of our efforts have been assisted by the ILO Ship to Shore Rights Project, the ILO 8.7 Accelerator Lab, and other international trade union organizations such as LO Norway.

United Kingdom

In 2022, The ITF partnered with the Seafarers Charity and the University of Nottingham Rights Lab on a research project (including a fishing crew survey) on UK fisheries as a result of pervasive migrant labour exploitation and risks of modern-day slavery. The UK fishing survey was available in all of the key languages spoken by migrant fishers in the UK. The findings of the project revealed that, among other things, 30% of fishers never received 10 hours of rest and that 35% of fishers experienced regular physical violence.

The ITF has engaged in the following activities with various stakeholders:

⁷ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_549113.pdf

⁸ <https://justiceforfishers.org/fishers-rights-network-collaboration-with-pipo-and-thailand-fisheries-associations/>

⁹ Page 7, Kuraburi and Chumphon Case Handling examples: <https://justiceforfishers.org/wp-content/uploads/2024/01/ITF-FRN-Thailand-National-Fisher-Conditions-Survey-Results-January-2024.pdf>

¹⁰ https://justiceforfishers.org/wp-content/uploads/2023/12/FRN-PIPO-Collaboration-Report_December-2023_FINAL.pdf



- The ITF has established relationships with all statutory bodies in the UK with a fisheries remit and a role in the implementation of the Work in Fishing Convention (ILO C188).
- The ITF has met with the Marine and Coastguard Agency (responsible for the implementation of ILO C188), the Marine Management Organisation, HMRC and the Police Modern Slavery Unit to share intelligence, discuss ongoing research and identify gaps where statutory bodies could work together more effectively to tackle the problems identified.
- The ITF produced a briefing on fisheries for the independent modern-day slavery commissioner
- The ITF produced a briefing for the US state Department to inform the 2022 TIP (Trafficking in Persons) report.
- Contact has been established with the Council of Europe's Group of Experts on Action against Trafficking in Human Beings so their future enquiries into the UK's performance on combatting trafficking will take into consideration the findings of the ITF in the fisheries sector.
- Met Philippines and Indonesian Embassy in the UK, met the Ghana Maritime Authority to discuss the issues and open channels for communication and dealing with cases.

ITF advocacy led the UK Home Office to admit that the exploitative transit visa route was illegal and now skilled worker visas are required to work in UK. This means hundreds of migrant crew will have fair pay, conditions and employment protections when working in UK waters¹¹.

Focus on Labour Exploitation (FLEX), the ITF and the Fair Food Program (FFP) recently announced a ground-breaking worker-driven programme for UK fishing.¹²

Republic of Ireland

Since 2016 the ITF in Ireland has made representations on behalf of Non-European migrant fishers to the police authorities that has seen some 30 fishers admitted to the referral mechanisms for suspected victims of human trafficking in both the Republic of Ireland and Northern Ireland. This combined with a wider campaign of political lobbying and a succession of high profile unpaid wage retrieval cases has forced the abolition¹³ of a highly problematic permit system for Non-EEA fishers in Ireland¹⁴ that facilitated gross exploitation and a superior permit system's introduction is pending.

Latin America

The ITF expanded its work in Latin America with a focus on illegal, unreported and unregulated (IUU) fishing and forced labour aboard foreign flagged fishing vessels in the region (on both Atlantic and Pacific coasts). ITF is developing networks between affiliates and other stakeholders working on these

¹¹ <https://www.itfglobal.org/en/reports-publications/one-way-ticket-labour-exploitation>

¹² <https://labourexploitation.org/publications/press-release-europes-first-worker-driven-social-responsibility-pilot-launched-in-uk/>

¹³ <https://www.itfglobal.org/en/news/itf-statement-irish-governments-review-atypical-work-permit-scheme-non-eea-fishers>

¹⁴

<https://www.maynoothuniversity.ie/sites/default/files/assets/document/Experiences%20of%20Non%20EEA%20Workers%20in%20the%20Irish%20Fishing%20Industry.pdf>



related issues on both coasts and to support affiliate campaigns on C188 ratification.

The Atlantic coast project focusses on working with our affiliates in Uruguay and Argentina, as well as working on fisheries cases and campaigns centred around the Falkland Islands (Malvinas), while the Pacific coast project relates to ITFs work with the ILO on the US Dept of Labour funded project on decent work in fishing in Ecuador and Peru.¹⁵

Examples of activities in this space, include:

- running labour inspection training for authorities in Peru and Ecuador through the USDOL/ILO project (May 2024). In close cooperation and discussion with our affiliated unions in the region, the ITF want to focus our efforts in the region on the Atlantic Coast - *Montevideo project* to combat IUU fishing and improve working conditions for fishers; and
- advocacy campaigns for ILO C188, effective enforcement of existing laws and policies, and improving domestic and migrant fisher protections for Uruguay, Brazil, Ecuador and Peru.

Inland Transport:

In 2020, the International Transport Workers' Federation (ITF) and Federatie Nederlandse Vakbeweging (FNV), in cooperation with the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) [uncovered systemic exploitation](#), forced labour and human trafficking of workers from the Ukraine, Belarus, Uzbekistan, Turkey, the Philippines and other non-European Union (EU) countries, working in the European road transport industry.

Lack of controls and enforcement of fundamental EU regulations and falling freight transport prices tendered down supply chains—both before and during the Covid-19 pandemic—had ultimately led to:

- Drivers employed on Eastern European contracts despite almost exclusively working in Western Europe.
- Fixed salaries of around €100-€600 per month, and frequent use of forced and unpaid labour;
- Drivers resting, sleeping, eating, washing and living in their vehicles for months continuously;
- Drivers being briefed and supplied with false documentation to mislead authorities about their employment status; and,
- Human trafficking of victims from outside the EU, often finding themselves stranded without the financial means to return home.

As a result, the ITF, IUF and FNV began working with food and beverage multinationals to build a critical mass of responsible transport buyers committed to addressing these human rights and trafficking issues across European road transport. In 2021, the ITF, IUF and FNV established the [Road Transport Due Diligence \(RTDD\)](#) Foundation. RTDD monitors the compliance of transport suppliers to a set of standards agreed with the participating enterprise of the supply chain concerned. Where non-

¹⁵<https://www.dol.gov/newsroom/releases/ilab/ilab20211222#:~:text=WASHINGTON%20%E2%80%93%20The%20U.S.%20Department%20of,unregulated%20fishing%20in%20coastal%20communities>.



compliance is identified, agreed escalating remedies should be carried out by the participating enterprise in consultation with the Foundation.

In line with the [ITF Supply Chain Human Rights Principles](#), RTDD has three, interdependent processes. All three processes must function for RTDD to be properly exercised:

1. **Minimum standards** – participating enterprises' policies, codes of conduct and processes comply with applicable legislation and regulations, and international road transport industry standards.
2. **Monitoring** – transport suppliers' compliance with these standards is monitored by the Foundation (see Governance below). Findings are reported directly to the respective participating enterprise.
3. **Remediation** – where non-compliance is identified, the respective enterprise engages in a series of agreed escalating remedies with the transport supplier concerned. This aims to address the root causes of non-compliance, remedy negative impacts, and raise the standards of non-compliant transport suppliers.

As a result, victims of exploitation and trafficking employed in the European road transport industry have received [help from the Foundation](#); have received compensation for their work they had been previously denied; transport buyers have enhanced their tender approaches and supplier policies; and, multinational trucking companies have been engaged through remedy processes to address the root causes of exploitation in their direct and subcontracted operations.

Civil Aviation:

The ITF has been promoting action against human trafficking as part of efforts to protect passengers through competent and vigilant aviation and tourism workers particularly in the International Civil Aviation Organization (ICAO) where proper training for operators has been agreed.

The ITF promoted these efforts at the 'ILO Technical meeting on a green, sustainable and inclusive economic recovery for the civil aviation sector' where governments, industry employers and unions agreed to "Promote and engage in capacity-building within the entire aviation ecosystem to support the implementation of the [ICAO–OHCHR Guidelines for Training Cabin Crew on Identification and Response to Trafficking in Persons](#)"

In addition, the ITF raised the issue at the meeting with the Pontifical Academy of Sciences at Vatican City in 2022. That meeting reaffirmed that "the strength of solidarity among transport workers is a solid foundation on which to shape change, whether on technology, climate justice, or in fighting human trafficking and corruption."