



Press Release: Royal Thai Embassy, Washington, D.C.

Thailand is ready to work with partners in private sector and civil society to combat human trafficking and improve labor condition in fisheries sector

In response to queries relating to a recent report which was commissioned by Nestle about labor conditions in the seafood sector of Thailand, the Royal Thai Embassy would like to make the following statement:

1. The Thai Government is strongly committed to combatting trafficking in persons and improving labor condition, especially in the fisheries sector. Significant progress has already been made in recent months to strengthen the legal and regulatory frameworks in line with the international standards, while enforcement measures have been stepped up across the country.
2. The report by Nestle however does not reflect up-to-date information of these latest important developments (Attachment), such as:
 - The passage of the Royal Ordinance on Fisheries 2015, which came into force on November 14, 2015. The new law prohibits unlawful labor practices in fishing vessels and seafood processing factories. It introduces serious administrative and criminal sanctions.
 - In consultation with the International Labor Organization (ILO), the Ministerial Regulation on Labor Protection in Sea Fishery Work (2014) was revised to be in line with the ILO Convention No. 188 (Work in Fishing Convention 2007).
 - The setting up of port-in-port-out controlling centers in 22 coastal provinces to inspect unlawful labor practices and prevent the use of illegal workers in fishing vessels.
 - The announcement of regulation that prohibits employment of persons under 18 years of age in fishing vessel.
 - Since November 2, 2015, migrant workers on fishing vessels and in seafood processing factories are permitted to change their employers within the same group. There is no limitation on the number of employers or provinces in which workers can work. This new measure would increase freedom and job mobility of migrant workers.
 - A new round of registration of illegal migrant workers from neighboring countries in fishing vessels and seafood processing factories has started from November 2, 2015 to January 30, 2016 in order to facilitate their regularization.
 - Many suspects, including the President of a provincial fishing association, were recently arrested on charges of trafficking and forced labor.
 - New divisions exclusively dedicated to handling trafficking in persons cases have been set up under the Criminal Court and the Office of the Attorney General to expedite the legal process.
3. The Thai Government is ready to work with Nestle and other partners in the private sector and the civil society to combat human trafficking and unlawful labor practices in the seafood industry.

Washington, D.C.
December 2, 2015

Thailand Taking Action against Illegal, Unreported and Unregulated Fishing (IUU)

Overview

- Thai Government is taking systematic and comprehensive action to stop and prevent IUU, and end human trafficking in the fishery sector.
- A combination of immediate actions and longer-term approach has been taken to ensure sustainable fishing: legal and regulatory reforms, enhanced management, technical solutions, and strengthened enforcement.
- Multi-stakeholder partnership has been mobilized involving seven government agencies, private sector, civil society, international organizations.

Policy/Regulatory Actions

- Thai Prime Minister said the Thai Government is firmly committed to fighting IUU fishing and human trafficking in the fisheries sector.
- Thai Cabinet approved a new Fisheries Legislation and Plans to combat IUU fishing and human trafficking in the fisheries sector.
 - Royal Ordinance on Fisheries
 - Marine Fisheries Management Plan
 - National Plan of Action to Prevent, Deter and Eliminate IUU fishing.
- Taken together, they constitute a fundamental reform of the Thai fisheries sector in line with the international standards. They would improve government management and oversight, and provide for proportionate and deterrent punishments to address IUU fishing and human trafficking in the fisheries sector.
- Established Command Center for Combating Illegal Fishing (CCCIF) to drive reforms.
- Pushed ahead measures to ensure sustainable fisheries: introduced limits to the number of days that fishing is allowed with industrial-level fishing gears; banned fishing gears that could pose serious threat to juvenile fish; froze new registrations of fishing vessels.

Data and Information

- Completed nation-wide survey of all fishing vessels to be used for formulating fisheries management policy. Illegal vessels are no longer allowed to fish.
- Developed “Fishing Info” database on vessels registration, fishing licenses, histories, ownership, crews and workers.

Strong Enforcement and Enhanced Monitoring, Control and Surveillance

- Expediting installation of VMS (vessel monitoring system). All fishing vessels above 30 gross tons are required by law to install VMS by the end of October 2015. About 1,600 vessels over 60 gross tons have already installed VMS (about 60% of all vessels in this category.)
- Set up 28 Port In – Port Out (PIPO) Controlling Centers in coastal provinces nationwide since May 2015.
- Fishing vessels are required to submit documents and report whenever they dock or set sail.
- Dispatched mobile units to all coastal provinces to provide training and issue licenses for vessels and workers.

Traceability

- Working to improve seafood traceability system. The revised Fisheries Act requires actors at every stage of the supply chain to ensure full and documented traceability.
- Improving effectiveness and reliability of the catch certification system.
- Organized “Fishing for the Future: Towards Responsible and Sustainable Fisheries in Thailand” in July 2015 featuring experts from partner countries, international organizations, public sector and civil society.
- Exploring ways to further strengthen multi-stakeholder partnership, including with partner countries like the U.S.

Continued on next page

Thailand Taking Action against Illegal, Unreported and Unregulated Fishing (IUU) (Continued)

Ending human trafficking in fishery sector

- Ending human trafficking as a national agenda.
- Implementing Action Plan to Combat Trafficking in Persons in the Fishery Sector.
 - **Policy:** In consultation with the ILO, revised the Ministerial Regulation on Labor Protection in Sea Fishery Work (2014) to be in line with the ILO Convention No. 188 (Work in Fishing Convention 2007).
 - **Prosecutions:** Over 200 traffickers were arrested in recent months, including senior military and police officers, local politicians, money launderers, criminal gangs.
 - **Protection:** Training inspectors to be able to better identify victims; providing social and legal services, compensation for victims.
 - **Prevention:**
 - ❖ Started new round of registration of illegal migrant workers on the fishing vessels for nationals of Cambodia, Myanmar and Laos from November 2, 2015 to January 30, 2016. During the registration, the authorities will inform the workers of their rights and status
- ❖ Raising awareness on rights and labor practices
- ❖ Training inspectors and law enforcement officials
- ❖ Set up a database and complaint mechanisms
- ❖ Since November 2, 2015, migrant workers on fishing vessels and in seafood processing factories are permitted to change their employers within the same group. There is no limitation on the number of employers or provinces in which workers can work. This new measure would increase freedom and job mobility of migrant workers.
- **Partnership:**
 - ❖ Working with ILO to build capacity of inspectors; forged partnership with industry associations, businesses, labor groups and civil society.
 - ❖ On October 13, 2015, Thai Cabinet approved Prime Minister's Office regulation to prevent official complicity in human trafficking.

Highlights of Thailand's New Fisheries Legislation

The **Royal Ordinance on Fisheries B.E. 2558 (2015)** came into force on 14 November 2015, replacing the recently amended Fisheries Act B.E. 2558 (2015).

The new legislation amounts to a fundamental and comprehensive reform of the legal framework governing Thai fisheries.

Highlights of the new fisheries law include:

Key principles and objectives

- ❖ To establish **good governance in the management of the fisheries sector and the conservation of aquatic resources**, based on the best available scientific evidence, precautionary principle, internationally accepted standards, and Thailand's international obligations.
- ❖ To **combat illegal, unreported and unregulated (IUU) fishing**, as well as **prevent overfishing and overcapacity** of the fishing fleet, in order to achieve sustainability of fisheries resources.
- ❖ To ensure effective **monitoring, control and surveillance** of fishing activities.
- ❖ To bolster the **traceability** system of fisheries products along the whole value chain, from fishing vessels to end consumers.
- ❖ To **eliminate all forms of forced labor and improve welfare and working conditions** of workers in the fisheries sector, both in fishing vessels and in seafood processing factories.
- ❖ To introduce proportional and deterrent **administrative and criminal sanctions**.

More effective fisheries management and stakeholders' involvement

- ❖ A **National Fisheries Committee**, chaired by the Prime Minister and comprising relevant public officials, private sector representatives and fisheries experts, is established to formulate policies and control measures concerning fisheries, both inside and outside Thai waters, and fisheries related industries. Such policies are to be approved by the Council of Ministers.
- ❖ A **Provincial Fisheries Committee**, comprising provincial government officials and experts from local fishing community organizations, is established in each designated province. Its main task is to propose to the National Fisheries Committee policy recommendations concerning fisheries development and resolution of fisheries problems in the province.

Improved oversight of fishing operations and transshipments at sea

- ❖ All commercial fishing vessels, which are of 10 gross tonnage or above or fitted with an engine of a certain horse power prescribed by the Minister, are required to have valid **fishing licenses**. The issuance of fishing licenses is **subject to fishing capacity and maximum sustainable yield** as stipulated in the Marine Fisheries Management Plan.

- ❖ All commercial fishing vessels must record their fishing operations in the **fishing logbook** and report every **port-in and port-out** operation to the Port In-Port Out Control Center. Commercial fishing vessels of above 30 gross tonnage must install a **vessel monitoring system (VMS)** on board. They are not allowed to fish in coastal seas.
- ❖ Every **Thai fishing vessel operating outside Thai waters must obtain a specific license** for this purpose. An **observer must be stationed on board** the vessel in accordance with international rules and regulations, as well as the rules prescribed by the coastal state or the state having jurisdiction over the intended fishing area, or as prescribed by the Director-General of the Department of Fisheries.
- ❖ **Oversight on transshipments at sea** is strengthened. Transshipments of aquatic animals at sea may only be made onto a fishing vessel specifically registered for transshipment or storage purpose. **VMS is mandatory on all transshipment and storage vessels. Pre-authorization for transshipments at sea is required.** The master of the fishing vessel must also submit a marine catch transshipment document (MCTD) after completion of transshipments. The Director-General may prohibit transshipments at sea for certain or all vessels in a specified area and time period, for the purposes of preventing and combating IUU fishing.

Enhanced traceability system

- ❖ The mandatory submission of fishing logbook and marine catch transshipment document by fishing operators is designed to enhance traceability of the catch.
- ❖ Fishing ports and fish markets are required to record data on every fishing vessel berthed at port, as well as prepare a **marine catch purchasing document (MCPD)** for a buyer and submit a copy to the Department of Fisheries. The MCPD is also required for every subsequent transaction involving the catch. In addition, the producer or processor of aquatic animals must prepare evidence for traceability purposes.
- ❖ Importers and exporters of aquatic animals and aquatic animal products must present a **catch certificate** or similar document to prove that the catch or the products have been obtained from lawful fishing operations.

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Highlights of Thailand's New Fisheries Legislation (Continued)

Preventing IUU vessels and products from entering port

- ❖ The Director-General may publicly declare a **list of non-Thai "IUU" fishing vessels**, based on the lists published by foreign states and international organizations. **These IUU fishing vessels are prohibited from entering Thailand.** Likewise, no stateless vessel is allowed to enter Thailand.
- ❖ Every non-Thai fishing vessel wishing to bring in aquatic animals into Thailand must notify the competent official **at least 48 hours** prior to its arrival at the port of entry. Permission to berth may be denied if the vessel in question is on the IUU list or if there is a cause for suspicion that the vessel has been involved in IUU fishing.
- ❖ After berthing at port, the aquatic animals in the vessel may not be unloaded and imported into Thailand, unless permission has been granted by the competent official. The master or owner of that vessel is required to provide a valid license and other required documents to prove that it has not engaged in IUU fishing activity.

Deterrent sanctions

- ❖ The law introduces **proportional and deterrent administrative and criminal sanctions.** The issuing authorities may suspend a vessel's fishing license or permit for a period of up to 90 days, if the licensee or permit holder fails to comply with the Royal Ordinance and subordinate laws. If the licensee or permit holder re-commits a violation of the law, his or her license or permit may be revoked. Transshipment registration may also be cancelled in case of non-compliance with the requirements specified by the Royal Ordinance and subordinate laws.
- ❖ A number of **"serious infringements"** are defined in the Royal Ordinance, such as the use of a stateless vessel and a prohibited fishing gear, fishing without a fishing license, failure to prepare a fishing logbook, use of false documents and violation of transshipment at sea rules.
- ❖ Deterrent **administrative sanctions** are applicable to these serious infringements. The Director-General may, *inter alia*, order a seizure of the catch or fishing gear, prohibition of fishing activity until full compliance is achieved, suspension of fishing license, revocation of fishing license, inclusion of the vessel into the IUU list, and detention of the vessel.
- ❖ **Criminal sanctions** are designed to be deterrent and proportional for different sizes of fishing vessels, with a maximum fine of **30 million baht (approximately 830,000 US dollars)** or five times the value of the catch obtained from the fishing operation, whichever case is higher. If a serious infringement is re-committed within a period of five years, the penalty prescribed shall be doubled.

Improving welfare and working conditions of seamen, and eliminating unlawful labor practices in the fisheries sector

- ❖ A **seaman** must hold a seaman document issued under the law on navigation in Thai waters. A seaman **who is not a Thai national** must obtain permit to remain in Thailand under the law on immigration and a work license under the law on working of aliens.
- ❖ When porting-out, **the owner or the master** of a fishing vessel must submit to the PIPO Control Center a list of outgoing seamen on board and evidence related to the provision of appropriate systems for ensuring occupational safety, hygiene and wellbeing of seamen. Non-compliance will result in the detention of the fishing vessel at port.
- ❖ The **owner** of any fishing vessel making **use of a seaman without a valid work license or permit** is subject to a fine of up to **800,000 baht (approximately 22,000 US dollars) per seaman.** In addition, the Director-General shall order **the revocation of the owner's fishing license**, and the Director-General of the Marine Department shall also **revoke the seaman document of the master of the vessel** pursuant to the law on navigation in Thai waters.
- ❖ A **factory operator** who engages in a business relating to aquatic animals is prohibited from employing illegal workers, including aliens who do not hold a legal work permit. Violation may result in a fine of up to **800,000 baht per each unlawfully employed person.** Moreover, if the number of workers unlawfully employed at the factory is not more than five, then the Director-General shall order **the suspension of the factory operation** for a period of ten to thirty days. If more than five workers are employed illegally at the factory, then the Director-General shall notify the Permanent Secretary of the Ministry of Industry to order **the closure of the factory** pursuant to the law on factories. Such an order shall also have the effect of **license revocation** under the law on factories.
- ❖ **The factory operator** who violates the labor protection law or employs illegal alien workers is also liable to **criminal penalties**, including a term of imprisonment not exceeding two years or a fine of 200,000-2,000,000 baht (approximately 5,500 -55,000 US dollars), or both, as well as a daily fine of 100,000-500,000 baht (approximately 2,700-13,800 US dollars) for the entire duration of the violation.