

Trafficked at sea.

**The exploitation of
Ukrainian seafarers
and fishers**

2012



International Organization for Migration (IOM)

**NEXUS
Institute**

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Rebecca Surtees



A research cooperation between IOM and NEXUS Institute



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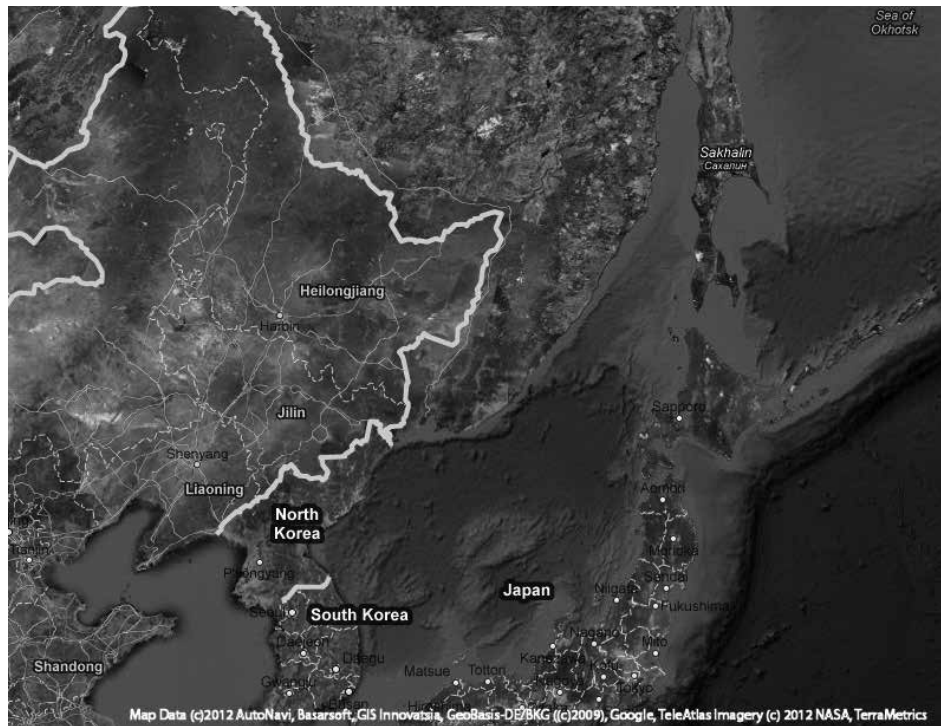
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Map #1. Ukraine and the Republic of Turkey



Map #2. Sakhalin Island, Russia and South Korea





Foreword

The blight of slavery continues to afflict our world today, on a far greater scale and in far more insidious forms than many of us realise.

This paper addresses a manifestation of human trafficking that has yet to receive the attention it deserves from policymakers, practitioners or prosecutors around the world: seafarers and fishermen trapped for their labour at sea. The men interviewed for this report, young and old, experienced and novice, were led through a calculated maze into a world of imprisonment at sea, backbreaking labour, sleep deprivation, crippling and untreated illness, and, for the least fortunate, death. These men, seeking honest work at sea, ended up on slave ships without means of escape or reasonable prospects for rescue. Their unsettling stories are echoed by the experience of men in a number of countries around the world. Countries must find new ways to end the impunity of these floating safe havens for traffickers. This report also shines a bright light on the role played by unscrupulous labour recruiters, who repeatedly spin their deceptions to lure these men into the trap that waits for them at sea. In such cases, the recruiters are an integral part of a trafficking scheme under international instruments such as the UN Protocol to Prevent Suppress and Punish Trafficking in Persons and the governments of the countries in which they operate – in most cases in the home countries where the men are citizens and live – need to investigate and prosecute these recruiters, and the agencies they work for, as traffickers.

Trafficking for forced labour has historically received less recognition than the more sensational sex trafficking cases. But as the groundbreaking research that forms the basis for this paper reveals, labour trafficking at sea is every bit as inhumane, and in dire need of a solution, as any form of slavery practiced today. This paper attempts to lay the groundwork for that solution by providing insight into the nature of this form of trafficking, analysis of its causes and patterns and recommendations for how to move forward.

This report represents some of the very first in-depth research on the issue of seafarers and fishers as victims of trafficking. The importance of increasing popular awareness of this phenomenon and of encouraging governments, organisations, and individuals to take action on it, cannot be overemphasised. It



was in that light that the NEXUS Institute, with support from IOM, was inspired to dig deeper into this understudied yet critical issue.

The challenges confronting the international community in addressing trafficking at sea are not few and they do not lend themselves to easy solutions. The very nature of trafficking at sea—the mobility of the vessels used, its camouflage within the traditional seafaring industry and the illegal fishing market that funds it, among other characteristics —make it one of the most challenging forms of human trafficking to seek out and eradicate. But that eradication remains, as ever, our goal.

Original in-depth research on human trafficking remains a rarity. The NEXUS Institute is committed to increasing the quantity and advancing the quality of research and analysis that can make a difference on this issue.

I am deeply grateful to the NEXUS Institute’s Rebecca Surtees, the primary researcher and the author of this paper, for applying her expertise to investigating and analyzing this important issue. The wealth of primary source material produced for this report by her interviews and observations should aid the fight against trafficking at sea for many years to come.

This paper has been produced within the context of our research partnership with the International Organization for Migration. I am grateful to IOM for its support for this research, particularly Sarah Craggs, Anvar Serojtdinov and the IOM mission in Kiev.

The stories of the seafarers in this report shock the conscience. I believe that the day will come when this report stands as a record of a dark moment in our history, rather than the present-day tragedy it is. Until then, we must continue to work together on behalf not only of the men trapped at sea like those described in this report, but for all who are subjected to a day, a month, a year, or a lifetime without freedom.

Stephen Warnath
President, CEO & Founder
The NEXUS Institute



Acknowledgements

This research paper is part of a joint IOM/NEXUS research series, which seeks to enhance the current knowledge base on human trafficking by conducting targeted research. The series also aims to assess various methods and approaches to trafficking research, in different settings and in response to different situations. The idea for the joint research project was conceived over a number of years of discussion and cooperation between IOM and NEXUS Institute. It is important to acknowledge the key roles played by Richard Danziger, then Head of IOM's Counter Trafficking Division in Geneva (now Chief of Mission in Sri Lanka) and Stephen Warnath, Founder, President and CEO of the NEXUS Institute in Washington, D.C. The paper (and the project more generally) are generously funded by the US Department of State Office to Monitor and Combat Trafficking (J/TIP).

This paper is based on data from the IOM CTM and fieldwork conducted in Ukraine in 2010 and follow-up interviews conducted in 2011. I am particularly grateful to the seafarers who agreed to speak about their trafficking experiences as well as the challenges they had faced since leaving trafficking. Their courage in disclosing their harrowing experiences made this study possible. The study also benefits substantially from their suggestions and insights in to what might be done to prevent trafficking in the seafaring/fishing sector and to meet the protection and prosecution needs of trafficked seafarers and fishers.

A great deal of assistance and support was provided from IOM Kiev during fieldwork and afterward, including in supplementary data collection and in reviewing and providing inputs into the research study and recommendations. Thanks are due to: Irina Titarenko (Reintegration Coordinator), Tatiana Shtanyeva (Reintegration Specialist), Ruth Krcmar (CT Programme Coordinator), Hanna Antonova (Senior CT Programme Officer), Ganna Lienivova (Project Specialist), Anh Nguyen (Senior Regional CT and AVRR Specialist), Roman Ilto (Interpreter) and Kukla Petro (Driver).

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access to their beneficiaries as well as provided valuable information about this form of trafficking.

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Finally, thanks to staff within NEXUS and IOM who worked directly on this joint research project and were directly involved in the data collection. At IOM, a huge contribution was made by Sarah Craggs, then Researcher at IOM (now Regional Migrant Assistance Specialist, IOM Regional Office Cairo). Sarah conducted fieldwork together with me in 2010 and, in addition to being a great sounding board for ideas and a source of support, also reviewed and provided inputs into various drafts of this paper. Anvar Serodjtinov, Project Officer at IOM transcribed and translated interviews and conducted follow-up telephone interviews in 2011. He has also been an important source of assistance throughout the project including in reviewing and providing feedback for the report. In addition, Amanda Gould (Research and Data Analysis Specialist, IOM Geneva) and Jonathan Martens (Senior Migrant Assistance Specialist, IOM Geneva) reviewed the paper and provided suggestions and feedback. Lars Dabney, Legal Analyst and Project Manager for the Warnath Group, LLC reviewed and provided helpful inputs into the research. He also designed the maps for this study. Finally, my thanks to Stephen Warnath, Founder and President of the NEXUS Institute, whose commitment to a deeper understanding of human trafficking through more in-depth research has made this work possible. The paper has benefitted substantially from his leadership, expertise and input into this report.

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Acronyms and abbreviations

| | |
|-----------|--|
| CIS | Commonwealth of Independent State |
| CT | Counter-trafficking |
| CTM | Counter-trafficking Module |
| EC | European Commission |
| EEZ | Exclusive economic zone |
| EJF | Environmental Justice Foundation |
| EU | European Union |
| FAO | Food and Agriculture Organization of the United Nations |
| FCV | Foreign charter vessel |
| FoC | Flag of convenience |
| FoNC | Flag of non-compliance |
| FSU | Former Soviet Union |
| J/TIP | U.S. Department of State's Office to Monitor and Combat Trafficking in Persons |
| ILO | International Labour Organization |
| IMO | International Maritime Organization |
| IOM | International Organization for Migration |
| ISPS Code | International Ship and Port Facility Security Code |
| ITF | International Transport Workers' Federation |
| IUU | Illegal, unreported and unregulated |
| LICADHO | Cambodian League for the Promotion and Defense of Human Rights |
| LOSC | UN Convention on the Law of the Sea |
| LSCW | Legal Support for Children and Women |
| MFA | Ministry of Foreign Affairs |
| MoI | Ministry of Interior |
| NGO | Non-governmental organisation |
| NRM | National Referral Mechanism |
| OSCE | Organization for Security and Co-operation in Europe |
| PSC | Port State Control |
| SBU | State Security Service |
| SEA | South-East Asia |
| SEE | South-Eastern Europe |
| SIM | Subscriber Identity Module |
| SOLAS | International Convention for the Safety of Life at Sea |





| | |
|-------|---|
| SOS | Internationally recognised distress signal in which the letters SOS are repeatedly spelt out by radio-telegraphy: used especially by ships and aircraft |
| STCW | Standards of Training, Certification and Watchkeeping of Seafarers Convention |
| THB | Trafficking in human beings |
| TIP | Trafficking in persons |
| UN | United Nations |
| UNIAP | United Nations Inter-Agency Project on Human Trafficking |
| UNODC | United Nations Office on Drugs and Crime |
| UNTOC | United Nations Transnational Organised Crime Convention |
| US | United States |
| USD | United States Dollar |
| VMS | Vessel Monitoring System |
| VoT | Victim of trafficking |



Executive summary

I. Introduction

Trafficking for forced labour has been increasingly recognised as a critical aspect of human trafficking, including trafficking for labour in the merchant shipping and fishing industries. Reported cases suggest that this is a sector where abuse often does take place and signals that there are aspects of the commercial fishing and seafaring sectors which may lend themselves particularly to trafficking abuses.

This paper explores and discusses the experiences of trafficked Ukrainian seafarers and fishers in order that anti-trafficking policies and programmes can increasingly take into account their experiences and needs. The paper also intends to highlight particularities in the cases of these 46 men. While trafficking at sea has been reported in many different regions, there are some aspects of the Ukrainian experiences and context that are unique and signal different sites of vulnerabilities and experiences and, by implication, different intervention needs and opportunities. Efforts to address trafficking need to pay careful attention and seek to respond to this complexity and diversity.

2. Research methodology and data collection

This paper is based on the experiences of 46 Ukrainian men trafficked within the seafaring and fishing sectors between 2005 and 2010. Thirty eight (38) were trafficked to Russia, seven to Turkey and one to South Korea. Two rounds of interviews were conducted with trafficked seafarers and fishers in Ukraine – in May 2010 and May 2011. Interviews focused on their trafficking experience (including recruitment, transportation and exploitation), how they left trafficking, the assistance (if any) they needed and received, their current life situation and their future plans and needs. Non-trafficking seafaring experiences were also discussed to identify what constitutes key differences between trafficking and non-trafficking situations.

Interviews were also conducted with 30 key stakeholders including anti-trafficking professionals in organisations that had worked with trafficked seafarers and fishers (e.g. service providers, law enforcement officers, prosecutors, government agencies, international organisations) and seafaring professionals/experts (e.g. representatives from port inspectorates and authorities, seafarer

unions, seafaring associations, trade unions and labour organisations). The paper also benefits from a review of literature on trafficking and of the seafaring and fishing sectors.

3. Research on trafficking to sea: knowns and unknowns

Existing knowledge and gaps

While there is a substantial body of information about trafficking for sexual exploitation, far less is known about trafficking for forced labour and even less about trafficking and exploitation within the commercial fishing and seafaring industries. The majority of information is transnational or from southeast Asian, rather than focusing on Europe or the former Soviet republics. There is also a body of literature on work and labour issues for seafarers and fishers, including where this involves violations, exploitation and abuse. While not explicitly about trafficking, this can help to shed light on different aspects of the seafaring and fishing sectors, including how these may intersect with human trafficking and where human trafficking has gone unrecognised in this labour sector.

Defining terms, outlining the context

- *Trafficking in persons.* Trafficking in this study is based on the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons which defines trafficking in human beings in article 3a as;
[...] recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- *Trafficking at sea.* Trafficking which takes place involving seafarers and fishers in the context of at-sea activities (including fishing, transportation, and fish processing, while on vessels, rafts, fishing platforms, or otherwise offshore).
- *Seafarer.* Any person who is employed or engaged in any capacity on-board a seagoing ship. (ILO 2006)
- *Fisher.* A person employed or engaged in any capacity or carrying out an occupation on-board any fishing vessel, including persons working on-board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers (ILO 2007).

- *Illegal, unreported and unregulated (IUU) fishing.* Fishing vessels that operate without or in contravention of appropriate fishing licenses, in marine protected areas, or without reporting their catch in accordance with applicable fishing regulations (FAO 2001).
- *Crewing agency.* Professional companies that match seafarers and fishers to vessels in need of crews, in exchange for a recruitment fee.
- *Fishing vessel.* any vessel used commercially for catching fish, whales, seals, walrus or other living resources of the sea (IMO 1993).
- *SOLAS convention vessel.* Commercial vessels that are in conformity with the SOLAS Convention.
- *Vessel owner.* Any person or corporation possessing title to a vessel and the proceeds of its services.
- *Service provider.* Organisations and individuals that provide one or more of the range of services and assistance to trafficking victims.
- *Assistance and protection.* Measures, programmes and services aimed at the recovery of trafficked persons as outlined in Article 6 of the Palermo Protocol.
- *Identification.* The process by which a trafficked person is formally identified as trafficked (or potentially trafficked) in an appropriate, sensitive and timely fashion.
- *Reintegration.* The process of recovery and socio-economic inclusion following a trafficking experience.

4. Backgrounds of trafficked seafarers from Ukraine

Ukrainian trafficked seafarers and fishers were all adult men and Ukrainian citizens. They ranged in age from 18 to 71 years when trafficked. Age may be a vulnerability factor– for younger seafarers because of their inexperience and older seafarers because of their age and, thus, lack of appeal on the job market. Most (60%) were married or in common-law relationships; the majority were fathers. The majority (65.2%) reported being poor when recruited. However, because seafaring is a comparatively well-paid profession in Ukraine, it is difficult to weigh the significance of these economic assessments. Equal numbers had an average economic situation and were well off.

Ukrainian men trafficked at sea were not typically “rank and file” sailors; they had professional seafaring qualifications and accreditation. Most had received tertiary level education and had served in different positions, including as captain, captain assistant, navigator, cook and electrician. The majority had worked at sea before; for a few, this was their first time at sea. A strong personal desire to work as a seafarer was often a motivating factor in decisions about working at sea.

5. Looking for work. Patterns of recruitment

Initial recruitment and crewing agencies. In Ukraine, formal recruitment of seafarers was done through legally registered and licensed crewing agencies. For 29 men (63%), their friends and seafaring colleagues referred them to crewing companies; 17 men (37%) saw newspaper advertisements from crewing agencies. Recruitment was generally consistent with how seafarers had been recruited for past jobs.

Agency complicity in trafficking. There were suggestions by seafarers trafficked to both Russia and Turkey that the recruitment agency was aware of, and perhaps even complicit in, the trafficking operation. Understanding the precise intent of crewing agencies has important implications for prevention efforts (including how to improve the legislation and regulation of crewing companies) as well as prosecution (of trafficking cases and compensation claims).

Contracts and agreements. Ukrainian seafarers/fishers trafficked to Russia signed, before departure, what they understood were legally binding agreements with reliable crewing companies and employers. The seven men trafficked to Turkey signed their work contract upon arrival in Turkey, directly with the ship owner. The contract was not in Ukrainian and they did not understand the contract terms.

Recruitment fees. Men trafficked to Russia paid a recruitment fee, consistent with how crewing agencies function in Ukraine (but at odds with international standards). Men trafficked to Turkey did not pay a recruitment fee. For some seafarers, paying a recruitment fee meant incurring debt prior to departure, which had implications also for their return and reintegration.

Regulation of recruitment agencies. Recruitment is regulated by the Ministry of Labour and Social Policy, which licenses crewing agencies. However, existing mechanisms did not appear to provide sufficient safeguards to protect seafarers against fraudulent recruitment. Crewing agencies in Ukraine do not have any responsibility or liability for the well-being (or violation) of seafarers whose placement aboard a vessel they arrange, contrary to international standards.

Fact checking on placements. Increased information about recruitment processes and contractual arrangements may be one means of preventing trafficking as well as protecting seafarers and fishers well-being generally. However, for the 46 trafficked Ukrainian seafarers/fishers, recruitment was consistent with past, successful seafaring experiences, raising questions about how seafarers and fishers can realistically protect themselves and check the veracity of job offers.

Facing limited options and alternatives. Constrained professional and economic options influenced decisions around recruitment. Some men had been unemployed for some time, while others were looking for work experience to

start their careers. Such constraints influence what will be effective in terms of prevention. Without alternatives, even well-informed seafarers will likely take risks at recruitment.

6. Going to sea. Transportation and embarkation

Trafficked seafarers/fishers from Ukraine embarked on their vessels in Russia (under a Russian flag), Turkey (under a Panamanian flag) and South Korea. The man trafficked to South Korea was exploited on a fishing platform at sea, off the coast. They all travelled with legal documents and crossed formal border crossings.

In Turkey, seafarers embarked immediately on their vessel. By contrast, in Russia the men waited for weeks or months to embark on their vessel, their passports held by the facilitator/agent. When they finally embarked, they were transported by boat out to sea where they boarded their vessels because the ships were unlicensed and crabbing illegally and feared detection as well as possible escape attempts by seafarers in ports. The man transported to South Korea travelled with the recruiter and three other men. When entering South Korea, the agent took their passports and spoke on their behalf with border authorities. They were transported by small boat to a platform, about fifteen miles out at sea.

7. Life and work at sea. Experiences of exploitation and abuse

Ukrainian seafarers and fishers were trafficked on vessels that they embarked on in Russia and Turkey. Those who embarked in Russia were engaged in illegal crabbing. Seafarers who embarked in Turkey were tasked with transporting cargo from port to port along the Mediterranean coastline. The man trafficked to South Korea was exploited at sea for seafood processing.

Living and working conditions. Without exception and regardless of vessel or destination, trafficked Ukrainian seafarers worked seven days a week, for eighteen to twenty-two hours each day. Living and working conditions were extremely harsh. In addition, basic necessities like food and water were universally scarce.

Injuries and illness. Unsafe working conditions regularly led to serious injuries, illness and even death. Many seafarers/fishers became ill and suffered a range of health problems, including heart problems, liver dysfunction, problems with gums and teeth, bronchitis, kidney problems, bladder infections, gastric diseases and so on. For many, health problems endured beyond trafficking and became chronic issues. There was no access to medical care aboard the vessels and no opportunity to obtain medical care when in port.

Contact with land and other vessels. Seafarers/fishers trafficked to Russia had their freedom of movement restricted. They were not able to leave the ship when it was in port; some vessels never entered ports at all. Seafarers trafficked

to Turkey did enter ports but their documents were withheld and they had no money. Moreover, the ship owner threatened them with arrest by the Turkish authorities if they left the vessel and intimidated them with stories of inhumane conditions and abuse supposedly prevalent in Turkish prisons.

Violence and physical abuse. Violence was frequently employed against seafarers/fishers in Russia, to control them and prevent rebelliousness over their working conditions and non-payment. Physical abuse was not common amongst men trafficked to Turkey.

8. Lost at sea? Opportunities for identification and escape

One of the key challenges in the fight to end trafficking is the identification of trafficked persons. Overarching obstacles in identifying trafficked seafarers and fishers included:

- *Isolation.* This type of trafficking takes place “out of sight”, with traffickers consciously and strategically limiting contact between trafficked persons and others, particularly individuals and organisations that might be able to help them.
- *Language barriers.* English is the language used by most stakeholders and organisations; lack of English proficiency posed problems for Ukrainian seafarers and fishers.
- *Corruption.* Corruption prevented detection of trafficking at sea. Fear of corrupt officials may inhibit trafficked persons willingness to be rescued and assisted.

At the same time, there are entry point for identification of trafficking of seafarers and fishers including through:

- port authorities and law enforcement agencies;
- seafaring associations and unions;
- government representatives – e.g. country of origin, flag states, etc.;
- actors in the fishing and seafaring chain of operation;
- on-board monitoring mechanisms; and
- seafarers’ family and friends.

In addition, some seafarers escape themselves – for example, while in port – and may go unidentified until they return home and seek out or are referred for assistance.

Indeed, in most cases discussed in this study, formal identification—that is, recognition of the seafarers’/fishers’ trafficking status—took place only upon return to Ukraine, by specialised anti-trafficking organisations. The various institutions involved in their exit and/or return process from destination countries, while recognising that they were exploited, did not make an explicit

association with human trafficking. Consideration is needed as to who comes into contact with trafficked seafarers and fishers (and when/how) as well as what role they can potentially play in the identification process including any constraints they may face.

9. Being assisted (and going unassisted)

Accessing assistance in destination and transit countries and from flag states

Assistance options for trafficked seafarers and fishers while abroad were extremely limited; none were offered formal anti-trafficking assistance overseas. What assistance was received was *ad hoc* and largely insufficient, focused on their return. Many trafficked seafarers self-returned, receiving money from family members at home, some of whom went into debt to pay these travel costs.

Forms of assistance and support that would have been helpful to seafarers and fishers considered in this study included: temporary accommodation in a safe environment; emergency medical care; emergency psychological support; (temporary) employment options abroad; return assistance; means of communication with family members at home; access to legal assistance and legal recourse and compensation from the flag state.

Accessing assistance at home

In Ukraine, trafficked seafarers and fishers received assistance largely through IOM in Kiev and NGOs working in their community of origin. They learned about available assistance most commonly through friends and former colleagues but also through advertisements by assistance agencies or referral from the prosecutor's office. However, not all of the men trafficked to sea sought out or accepted assistance.

The type of assistance needed once trafficked seafarers and fishers returned home depended on a variety of factors such as the nature of trafficking, the period of exploitation and individual family circumstances, among others. It is nonetheless possible to identify some common needs.

Professional opportunities including (re)training and continued education. Work opportunity was a key form of support but the forms of professional and economic assistance differed depending on whether the individual opted to continue in the seafaring industry or pursue another professional path. Some men left the seafaring profession as a result of trafficking and sought vocational training and work in fields like construction and driving. Most continued as seafarers but requested assistance in re-training and further certification.

Legal assistance. Legal assistance—both in terms of legal counsel and direct assistance with participating in their cases—was a crucial aspect of post-trafficking support. Most felt that this had been wanting in one or both respects and that they had not received the justice or compensation owed to them. Many felt that they had inadequate access to competent legal representation and a lack of communication and information about their case, in spite of actively attempting to obtain information about the cases' status over a matter of years. This applied equally to criminal and civil cases. Almost all were willing to serve as witnesses in criminal and/or civil proceedings, including providing live testimony as well as written statements. However, many were unable to act as witnesses due to logistical barriers (like distance and cost) and other obstacles like being away from family, loss of income, etc. Further, seafarers trafficked to Russia expressed fear of their exploiters, including the possibility of violent reprisals for testifying in the case.

Healthcare and medical assistance. Harsh living and working conditions as well as physical abuse meant that many seafarers returned with serious injuries and medical conditions. They needed medical assistance, both in the immediate aftermath of exploitation and in the longer term. A number of men developed chronic health problems as a result of trafficking—e.g. bronchitis, prostatitis and the like—which required on-going treatment or made them vulnerable to other conditions. Longer term medical needs posed problems as medical care in Ukraine is often prohibitively expensive, having serious financial repercussions for seafarers' and their families. On-going health problems impeded seafarers' ability to work, either on land or back at sea.

Psychological assistance. Psychological assistance was another essential support category identified by service providers working with trafficked seafarers. Providing psychological support to seafarers and fishers involved a raft of challenges including that many Ukrainian men were reluctant to accept this type of help. Another issue was capacity as providing psychological support to men trafficked for labour may sometimes involve different skills and expertise from those used in treating female victims of sex trafficking. Another issue was logistical – appropriate services were not always available in seafarers' communities or seafarers returned to sea before they started or completed psychological treatment.

Obstacles to seeking out and accepting assistance

Some trafficked persons do not need assistance or at least not the assistance that is offered. However, for some, not seeking out assistance may also be a consequence of the obstacles to appropriate assistance for trafficked seafarers and fishers. Potential obstacles included:

Administrative, budgetary and legal barriers. Assistance to trafficked seafarers came almost exclusively from IOM and NGOs rather than governmental authorities. What assistance did come from the Ukrainian government was largely due to referrals and facilitation by NGOs. Administrative barriers – like civil registration or rules about who is eligible for assistance – can limit the extent to which trafficked seafarers are assisted.

Negative or non-experiences of assistance. Reluctance to seek out assistance may be linked to past, negative experiences of assistance. Or it may be because they have no such experiences. A key factor in seeking assistance is trust, which is often undermined by widespread disbelief that they will not receive effective assistance.

Availability of services. Willingness to accept assistance is directly linked to what services are available and how they are offered.

Pressure to work and earn money. Many men felt shame at not being able to support their families and pressure to compensate for this perceived failure. Their first priority was often to address this, which meant working immediately. This meant seeking out or accepting assistance only if/when their situation became critical.

Rejecting the victim identity. Trafficked persons may not necessarily see their experience within a paradigm of “victimhood”, particularly given their role as man and family breadwinner.

Disclosure of the trafficking experience to family and/or community. One concern with receiving assistance was that this will “out” them as “trafficked” to family, friends and community. It was unclear to what extent seafarers reveal their trafficking experience to others or the extent to which disclosure was a pervasive concern.

10. Conclusion and recommendations

Trafficking of seafarers and fishers is a less considered and yet important part of the overall picture of human trafficking. Much can be learned from the experiences of the Ukrainian trafficked seafarers and fishers considered in this study, from recruitment and exploitation to identification and assistance. At the same time, trafficking at sea can differ substantially from context to context and lessons from one region or one group may not resonate with others’ experiences and needs. Moreover, while the experiences and needs of trafficking seafarers and fishers have much in common with those of other persons trafficked for labour in/from Ukraine, there are some specific distinctions that should be borne in mind when addressing this particular form of human trafficking. The

following observations will be key to implementing effective assistance and counter-trafficking strategies.

- 1) *Physical danger and risk of exploitation are unusually high in seafaring and commercial fishing*
- 2) *Trafficked seafarers and fishers are not 'traditional' victims*
- 3) *Trafficking threatens seafarers' and fishers' sense of identity*
- 4) *Experiences of trafficked seafarers and fishers challenges the victim paradigm*
- 5) *Identification of trafficked seafarers and fishers is difficult and infrequent*
- 6) *Trafficked seafarers' assistance needs are unique and highly specific*

Recommendations

Building on the above conclusions, the following recommendations aim to articulate possible ways forward for governments, NGOs, local actors and international organisations in addressing the issue of trafficking to sea. They are structured around the four 'Ps' of anti-trafficking efforts—prevention, protection, prosecution and partnerships.

1) Prevention

- A) *Offer entry-level programmes for young seafarers*
- B) *Increase awareness of the risks of trafficking within the seafaring and commercial fishing sectors*
- C) *Comprehensively regulate crewing companies*
- D) *Develop state anti-trafficking oversight of the seafaring and fishing industry*

2) Protection

- A) *Ensure seafarers and fishers have contact information for organisations that can help – at home and abroad*
- B) *Ensure seafarers and fishers have a means of communication while at sea*
- C) *Improve and enforce labour regulations of the seafaring and commercial fishing sectors*
- D) *Improve identification of trafficked seafarers and fishers*
- E) *Develop an assistance system to meet the specific needs of trafficked seafarers and fishers*
- F) *Address language barriers to identification*
- G) *Improve legal assistance for seafarers and fishers*
- H) *Create an assistance funds for trafficked seafarers and fishers*

3) Prosecution

- A) *Create transnational cooperation systems for anti-trafficking law enforcement and prosecution*

- B) *Build a comprehensive legislative framework for prosecution and civil liability of traffickers at sea*
- C) *Ensure that witnesses and victims are able to testify*
- D) *Pursue legal accountability of crewing agencies and other actors in the trafficking chain*
- E) *Enforce legal responsibilities of flag states.*
- F) *Address trafficking-related corruption*
- G) *Create a central repository of labour case law in the seafaring and commercial fishing sectors*
- H) *Encourage collaboration between relevant legal specialists and fields of law*

4) Partnerships

- A) *Increase collaboration between the anti-trafficking community and the seafaring and commercial fishing sectors*
- B) *Establish links between organisations in origin and destination/flag state countries*
- C) *Improve maritime authority communication with seafarers and unions*
- D) *Bring the broader NGO community to bear on trafficking at sea*

* * * * *

Human trafficking is a complex phenomenon. Effectively addressing human trafficking involving vessels at sea adds additional layers of complexity. As long as the problem of trafficked seafarers and fishers is not recognised, acknowledged or prioritised by countries implicated by these activities, these steps will not be taken and there will be little if any identification of cases and victims. The recommendations of this report should be reviewed, discussed, adapted and improved upon to begin to operationalise a credible response to modern slavery at sea.

Key words

Trafficking research; labour trafficking; seafaring; fishing; Ukraine; victim identification; victim assistance; IOM human trafficking database.



I. Introduction

Until recently, trafficking for forced labour has been largely unaddressed by researchers, practitioners and policy makers as well as national and international justice systems. Research, policy, and programme responses have placed particular emphasis on sex trafficking and on the trafficking of women and children – including the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. Trafficking into forced labour has remained in the background of the debate.

Recent years have seen a shift in this imbalance. Trafficking for forced labour has been increasingly recognised as a critical aspect of human trafficking. As more attention has been paid to the issue, many more cases have been identified. As more is understood about this form of exploitation, the breadth and diversity of situations in which trafficking for forced labour occurs has become increasingly clear.

One result is the recognition of labour trafficking as a pressing issue in the seafaring and commercial fishing industries. The cases that have been reported suggest that this is a sector where abuse can and does take place, possibly to a significant degree. These cases also signal that there are aspects of the fishing and seafaring sectors that may lend themselves particularly to trafficking abuses as well as to problems in identifying and assisting trafficked persons.

The intention of this paper is to explore and discuss the experiences of trafficked Ukrainian seafarers and fishers in order that anti-trafficking policies and programmes can increasingly take into account their experiences and needs. At the same time, the paper also highlights particularities in the cases of these men. While trafficking at sea has been reported in different regions, there are aspects of the Ukrainian experience and context that are unique and signal different sites of vulnerabilities and experiences and, thus, different intervention needs and opportunities. Therefore the paper also underlines that trafficking takes place for many different forms of labour, in many different settings and impacts



the lives of a diverse group of people. Efforts to address trafficking needs to pay careful attention and seek to respond to this complexity and diversity.¹

This paper explores the issue of trafficking at sea through the experiences of 46 Ukrainian seafarers and fishers trafficked to Russia, Turkey and South Korea and on vessels under flags from Panama, in the case of Turkey and Russia, in the case of Russia. Parts 4, 5, 6 and 7 discuss the backgrounds and experiences of trafficked persons exploited at sea—who these men are, the process by which they were recruited and transported and the context and nature of their trafficking exploitation. Parts 8 and 9 focus on their experiences of identification and assistance—that is, how they were (and were not) identified and assisted as trafficked persons. Finally Part 10 makes suggestions for what might be done to more effectively and appropriately identify and assist persons who have been trafficked at sea.

¹ This paper is part of a series of research papers being prepared jointly by IOM and the NEXUS Institute and funded by U.S. Department of State's Office to Monitor and Combat Trafficking in Persons (J/TIP). The overall objective is to augment and enhance the current knowledge base on human trafficking, including by drawing on IOM's database as a source of data in researching trafficking in different settings.



2. Research methodology and data collection

This paper is based on the experiences of 46 Ukrainian men trafficked within the seafaring and fishing sectors between 2005 and 2010. Thirty eight (38) were trafficked to Russia (on a vessel under a Russian flag), seven to Turkey (on a vessel under a Panamanian flag) and one to South Korea. Their experiences are supplemented by interviews with 30 key stakeholders who work on anti-trafficking in Ukraine as well as organisations and institutions that work with seafarers and fishers.

The 46 trafficked Ukrainian seafarers and fishers were assisted by IOM and its NGO partners between 2005 and 2010. Case files for each man were reviewed and analysed – both the quantitative data in the IOM database and the qualitative interviews from individual case files.² Preliminary analysis of the IOM database and case files assisted in the development of key lines of inquiry for fieldwork interviews.

Two rounds of interviews were conducted with trafficked seafarers and fishers in Ukraine – in May 2010 and May 2011. The first round of interviews was conducted in Odessa where many of the trafficked seafarers/fishers were identified and assisted and where many organisations and associations working on the issue are based. Four trafficked Ukrainian seafarers/fishers were interviewed, with a focus on their trafficking experience (recruitment, transportation and exploitation), how they left trafficking, the assistance (if any) they needed and received, their current life situation and their future plans and needs. We also discussed past (non-trafficking) seafaring experiences as a means of identifying key differences between trafficking and non-trafficking situations. Interviews were approximately an hour in length, conducted in the office of the NGO that had assisted the men. Interviews were conducted with the support of a Ukrainian interpreter. We also interviewed one former seafarer who had not been trafficked but who had, over several years of working at sea, been exposed to high risk situations, difficult conditions and deception by crewing companies. A second round of interviews was conducted by phone in May 2011 (one year after the initial fieldwork) with five trafficked seafarers/fishers. Four were repeat

² The CTM is IOM's global database on victims of human trafficking. It collects data about individual trafficking victims assisted by IOM and/or its partner organisations, including information on trafficked persons' background, recruitment, transportation, trafficking exploitation and assistance. For more information about the IOM CTM database, including both strengths and weaknesses, please see Surtees & Craggs 2010.



interviews with the four men interviewed in 2010; one was a new seafarer who agreed to be interviewed. Interviews were conducted in Ukrainian.

Interviews were conducted with 30 key informants over the course of the research. Prior to fieldwork in 2010, six interviews were conducted with key informants who work in the field of seafaring and trafficking, including the International Labour Organization (ILO), International Transport Workers' Federation (ITF), International Organization for Migration (IOM) and International Maritime Organization (IMO), to explore key issue and patterns and identify individuals to be interviewed during the fieldwork. During fieldwork in Ukraine in 2010 further interviews were conducted with 18 key informants. This included anti-trafficking professionals from organisations that worked with trafficked seafarers and fishers (e.g. service providers, law enforcement officers, prosecutors, government agencies, international organisations) and seafaring professionals/experts (e.g. representatives from port inspectorates and authorities, seafarer unions, seafaring associations, trade unions and labour organisations). In a number of cases, these individuals and institutions had been directly involved in different ways in the identification, referral and assistance of persons trafficked at sea. In other cases, interviews focused on general patterns of work in the seafaring sector, including where and how abuses take place and the existing mechanisms for addressing these issues. Other interviews focused more generally on trafficking for labour from Ukraine. A second round of key informant interviews were conducted in 2011 aimed at following up on specific issues identified in the course of fieldwork and data analysis, clarifying any outstanding questions raised in the first initial fieldwork and gaining a longitudinal perspective on the cases of trafficked seafarers/fishers (including the status of legal proceedings and reintegration). This included interviews with four anti-trafficking professionals who had worked with trafficked seafarers/fishers (three repeat interviews and one new respondent) and two (repeat interviews) with seafaring experts.

Finally, the paper benefits from a review of literature on trafficking and the seafaring and fishing sectors as well as a review of case studies of non-trafficked seafarers from sources such as the International Labour Organization (ILO) abandonment of seafarers database.³

Limitations of the study:

- *Seafarers and fishers trafficked in groups; represents only a handful of cases.* The 46 cases considered in this study represent only a few distinct cases. The men were generally part of the same crew and, as such, this study is not about 46 distinct incidents of trafficking. That being said, each man had his own unique story—of trafficking as well as pre-trafficking situations and post-

³ This database contains a regularly updated list of vessels that have been reported to the ILO as abandoned in various ports of the world by appropriate organisations. It specifically includes information on seafarers, who have been abandoned and their current status. Please see: http://www.ilo.org/dyn/seafarers/seafarersBrowse.Home?p_lang=en

trafficking needs and plans—which must be understood in designing policy and programmes to respond to the unique profiles of trafficked persons.

- *Unique cases of seafarers.* The situation of Ukrainian seafarers is, in many ways, unique in that these were professional seafarers recruited through formal agencies rather than unskilled labourers deceived into working on fishing boats as is common in southeast Asia. This means that some of the findings – about their backgrounds and situation, the recruitment process and also about post-trafficking situation and needs – may not be applicable to all trafficked seafarers and fishers.
- *Representativity.* These 46 cases may not represent the experiences and needs of trafficked seafarers and fishers generally, including those who did not seek out assistance. Those seeking out assistance may be “worst cases” (those most in need of assistance) and other trafficked seafarers’ and fishers’ needs may be different or less pronounced. Alternatively, some ‘worst cases’ may never find their way to assistance. It is also possible that some individuals opt not to seek assistance because they reject the victim identity. The experiences of these groups are not captured here (and they may also have specific needs and interests of their own which future research should pay attention to).
- *Represents experiences of trafficked seafarers and fishers.* This study is from the perspective of trafficked Ukrainian seafarers and fishers. It does not provide information about the perpetrators (whether at the recruitment, transportation or exploitation stages) nor details on the seafaring/fishing sector more generally. What information was provided focuses on “low level operators,” including recruitment agencies, senior crew on vessels and “enforcers” who controlled fishers while aboard vessels.⁴ More needs to be known about higher level operators, particularly ship owners and their companies, including who they are, how they function, the cost and benefits of trafficking seafarers and fishers and their role in the legal and illegal fishing/ seafaring markets.

⁴ This is consistent with research on traffickers and their operations in many sectors, where much of the current knowledge base is drawn from low-level operators (see Surtees 2012).



3. Research on trafficking to sea: knowns and unknowns

Existing knowledge and gaps

While there is a substantial body of information about trafficking for some forms of exploitation (particularly sexual exploitation), far less is known about trafficking for forced labour and even less about trafficking and exploitation within the commercial fishing and seafaring industries. It has been mentioned in the context of some trafficking studies, however, only a limited amount of research has focused specifically on this form of trafficking (most in the SE Asian region). Moreover, the majority of resources on this issue are transnational or southeast Asian in scope, rather than focused on Europe or the former Soviet republics.

In the former Soviet Union and Far East:

- *Counter-trafficking assessment and proposals about counter-trafficking capacity building in the Kaliningrad Oblast* (Turukanova 2006) is an assessment of the trafficking situation in Kaliningrad, Russia. It includes a discussion of an oblast⁵-specific form of trafficking, which involves criminal deals with seafarers and persons who seek employment on merchant, fishing or other ships to work at sea. This ranged from large-scale deception and violation of human rights to trade in human beings and slavery.
- *Trafficking in men, a trend less considered. The case of Ukraine and Belarus* (Surtees 2008c) focuses on the trafficking of (primarily adult) males from Belarus and Ukraine between 2004 and 2007. This included 33 men trafficked into the fishing industry in 2005 and 2006. The men – most of whom were trained seafarers – were recruited by a Ukrainian crewing company with promises of work on a Japanese ship but ended up exploited in Russia for illegal crab fishing.

⁵ Oblast is a type of administrative division in Russia and can be translated as area, province or region.



In the south east Asian (SEA) regions:

- *Mekong Challenge: Underpaid, Overworked and Overlooked: The Realities of Young Migrant Workers in Thailand* (Pearson et al. 2006). This study examines the level of labour exploitation occurring among young migrant workers in four labour sectors in Thailand: agriculture, domestic work, fishing (fishing boats and fish processing) and manufacturing (textiles). To the extent possible, the study attempted to determine how much of what they observe is actually forced labour and trafficking. The study found that those working in the fishing sector were the most exploited when compared with other migrant sectors and working conditions on fishing boats were worse than those in fish processing. Being forced to work on fishing boats was not uncommon.
- *Migrant Labour and the Politics of Immobilisation: Cambodian Fishermen in Thailand* (Derks 2010) discusses Cambodian migrant workers in the Thai fishing industry who are increasingly recognised as victims of trafficking who are forced to fish. The article also discusses the (migrant) labour system that has developed in certain sectors of the Thai labour market, which has led to the creation of a flexible, disposable workforce that is vulnerable to exploitation.
- *Exploitation of Cambodian Men at Sea* (LICADHO, LSCW & UNIAP 2007) presents the case of eleven Cambodian males, from 15 years of age up, who were recruited and then trafficked to work on fishing boats in Thailand. They eventually escaped and made their way home to Cambodia.
- *Exploitation of Cambodian Men at Sea: Facts About the Trafficking of Cambodian Men onto Thai Fishing Boats* (UNIAP 2009) is a fact sheet on the recruitment, trafficking, and exploitation of Cambodian men onto Thai long-haul fishing boats, based on 49 cases of trafficking victims who escaped in Thailand or Malaysia and were assisted to return home.
- *Trafficking of fishermen in Thailand* (Robertson 2011) considers the recruitment, living and working conditions of fishermen aboard Thai vessels and the extent of exploitation and abuse in the Thai fishing sector. The report reviews the legislative and regulatory framework governing the fishing sector and the recruitment of fishers as well as the framework's implementation, highlighting gaps that enable traffickers to operate in the sector and lead to abusive labour conditions. The report also examines protection and support services accessible to victims of trafficking.
- *Out of sight, out of mind. Human trafficking and exploitation of migrant fishing boat workers in Thailand* (Brennan 2009) discusses migrant men who have worked on Thai fishing boats out of the port of Mahachai in Samut Sakhon province. The research examines recruitment practices, working conditions on boats and payment practices as well as patterns and prevalence of human trafficking involving men employed on commercial fishing boats.
- *The global catch. Modern day slavery fishermen* (Tenaganita 2009) examines the fishing industry in SE Asia and presents the experiences of Cambodian

men trafficked for fishing who ended up in Malaysia, many after jumping off the fishing boats on which they had been trafficked.

- *Snapshot stories. Invisible victims of human trafficking in Thailand* (Hall 2011) presents twelve cases of human trafficking of which five involve trafficking into the Thai fishing industry. The stories outline the men's experience of recruitment and exploitation.
- *Troubled waters. Trafficking of Filipino men into the long haul fishing industry through Singapore* (Yea forthcoming) analyses cases files of 63 trafficked Filipino fishermen kept by the Philippines Embassy in Singapore. The study presents profiles of these trafficked fishers, the *modus operandi* of trafficking within this sector as it operates through Singapore and the nature of exploitation suffered by these fishers as well as what happened after leaving trafficking.

In Oceania:

- *Not in New Zealand's waters surely? Labour and human rights abuses aboard foreign fishing vessels* (Stringer et al. 2011) studied allegations of abuse aboard foreign-crewed charter vessels fishing in New Zealand's exclusive economic zone (EEZ). There were over 2000 foreign crew working on 27 foreign charter vessels (FCVs) in New Zealand waters. The research examined which institutions were responsible for the working conditions of the largely invisible and vulnerable workforce on FCVs in New Zealand waters. The study found that within the fisheries value chain there was an institutional void pertaining to labour standards on board FCVs and, in many cases, disturbing levels of inhumane conditions and practices had become institutionalised.

Globally:

- *Transnational organized crime in the fishing industry. Focus on trafficking in persons, smuggling in migrants and illicit drugs trafficking* (de Coning 2011) considers if and how fishing vessels – and the fishers that crew them – are involved in transnational organised crime. One chapter considers whether human trafficking occurs in the fishing industry, the vulnerability of the industry to this crime and another chapter examines the involvement of transnational organised criminal groups and transnational fishing operators in marine living resource crimes (illegal fishing).

While trafficking at sea has been relatively under explored, there is a body of literature on work and labour issues for seafarers and fishers, including where this involves violations, exploitation and abuse. This body of knowledge, while not explicitly about trafficking, can help to shed light on different aspects of the seafaring and commercial fishing sectors, including how these may intersect with human trafficking and where human trafficking has gone unrecognised in

this labour sector. In addition, increasingly some recent reports have specifically sought to include exploitation, human rights and even human trafficking.⁶

Despite the publication of some fine reports on aspects of this problem, there remain many gaps in the body of existing literature about the issue of trafficking of seafarers and fishers that need to be examined in greater depth. It is also important to distinguish between a fishing vessel and a merchant vessel as fishing vessels are less regulated than the merchant fleet and are therefore more vulnerable to abuse and misuse.

Defining terms, outlining the context

Trafficking in persons. Trafficking in this study refers to the generally-accepted definition established in international legal documents, including the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons*⁷ (also known as the UN TIP Protocol or the Palermo Protocol). The Protocol defines trafficking in human beings in article 3a as;

[...] recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.⁸

Trafficking at sea. Trafficking which takes place involving seafarers and fishers in the context of at-sea activities (including fishing, transportation and fish processing, while on vessels, rafts, fishing platforms, or otherwise offshore). It does not include shore-based operations (e.g. fish/seafood processing and packaging, port based work, shore-based fish harvesting).⁹

⁶ These include but are not limited to: *The changing nature of high seas fishing. How flags of convenience provide cover for illegal, unreported and unregulated fishing* (Gianni & Simpson 2005); *Out of Sight, out of mind. Seafarers, fishers and human rights* (ITF 2006); *The social dimension of IUU fishing* (Whitlow 2004); *All at sea: The abuse of human rights aboard illegal fishing vessels* (EJF 2010); *Migrant workers in the Scottish and Irish fishing industry: Forced or compulsory labour or plainmodern day slavery* (ITF 2008); and *Closing the net: Stopping illegal fishing on the high seas* (High Seas Task Force 2006).

⁷ Also known as the Palermo protocol, this protocol is one of the three protocols which supplements the UN Convention on Trans-national Organised Crime, adopted by the UN General Assembly on November 15, 2000.

⁸ See United Nations (2000) *Protocol to Prevent, Suppress and Punish Trafficking in Persons*. New York: UN General Assembly.

⁹ The latter, while an important area of consideration and a high profile issue in the Southeast Asian region in particular, was not documented amongst the 46 seafarers and fishers considered herein. A unique aspect of the trafficked seafarers/fishers in this study was that all were professional seafarers and had accepted seafaring work, not work as fishers, thus leading to a broader discussion of seafaring rather than a focus only on fishing. That being said, according to the definition in C188, *Work in Fishing Convention*, any person working on board a fishing vessel is a “fisher” (ILO 2007).

Seafarer. The *Maritime Labour Convention* (2006) Article II(f) defines a seafarer as: “any person who is employed or engaged in any capacity on board a seagoing ship”. Seafarers hold a variety of professions and ranks and each of these roles carries unique responsibilities, which are integral to the successful operation of a seafaring vessel.¹⁰

Fisher. The *Work in Fishing Convention* (2007) Article 1(e) defines a fisher as:

a person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers.

Thus, in laymen’s terms, a fisher is an individual who works on a fishing vessel to collect and/or transport fish and fish products from one point to another. When someone is involved in some aspect of fishing – e.g. getting fish out of the sea, processing and handling fish, transporting and storing in the refrigerator – s/he is a fisher. That being said, there is an overlap between seafarers and fishers, particularly in relation to fish carriers.

Illegal, unreported and unregulated (IUU) fishing.¹¹ Fishing vessels that, for instance, operate without or in contravention of appropriate fishing licenses, in marine protected areas, or without reporting their catch in accordance with applicable fishing regulations are engaging in IUU fishing. Some forms of IUU fishing is also transnational organised environmental crime. IUU fishing vessels may remain at sea for extended periods of time, avoid contact with authorities and are often sub-standard. As a consequence of its clandestine nature, IUU fishing exposes fishers involved to a range of risks and violations, including the possibility of human trafficking. Fishers are also forced to commit fisheries crimes while trafficked, which can potentially complicate how they are perceived and received by authorities.

Crewing agency. Professional companies that match seafarers and fishers to vessels in need of crews, in exchange for a recruitment fee. Most crewing agencies offer little to no guarantee that the job they place the seafarer or fisher

¹⁰ The *Maritime Labour Convention* excludes fishing vessels, inland navigation, naval ships and ships below 200 gross tonnage in coastal areas from the scope of the convention. Nevertheless, according to the ITF, it is wide spread practice in Central and Eastern Europe and Commonwealth of Independent State (CIS) regulations for seafarers to be considered anyone working on board ships (including fishing, inland waterways and coastal and harbour vessels).

¹¹ For a definition of IUU fishing, please see Articles 3.1–3.3 in the FAO (2001) *International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing*. Rome: FAO. Some organisations and experts prefer the term “fisheries crime” or “marine living resource crime”.

in will be the one described. Liability rests with the employer to uphold their end of the contract.¹²

Fishing vessel. Any vessel used commercially for catching fish, whales, seals, walrus or other living resources of the sea.¹³ Fishing vessels are not covered by the SOLAS convention.¹⁴

SOLAS convention vessel. All commercial vessels are categorised as either SOLAS or non-SOLAS. SOLAS-convention vessels ships are essentially all commercial vessels that fit within the definition of a SOLAS ship (as defined in Maritime Rule Part 21) which is any ship to which the SOLAS 1974 applies, namely: a passenger ship engaged on an international voyage; a non-passenger ship of 500 tons gross tonnage or more engaged on an international voyage. Fishing vessels are not covered by the SOLAS convention. A “seafarer” on a SOLAS vessel has different protections than one on a fishing vessel. Moreover, the definition of a “fishing vessel” in the SOLAS-convention is narrower than in the compliance agreement of FAO.

Vessel owner. Any person or corporation possessing title to a vessel and the proceeds of its services. Owners need not be (and often are not) present on board the vessel. Some vessel owners charter the vessel to an “operator”, although this differs by context and region. Some registered vessels owners are essentially shell companies in a tax haven, particularly when the vessel is registered in a state that is unable or unwilling to exercise its jurisdiction and duties over the ship (i.e. a flag of convenience).

Service provider. Organisations and individuals that provide one or more of the range of services and assistance provided to trafficking victims. These may include social workers, psychologists, shelter staff, medical personnel or legal professionals from governmental (GO), non-governmental (NGO) or international organisations (IOs).

Assistance and protection. Measures, programmes and services aimed at the recovery of trafficked persons as outlined in Article 6 of the Palermo Protocol. These may be offered by governmental, non-governmental or international organisations in countries of destination, transit and origin. These might include but are not limited to: accommodation/housing, medical care, psychological assistance, education, vocational training, life skills, employment and economic

¹² As per ILO conventions, including *Maritime Law Convention* and *Work in Fishing Convention no. 188*, seafarers and fishers should not be charged recruitment/placement fees. Ukraine has not signed and implemented this requirement.

¹³ See article 2 of the *Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels from 1977*.

¹⁴ The *International Convention for the Safety of Life at Sea (SOLAS)* is an international maritime safety treaty. In its successive forms, it is generally considered as the most important international treaty concerning the safety of merchant ships. SOLAS (1974) requires flag States to ensure that their ships comply with minimum safety standards in construction, equipment and operation.

empowerment, legal assistance, transportation and family mediation/counselling. Assistance may involve one or multiple services.¹⁵

Identification. The process by which a trafficked person is formally identified as trafficked (or potentially trafficked) in an appropriate, sensitive and timely fashion. Ideally this also involves being provided with suitable options for referral and assistance at home and/or abroad, depending on the situation.¹⁶

Reintegration. Reintegration refers to the process of recovery and socio-economic inclusion following a trafficking experience. It includes settlement in a safe and secure environment, access to a reasonable standard of living, mental and physical well-being, opportunities for personal, social and economic development and access to social and emotional support. In many cases, reintegration will involve return to the victim's family and/or community of origin. However, it may also involve integration in a new community and even in a new country, depending on the needs and interests of the trafficked person. Thus, in laymen's terms, reintegration refers to a broad range of measures over a period of some time that aim to support and assist those who have experienced problems of various kinds because they were trafficked.¹⁷

¹⁵ Please see Surtees 2008a: 48.

¹⁶ Please see: Brunovskis & Surtees 2012b.

¹⁷ Please see: Brunovskis & Surtees 2012a & Surtees 2008a: 11.



4. Backgrounds of trafficked seafarers from Ukraine



*Photo: Ukrainian seafarer trafficked to Russia for illegal crabbing.
Photo credit: Anonymous trafficked seafarer.*

Sex and nationality

The 46 trafficked seafarers and fishers considered in this study were all adult men, consistent with the composition of the seafaring sector generally. All were Ukrainian citizens, although two were born in Russia and one in Moldova. This is not to say, however, that only Ukrainian seafarers and fishers were exploited in this way. The men included in this study reported being exploited alongside seafarers of other nationalities.

Age

Trafficked seafarers and fishers ranged in age from 18 to 71 years when trafficked, the largest number of whom were between 26 and 35 years of age (15 or 32.6%); 36 and 45 years of age (13 or 28.3%) and 18-25 years (10 or 21.7%). Of note were the handful of cases in which trafficked persons were between 56 and 65 years

and, in one instance, 71 years of age. In this latter instance the man worked in seafood processing, trapped on a platform at sea, 15 miles from the South Korean shore.¹⁸

Men trafficked to Turkey ranged in age from 33 to 61, with the majority in their 40s. Those trafficked to Russia ranged from 18 to 54 years, with 16 of the 38 (43.2%) under the age of 30.

Table #1: Age of trafficked seafarers and fishers from Ukraine

| Age of trafficked Ukrainian seafarers and fishers | Number (and %) |
|---|----------------|
| 18-25 years | 10 (21.7%) |
| 26-35 years | 15 (32.6%) |
| 36-45 years | 13 (28.3%) |
| 46-55 years | 5 (10.9%) |
| 56-65 years | 2 (4.3%) |
| +65 years | 1 (2.2%) |
| Total | 46 (100%) |

Age can be a factor in vulnerability to exploitative conditions and circumstances. One seafaring expert explained how both younger seafarers (because of their inexperience) and older seafarers (because of their age and, thus, lack of appeal on the job market) may be particularly vulnerable to trafficking as they are more likely to accept (or perhaps even be targeted for) exploitative circumstances. One older formerly trafficked seafarer, in his 50s when interviewed, made a similar point, explaining how his age was central in his current inability to find work in his profession:

I went to sea two times [since being trafficked]. Those two times were good experiences, with excellent relationships and a good team. However, now the recruitment agencies refer to my age and do not take me anywhere.

Generally every month I contact all the crewing companies and ask if they have any work. They say: “No, you should understand it’s because of your age. We hire young people without any problems”. I even saw an advertisement in the street. The work was for young people. They hire young people not older than 25 years old.

¹⁸ Maritime law stipulates that 12 nautical miles (about 13.8 land miles) is within state territory, beyond that is international waters. This means that the platform was *outside* South Korean territorial waters.

Similarly, one young seafarer explained how it had been important for him to accept any position offered to gain experience that could then lead to better positions in future:

This was my first contract and my first time to work at sea. The salary was 900USD per month and that was good money and I couldn't wait to start. I had to gain any experience to be able to advance later on.

Family situation

Men's family situation varied – most were married or in common-law relationships 27 (or 58.7%), while twelve (26.1%) were never married, six (13%) were divorced and one (2.2%) was widowed.

Table #2: Marital status of trafficked seafarers and fishers from Ukraine

| Marital status | Number of trafficked seafarers/fishers |
|-------------------------------------|--|
| Married or common-law relationships | 27 (58.7%) |
| Never married | 12 (26.1%) |
| Divorced | 6 (13%) |
| Widowed | 1 (2.2%) |
| Total | 46 (100%) |

Marital status was largely consistent with men's age and stage of life, with younger men more likely to be single or married without children and older men married or divorced, often with children. Many were fathers – 29 of the 46 (or 63%) – regardless of their marital status. That is, while married men generally had children, so too did all six of the divorced men and over a third of the single men (eight of the 21 or 38.1%). In some interviews, the need to support one's family was a key contributor in decisions to accept work, as one service provider explained:

Mostly people who went to work at sea, they hoped to earn the money to pay for their children's education or to pay off debts, bank loans, mortgages...

However, pressure to support one's family is not unique to seafarers; it is a pattern and pressure that has been noted amongst male and female trafficking victims of both labour and sexual exploitation as well as a factor in decision-making amongst migrants generally.

Education, professional training and experience

Ukrainian men trafficked at sea were not typically "rank and file" sailors and had professional seafaring qualifications and accreditation. Of the 46 men, 40 (or 87%) had received tertiary level education through accredited maritime schools

and academies. They served in different positions and ranks on their vessels, including as captain, captain's assistant, navigator, cook and electrician, among others, each of which involved a specific course and qualification process. As one seafarer explained:

In Ukraine it is usually right after the eighth or ninth year of school¹⁹ that youngsters go to study at the technical college for three and a half years. There they acquire the knowledge and profession of a sailor, so "rank and file". In order to become a navigator one needs to accomplish university studies for five to six additional years.

Of the remaining six seafarers, five had completed high school and one had middle school education but had, in addition, received basic level seafaring certification. There was no discernible difference in the education of men trafficked to Turkey, Russia or South Korea.

As one seafaring expert explained, there are a range of different avenues for training and qualifying as a seafarer in Ukraine but all involve higher education:

We have colleges, we have maritime schools and we have academies as well as training centres where seafarers upgrade their knowledge. You have, for instance, the OS (Ordinary Seaman) working diploma. But if you want to become an officer or you want to upgrade to become an AB (Able Seaman), you go there and get some training.

As relevant as education was professional experience. Experience was a factor in the decisions of a number of (inexperienced) seafarers to accept the contracts that led to them being trafficked. One seafarer explained how pressure to gain experience can lead seafarers to accept any work offer, even when faced with information about possible risks and problems one might face:

Even if there was someone to [teach about risk] to students in the maritime colleges or universities, they will not take it seriously. They would probably think: "It is not going to happen to me. I need a stamp, I need a contract and I agree to anything to acquire professional experience". In Sakhalin they promised me a salary of 900USD. Frankly I didn't look at how much they were promising to pay me. I needed to gain professional experience. That is why I agreed to go.

Lack of experience may contribute to seafarers' vulnerability in that they are less likely to be hired by companies that prefer more qualified and experienced crew, making them more willing to accept the first available offer or be targeted by unscrupulous crewing agencies. One young man explained how he learned through a friend about a company that accepted less experienced crew. The

¹⁹ Roughly equivalent with students aged 14-15 years old.

company proved to be heavily involved in the trafficking of seafarers and fishers in the Odessa region:

Through friends, I learned that the company was recruiting sailors. Because I had little experience and I was not yet 21 years old, other firms did not want to hire me.

A representative of the seafarers' trade union made a similar observation:

To get a job placement on a good vessel is quite tough... especially if you have no practice. That is why [young seafarers] go to the crewing agency and agree to go somewhere as a temporary measure. To go to a bad vessel for low wages without any contract. To get practice, to get stamps in their seamen book²⁰ for the next time.

Nonetheless, the majority of trafficked seafarers had worked at sea prior to being trafficked, many on a number of occasions and for many years. Experience was not in and of itself a sufficiently protective factor, particularly when, as will be discussed in subsequent sections, the recruitment process and job offers were consistent with past experiences.

Another potential risk factor, linked to education and experience, may be (the lack of) language skills. Language skills may represent a significant factor in the risk calculus for seafarers in danger of being trafficked. Knowledge of the English language has become increasingly important in modern seafaring. Seafarers without English language skills often find it difficult to locate appropriate placements. Language capacity was a feature highlighted by one representative of the International Transport Workers' Federation (ITF), an international union working to protect the interests and rights of seafarers:

The other thing for Ukrainian seafarers applies also to other non-English speaking seafarers... They do not learn English or do not have proper English [which is] necessary professionally. So they are also at risk of not finding a good work place. Moreover, they are at great risk once they face problems somewhere abroad, not being able to explain the problem they are facing, to approach the authorities because they do not speak English properly.

Language requirements and capacity is also an important distinction between seafarers and fishers. Officers in international shipping are required to be able to communicate in English and ordinary seafarers must be able to understand English. By contrast, there is no such requirement for fishers.

²⁰ The seaman's book is the primary document for any crewmember. There are two types: a seaman's book and a discharge book. A seaman's book is a passport for seafarers when landing in a foreign country and a discharge book is the same but, in addition, is also a logbook where all details of their work on-board the vessel are recorded – e.g. the vessel owners, trips/voyages undertaken, vessel names, duration of voyage and position on board.

Economic situation

An important and overarching risk factor for Ukrainian seafarers was the economic situation in the country and their limited opportunities. One man had not been able to find a seafaring position for five years when he accepted the position that eventually led to him being trafficked; another was unable to work since 2001 as he did not have money to pay the fees for documents and recruitment. One seafaring expert observed that the market is so competitive due to the overall poor economic situation in the country that only officers and highly qualified seafarers are in demand. Others are left potentially vulnerable to unscrupulous recruitment:

If they are not officers... it is once again difficult to find jobs. There is no getting past the queues in the crewing agencies due to the [economic] crisis. Ukrainian officers are more wanted on the market [than other seafarers].

The men reported different economic situations prior to being trafficked. The majority (65.2%) reported being poor when recruited. However, because seafaring is a comparatively well-paid profession in Ukraine, it is difficult to weigh the significance of these economic assessments. Interviews with seafaring experts suggested that the salary of seafarers compared favourably with other labour sectors. It is difficult to say if they were objectively “poor” or simply worse off relative to their past situation. Certainly some seafarers accepted contracts because of the high wages promised, wages which compared favourably with many on-shore employment opportunities as a number of seafarers explained of their decision-making:

We were attracted by the high wages because we do not have such high salaries anywhere. And when they offer you money and when the financial situation at home is bad, that is why we agreed... We agreed because of the salary.

They said that I would have a salary of 1400USD per month. At that time in Odessa the salary was 1000USD. When they offered a salary that was almost one and a half times more, then certainly I agreed.

They promised to pay 4000USD per month and, in addition, to provide food, clothes and medical treatment. That can look very appealing... The promise of being able to earn around even just 1000USD can be quite appealing especially when it is a case of a seafarer with family and kids.

Not all trafficked seafarers/fishers considered themselves poor. Eight men (17.4%) described their economic situation as average and seven (15.2%) reported being well off. Thus, it is also important to disentangle economic “need” from “want”.

One seafarer described family pressure to earn money that would afford them the material goods and situation that they aspired too, an important distinction from economic need at the level of basic necessities.

Table #3: Self assessed economic situation prior to trafficking

| Economic situation of trafficked seafarers prior to trafficking | Number (and %) of trafficked seafarers |
|--|---|
| Well-off | 7 (15.2%) |
| Average | 8 (17.4%) |
| Poor | 30 (65.2%) |
| Very poor | 0 (0%) |
| No response | 1 (2.2%) |
| Total | 46 (100%) |

Further, financial need was not the only factor in decisions about working at sea. A strong personal desire to work as a seafarer—in their field of training and expertise—was often a significant motivating factor. Many of the trafficked seafarers considered in this study have since returned to work at sea.

* * * * *

Ukrainian trafficked seafarers and fishers were all adult men and Ukrainian citizens. They ranged in age from 18 to 71 years. Most (60%) were married or in common-law relationships; the majority were fathers. Ukrainian men trafficked at sea were not typically “rank and file” sailors and had professional seafaring qualifications and accreditation. The majority had worked at sea before; for a handful this was their first time at sea. The majority (65.2%) reported being poor when recruited. However, because seafaring is a comparatively well-paid profession in Ukraine, it is difficult to weigh the significance of these economic assessments. Eight men (17.4%) were from an average economic situation and seven (15.2%) reported being well off. Financial need was not the only factor in decisions about working at sea. A strong personal desire to work as a seafarer was often a motivating factor.





5. Looking for work. Patterns of recruitment

In Ukraine, formal recruitment of seafarers is done through legally registered and licensed crewing agencies, which specialise in placing seafarers on ships.²¹ In Odessa alone there are over 100 crewing agencies.²² However, it is worth noting that Ukraine has not ratified the two ILO conventions (no. 9 and no. 179) that deal specifically with the regulation of recruitment and placement agencies.²³



*Photo: The port in Sevastopol, Ukraine.
Photo credit: Jan Krčmar.*

Initial recruitment and crewing agencies

How trafficked seafarers came into contact with crewing agencies differed. In many cases (29 of 46 or 63%), recruitment was through personal contacts

²¹ By contrast, other forms of work abroad (like construction) is arranged through employment or job placement agencies which are also licensed and monitored by the Ministry of Labour and Social Policy (renamed by administrative order in December 2010 to the Ministry of Social Policy).

²² In coastal cities and regions in Russia, there is also this trend of recruitment for seafaring. There are 42 officially licensed crewing companies in Kaliningrad Oblast functioning officially under license (Turukanova 2006: 6).

²³ ILO convention no. 9 is the *Placing of Seamen Convention* (1920) and ILO convention no. 179 is the *Recruitment and Placement of Seafarers Convention* (1996).



(commonly friends and seafaring colleagues) who referred them to different crewing companies and, in some cases, with whom they approached the company. One man, having heard about opportunities through one crewing company, went with six of his friends to find work. Another explained how he followed the lead of his friend who had already signed on for work with this company and went with him to sign up for work himself.

Of the 46 men, 17 (or 37%) found their position through newspaper advertisements of crewing companies, while looking for work. All seven men trafficked to Turkey found work in this way.

Table #4: Recruitment methods amongst trafficked seafarers from Ukraine

| Means of recruitment | Number of trafficked seafarers |
|---------------------------|--------------------------------|
| Through personal contacts | 29 (63%) |
| Newspaper advertisements | 17 (37%) |
| Total | 46 (100%) |

One experienced seafarer explained how he approached the crewing agency, recruitment that ultimately led to being trafficked. Of note was that he was aware of the official and correct recruitment process, having been (successfully) to sea many times in the past, and asked all of the “right questions”, including that the crewing agency provide documentation of its legality and legal contracts with conditions of work and pay:

We came to the office, they told us about the fishing boat, they said it is a difficult working environment but it is all legal and legitimate and okay... I asked if the boat was legal and if fishing was legal and he said, “Yes, the boat had a license to fish crabs”... And I asked them to give me a copy of the [crewing company] license, which he did.

Recruitment was generally consistent with how seafarers had been recruited for past jobs, as one man explained when asked how recruitment in this instance differed from his “successful” recruitment:

No, it was all basically the same [as my past recruitment], the same job, the same boat. So I knew already my job and it was basically all the same.

While generally seafarers contacted crewing agencies about employment, a few seafarers trafficked to Russia described being contacted by agents recruiting seafarers for crewing companies:

One woman somehow found out my cell phone number. She called me and invited me to work through [that company]. She gave me their address and phone number. She asked for 50USD for her services but I had no money and I said that I would give her money after the trip.

They called me at home and asked if I was interested to work as a cook. I said, “Yes”. They invited me for an interview. I went to Mariupol with all my documents... They conducted an interview with me, checked my documents and told me that I had the right profile.

In other instances, recruitment was less formal. This was the case of one older man, 71 years, who was trafficked to South Korea. He was a pensioner who was visiting his family in Russia and learned about the opportunity to work in a seafood processing plant from a neighbour who was going to work there. He wanted to earn money to help pay for his grandson’s wedding. He was told by the recruiter that he was entitled to travel without a visa because he was born in the area. The recruiter promised good working conditions in an automated seafood processing factory; he was promised a salary of 1000USD per month. He instead was forced to can seafood on a platform at sea, 15 miles off the coast of South Korea.

Agency complicity in trafficking

The extent to which crewing agencies were aware of and complicit in the intended exploitation of Ukrainian seafarers/fishers remains unclear. Understanding the precise intent of crewing agencies has important implications for prevention efforts (including how to improve the legislation and regulation of crewing companies) as well as prosecution (of trafficking cases and compensation claims). At least one seafarer trafficked to Russia suggested that the recruitment agency may have been not only aware of, but also invested in, the trafficking operation:

What we learned from the Russians who spent five years on the boat is that the person who was handling this whole thing in Ukraine was paid money for Ukraine sailors [who he was told] would not come back... The Ukrainian recruiter got about 5000USD for every seaman that he sent that way and he was told that the Ukrainian seamen would never be coming back.²⁴

Similarly, the recruiter of men trafficked to Turkey seems to have been complicit in the trafficking scheme, as one of the service providers who worked with the seafarers upon their return explained:

They all went together with [the recruitment agency staff to Turkey]. The ship-owner, we learned through our interviews with the seafarers, turned out to be her partner. The business link was well established.

²⁴ To the extent that such statements are accurate and reliable, this raises important questions about the scope of this form of trafficking from Ukraine and in countries like Russia and the risks involved. It is worth noting that in SE Asia there have been allegations of trafficked fishermen being killed and thrown overboard, consistent with this claim.

Contracts and agreements

Ukrainian seafarers/fishers trafficked to Russia signed what they understood were legally binding agreements with reliable crewing companies and employers. Each seafarer interviewed still had all of the documents related to their trafficking experience – i.e. their contracts, receipts for recruitment/placement fees, plane tickets and travel documents – as well as their documents and accreditation as seafarers. Contracts were signed prior to departure, however, many were told on arrival that the contract was not valid and were given a renegotiated contract for a lesser amount. With few options for other work and no funds to return home, most agreed to the less advantageous contract.²⁵

While the seven seafarers trafficked to Turkey were also recruited through crewing agencies, one critical difference was that the work contract was signed in Turkey, directly with the ship owner. This meant that the men travelled without contracts that outlined the conditions, benefits and salary that they had agreed with the crewing agency.²⁶ When they arrived in Turkey they signed the contract directly with the ship owner. However the contract was not in Ukrainian language and they did not know the details of the contracts. It is unclear to what extent this practice is consistent with the experiences of non-trafficked seafarers. However it has been noted elsewhere (including amongst seafarers trafficked to Russia) that signing contracts upon arrival may result in less favourable terms.²⁷

In terms of the contracts themselves, one seafarer trafficked to Russia observed differences with his previous, positive experiences of seafaring with a German company:

The contract [with the German company] was more than 30 pages long and it covered everything – the uniform, the time when sailors see the captain to receive their salaries, how much a person should eat per day, the food, how much a person should work, how much paid overtime is allowed and if you wish to work... And on this kind of ship you actually want to work, so you can work on and on. Indeed you are very motivated to work on such a vessel. Whereas when you are on a Russian crab-fishing boat... the contract was one page long... Yes, the contract contained almost nothing. No insurance for the loss of health or the loss of arms or legs, nothing. The German company contract contained paragraphs on the loss of health by a sailor while employed

²⁵ This has also been noted in other studies where fraud and deception often takes place in the form of false promises regarding work conditions or payment, including, frequently, when work contracts are renegotiated on lesser terms when the victim crosses the border to another jurisdiction (de Coning 2011: 34; Gianni & Simpson 2005: 38).

²⁶ Seafarers trafficked to Turkey were promised monthly salaries which ranged from 900 to 4000USD per month.

²⁷ In SE Asia, the lack of contracts is common-place among trafficked fishermen (Brennan 2009; Robertson 2011; UNIAP 2009).

... if anything happens to the sailor on board, the German company takes full responsibility and there is even a clause on eventual funeral expenses.

However, another seafarer observed that differences in contracts were not an automatic signifier of problems. Variation may be due to differences between companies:

The contracts specify all of the conditions, the salary, it all depends on the company... But, in general, all the nuances on all the ships are almost identical. The contracts can be long documents, ranging from five to ten pages. It all depends on the type of company and the company's interest in working with seafarers. There could be ten or fifteen points or it can be even three points.

Discrepancies between initial contract terms and the final situation were an issue in terms of the vessels themselves. The men trafficked to Turkey and South Korea were aware that they would be sent to those destinations. However, of the 38 men exploited aboard Russian ships, 18 (47.4%) had agreed to work on Russian vessels. Others had been promised work aboard ships from Japan (15 or 39.5%), South Korea (3 or 7.9%), Turkey (1 or 2.6%) and Ukraine (1 or 2.6%).

Recruitment fees

Thirty seven (37) of the 46 victims (80.4%) paid the recruiter some fee or advance payment, which is consistent with how crewing agencies function in Ukraine, as one experienced seafarer explained:

Many crewing companies in Ukraine ask for a fee for their services of finding work for seafarers... It ranges from between 700 and 1000 USD, the sum that we had to pay for employment.

In many cases, the payment of fees appears to have been informal and unofficial. They did not receive a receipt or acknowledgement of payment.

One seafaring expert explained the common practice of paying a recruitment fee, which he also noted conflicts with international standards:

If you have certificates [for seafaring] for instance, you go to a crewing agency and they tell you: "Well okay, you have no practice, so we can employ you but it will cost you 1000USD". You pay this money, it is a bribe that you pay. Usually it is one month's wages...

Among seafarers included in this study, all who paid recruitment fees were trafficked to Russia. Amounts varied from 700USD to 1600USD, typically equivalent to one to two months wages promised in their contract.²⁸

It is worth noting that this practice is at odds with international labour standards whereby recruitment and placement charges are to be borne by the employer.²⁹ However, Ukraine is not a signatory to ILO Conventions that regulate recruitment and recruitment fees (namely Conventions 9 and 179) and the Maritime Labour Convention is not yet in force. Only one seafarer trafficked to Russia, a young man of 21 years, was not required to pay a recruitment fee. It was not clear why.

For some seafarers, paying a recruitment fee meant incurring debt. One seafarer who had been chronically unemployed for almost five years borrowed 1000USD from the bank to pay the fee; he used his contract as evidence of his ability to re-pay the debt. Another borrowed 2500USD from friends to cover the costs of recruitment and preparation to go to sea and to pay the costs of surgery for his wife, which was also the reason he urgently needed employment.

Seafarers trafficked to Turkey did not pay a recruitment fee but were required to pay for their own travel. They were told that the contract would be signed directly with the ship owner and that costs would be reimbursed upon arrival. No reimbursements were ultimately made.

Regulation of recruitment agencies

In principle, the recruitment sector is regulated. The Ministry of Labour and Social Policy in Ukraine controls the licensing of crewing agencies, which means companies must apply – with all of the formal documentation – for licenses when starting their crewing/recruitment business. In practice, however, the existing mechanism does not appear to provide sufficient safeguards to protect seafarers against fraudulent recruitment. One government official outlined the legal framework of licensing and monitoring while also acknowledging that it was not always what happened in practice:

²⁸ The majority—22 of the 37—were promised a salary of 750USD; the others were offered 700USD (1), 850USD (2), 870USD (2), 1000USD (1), 1200USD (5), 1500USD (2) and 1600USD (3). By contrast, according to the State Statistics Committee of Ukraine website, the average wage in Ukraine is 2,675 UAH, which is approximately 335 USD (please see: http://ukrstat.gov.ua/operativ/operativ2011/gdn/reg_zp_m/reg_zpm11_u.htm)

²⁹ ILO Conventions 9 and 179 do not allow the agency to charge workers for job placement. Charges are to be borne by the employer. Further, in the Maritime Labour Convention, Regulation 1.4 (on recruitment and placement) states that all seafarers shall have access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer and in 5b that a Member adopting a system referred to in paragraph 2 of this Standard shall, in its laws and regulations or other measures, at a minimum: (b) require that no fees or other charges for seafarer recruitment or placement or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be borne by the shipowner (ILO 2006: 20-21). In addition, ITF has developed a resource which outlines the responsibilities of crewing agencies as well as what they should not do which includes charging seafarers for job placements (ITF nd).

A crewing company is basically a company that gathers sailors for an order from an employer. Government oversight of crewing campaigns is done by the Ministry of Labour [and Social Policy], which issues licences. For a crewing company to be licensed they have to provide a variety of documents, including direct contracts with the employer for employment services. And part of these documents and paper work is that they have to provide a sample contract. Each time the crewing company recruits, they have to send the same papers, including the sample seaman's contract, to the Ministry. Under the licence the crewing companies have to fully inform the person about his rights and responsibilities. And the Ministry is responsible for ensuring that agencies are complying with their licence conditions. The rule is that once in two or three years a crewing company undergoes a monitoring visit. This is the legal framework. However, the implementation is different. The question is whether the implementation works.

A pressing concern for seafarers and seafaring experts interviewed was that crewing agencies in Ukraine do not have any responsibility or liability for the well-being (or violation) of seafarers whose placement aboard a vessel they arrange. One seafaring unionist outlined the system:

The crewing company finds the employee for the employer and the employer for the employees. They are just intermediaries, just finding the others. They sign the contract between you and other parties but they are not involved. They are just a connector and that is all. And if there are any problems on board or repatriation is needed, they are not dealing with these issues because [they say]: "We are only looking for a working place for seafarers and fishers and looking for new staff for the employer".

Agencies are not required to assure the work conditions and salaries they promise at recruitment. Responsibility for good, safe and reliable placements does not rest with the crewing agencies, contrary to international standards, as one seafaring unionist and former seafarer explained:

So they show you your employment contract and say: "This is a typical employment contract which will apply on board of this vessel". Some of them say: "You sign it here, we stamp it here. So you get your contract, you get a stamp in your seaman's book, you get your tickets, you fly". Sometimes they say: "You buy your tickets, no stamps in your seaman's book, no contract, you will sign it on the boat".

He went on to explain:

As a seaman, you trust this company. You go somewhere, [for example], to Africa. You go on board and then they tell you: “Well you have your contract and your wages are half what was promised in Odessa. If you want, you can sign it. If you don’t want to, just buy a ticket and fly back”... If a seafarer comes back, goes to the crewing agency, they tell him: “We have got no responsibility under Ukrainian legislation”. Because in the constitution of every crewing agency in Ukraine, there is no responsibility”. They are just providing consultancy services, nothing more. So literally they show the seafarer where to go and where to be employed.

Moreover, while complaints registered by seafarers and fishers may lead to an investigation and sometimes the suspension of a license, this was not inevitable. As one seafaring expert explained, if the company wishes to pursue unethical practices, there is space within the system for this:

We see that this issue is not sufficiently regulated or coordinated with governmental institutions. It is not regulated in the way that we think it should work. For example, if you hire people, then you take responsibility. And so the crewing companies, being the interested party, they have a strong lobby against legislators dealing with the issue of the responsibilities of crewing companies.

It is not too difficult to open a crewing agency under another title, if they wanted to keep working the same way. They could just make another company with another title.

Recruitment agencies were often viewed with scepticism and suspicion by industry experts in Ukraine, as illustrated by their observations below:

In Odessa alone there are 140 crewing agencies and only 20 or 30 of them are reliable, dealing with reliable ship owners, having transparent and standard contracts. But the others, over 80, they are just like brokers... And being a seafarer you do not know the end result. They get seafarers and then send them to another crewing agency which is sending them to the third crewing agency and finally they send them to a crewing agency which is somewhere [abroad] which is sending you somewhere and so where is the end?

In order for a seaman to be placed on a boat he needs to go to the crewing company. He needs to pay money to be included in the crewing company’s database, pay for medical examinations, get the certificates confirming his professional grade. The crewing company facilitates the signature of the contract and then sends the person away and afterwards

washes its hands [of him].... We believe that responsibility should lie with the crewing companies for seafarers placed by crewing companies and if the contract is accurate or not.

Trafficking occurs within a larger context of serious issues involving crewing companies. It was not only trafficked seafarers who faced problems due to the current recruitment process. The existing framework—with crewing services connecting but not accountable to employers and employees—allows fraudulent deception to occur. One seafarer, who was not trafficked but was deceived and cheated in the recruitment process, described his experience:

In 2002 I decided to go to work on-board a vessel and I paid money for that. There were 36 people and we were organised by one crewing agency in Odessa. They sent us to Crimea, between Yalta and Sevastopol. It is a small airport. They sent us to Simferopol by minibus and then we were 65 people. We stayed the night in a hotel. They gave us a standard contract and said: “Sign it and on board you will get the stamp”. They bought us tickets so we flew to Istanbul and then when we went out of the airport there were no agents, no one there.

He went on to explain that upon arrival in Turkey he tried to contact the crewing company:

I phoned up the agency and they told us: “Well, okay, we have got some problems, we don’t have an agent”. And then three hours later I phoned again and there was no response and we understood that they just simply sent us nowhere. We had to buy tickets [home]... I came back to Odessa with six others. At that moment in Istanbul when I understood that there was no response in the office I asked my colleagues whether there was someone in the police or someone from this city who can go and to catch them.

But what I knew and what I found out later was when the police came to their office there was no one in the office. We came back to Odessa and the police started a case but it ended without any result. They just vanished, the whole office. Now 65 people paid between 1000 to 2000USD so they got about 100,000USD at once. And no one can guarantee, with the legislation that we currently have, that you can avoid this happening.

One key issue is the lack of accountability on the part of crewing agencies that recruit seafarers. As illustrated by the experiences of Ukrainian seafarers interviewed (both trafficked and not trafficked), seafarers may be deceived in the recruitment and deployment process without any repercussions. To some extent this is an issue of legislation, as one former seafarer and trade unionist explained:

From the Ukrainian legal point of view, the [crewing agencies] are okay. They did not violate the law if they just send [seafarers] somewhere, even for an abandoned or for an arrested vessel.³⁰

Fact checking on placements

Increased information about recruitment processes and contractual arrangements may be one means of preventing trafficking as well as protecting seafarers' and fishers' well-being generally. At least some of this information may be available, for example, on the Internet or through organisations like the International Transport Workers' Federation (ITF).³¹ However, the recruitment process for the 46 trafficked seafarers/fishers was consistent with past (and successful) seafaring experiences and, in most instances, contracts and documents were technically in order. One man argued that he didn't see how it was possible at recruitment to identify that there would be a problem. What was promised appeared acceptable and reasonable, to the best of his knowledge at that stage, and it was only once he boarded the vessel that problems became apparent:

No, I do not know if there is really a way to check that. We signed the contract and under this contract we were supposed to be placed on the boat "Global". It was only after we arrived in Russia that we learned that we would be on a different boat. Up until then it was legitimate and we were in effect deceived when we were placed on a different boat. It is a relationship when you sign a contract. Both sides have obligations.

He also explained:

I have the pictures of the last boat that I was on. The recruitment company said that the vessel was in good condition but they really did not know what they were talking about. They did not know anything about the conditions of the boat. When I asked what sort of boat it would be, he just pointed over his shoulder at a calendar on the wall and said: "This is the type of the boat that you are going to".

³⁰ According to the Maritime Labour Convention, it is the responsibility of the state to control and monitor the activities of the crewing agencies. How the Convention will be implemented in Ukraine—e.g. increased monitoring, legislative change—remains to be seen.

³¹ The ITF provides a tool to "look up a ship", before signing an agreement to work. Seafarers can check conditions on board a vessel by entering the ship's name or IMO number. Please see: http://www.itfseafarers.org/look_up_ship.cfm. In addition, Equasis is a European Union project aimed at reducing substandard shipping. Its website also offers a tool to search for information about vessels. Information contained within the site is collected from many different maritime industry sources and is free of charge. Please see: <http://www.equasis.org/EquasisWeb/public/HomePage?fs=HomePage>.

He went on to explain about his arrival on the boat:

When I arrived there and got on the boat, it was deformed because it was so overloaded and you could say that this was fraud. There were holes in the powerhouse and there was water inside the boat. The recruitment company that sent me there said that the employer would need an assistant to the captain. However, when I embarked, the employer said there is no need for an assistant. When I came back to the recruitment company with the pictures I told them about the situation and they said that this was impossible, everything should be in order. This is how all things happen and I do not know really what to do in this case.

This raises questions about how seafarers and fishers can realistically protect themselves and check the veracity of offers. As one seafarer explained:

I have a brother who is an electrical engineer and he went to a crewing agency and they showed him pictures of the boat and it was bright, new and in good condition. However the actual boat was very old, built in 1980, the conditions were abhorrent. I also have a schoolmate who got into a situation like this. I had a phone call from him asking me to send him money so he could escape... I do not know how we can verify the working conditions from here, from Odessa. They show us pictures and it looks nice in the picture but the reality is different. And you know about it only when you get on the boat.

Another seafarer put it this way:

Other seafarers and some of my friends who are still working at sea, they all agree that it is difficult to foresee what one can encounter at sea. Because it is easy to create a fancy web-site with gorgeous pictures of a brand new boat and so on. But, in reality, it is only when you are on the spot that you realise that the situation and conditions are completely different from the ones described in the contract. So there was, there is, and there will always be fraud, slavery and duped people.

Facing limited options and alternatives

A number of the trafficked seafarers/fishers faced constrained professional and economic options and opportunities that influenced decisions around recruitment. Some had been unemployed for some time, while others were looking for work experience to start their careers. These constraints influence what will be effective in terms of prevention, as one seafarer and trade unionist explained:

In my view, one of the ways [to prevent trafficking of seafarers] is to educate seafarers, to give them as much information as possible. But then they are faced with the choice. Because if you have no practice, you have a certificate but currently you are not employed, then you have to find a job. So you go and you know that maybe you can get a good job on a good vessel in one year but now you have to earn some money to feed your family. Well you say: "Okay, I'll go". That's the problem. Basically they do not want to know anything about bad vessels because, being a seafarer, I know that I have to close my eyes and go rather than sit and wait.

Another anti-trafficking expert explained that information about risk and safe recruitment will have little impact in a context of constrained employment options:

In a situation when a sailor has been on land for two years and he's now offered a contract and they say: "You are not going to have social security and you are going to work 24 hours", some people would turn it down. But some people would say: "Okay". And so he takes the risk of being trafficked.

That is, many seafarers interviewed for this study had (or felt they had) no alternatives – whether because of family and economic pressure, the need to gain work experience and so on. Without alternatives, even well-informed seafarers will take risks in the recruitment process.

* * * * *

Recruitment of seafarers is done through legally registered and licensed crewing agencies. However, existing mechanisms do not provide sufficient safeguards to protect seafarers against fraudulent recruitment. Crewing agencies in Ukraine do not have any responsibility or liability for the well-being (or violation) of seafarers whose placement aboard a vessel they arrange. Seafarers may be deceived in the recruitment and deployment process without repercussions.

Most men were recruited through personal contacts (friends and seafaring colleagues) who referred them to crewing companies. Others found positions through newspaper advertisements, which led them to crewing agencies. Recruitment was generally consistent with how seafarers had been recruited for past jobs. Recruitment agencies may have been aware of, and perhaps even complicit in, the trafficking operation.

Men trafficked to Russia signed, prior to departure, what they understood were legally binding agreements with reliable crewing companies and employers. Men trafficked to Turkey signed their work contract upon arrival, directly with

the ship owner. Men trafficked to Russia paid a recruitment fee; those trafficked to Turkey did not. For some seafarers, paying a recruitment fee meant incurring debt prior to departure.

Recruitment practices were generally consistent with past, successful seafaring experiences, raising questions about how seafarers and fishers can realistically protect themselves and check the veracity of offers. Further, many faced constrained professional and economic options (i.e. long term unemployment, lack of work experience, family pressure) that influenced decisions around recruitment. Without alternatives, even well-informed seafarers and fishers will take risks at recruitment.





6. Going to sea. Transportation and embarkation



Photo: Russian vessels on which Ukrainian seafarers were trafficked for illegal crabbing.
Photo credit: Anonymous trafficked seafarer.

Destination countries for trafficked seafarers

There were three main destinations for trafficked seafarers/fishers from Ukraine considered in this study – i.e. Russia, Turkey and South Korea.³² This was their point of embarkation. However, the question of “destination” is more complex in the case of trafficking at sea. As important is the flag state of the vessel. In a strictly legal sense, the receiving state is the flag state of the vessel on which the trafficking victim is exploited,³³ at least when the vessel operates in international waters.³⁴ Seafarers trafficked to Turkey embarked on a vessel with a Panamanian flag; those trafficked to Russia were under a Russian flag.

³² The “destination” country refers to the country where the seafarers embarked on their vessel. However it is worth remembering that these vessels often passed through and/or entered ports in other countries. For example, seafarers trafficked to Russia were in Japanese waters and ports; those trafficked to Turkey sailed along the Mediterranean coast and entered ports in Turkey, Algeria, Syria and so on.

³³ From a legal perspective, this means that these seafarers and fishers were under the jurisdiction of that flag state. Flag states, therefore, have duties under national and international law to rescue trafficking victims on vessels flying their flag or at least create a legal framework when registering a vessel under their jurisdiction which makes it more difficult to conduct criminal activities of such nature.

³⁴ In territorial waters, legal jurisdiction is straight forward as the coastal state has the same jurisdiction it has on land. The legal basis for rescuing trafficking victims in the exclusive economic zone and in international waters is less clear.

Table #5. Destination countries for trafficked seafarers from Ukraine

| Destination countries | Number (%) |
|-----------------------|------------|
| Russia | 38 (82.6%) |
| Turkey | 7 (15.2%) |
| South Korea | 1 (2.2%) |
| Total | 46 (100%) |

Media accounts signal potential cases of Ukrainian seafarers being trafficked to other countries. For example, Ukraine’s State Security Service (SBU) has investigated the activities of a Crimean company allegedly involved in human trafficking, having sent 17 Ukrainian seafarers abroad illegally and having held them against their will in Cameroon and Benin.³⁵ In addition, studies of illegal fishing and maltreatment of seafarers/fishers also include cases of abused exploited (and possibly even trafficked) Ukrainian seafarers/fishers in other locations.³⁶

For the seafarers/fishers included in this study, the “destination” directly influenced how seafarers and fishers travelled to, and embarked on, their ships.

Seafarers and fishers trafficked to Russia carried legal documents and travelled by legal means to their point of embarkation. This involved a combination of train and airplane travel *en route* to Sakhalin Island, in the far east of Russia. One man described how he travelled:

I gave [the recruiter] 800 grivnys [100 USD] for his [recruitment] services and 250USD to buy me an airplane ticket. I also had a ticket and insurance. After two days we went with him and collected the airplane ticket. He gave me the ticket and I gave him 800 grivnys and I took a train to Moscow. In Moscow I boarded the plane and then went to Yuzhno-Sakhalinsk. In Yuzhno-Sakhalinsk I had an [agent] who met me.

Seafarers trafficked to Turkey made their own way to Turkey, flying to Istanbul, where they were met by a company agent with whom they signed a contract. However, when they arrived at the ship and requested reimbursement of travel costs, the employer refused, stating that he had not agreed to this arrangement. The men learned from crew members already on board that they had been working for some months without pay and there were problems with the vessel owner. The men wanted to go home at this stage but did not have money and their documents were withheld.

Transportation and movement to South Korea differed again. The man travelled with the recruiter and three other men to the city of Busan in South Korea.

³⁵ Please see: Radio Free Europe 2009.

³⁶ See, for example, Gianni & Simpson 2005 and ITF 2006.

When entering South Korea, the agent gathered their passports and spoke on their behalf to border authorities. They crossed without interference. A short time afterward, they arrived at the coast of the Sea of Japan, where a Korean man took custody of them from the agent. They were transported on a small boat to a platform, about fifteen miles out at sea. The Korean man informed them that he had paid money to the broker for all workers and that they must work for him for two months.

Waiting to go to sea

In Turkey, seafarers were taken immediately to their vessel. By contrast, upon arrival in Russia the men were generally taken to hotels where they waited for a period of weeks or months before being placed on vessels. Typically their passports were held by the agent. As one seafarer explained:

This [agent] met me, we got in a car and drove to Nevelsk, the most extreme point on Sakhalin. On the way, this person asked me for my passport and documents so that he could do the registration on the boat. I asked him, “Why am I not being placed on the boat immediately? Why am I being taken to a hotel instead?” He said because the boat was unloading crabs. He drove me to Nevelsk, put me in the hotel, gave me 200 Russian rubbles [approximately 7USD] for food. I spent a month in Nevelsk. He provided money for food but not as much as was promised in the contract. It was barely enough so we had to cook for ourselves. When I was in Nevelsk for this month I met many Ukrainians who were also recruited by the crewing agency and were sent to Nevelsk. They were sitting there waiting for their boats while their documents were held. All were promised good salaries in the contract and additional bonuses. We spent a month there; some people spent two months.

These patterns of delayed departure and holding seafarers’ passports were two of the key differences identified by this seafarer from his past, non-trafficking seafaring experiences:

There was a difference [between trafficking and non-trafficking experiences]. You are not placed on the boat immediately and, if you are sent to a hotel, then the normal process is to leave the passport with the person. But, in this case, the passport was taken away.

Indeed some (although not all) seafarers reported being concerned about this delay in departure but had few other options. One explained that he considered finding work abroad another ship, after waiting more than a month to embark, but was unable to do so:

It was impossible to get a job in another company, on another vessel, since our documents were taken, ostensibly for [work and border] clearance.

Others opted to return home because they were concerned about this unorthodox situation, as one seafarer explained:

Some people got psychologically distressed and they went home because they felt that, if they were not being placed on boats, then something was going wrong. They were sitting in the hotel for one month. They thought it was going wrong and that they had been deceived. So they went home.

Similarly, confiscation of documents was another way that the process differed from normal procedure and past experiences, as one seafarer explained:

[The agent] also took our documents pretending that he needed to have them checked by border guard service. However, usually it is done in the port when a ship is leaving the port.

Another problematic signal was insufficient arrangements for food and accommodation while waiting to embark. Some seafarers received food and accommodation (although less than promised in the contract); others were forced to use their own money to cover living expenses.

One man also explained how, while waiting to be placed on the ship, discussions with locals about promised salaries raised concerns of possible fraud:

While waiting [to embark] we used to talk with the locals. They said that they had never heard of a salary of 1000USD per month and it would be great if anybody received such a salary. They were surprised to hear that we were promised a salary of 1400USD per month because even local seafarers, who were directly involved in crabbing, never received such a high salary. But since we came there, we continued to sit and wait.

Additionally, the agent at the port of embarkation in Russia informed sailors that the contracts they had signed in Ukraine were not valid and that under their new contracts they would be paid less (generally half) of what was agreed in Ukraine. They were also told that work conditions would be different from those previously agreed. Having no money for air tickets home and most having incurred debt to get this far, many accepted the lower offer.

Embarking on vessels

After a period of time, in some cases several weeks, seafarers/fishers in Russia were eventually transported to their vessels, as one described:

One night at 7pm the [agent] drove up, put me and one other person in the car and travelled to Korsakov. We spent half a day doing all the

necessary formalities and then they let us pass through customs. We were placed on a very old boat and this agent left without saying a word. On this boat we went to the Pacific. We travelled for about twelve hours.



*Photo: One of the vessels on which Ukrainian seafarers were trafficked in Russia.
Photo credit: Anonymous trafficked seafarer.*

The men were transported by boat out to sea where they boarded their vessels because the ships were often unlicensed and crabbing illegally and they feared detection as well as possible escape by seafarers should they enter port. One seafarer described a journey of several hours to find an illegal fishing vessel that was “hidden” to avoid detection by the authorities:

From there we were taken on a tug boat to the ship. We sailed more than 24 hours, although for that distance a trip should take not more than an hour. It was explained as unfavourable weather. In actual fact we were twisting between islands, because the ship was hidden [from the authorities] and time was needed to find it.

In several instances, transportation was even longer and more constrained. The men were transported in a small boat for two days before reaching the larger vessel, during which time they were treated inhumanely – kept in one room, not given food and not permitted to use the restroom.

In Turkey, upon arriving in Istanbul, seafarers immediately embarked on their vessel. The man trafficked to South Korea was turned over, with the other men he’d travelled with, to a Korean man responsible for their embarkation. He was then taken aboard a fish-processing platform about fifteen miles out at sea.

Trafficked seafarers/fishers from Ukraine embarked on their vessels in Russia (under a Russian flag), Turkey (under a Panamanian flag) and South Korea. In South Korea, the man was exploited on a fishing platform at sea, off the South Korean coast. They all travelled with legal documents and crossed formal border crossings.

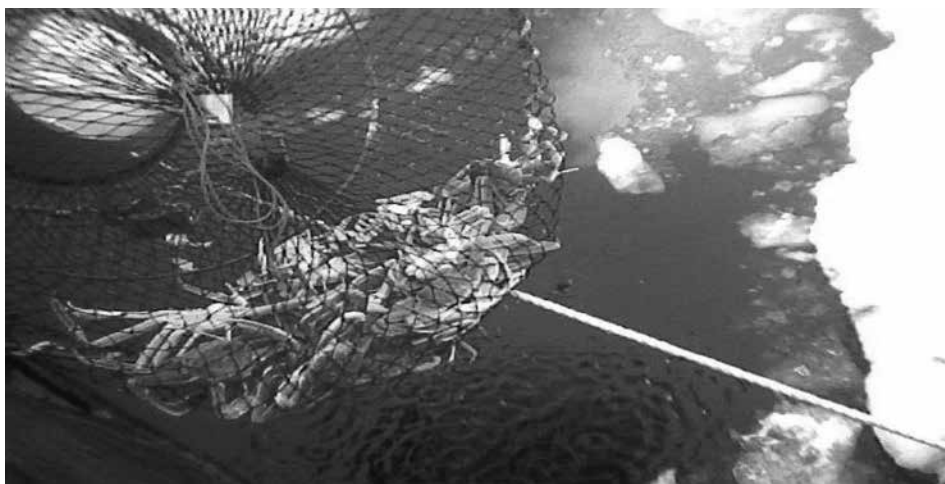
In Turkey, seafarers were taken immediately to their vessel. By contrast, in Russia, the men waited for weeks or months to be placed on their vessel, passports held by the agent. When they did finally embark, they were transported by boat out to sea where they boarded their vessels because the ships were unlicensed and crabbing illegally and feared detection as well as possible escape by seafarers should they enter port. The man transported to South Korea travelled with the recruiter and three other men. When entering South Korea, the agent gathered their passports and spoke on their behalf with the border authorities. They were transported on a small boat to a platform, fifteen miles offshore.





7. Life and work at sea. Experiences of exploitation and abuse

Ukrainian seafarers and fishers were trafficked on vessels that they embarked on in Russia and Turkey. Those who embarked in Russia were engaged in illegal crabbing. Seafarers who embarked in Turkey were tasked with transporting cargo from port to port along the Mediterranean coastline, originating in Turkey but moving not only along the Turkish coast but also to Algeria, Cyprus, Syria and Lebanon.³⁷ The man trafficked to South Korea was exploited at sea for seafood processing.



*Photo: Illegal crabbing in Russia by trafficked Ukrainian seafarers and fishers.
Photo credit: Anonymous trafficked seafarer.*

Boarding

Trafficked seafarers and fishers became aware of their precarious situation almost immediately after boarding their vessel. Men trafficked aboard Russian vessels described similar experiences:

It was already night when we came to the place and they told us that we had to board our vessel. They came up to the fishing boat but we

³⁷ They occupied different positions on the vessel – as captain, senior assistant, cook, electrician and regular rank and file seafarers.

could not see the boat. It was dark and it was difficult to board our vessel because the tide was high and the water was very agitated. So we did not see the name of the boat that we were boarding and someone noticed that the name was scraped off... We changed clothes and started working immediately. It was only the next day that we found out what the boat was and what it was doing. It was not the boat that was in the contract. This boat was fishing crabs illegally.

We were taken on a boat to go to sea and embarked on a ship that did not have any sign and name on it... When the boat went, we were told by those who were on board that they were working 24 hours a day, almost without sleep, no money paid and also that it was impossible to leave since the ship never entered port.



Photo: Dilapidated illegal crabbing vessel in Russia onto which Ukrainian seafarers were trafficked for fishing.

Photo credit: Anonymous trafficked seafarer.

This was equally the case for the men trafficked to Turkey, where they learned at embarkation that the existing crew had not been paid and conditions were extremely harsh.

In South Korea, after their arrival on the fish0-processing platform, the supervisor informed the new crew that they had been sold to and would work for him. When one of the men refused to work, security was called and he was beaten.

All trafficked seafarers and fishers worked alongside other male seafarers/fishers in similar situations. These men varied in age and, while many were Ukrainians,

there were also Russian nationals on the Russian ships. Those on the Turkish vessel were primarily Ukrainian, likely because of the direct link between the recruiter and the ship owner. In South Korea, the Ukrainian man was exploited alongside Russians. That this form of exploitation occurs in relatively large groups may present opportunities for intervention in that there is, potentially, safety and power in numbers. At the same time, the presence of guards on ships and platforms and the regular use of violence to control seafarers dramatically complicate this opportunity.

Working conditions

Many seafarers/fishers discovered that the agreed contractual terms would not be honoured after they boarded the ship, as one man trafficked to Russia explained:

At sea they told us the conditions of the contract, which differed completely from the one we signed back in Ukraine... Slavery started literally from the very first day of arrival on board the vessel. The Russians were acting rather aggressively; they considered themselves as seniors as it was not their first experience. There were also some representatives of criminal groups, who were on the Russian federal wanted list. They fled to Japan and managed these two old clunkers from Japan. I cannot think of another word for these two ships than old clunkers. When we arrived and they told us about the new conditions I, as the eldest and more experienced, asked a question: “How can we get home?” We had completely different contract conditions and, since the contract conditions were violated, we were not about to work there. I was told that if we wanted there was a boat that could come and take us from the ship and take us home for 2000USD. Certainly no seafarer had more than 100 or 200USD with him. That is why we had to agree to stay for the minimum period of time that they offered us.



*Photo: Ukrainian seafarer trafficked aboard an illegal crabbing vessel in Russia.
Photo credit: Anonymous trafficked seafarer.*

Without exception and regardless of vessel or destination, trafficked Ukrainian seafarers worked seven days a week, for eighteen to twenty-two hours each day.³⁸

Living and working conditions were universally harsh and inhumane. When asked to describe these conditions, the men recounted similarly distressing experiences:³⁹

I cannot say that we lived on the boat, speaking of living conditions, because we did not have time to go to our rooms. We were working all the time. The only rest time that we had was during storms. But that's not very restful.

It was about two and a half months or just a bit more... I was able to use the shower only once or twice. The temperatures were very low and it was very cold there.

We used to work all of the time. It was very wet and cold. We had about five minutes of rest. I don't know if you have seen this show on Discovery channel about crab catching in the United States or Canada? In the show they say that the seamen spend up to two weeks on the boat because of the hard working conditions. The crew of the boat that we replaced, they spent a year on that boat.

We stood above deck and drew out twine to catch crabs. This continued 24 hours a day, except for days when crabs were overloaded. In addition, everybody executed his professional duties. As a mechanic, I looked after the machines. We were allowed to sleep only a few hours and not every day. There were times when I did not sleep for four days. We rested on short breaks of 15 to 20 minutes.

The cook aboard the Russian vessel described the inhumane conditions of the seafarers he was exploited alongside:

During the crab catching period, they would sleep only five hours in three days. They would sleep right in the corridor while the ship went

³⁸ This is consistent with findings from other studies where fishers are often expected to work very long hours, sometimes with no days off and in some instances days on end (de Coning 2011: 27; Pearson 2006; Robertson 2011; Surtees 2008c; UNIAP 2009). One study noted that employment contracts obtained by the ITF stipulate working hours of more than 18 hours a day (Whitlow 2004). One fisher interviewed in the context of an ITF study described a working situation similar to that suffered by trafficked Ukrainian seafarers: We were taken by force to work even if we were sick. We were denied access to medication and treatment... We were given very little food and water. Most often we drink dirty water, so that some of us constantly suffer from severe stomachaches and diarrhea. We work 20 to 22 hours daily but were only allowed some two hours of sleep... We were hit like animals every time we committed errors in our work... (Whitlow 2004).

³⁹ Whereas living and working conditions on board merchant vessels are governed by international regulations and Port State Control (PSC) measures, there is currently no equivalent legal framework applicable to fishers and fishing vessels. This is exacerbated in the case of illegal fishing operations where the possibility of vessel forfeiture often causes owners to use older and unsafe vessels (de Coning 2011: 28-29).

from one crab trap to another. It would be about 15 minutes or half an hour, people would just fall down in the corridor dressed, dirty and not washed. I would ask them: “Will you eat?” And they would reply: “No, no, let us have a short nap because we will go to work again and will not have time to rest”.⁴⁰



Photo: Ukrainian seafarer trafficked aboard an illegal crabbing vessel in Russia.

Photo credit: Anonymous trafficked seafarer.

Basic necessities

In addition to brutal work and harsh conditions, basic necessities, like food and water, were universally scarce. Seafarers and fishers described the lack of basic necessities:

Food that was delivered for ten days was stretched out for a month. Food was extremely scarce... There was almost no drinking water. We had to collect rainwater or melt snow.

We had one bag of rice and five kilogrammes of meat for 22 people for one month and 15 tonnes of fresh water for one month. Sometimes we went to Okinawa, a port in Japan, and we were able to get some fruit. However, we were not allowed to go into the city.

We were promised about 150USD for food per month. However, the quality of food on the boat was very poor. Sometimes we had to eat the calamari and the lure that they used to catch crabs.

Food and water was limited. During downtime waiting for fuel there were times when our only food was fish that we caught ourselves. If there was no catch, there was nothing to eat.

⁴⁰ See also Surtees 2008c.

Service provider also described the situation faced by these trafficked men:

There was no electricity, the stove didn't work, the water pump was not working. So they used buckets to scoop water from the bottom of the rusty reservoirs. They would use water from the sea to cook. You can imagine their health condition as a result.

... the provision of food and water on the ship was coming to an end. The ship owner was stingy. He did not provide the ship with necessary funding to replenish food and water stocks and finally the entire crew found themselves in a very difficult situation... It is still unknown how they managed to survive. They used water from the sea not only for hygienic purposes but also to drink. There was no electricity because of a lack of fuel so they would burn what they could find on board and make a campfire on deck to cook their food. They would cook the residue of mouldy pasta... Even prison would be a better solution for them than a ship without provisions. They would be given a piece of bread in prison... something that they did not have on the ship.⁴¹

Access to food and water was one major distinction that a seafarer/cook drew between his time trafficked and his successful seafaring experiences:

My speciality, I am a cook... I used to order the products myself for the two ships that I recently worked on. I could choose the products. The situation was different. Whereas when we were in slavery, they were bringing us junk and, moreover, it was only half of what was needed. There was no water at all. We used to put some seafarers down on an ice flow; we'd put a hose and pump water to drink.



Photo: An ice flow, taken from the vessel on which Ukrainian seafarers were trafficked for illegal crabbing in Russia.
Photo credit: Anonymous trafficked seafarer.

⁴¹ This has also been noted in other regions – for example, in one case, Thai, Cambodian and Myanmar nationals were trafficked aboard the Thai fishing vessel *Praphasnavee 6*. More than 30 fishers eventually died as a result of scarcity of food and medicine, their bodies thrown into the sea (Krittiya 2007).

Injuries and illness

Occupational health and safety were serious issues under such brutal working conditions. Harsh and unsafe working conditions regularly led to serious injuries, illness and even death:

When we were on the Russian crabbing boat, we slept only two hours a day and all the time we were working. Sometimes people got really hurt when they were standing next to the crab traps. Sailors were standing and literally almost sleeping. The traps were falling and sometimes people lost their hands or legs. Nobody cared about this there.

We had to bring and sell the crabs alive. If they were dead, nobody would pay for them. So we used to pump water from the depth of one kilometre so that the water temperature was at least -1 or -2 degrees Celsius. Seafarers worked with this cold water. Crab was also caught from the same depth. It was literally ice cold. That was why seafarers had colds and related diseases. It happened once that a man just fell overboard and we could not save him. The two ships where we used to be slaves, they used to work in pairs. One ship had a sauna, they managed to turn the sauna on and put the man there, they managed to warm him up and save him. Our ship did not have a sauna and this other sailor died from hypothermia.

As a result of these conditions, many seafarers/fishers became ill and suffered a range of health problems, as they explained:

I became ill while on board since I was always working in the water.

Because of [the lack of food and water] many started having problems with their teeth. We used to work in wet clothes, with a piercing wind.

We had a seafarer who had some problems with his kidneys or bladder. His pants were all covered in blood. He had an inflammation, he felt very ill. And despite that they did not call for any medical care. If he died, they would have just thrown him overboard. It was evident that he was feeling badly. He was just sitting and they did not even ask him to work. He used to ask us for extra pants since his were all covered in blood. He could not walk.

Medical professionals also highlighted various illnesses resulting from the conditions seafarers endured while trafficked:

The crew began to complain about their health. One sailor had a splitting liver, the other [had problems] in the heart. Many had problems with their gums and teeth.



*Photo: Ukrainian seafarer trafficked aboard an illegal crabbing vessel in Russia.
Photo credit: Anonymous trafficked seafarer.*

Despite these health problems, there was no access to medical care aboard the vessels and no opportunity to obtain medical care when in port. As one trafficked seafarer/fisher explained:

I worked in ice cold water, my legs were wet. That's why I had purulent otitis [middle ear infection with purulent discharge]. I asked the captain for medical help but he said that I should hold on as there were no doctors and no medicine on the ship... I started encountering heart problems. I had difficulties breathing. I felt dizzy. However, I was denied any medical help... When the ship entered a Japanese port, I asked the ship owner to provide me with medical help. He said that there was no money and that I should wait. I had neither money nor insurance, so I couldn't go myself to doctors either in Korea or in Japan.

There was a case when one sailor got a chip in his eye and there was nobody to provide him with any medical assistance. Moreover the majority of sailors had gastric diseases. There was neither drugs nor medical care.

Contact with land and other vessels

Seafarers/fishers trafficked to Russia had their freedom of movement restricted and were generally not able to leave the ship when it was in port.⁴² Some vessels never entered ports at all.⁴³ In large part, this appears to have been a means of controlling the men. But it may also have been, at least in part, a result of fishing increasingly taking place far out to sea, due to the depletion of fish stocks closer to shore. Many fishing vessels are equipped to stay for prolonged periods of time at sea, with food, fuel and supplies brought aboard at sea via supply vessels).⁴⁴ Seafarers/fishers described their experiences of (often limited) contact with land and other vessels:

We docked at port twice in four months. The time was 6am. We were allowed off the ship for one hour. However, since it was very early in the morning, everything was closed.

When we were in slavery on that old clunker they would not let us enter the port because some seafarers who worked before us tried to escape. It was slavery-like conditions, people could not stand it any longer and tried to escape to the shore. But these criminals had it all covered because the local police caught the seafarers and brought them back to the ship. They then beat the seafarers and put them back to work. For the entire duration of my nine months there I managed to leave the ship only once. It was when I went ashore to collect the telephone SIM cards. I literally walked about five metres to the car to collect the cards. Apart from that, it was not possible to leave the ship during those nine months. They would usually have dogs around so that it would not be possible to go ashore at all.

The vessel never entered any ports; we always stayed on the ship... They used to bring us fuel and food, take the crab and drift away on the vessel.

The boats would offload the cargo at sea and we would get the supplies also at sea...

⁴² Access to port is often hampered by international security regulations, which require foreign crew to stay on board the vessel whilst in port (Kahveci 2007). The employment contract is also often structured to deprive the fisher of any payment should he decide to leave service on the ship early (de Coning 2011: 33).

⁴³ Fishers may be moved from vessel to vessel while at sea to meet crewing needs (UNIAP 2009). There are reports that large numbers of fishers are kept in 'work camps' on board derelict vessels, functioning as mother ships to fleets of fishing vessels, some 200 nautical miles off shore (EJF 2010).

⁴⁴ Many high seas fishing vessels tranship their catches to refrigerated cargo vessels while at sea and depend on at-sea refuelling and resupply vessels to allow them to fish longer and at lower cost. At-sea transhipment, resupply and refuelling is not, for the most part, illegal but, as part of fishing operations, they are often unregulated (a number of states regulate at sea transhipments). At least some vessels in these fleets provide services to IUU fishing fleets as well as legitimate fishing fleets (Gianni & Simpson 2005: 4).

Seafarers trafficked to Turkey did enter ports but their documents were withheld and they had no money if they left the ship. Moreover, the ship owner threatened them with arrest by Turkish authorities should they attempt to leave the vessel (i.e. without documents, visa, etc.). He intimidated the seafarers into staying on board with stories of the inhumane conditions and violent abuse supposedly prevalent in Turkish prisons.

Violence and physical abuse

While physical abuse was not common amongst men trafficked to Turkey, many men trafficked to Russia described violent abuse, directed against both themselves and their colleagues. They explained how violence was frequently used to control them and prevent rebelliousness over their working conditions:

There was a sort of supervisor. He was overseeing people, making sure everybody was working. He was sometimes beating people. One Russian was bruised so badly, he was spitting blood. Not only Ukrainians [were abused] but Russians also.

The so-called representatives of the firm treated us badly. When I wrote a statement to send me home, the senior watchman beat me and kicked out my teeth. He threatened to make me crippled, to cut me. There was the same treatment for every one of the sailors.

First they just tried to scare us but then they started using physical violence. Since I already had some experience working as a seafarer, when they tried to touch me, I rebuffed them and they stopped trying to mess with me. But other young men, especially those who were at sea for the first time, they no longer go to sea because their health was ruined there.

I even had to fend off the captain because he was in a bad mood... You try to cook for a person but then he is either late or in a bad mood because no crab was caught... The captain came, he ate his food and then decided to jeer a little bit. I was 50 years old back then and he was a big guy of maybe 35 years old and used to lift weights during his spare time... In other words, he thought that I could be his punching bag. He came and he pushed me. I thought he was joking and then he was pushing me harder, jabbing me in the shoulder. I fell on a box of crabs. When I rose I saw him already swinging his fist at me. I grabbed an axe, but he was clever, he looked at me knowing that I was serious, he began to retreat. I drove him directly to the bridge, no crew member went out... I knew from my own experience that if they behaved like that, there would not be any salary, god forbid that we come home safely. I was not the first whom they beat up... actually they only tried to beat me up, but the other guys were beaten and people were simply

afraid to go out of their cabins. So I drove the captain to the bridge and that case was over. When I went downstairs, all the others asked me: “How could you do that, he is our captain?” And I replied: “Guys, say thank you that they have not yet killed you”.

Because I refused to work, on several occasions I was beaten in the face by one of those Russians on board. Fortunately, all my teeth are intact and my nose is not broken. I tried to counter it but could not do anything.

Overall, seafarers faced great risk and were without any protection while at sea, as one service provider explained:

When they were at sea they were completely unprotected. There was no opportunity for protection. They were told that if one of them fell overboard, nobody will rescue them.⁴⁵

Abuse in the seafaring and fishing sector generally

The 46 trafficking cases discussed in this study represent particularly brutal and oppressive trafficking experiences. However, seafaring and commercial fishing are difficult fields of work and, not uncommonly, involve exploitative conditions and situations. A number of recent studies point to seemingly prolific human rights and labour abuses within these sectors⁴⁶. One study found that labour and human rights abuses were commonplace aboard illegal fishing vessels, including a lack of legally binding contracts (or renegotiation of contracts at sea); abandonment in foreign ports; physical and psychological mistreatment of crew; poor safety conditions; long shifts with little time to rest; inadequate medical services, equipment or facilities on-board vessels; and forced labour.⁴⁷ And more than one seafarer interviewed for this study described the challenging situations faced by seafarers generally. One Ukrainian seafarer outlined some of the problems within the sector:

They told me that I was going to receive 800USD per month... I worked the first month and they paid me the first salary only three months later. I was very surprised when the captain gave me only 400USD... I went to see the owner of the vessel and I told him that the contract I signed was for 800USD of salary plus overtime, which amounts to 1200USD... He then replied that I signed the contract in Ukraine and that now I needed to sign my contract here, right on the board of the

⁴⁵ From a legal perspective, the duty to protect seafarers/fishers is the ship-owner's and, as importantly, the flag state's which has jurisdiction for their protection and must take action either by itself or, if it does not have the capacity, to ask other coastal states to do so on its behalf. The (lack of) enforcement of this obligation is a significant issue in terms of the protection of seafarers generally, not least trafficked seafarers and fishers.

⁴⁶ See, for example, Gianni & Simpson 2005 and ITF 2006.

⁴⁷ Please see Gianni & Simpson 2005: 33-34.

vessel, because our Ukrainian contracts were not valuable and did not mean anything here. It is hard work on the ships, yes, but it should be paid properly. When you come from a voyage, they need to provide you with some sort of security net. We used to have trade unions during Soviet times. We could complain if the ship was detained. Now the ship owner simply leaves the ship at port, abandoning the entire crew to their fate, without any food or fuel. And with the ship being detained the crew can stay there for one year, two or even three and without any work. Now try to imagine the hardships. It is on the verge of living the life of a tramp.

Such experiences illustrate the limited leverage that seafarers and fishers possess in dealing with ship owners and companies. As a consequence, many seafarers described dismay and disillusionment with a profession in which they were so regularly put at risk:

When I am looking at young people in the streets, all in sailor uniforms, I think that they do not know what a slippery road they are on. That only one out of three or four will manage to have a good voyage and the rest of them will go through the same experiences that we had. Nobody makes them aware of such possibilities. Nobody prevents this.

A long time ago Ukraine was a great seafaring country and we had a great fleet. This is not the case now and Ukrainian seamen are being recruited and employed by dubious companies. This is the reason we get into situations like that and we work for peanuts... Many Ukrainian seamen go missing and we do not see them for years.

Not all seafaring experiences were bad. Some seafarers also described very positive crewing experiences, contrasting sharply with their trafficking experience:

Yes, there is a difference [between a normal experience of going to sea and a trafficking experience]. The conditions are decent there. I was eager to go for the second time after my first experience because my first experience was good. I just could not wait... I liked and found it an interesting experience. Yes, it is hard but it is very interesting. But after the second experience of being trafficked at sea there is no way I am going back... During the first good seafaring experience we used to receive regular salary payments as agreed from the beginning and stipulated in the contract. The work was from eight to twelve hours [per shift], depending on necessity. When we were trafficked, we needed to work 48 hours and rest for four hours.

[I worked for a] German company, a well known, good company. [There was] good food on board, a monthly payment of salaries, all contract conditions were implemented by the captain and fully controlled by the ship owner. Four months at sea, then two months break between voyages. [It was] a container ship. I was completely satisfied. All the overtime was paid, an eight hour day. But since it was a container ship a person needed to work four additional hours during overtime and overtime was paid double. So if you have a salary of 1000USD per month, you then receive 2000USD per month. To put it differently, you have 1000USD more due to overtime. The ship was always fixed in docks, the painting works were done in docks, no one was forcing you to work more than needed during the voyage – for example to paint or do something during the night time. Voyages like this do indeed exist but they tend not to take seafarers from Ukraine.

* * * * *

Ukrainian seafarers and fishers who embarked in Russia were engaged in illegal crabbing. Seafarers who embarked in Turkey transported cargo from port to port along the Mediterranean coastline. The man trafficked to South Korea was exploited at sea for seafood processing.

Without exception and regardless of vessel or destination, trafficked Ukrainian seafarers worked seven days a week, for eighteen to twenty-two hours each day. Living and working conditions were extremely harsh and basic necessities, like food and water, were universally scarce. Unsafe and hazardous working conditions regularly led to serious injuries, illness and even death. Many seafarers/fishers became ill and suffered a range of health problems including heart problems, liver dysfunction, problems with gums and teeth, bronchitis, kidney problems, bladder infections, gastric diseases and so on. There was no access to medical care aboard vessels and no opportunity to obtain medical care when in port. For many, health problems became chronic issues.

Seafarers/fishers trafficked to Russia were restricted in their movement and unable to leave the ship when in port. Sometimes vessels never entered ports at all. Seafarers trafficked to Turkey did enter ports, but their documents were withheld and they had no money if they left the ship. Moreover, the ship owner threatened them with arrest by the Turkish authorities. Violence was frequently employed against seafarers in Russia, to control them and prevent rebelliousness over their working conditions.



8. Lost at sea? Opportunities for identification and escape



*Photo: View of sea and ice flows from illegal crabbing vessel in Russia; trafficked Ukrainian seafarers aboard.
Photo credit: Anonymous trafficked seafarer.*

One of the key challenges in the fight to end trafficking is the identification of trafficked persons. “Identification” means coming into contact with trafficked persons in ways that can facilitate their escape from exploitation and give them access to post-trafficking protection and assistance. Identification is difficult because so much trafficking takes place “out of sight”, with traffickers consciously and strategically limiting contact between trafficked persons and others, particularly individuals and organisations that might be able to help them. Other obstacles to identification include language barriers and corruption.

At the same time there are entry point for identification including through port authorities and law enforcement agencies; seafaring associations and unions; government representatives from the country of origin; fisheries inspectors, coast guard officers, actors in the fishing and seafaring chain of operation; on-board monitoring mechanisms and seafarers’ family and friends. In addition, some seafarers escape themselves – for example, while in port – and many go unidentified until they return home and seek out or are offered assistance.



Consideration is needed as to who comes into contact with trafficked seafarers and fishers (and when/how) as well as and what role they can potentially play in the identification process, including any constraints they may face. Obstacles to identification include issues such as the site of exploitation (i.e. being isolated at sea), language barriers when in contact with possible identifying actors and corruption of authorities who should, in principle, be involved in their identification and assistance.

Obstacles to identification

Isolation at sea and on board

Identification of trafficked seafarers and fishers poses particular challenges, not least because they are literally isolated on their vessels, out at sea.

Even when authorities come into contact with vessels at sea, this does not automatically translate into identification. Contact with law enforcement authorities is particularly limited for many lower ranking crew members who are more likely to be trafficked and exploited. It is generally senior officers who are interviewed when coast guards conduct routine inspections at sea. Moreover, trafficked seafarers and fishers may not feel able to speak out in such settings, even if interviewed individually and separate from their exploiters. One seafarer trafficked to Russia described being detained by the Russian border guards at one stage during his trafficking but being unable to seek help because they were concerned only with the issue of illegal catch:

... we were standing there surrounded by Russian border guards but it was impossible to talk to anybody. They raided the ship and did not let us go anywhere.

Trafficked seafarers and fishers may fear being left in the hands of their traffickers after disclosing their abuse and trafficking. They may also fear being arrested for their involvement in any illegal activities on board – e.g. illegal crabbing in the case of the Russian seafarers.

Further, the ship owners and captains who exploited Ukrainian seafarers and fishers were well-versed on how to evade the authorities, as one man explained:

These criminals, they work in the Russian territorial waters.⁴⁸ They had very good navigation equipment and, if there were border guards, they immediately fled either to international waters⁴⁹ or to the territorial waters of Japan. Or maybe there exists some sort of agreement with

⁴⁸ It may also have been that they operated in the Russian exclusive economic zone (EEZ), which gives less jurisdiction to the Russian border guards than in the territorial sea.

⁴⁹ In international waters the flag state has primary jurisdiction. However, the law of the sea accepts boarding of vessels in international waters if there is suspicion of “slave trade” even by non-flag state vessels.

the vessels that catch crabs... because basically our end market was in Japan; we used to ship the crabs to Japan. Therefore we immediately ran far away from the Russians.

Even when vessels are in ports, opportunities for identification and intervention are few and far between. Individual seafarers and fishers do not generally come into contact with port authorities, particularly if they are prevented from leaving their vessel. And opportunities for vessel inspection is governed by legal/administrative procedures as well as practical constraints like the sheer volume of vessels and crew in the port. However, in some cases, illegal fishing operations have been uncovered based on information from lower ranking crewmembers. Crewmembers have left vessels and contacted the authorities of their own initiative to report the situation of that vessel.

Language barriers

One complicating feature in many cases is the language barriers between seafarers/fishers and identifying actors – i.e. persons who can identify them as trafficked (or at least in need of assistance). Without a common language, it is difficult for authorities to screen for vulnerability and risk. It is equally difficult for seafarers or fishers to ask for assistance or to comprehend assistance offers.

English is the common language used by most stakeholders and organisations; lack of English proficiency posed problem for Ukrainian seafarers. As one ITF inspector explained, many Ukrainians faced communication barriers while abroad:

The other thing for Ukrainian seafarers, for non-English speaking seafarers, they have a big problem once they face problems somewhere abroad, to not be able to explain what problems they are facing, to approach the authorities. They cannot approach the authorities because they do not speak English properly... They cannot just call and explain because they do not have an ability to communicate.

That being said, one expert noted that it was increasingly common in some countries for coast guards to have interpreters when doing law enforcement on fishing vessels. However, the issue of trafficking is generally not a part of the standardised questions; the focus is generally on the catch. It is also common that only senior officers are interviewed during routine inspections.

Corruption

Corruption (or fear of corruption) was a significant factor in decisions about who to approach for assistance in leaving a trafficking situation. In countries where corruption is rampant (or when victims originate from countries with endemic corruption), these fears may be particularly acute. One seafarer explained how he

opted not to approach authorities who he understood were somehow involved in the illegal crabbing and, thus, unlikely to help him. Another described how men who had tried to escape the Russian ship when in port had been brought back to the ship by law authorities:

It was slavery-like conditions, people could not stand it any longer and tried to escape to the shore. But these criminals had it all covered there because the local police caught the seafarers [who escaped] and brought them back to the ship.

In the case of one group of seafarers trafficked to Russia, the role of one law enforcement officer was integral in their release but also not without its problems, as one seafarer explained:

We escaped from the vessel [in Japan] and went to a local police station. We got to the police, but they just handed us back to the criminals. They called the ship owners who came and told us that they brought us tickets on planes and money. But we knew that it would be better and safer for us to come back on the ship and to stay with the rest of the crew. Otherwise we would definitely be killed or disappear in an unknown place. The police decided to call and bring the ship owners just to get rid of us since we could cause problems for the police. However one of the Japanese police officers helped us when he asked me to write down for him the coordinates of the second crabbing vessel that was at sea. I was barely able to write and hand him the paper with the coordinates before the ship owners entered the room. That Japanese police officer spoke a little Russian and, thanks to the information that I gave him, the Russian Federation authorities managed to arrest that second vessel. That was because that Japanese police officer did his work by posting those coordinates to relevant authorities.

Corruption can also complicate efforts in detecting trafficking at sea, as illustrated by one seafarer when he described how his ship (almost) came into contact with the authorities while trafficked:

Q: We are trying to understand what needs to be done to identify people that are having problems at the sea. What else could be done to find these seafarers or fishers?

A: When we were running away from the coast guards, the coast guards were chasing us, they were shooting a few times but they never got us. The Russian coastguards were not chasing us because they were bribed. The Russians were turning a blind eye.

Q: You said the boat had 17 holes in the front so I wonder how that boat can go faster than the coast guard boat?

A: With a boat like this and with about 30 tonnes of crab on board, there's no way that we should [be able to] escape.

An associated point in this case was that the seafarer in question wanted to escape the vessel but did not want to be rescued, despite his horrendous ordeal, because he feared the treatment of complicit authorities.

Identification entry points

Identification by port authorities and law enforcement agencies

Ports constitute one of very few places where trafficked seafarers have access to external persons who may be able to identify and assist them. Port State Control (PSC)⁵⁰ can be an important means of oversight when vessels come to port, particularly in the absence of flag state⁵¹ enforcement and oversight. Port authorities can inspect vessels and interview crew, which affords an important opportunity to learn about the living and working conditions on the vessel.

However, there are also limits in the case of fishing vessels. PSC is normally based on the International Convention for the Safety of Life at Sea (SOLAS) and the Standards of Training, Certification and Watchkeeping of Seafarers Convention (STCW)⁵² and fishing vessels are normally not covered by the PSC regime. Fishing vessels are also not covered by the International Ship and Port Facility Security Code (ISPS Code),⁵³ which means that no security clearance is needed.

Further, PSC inspections typically occur only when there already appear to be issues with a vessel – e.g. conditions that would trigger inspections, a complaint had been launched, etc. For counter-trafficking purposes, these interviews would also only be useful if port authorities had a sufficient understanding of forced labour and human trafficking and the duress that trafficked seafarers/fishers may be under, which would inform what to ask and how and where to conduct interviews and screening. Moreover, there would need to be a commitment on the part of port authorities to identify and assist trafficked seafarers.

⁵⁰ Port State Control (PSC) is the inspection of foreign ships in other national ports by PSC officers (inspectors) for the purpose of verifying that the competency of the master and officers on board, and the condition of the ship and its equipment comply with the requirements of international conventions and that the vessel is manned and operated in compliance with applicable international law.

⁵¹ The flag state of a commercial vessel is the state under whose laws the vessel is registered or licensed. The flag state has the authority and responsibility to enforce regulations over vessels registered under its flag, including those relating to inspection, certification, and issuance of safety and pollution prevention documents. The flag state also has responsibility according to the UN Transnational Organised Crime Convention (UNTOC) and the trafficking protocol. Where flag states have anti-trafficking legislation, this likely also would apply to trafficking on their vessels, regardless of where the vessels are in the world.

⁵² The 1978 Standards of Training, Certification and Watchkeeping of Seafarers Convention (STCW) established basic requirements and minimum standards for training, certification and watchkeeping for seafarers on an international level. Previously the standards of training, certification and watchkeeping of officers and ratings were established by individual governments, usually without reference to practices in other countries, which meant a wide variation in standards and procedures from country to country in spite of the international nature of seafaring.

⁵³ The ISPS Code is a comprehensive set of measures to enhance the security of ships and port facilities, developed in response to the perceived threats to ships and port facilities in the wake of the 9/11 attacks in the United States. The ISPS Code is implemented through chapter XI-2 Special measures to enhance maritime security in the International Convention for the Safety of Life at Sea (SOLAS), 1974.

Another complicating feature, as one ITF representative explained, is that the commercial interests of port authorities can, at times, conflict with the goals of those organisations assisting seafarers and fishers:

The port is not always so cooperative because it is commercial and to let the vessel stay for two to three days while the ITF inspector makes some claims to the court, it just takes time.

Individual seafarers and fishers do not automatically come into contact with port authorities, particularly if they are prevented from leaving their vessel. Moreover, hundreds of seafarers and fishers move in and out of ports each day making the sheer volume of people an obstacle in identification. Moreover, contacting authorities while in the port is often a complicated option for seafarers, as one service provider explained:

Most of them are scared of the police, that they would be stopped. Some people come to the police and say: “Do whatever, I want to go home”, that’s it. But some people are scared of the police. So they are trying to avoid meeting with the police.

Among the men trafficked to Turkey, fear of authorities was a deterrent in leaving the ship. The seafarers did not feel confident that this would lead to real assistance or intervention but rather would only replace one bad situation with another, as one service provider explained:

There was an opportunity to leave the ship. They were mooring to unload cargo. I think that it was possible to use the ramp to leave the boat since there was no armed security. But what for? They would be arrested and they were also concerned because they did not know what they could expect if they left the ship. Rumour had it that Turkish prisons are quite harsh... it was not even known if they would receive anything to eat in Turkish prisons. This is why they were not so keen to leave the ship.

One ITF representative noted that this was a justified concern, given that foreign seafarers have been arrested and detained in Turkey after leaving their vessels.

Opportunities for identification will necessarily differ from port to port. Just as there are “flags of convenience”⁵⁴ (where flag states are unable or unwilling to exercise their law enforcement jurisdiction over vessels flying their flags), there are also “ports of convenience”, where the port is unable or unwilling to enforce their own state’s maritime law. Such ports do not enforce fisheries management

⁵⁴ Flags of convenience refer to the business practice of registering a merchant ship or fishing vessel in a sovereign state different from that of the ship’s real owners and flying that state’s civil ensign on the ship. Ships are registered under flags of convenience to reduce operating costs or avoid the regulations of the real owner’s country.

and conservation regulations and may be open to corruption in ways that facilitate lax enforcement of fishing quotas and licensing requirements.⁵⁵ This lack of enforcement and opportunities for corruption represent serious obstacles in efforts to identify and assist trafficked seafarers and fishers.

While at sea vessels are generally “out of sight”, they do nonetheless come into contact with various maritime authorities – for instance, coastguards, the navy and border officials. However, depending on institutional jurisdiction, the focus of authorities’ monitoring efforts may be IUU fishing or other civil violations, rather than the living or working conditions of seafarers and fishers on board the vessels. And authorities with a mandate related to labour or trafficking issues may not have access to vessels. One seafarer explained how his vessel was stopped by maritime authorities but officials were only concerned with the ship and its catch, leading to a missed opportunity for identification:

Once we were caught and taken to Russia, we were standing there surrounded by Russian border guards but it was impossible to talk to anybody. They raided the ship and did not let us go anywhere. We were just sitting on the Russian shore.

He went on to explain:

...[T]hey looked for our fault. The shipowners had to pay a lot of money. But first of all they made us throw away all of the catch so that we arrived empty. You probably know that there are different articles of the criminal code... for example, a different article if a ship is involved in poaching and a different article if a ship just got lost by mistake in territorial waters... So they immediately ordered us to get rid of all the crab catch during the three hours that we had until the Russian tugboat came to take us to the shore... I heard the captain say that the agent was supposed to bring money to pay to register so that the ship could leave... If the ship was in some, let’s say “more civilised” port, no one would let this ship go anywhere because it was so old and in an emergency state that it ran the risk of sinking at any moment. They would even probably prefer the ship to sink rather than to have it afloat, because they would get good money. That was not a ship but an old clunker.

This highlights the need for a greater awareness of trafficking in the commercial fishing and seafaring industries and greater training on and provision of tools to intervene in such cases—e.g. screening tools, translators, legal authority, a specialised toolkit for routine at-sea inspections and so on. Where seafarers and fishers are considered complicit in illegal activities, such as IUU fishing, while trafficked, they risk being arrested and charged for their involvement/complicity

⁵⁵ Please see de Coning 2011: 57 & 113.



in the crime.⁵⁶ The possibility that the crew has been forced to engage in the ship's illegal activities must be considered by law enforcement personnel in terms of how seafarers/fishers are approached, their situation understood and interventions undertaken.

Identification by seafaring associations and unions

Other stakeholders may be able to play a role in identification in ports – e.g. International Transport Workers Federation (ITF) inspectors, crew members of other vessels, seafarer associations or unions and seafarer centres (e.g. Mission to Seafarers).⁵⁷ These institutions can be important sources of information and intervention for seafarers and fishers in ports.⁵⁸ However, the efficacy and advisability of these various avenues differs from context to context; some play a more prominent role in assisting seafarers and fishers.

Among seafarers and fishers considered in this study, the International Transport Workers Federation (ITF) played an identifying role. Seafarers trafficked to Turkey were able to leave the ship after contacting the ITF representative in London who, in turn, contacted the ITF representative in Turkey. The ITF was involved in taking the matter to court (initiating civil proceedings to recover wages) and paid for the men's travel expenses to return to Ukraine. However, contacting the ITF was almost accidental—the captain found the ITF's contact information on the bridge. One service provider working with men trafficked to Turkey explained how this unfolded:

[The captain's] role was quite significant since it was he who had contacted the ITF. None of the seafarers had money to put credit on their mobile phones but somehow the captain's relatives had recharged his mobile telephone credit. They had started worrying about not having news from him and decided to recharge his mobile credit and that is how he could contact ITF. It was by mere chance that he found the telephone number of the former captain in the cabin who had contact details for the ITF.

⁵⁶ Please see de Coning 2011: 55; Gianni & Simpson 2005: 34.

⁵⁷ Seafaring centers provide a range of outreach services and may be particularly useful for anti-trafficking efforts. According to their website, The Mission to Seafarers “provides help and support to those in need, working in more than 230 ports caring for the physical and spiritual welfare of seafarers of all nationalities and faiths. Through its global network of chaplains, staff and volunteers, Mission to Seafarers reaches out to seafarers by visiting them on their ships, offering them the hand of welcome and friendship, and caring for them in their hour of need”. In over 100 ports Mission to Seafarers also run centres where seafarers can contact home, receive assistance with problems faced and get a break from life onboard ship. See: <http://www.missiontoseafarers.org/about-us>

⁵⁸ The ITF represents the interests of seafarers worldwide, of whom over 600,000 are members of ITF affiliated unions. The ITF is working to improve conditions for seafarers of all nationalities and to ensure adequate regulation of the shipping industry to protect the interests and rights of the workers. The ITF helps crews regardless of their nationality or the flag of their ship. The ITF Seafarers Section maintains a network of over 100 ITF inspectors around the world.

Trafficked seafarers/fishers aboard Russian vessels were identified after one of them contacted the ITF while they were docked in Japan. The seafarer's message to the ITF was immediately acted upon:

The ITF representative [in Japan] told me: "I am in Tokyo and I am already on my way to you". And he did come to see us within a day. He was asking us to wait for him and told us to keep the vessel from going out of the port. Within 24 hours he reached our port.

In this case the seafarers/fishers were informed about the ITF's existence and mission, including how to reach an ITF representative and possibilities for assistance. Another formerly trafficked seafarer emphasised the role the ITF could play in labour difficulties faced by seafarers and the importance of bringing these issues to the ITF while in port:

If there is an ITF office in a town, it is advisable for seafarers to go there before it is too late... Seafarers usually trust the employers when they promise they will pay the salary when the ship is entering at port. The employers ask them not to write complaints to the ITF. But when the ship leaves the port and enters another, the employers come up with another set of promises. Seafarers should go immediately to the ITF without hesitation... This is an organisation that is able to solve problems on the spot. If the seafarers do not do it on the spot and does it when they come to Ukraine, it will be too late... ITF is a very serious organisation. It is capable of fining a vessel or even selling it and paying the debts, making the ship-owner incur all losses.

If seafarers and fishers have access to means of communication while at sea, it may be possible for seafarer/fisher organisations to maintain regular contact and oversight of their welfare. Both ITF and seafaring and fishing union representatives described receiving calls for assistance from seafarers and fishers aboard vessels. One union representative described a union-run call-in programme for seafarers and their families, which provides legal and psychological support to seafarers aboard vessels:

We are trying to help in any way, either giving some legal advice or offering counselling... you know how to deal with things, how to sort out an issue.

This approach yields a valuable opportunity to provide seafarers and fishers with information on their rights as well as strategies of intervention and escape, if necessary. However, there are limited opportunities for direct intervention while seafarers are at sea. Moreover, access to communication while trafficked was typically constrained, meaning seafarers in the most precarious situations were least likely to have access to a programme like this. For most men, especially those trafficked to Russia, mobile phones were confiscated when they boarded their vessel.

Exploiters were aware of the potential for ITF intervention. One man explained that he and his fellow crew were unable to leave their vessel because the captain was afraid that the crew was going to contact the ITF. He was aware that the crew had general knowledge of the assistance the ITF could offer. As one seafarer explained, information about the ITF is available to seafarers:

Every seaman has sort of a small pocket book or a booklet that lists all ITF ports where seamen can get assistance and everybody knows about it.⁵⁹

There are, however, limiting factors in the ITF's ability to intervene. These include the ITF's nature as a support organisation as opposed to a law enforcement body, not being present in every port, different national legislation and regulations and variable amounts of cooperation and support from different countries. Representatives of seafaring unions and the ITF highlighted these limitations:

The ITF is not the police. [An ITF representative] cannot come on board and say: "Your vessel is detained or is arrested". The ITF has to prepare an option... If, for instance, there was a complaint about poor working or living conditions, the ITF might presume that there might be some technical deficiencies on board. In that case ITF inspectors ask for Port Safety Control, which has the authority to stop the vessel. But it takes time. They have to phone them up... they might be somewhere in the other port...

The ITF are actually working in close cooperation with port authorities, even if they just report some issues – e.g. take photos [of seafarers working] without helmets... If they see a slight breach of safety, they take photos. And the Committee in [that country's] ports, they make a decision and can take some action against this ship owner or the vessel because a breach of safety was witnessed on board.

... we do not have an ITF inspector in all ports and maybe there is a difficulty [for the ITF inspector] to reach this port.

It depends on the legislation in different ports. In different countries there are just different ways of working. The lawyers might be involved. There are several ways to settle the issue.

Seafarer and fisher associations and unions may present other opportunities for intervention in ports, although this assumes that seafarers and fishers have access to them or that they, in turn, have access to vessels. Given that so few

⁵⁹ However, the same sailor who contacted the ITF in Japan was apparently not aware of the ITF's work in Ukraine including opportunities for assistance and intervention. We provided him with this contact information after the interview.

trafficked seafarers and fishers were able to leave their vessels, such avenues would be complicated to access.

Identification by government representatives – e.g. country of origin, flag states, etc.

Assistance from embassy representatives is another means by which identification of trafficked persons can take place – e.g. while seafarers are in port (and able to contact the embassy) or by seafarers' families from home. Seafarers trafficked to Russia were assisted by the Ukrainian Ministry of Foreign Affairs – e.g. paying for travel and facilitating their return to Ukraine – after being contacted by seafarers' family members at home. One seafarer contacted his father who then got in touch with the Ukrainian embassy in Moscow.

The embassy might also be an important contact point and protective mechanism for seafarers and fishers as they embark on voyages – e.g. with seafarers registering with the embassy in the destination country prior to embarking and providing details of the contract and company they will be working for. This, however, would only be effective if embassy staff have the resources, skills and commitment to take on this task and, equally, if the information that seafarers received about their vessel and destination country(ies) is accurate, which may not be the case for trafficked seafarers and IUU fishing generally.

In principle, identification should also be done by representatives of the flag state of the vessel on which trafficked seafarers and fishers are exploited. Flag states have duties under national and international law to identify and assist trafficking victims or at least create a legal framework when registering a vessel under their jurisdiction that does not allow for conducting criminal activities of this nature. Those unable to take action by themselves should work with other coastal states to do so on its behalf. However, the current reality is that flag states generally fail to enforce crimes committed against the environment or humans – sometimes due to a lack of resources or capacity.

Identification by actors in the fishing and seafaring chain of operation

Long-distance fishing operations, like those experienced by Ukrainian seafarers and fishers trafficked to Russia, involve contact with others vessels to resupply the ship with fuel, food and water, crew changes and trans-shipment of fish. Interactions with external services present an opportunity for identification of possible trafficking situations, assuming the second vessel's crew are neither complicit nor corrupt.

In the case of men trafficked to Russia, the two-ship operation allowed for identification in spite of the two crews being in trafficking situations. The two ships worked in tandem, one of which stayed at sea for fishing, the other of which had access to ports. When the latter ship sought help from the ITF and

port authorities while in port, they also gave officials the coordinates of the other ship.

Similarly, monitoring the activities of re-supply/service ships (e.g. interviewing crew before they leave and upon return to port; interviewing crew being rotated off vessels) may present opportunities for identification.

Identification through on-board monitoring mechanisms

Existing monitoring mechanisms within seafaring and fishing sectors may help in identifying exploitation and trafficking of fishers and seafarers. A number of States require the presence of a scientific observer on board licensed fishing vessels and, in principle, this person would be well positioned to observe and report on problems in the vessel's living and working conditions. However, these observers are often poorly paid and may be bribed or threatened while on board the vessel, often for prolonged periods of time. Moreover, it is unlikely that vessels with trafficked seafarers aboard will operate with a scientific observer (due to its involvement in fisheries crime, lack of a license or otherwise).⁶⁰

To a large degree, at-sea detection of trafficking hinges on flag States' control and oversight over vessels on their registries. While every flag state must exercise effective control over its vessels (and is responsible for everyone on-board its vessels), there is a serious lack of enforcement in many countries. Further, if a vessel is registered to a flag of convenience (i.e. a flag State that is unable or unwilling to exercise its jurisdiction over the vessel), there is an increased likelihood that poor labour practices and potential trafficking situations are not being monitored, identified or prosecuted (de Coning 2011: 57).

Identification by family and friends

In addition to formal channels, seafarers'/fishers' families and friends can also potentially identify persons trafficked at sea. Representatives of seafaring/fishing unions and the ITF explained based on past work with seafarers/fishers that families were often contacted when problems emerged for the seafarers/fishers:

Some seafarers have mobile phones and their accounts might be filled by their families. So they have some means to contact the mainland and they give a "mayday", a SOS: "Just help us. We have these problems".

Seafarers' families are quite helpful. Once they get some information – i.e. if they do not receive any information from the vessel for one month – they start worrying and going to the Ministry of Foreign Affairs, to the ITF, to different organisations, approaching them, drawing their attention to the fact that something might be going wrong.

⁶⁰ Please see de Coning 2011: 113.

One seafarer was identified precisely because of his ability to contact home by phone, as one seafarer explained:

There was a sailor in the second team of seafarers, the ones that replaced us, who managed to hide his mobile telephone with roaming ability. So he called his father, his father [appealed for help to the embassy] and that was how they were sent back home.

Another seafarer explained how he had, in the past, been contacted by seafaring friends trapped abroad, asking to send money to help them get home.

Even when seafarers/fishers have access to a phone, a family identification strategy may remain difficult to pursue. Among seafarers trafficked to Russia, communication with families was strictly monitored as a means of inhibiting this type of intervention, as one seafarer explained:

Even if they gave us those SIM cards that we bought to talk, usually there would be some Russian standing next to us and listening to what we said. If he heard us telling something that was compromising information, he would interfere and stop the conversation. And next time he would not allow us to use the telephone. There was always somebody, like a warden, standing next to us. It was practically impossible to say anything.

Other barriers to identification may be seafarers and fishers not having the information needed for authorities to identify them – e.g. not knowing the name of the boat, the details of the company they are working for, the ports they embarked from or entered and not knowing where they are beyond the name of the country.

Others aboard the vessel might also be able to help trafficked persons. When crews are a mix of trafficked and non-trafficked persons, it may be possible to get assistance from other crew members – e.g. to use a phone to call home or the authorities or even to escape the vessel. One seafarer who was able to negotiate his way off the vessel in Russia was assisted by Russian friends/colleagues to pay for his return flight to Ukraine.

Self-identification and escape while in port

While it is possible to escape vessels while in port, this requires that vessels enter port at all and that the seafarers/fishers are physically able to leave the vessel. Most Ukrainian seafarers trafficked aboard Russian vessels embarked in

Russia (usually Sakhalin Island) and were generally at sea for the bulk of the time, some never seeing land for the duration of their exploitation.⁶¹

Ukrainians trafficked aboard Turkish ships were in the Mediterranean and did, in principle, enter ports to offload cargo. However, they did not feel able to leave the vessel because they did not have funds to buy food, let alone make their way home and there were generally few sources of assistance available when they did manage to escape. Carrying emergency money or having an emergency bank account that can be accessed overseas may provide an important layer of protection to seafarers. One seafarer stressed the importance of this strategy, based on his experience of trafficking:

To prevent seafarers getting into such situations it would be advisable to have money with us... When we [were trafficked] we paid around 750USD [for travel] one way. I would advise seafarers to have at least the same amount of money so they can use this money to return home... In this case, no matter what happens, the seafarer would be able to buy himself a ticket home. Otherwise, once the seafarer is in another country he can go to the Embassy, he would be fed and kept there. But time will pass while different issues need to be solved. That can take quite some time and the seafarer can get stuck there for a while. But if he has money he would be able to buy the ticket and come back home without any problems. Yes, he will lose this money but he will be able to avoid or to escape the exploitative situation. At least he will come back home.⁶²

Lack of documents may also serve as a significant deterrent when escaping and navigating a foreign country; most seafarers and fishers had their documents held by their exploiters.

⁶¹ Lack of access to ports is an issue in SE Asia where trafficked fishermen (for example, from Cambodia, Myanmar and Thailand) are held on boats indefinitely and crew is transferred between fishing boats (usually boats from the same fleet or same owner) to continue working and prevent escape. This strategy is linked to concerns by boat owners and captains that if fishers return to shore, they will escape and perhaps even contact the police and report their traffickers/exploiters (Robertson 2011: 25).

⁶² The father of one seafarer insisted that he travel with sufficient funds for his ticket home. While not trafficked, he faced problems while abroad and needed to return home and was able to do so only because of these funds:

When my father sent my brother [abroad] for his first voyage, he collected a sum of money for him and said: "You need to have the same amount of money with you so that you could come back home". And, yes, indeed, he got into an unpleasant situation there. The recruiters promised decent work and conditions. It was right after the breakup of the Soviet Union, he was just beginning his career... He had money with him. Not only could he come back home but he also helped his friend to come home as well. And everything went well. I will repeat myself again in suggesting seafarers having sufficient amount of money to be able to come back home. I believe this is the only thing that can save seafarers from such situations.

Similarly, one seafarer worked a run to West Africa, which ended up being very precarious. He explained that he was able to escape this situation and return home only because he had purchased an open return ticket and carried that with him on his voyage. Having money while abroad would also allow seafarers to make telephone calls if assistance was needed, purchase food or medicine, leave the vessel and stay elsewhere and so on.

The site of exploitation—at sea—makes escape highly unlikely, with seafarers essentially imprisoned by the sea itself. One seafarer/fisher trafficked to Russia described how escape at sea was impossible, although he and his colleagues had seriously considered it:

The emergency inflatable boats which were on board... there had to be four of them but we actually had only two. Plus they would not hold all the crew and they were not certified... The only boat that was inflatable, it did not have any oars or any engine.

Nonetheless, some men were able to negotiate their way out of their trafficking situation. Reasons such as having a problem at home or a family illness sometimes succeeded, as one seafarer described:

After three and a half months working on the boat I decided to get out and so I made up a story that there was a problem with my father, that I needed to go home. They said they would find a replacement in a week but I had to spend a month on the boat waiting for a replacement. The boats were constantly running from the Japanese authorities' airplanes. They were also running away from the Japanese and Russian border guard vessels. In about a month and a half I was replaced. I got into a boat to take me to the shore with Russian [seafarers]. I wasn't given any money, not even money to travel home. When we got on the shore, the Russians who were on the boat with me helped me and bought me an airplane ticket to Moscow. Then in Moscow they gave me money and I was able to get to Odessa.

Identification after trafficking

In most cases discussed in this study, formal identification—that is, recognition of the seafarers'/fishers' trafficking status—took place only upon return to Ukraine, by specialised anti-trafficking organisations. The various institutions involved in their exit and/or return process from destination countries, while recognising that they were exploited, did not make an explicit association of the seafarers'/fishers' difficulties with human trafficking. For example, the ITF intervened in the case of the seafarers trafficked to Turkey due to labour violations but did not reach out to anti-trafficking organisations in Turkey. These organisations may have been able to assist with the temporary assistance and return procedures as well as referrals to anti-trafficking assistance at home. Not recognising the trafficking dimension of these cases potentially deprives trafficked seafarers and fishers of remedies to which they are entitled as trafficked persons and which can support their recovery and reintegration.

While many organisations have focused on forced labour in the fishing industry for some time, the extent to which this practice can amount to human trafficking has only been highlighted in recent years. One recent study of organised crime within the fishing industry found that many individuals likely to interact with

victims of human trafficking on board fishing vessels—i.e. labour unions, fisheries enforcement officials, scientific observers, etc.—were unaware that forced labour conditions might amount to human trafficking. For example, fisheries enforcement officials said that although they noticed that migrant workers on board some of the fishing vessels they inspected seemed to be living and working under “slave-like” conditions, they had never considered the workers’ situation in the context of human trafficking. Moreover, many fisheries officials said it was outside the scope of their mandate to investigate instances of human trafficking.⁶³ That is, the Law of the Sea states that a coastal state does not have sovereignty over the exclusive economic zone but only sovereign rights over the marine living resources in the area. The primary jurisdiction relating to the well-being of the crew rests with the flag state.

This highlights the importance of increasing knowledge of what constitutes trafficking in the commercial fishing and seafaring sectors, in order that trafficked seafarers and fishers can be identified at the earliest opportunity and referred to appropriate groups for assistance and intervention. It similarly highlights the need for increased cooperation between the seafaring/fishing sector and the anti-trafficking field, to expand the net of who will engage with and take responsibility for the identification of trafficked persons.

* * * * *

One of the key challenges in the fight to end trafficking is the identification of trafficked persons. Identification is difficult because so much trafficking takes place “out of sight”, with traffickers consciously and strategically limiting contact between trafficked persons and those who might be able to help them. Other obstacles to identification include language barriers and corruption.

At the same time, there are entry point for identification of trafficking including through: port authorities and law enforcement agencies; seafaring associations and unions; government representatives – e.g. country of origin, flag states, etc.; actors in the fishing and seafaring chain of operation; on-board monitoring mechanisms; and seafarers’ family and friends. In addition, some seafarers escaped themselves – for example, while in port – but went unidentified until they returned home and sought out or were referred for assistance.

Indeed, in most cases, formal identification as trafficked persons took place only upon return to Ukraine, by specialised anti-trafficking organisations. Organisations involved in their exit and/or return process from abroad, while recognising their exploitation, did not make an explicit association with human trafficking. Consideration is needed as to who comes into contact with trafficked seafarers and fishers (and when/how) as well as and what role they can potentially play in the identification process, including any constraints they may face.

⁶³ Please see de Coning 2011: 57.



9. Being assisted (and going unassisted)

Accessing assistance in destination and transit countries and from flag states

Assistance options for trafficked seafarers and fishers while abroad were extremely limited; none of the men included in this study were offered formal anti-trafficking assistance overseas. What assistance was received was *ad hoc* and largely insufficient. Most attention centred on return. Many trafficked seafarers self-returned, receiving money from family members, some of whom went into debt to pay for these travel costs. Those trafficked to Russia who were unable to fund their own return home were assisted by the Ukrainian Ministry of Foreign Affairs, which paid for their return transportation, albeit after some delay, as seafarers explained:

Some of us went home on our own. Half of our team had to stay there since we did not have money to go home and finally they found us money so that we could return home.

Some contacted their parents who helped them with money to buy tickets to go back home. I was not that fortunate. I did not have money to go back home and it was the embassy that paid for the ticket.

The ITF assisted in and funded the return of seafarers trafficked to Turkey and also interceded on their behalf to pursue lost wages through a civil action in Turkish courts. However, examples of assistance on this level are few. None of the trafficked men sought out and received tangible anti-trafficking assistance abroad, such as medical assistance, accommodation, counselling, etc.

Other assistance received by trafficked seafarers and fishers abroad was largely the result of personal relationships and individual goodwill. One was given money by Russian seafaring colleagues to buy his ticket home, having left the ship without payment and with no other funds in his possession.

Forms of assistance and support that would be been helpful to seafarers and fishers considered in this study included:

- *Temporary accommodation in a safe environment.* Some men stayed on the ship while assistance was sought. Some stayed in hotels (at their own



expense) while trying to get funds for their return home. In the case of men trafficked to Turkey, the lack of safe accommodation meant they did not feel able to leave the vessel and, thus, their trafficking situation.

- *Emergency medical care.* Most men emerged with medical problems, some of them urgent. The provision of emergency medical care was needed in some cases.
- *Emergency psychological support.* Given the brutality suffered by many trafficked seafarers/fishers, there may be a need in some cases to have emergency psychological, and perhaps even psychiatric, intervention. Stress, anxiety, depression and acute levels of fear were not uncommon.
- *Employment options abroad.* Returning home without money and, in some cases, in debt (debt due to initial migration or borrowing money to return home) was an additional stressor for trafficked seafarers and fishers. The opportunity to temporarily remain and work abroad would go some way in alleviating this stress, although currently the legal and administrative framework in many destination countries does not allow for this option.⁶⁴
- *Return assistance.* Many seafarers were unable to pay for their own travel expenses to return home and needed assistance from their friends, families, colleagues and assistance organisations. Some families needed to borrow money to pay for the return; others were not able to leverage funds.
- *Means of communication with family members at home.* Being able to contact and communicate with one's family members after exit from trafficking was important to many seafarers/fishers. This was particularly urgent when, not atypically, they had been out of contact from their family for several months or longer.
- *Access to legal assistance and legal recourse.* Trafficked men with cases pending in destination countries expressed frustration that they were not fully informed about the legal process and that their questions and concerns went largely unaddressed. Several years on, cases were still pending, and the seafarers did not have access to information about their case's status.
- *Compensation from the flag state.* Compensation was of great concerns for trafficked seafarers and fishers and often the main motivation in pursuing a legal case. The flag state could investigate the registered owner of vessels on which seafarers and fishers are trafficked and seek international assistance through organisations like INTERPOL in order to confiscate the proceeds of the crime.

Accessing assistance at home

In Ukraine, trafficked seafarers and fishers received assistance largely through IOM in Kiev and NGOs working in their area of origin – in Odessa for those trafficked to Russia and in Sevastopol for those trafficked to Turkey.

⁶⁴ This is consistent with the findings from previous studies on men trafficked from Ukraine and Moldova in which some men, after escaping from trafficking remained abroad until they were able to earn money so as not to return home empty-handed (Surtees 2007; 2008b&c).

Trafficked seafarers/fishers learned about available assistance through different means, most commonly, trafficked seafarers learned about assistance options by speaking to former colleagues who had also been trafficked and since been assisted.⁶⁵ Some saw advertisements for assistance organisations, others were referred by the prosecutor's office after they made a statement about their case. At the same time, it is important to note that not all of the men trafficked to sea sought out or accepted assistance, an issue which is discussed in further detail below.

The type of assistance needed once trafficked seafarers and fishers returned home depended on a variety of factors such as the nature of trafficking, the period of exploitation and their individual and family circumstances, among others. As one service provider explained, the severity of the trafficking experience itself varied widely.

Some really suffered a lot. Others were newcomers so they were lucky because after one or two months they were already in the [exit] process so that's why there was not as much need for assistance for them.

Providing recovery and reintegration support depends on seafarers' and fishers' plans, including what work they intend to pursue in the future. It is nonetheless possible to identify some common needs when considering the situation of trafficked seafarers and fishers from Ukraine who have returned home as well as patterns and variations within this group.

Professional opportunities including (re)training and continued education

Work opportunity was a key form of support identified both by trafficked seafarers/fishers and service providers as essential to recovery.⁶⁶ As one service provider explained, many trafficked seafarers felt pressure (sometimes from family; sometimes from themselves) to find work immediately and compensate for their inability to return home with money.⁶⁷

... they felt as if they were to blame, that they have failed so that is why they were trying to find a new job as soon as possible.

⁶⁵ This is consistent with men (and women) trafficked for construction who often referred others for assistance after accessing support themselves (Craggs & Surtees forthcoming). We have also noted this pattern in other countries in southeastern Europe, where many trafficked men only sought out assistance once they had learned of a friend or former colleague who had done so and was satisfied with the assistance (Surtees 2007).

⁶⁶ This is consistent with the findings of an assessment of the assistance needs of male trafficking victims where 85% of men identified finding a job (being employed by others or starting a private enterprise) as a main area of concern (Bezpálcha 2006).

⁶⁷ This is consistent with findings in other studies where trafficked persons try to stay and work in the destination country after escaping their a trafficking experience, hoping to be able to earn money before returning home (Craggs & Surtees forthcoming; Surtees 2007, 2008b&c).

As a result, economic support and assistance in finding professional opportunities can help prevent future problems and even re-trafficking, as one service provider explained:

We need to have specialised reintegration programmes for men with a possibility for re-training or professional education. Because, as you know, one trafficking experience sometimes does not prevent people from getting into another trafficking situation. In the current economic conditions in Ukraine, with a lack of work, that definitely would not stop them. Well, he has been cheated and deceived; fine... he would rest a bit, would put his mind in order and would go back there again. Where else could he go?

The forms of professional and economic assistance needed differed quite substantially and depended, in large part, on whether the individual opted to continue in the seafaring industry or pursue another professional path.

Training and employment in new fields of work

Some men left the seafaring profession as a result of trafficking and sought other forms of work, as different service providers explained:

[Some seafarers] lost interest in this profession and I think that's because deep down there is psychological trauma.

Those who did not go to sea, some underwent a lot of stress and fear of going back to sea. Many were seriously ill and that is why they could not go to sea... Some seafarers could simply not overcome this fear and decided that they were better off here.

In some cases, former seafarers/fishers were able to find work in construction and received tools and, in some cases, relevant vocational training. Another worked as a driver because it afforded regular (albeit low level) income. Others worked as private entrepreneurs – one had joined his family's business; another started his own business. For others, this professional change required re-qualifying in another field or returning to college or university, although the latter group often struggled to cover education costs.

Continuing with seafaring; re-training and certification within the seafaring industry

The majority nonetheless continued to work as seafarers. Many returned to work shortly after their trafficking experience, as assistance organisations that supported them explained:

I would say 80% or maybe 70% went back. It's their job, they are professionals in this. It was simply like this. But nowadays they work. Everything is fine so far.

Most of the men are going back to the sea because that's the only thing they can do.

More than one seafarer explained that seafaring was his profession and he wanted to continue working in the industry:

There is no way I can change my profession. I was a sailor and I will be a sailor.

I am already [back at sea]. I will work at the sea.

Issues of profession and identity are important factors in dealing with the aftermath of a trafficking experience. Trafficked seafarers spoke about their love for life at sea, the adventure and the prestige of their profession. All had studied and worked hard to become seafarers and were proud of their professional skills and position. Leaving seafaring behind represented much more than a potential job change; it was also about their identity as professional men.

For others, the decision to stay in seafaring was less about profession and more about the economic realities of life as a seafarer, as one seafarer explained of his decision-making:

I have been working in the maritime industry since 1973. That is why for me in 2010 it is just unreal. Certainly I could go to work ashore in Ukraine, but first there is a huge difference in salary. In addition, generally there is a trial period and then they finally decide whether to take you or not. You work for one or two months on a trial basis without any salary, nothing actually. And if we take into consideration the fact that I have a wife, a disabled daughter and another daughter who is currently pregnant... therefore I will not be able to cope with such a risky business. I cannot afford working for two months and receiving no money because my family members need to eat every day.

Not all seafarers faced such dire economic situations. For some, it was about supporting one's family at a certain economic level, as service providers explained:

Why do they go back to sea? Naturally, this is a possibility for them to maintain their families. It is not easy for seamen in Ukraine to find another job. Their main job is the sea... And, of course, the material welfare of the family depends on it. The salary of a seafarer is much higher than anywhere else in Ukraine.

Part of our employment services is that we work closely with employment centres. Employment centres provide re-training services. But the issue is that if the seamen are used to making 1500USD a month, I would not imagine that they would agree to receive 200USD instead.

Those who continued as seafarers required assistance with covering the costs of on-going training and certification. These costs were initially covered by assistance organisations, as various seafarers explained of the support they'd received:

At that time I was undergoing training and I had to pay 600USD and the NGO covered that cost.... It is seaman's training... I was training to get the rank of assistant to the captain.... I am on the floor now, at base, because I am studying to get a diploma as a captain.

So I am fine now, I have a job. I am a senior assistant to captain and I also finished my studying at the Maritime school.

I am a seaman. I do not want to change my profession. I like this and I would like to continue in this area. What I need is to improve my professional level, to improve my chances, is to go through English language training for sailors.

More than one seafarer explained that the requirement to regularly update (and pay for) one's certificates and qualifications was often prohibitively expensive. These costs were a significant part of the assistance needed by seafarers:

All of my diplomas and certificates are at home. They are already overdue. All of the documents need to be updated every five years and every year it becomes more expensive to do so. Therefore I do not see any sense now.

Long-term career trends remain largely unstudied. However, one seafarer, when interviewed in 2010, four years after his trafficking experience, was continuing to work as a seafarer and expressed his intent to remain so. However, when he was interviewed again in 2011, he had radically changed his opinion:

After our conversation [in 2010] I was planning somehow to stay and keep developing my career in the seafaring business. But then I changed my mind, since it is not a rewarding work. The work is actually underpaid. Before collecting the documents here in Ukraine we need to pay money to the recruitment agencies. The documents are very expensive and in general this work does not make sense because I think that seafarers in Ukraine are the most underpaid. In principle, to go somewhere for 400-500USD a month, to deprive yourself of contact

with land for nine or ten months of work at sea, even in principle, it makes no sense at all.

Yes indeed, I completely gave up the sea. It is a thankless job. Because first of all it entails some hardships. Secondly, I am 37 years old and I am still single because I have chosen the career of a seafarer.

Such decisions are made only with difficulty, as they involve not only leaving behind one's professional skills and qualifications, but also starting at the bottom rung of a new field, as he explained:

I have accomplished my seafaring studies in a technical college and then at the university with the rank of navigator. I worked as a navigator and as a senior assistant and now I realise that I came away with almost nothing. I am 37 years of age and I need to start from scratch.

Others opted to continue with seafaring, but did so with some reservation. One seafarer described his fear of being on the high seas and had, since his trafficking experience, limited his seafaring to vessels operating close to shore:

I do not go for long distance voyages. I do not go because I am afraid. I watch TV and read on the Internet about this and this vessel. There are so many vessels that are detained, that sank. I also read about pirates in Somalia. Frankly, I am very much afraid these days.

[Before] I could go to sea with no worries. I could even go for long distance sailing. I used to feel perfect then. My health condition was good. But now, I will tell you frankly, it is scary. Scary because I would not like to find myself in a similar situation [as when I was trafficked]. I have friends who stayed in Sakhalin. They used to call me and asked me to come to work on a crabbing vessel or a rig but I am afraid of going, of never being able to come back.

The role of the family in this decision making process was significant. For some seafarers, family members influenced them to continue in the field, seeing it as a reliable source of income, a matter of professional prestige and a higher level income. Family also encouraged seafarers to stay in seafaring because it was an important part of the men's identity and a job they enjoyed. By contrast, in some cases, families influenced (and even pressured) men to leave seafaring behind. One seafarer's mother encouraged him to leave seafaring and work in the family business, because seafaring came at too great a cost. Another explained how his wife demanded that he leave seafaring:

They promise golden mountains, a decent salary. However, at the end of the day, the situation is completely different. And then my wife told me "Enough is enough, it is not money that matters, the most

important is to have a steady relationship and for both of us to be at home". Finally I found myself another occupation.

Legal assistance

The men consistently identified legal assistance—both in terms of legal counsel and direct assistance in participating in their cases—as a crucial aspect of post-trafficking support. Most felt that their post-trafficking experience had been wanting in one or both respects and that they had not received the justice or compensation owed to them as a result. The following quote reflects a common sentiment expressed by the interviewed seafarers:

I wanted these persons who were involved in the case to be prosecuted properly. That would prevent others from ending up in similar situations.

Access to adequate counsel

Many interviewed seafarers felt they had inadequate access to competent legal representation. Trafficking cases are inherently complex and require specialised attorneys who are familiar with the relevant law as well as with the nuances of dealing with a potentially traumatised victim. Trafficking at sea demands an additional familiarity with international and local maritime law and the law of the sea. Ukrainian seafarers in this study felt that they were not given access to legal counsel with these capabilities. One seafarer explained:

They told us that he [the lawyer] would take care of our legal case in Sakhalin. But we realised that this lawyer would not be competent enough, since he did not know the seafaring field in any detail. [Arguing a case like this] requires specific knowledge of the seafaring industry.

Providing testimony

Many trafficked seafarers were willing to serve as witnesses in criminal or civil proceedings as necessary, including providing live testimony as well as written statements. However, they were unable to do so due to logistical barriers, attributable to long distances between their homes and the sites of their lawsuits, which were typically located in the port city abroad where their trafficking took place, literally thousands of kilometres from home. The associated (and prohibitive) costs of traveling to be victim/witnesses were highlighted by all seafarers interviewed.⁶⁸

⁶⁸ Just prior to publication, the men trafficked to Russia had just received news from the court that the prosecutor had further examined their case and had again initiated court proceedings. Discussions were underway for some of the men to travel to Russia to testify, their expenses to be paid by the Russian state.

Besides the significant financial burden of travelling and staying in the cities where their lawsuits were taking place, seafarers faced other obstacles. These included leaving family members behind, staying away for an unknown period of time, losing income while not working and potentially missing out on new employment opportunities during their absence. Two seafarers explained the issues they faced:

They sent me notices informing me that I was recognised as a victim. They have a list of approximately 30 persons. They sent me the papers two times and asked me to come to the court hearings in Russia. But my financial situation did not allow me to go there. If I knew that I would get compensation, that I would get at least some of the 13,500USD [owed to me], then it would be worthwhile to go to the Russian Far East. But there was no point in going there, since they were giving me no guarantees. And, in addition, in order to get there I would have to pay 400USD for one-way-flight-ticket only, let alone the price of staying in the hotel, food. If it was easier to earn money, I probably would have done it. But now I cannot afford it.

They sent us a letter inviting us to attend the court hearings. But you understand that we will not go to Sakhalin. It is at least 14,000 km. It will cost a lot of money. Nobody will go there for court hearings.

Case monitoring

All trafficked seafarers reported a lack of communication and information about their case, in spite of both the seafarers/fishers and service providers attempting to obtain information about the cases' status from their attorneys over a matter of years. This applied equally to criminal and civil cases.

Seafarer #1: In the Russian court of appeals, we have a lawyer in Russia who is handling our case and I called him but the first lawyer was dismissed supposedly for health reasons and now it is different lawyer who handles our case.

Seafarer #2: I was trying to get in contact with the new lawyer but she refused to speak with me. I was speaking with the secretary and I heard on phone that she came into the office and said "No" [to speaking with me].

As a result of this dearth of contact, seafarers generally expressed little confidence in their state-provided attorneys or the prosecutors attached to their criminal cases.

Seafarer #2: We do have a lawyer and that's provided by the Russian state. However, the lawyer is not motivated and she too may have links with these criminals.

Seafarer #3: The criminal case was tried in court and the people received sentences. But we are now pressing for the civil law suit and want to get compensation from the company. We do not know the [details] of the sentences and we feel that they may have just told us that the defendants received sentences to calm us down. We do not know if they were really sentenced.

Efforts by both service providers and seafarers to follow up on cases were largely unsuccessful. Seafarers involved in the case in Russia were frustrated by the lack of information they received about their case and efforts to get in touch with their lawyer and/or the court by telephone (e.g. with the judge, the court secretary and the inspector) were generally unsuccessful. Practical obstacles, such as the significant time difference between Ukraine and Ujno Sakhalinsk exacerbated difficulties in communication. In the case of legal proceedings in Turkey (a civil process led by ITF for wage compensation), the seafarers have not been kept informed of developments and, to their knowledge, there had been no resolution in the case to date.

Fear of reprisals

While most seafarers were enthusiastic about pursuing legal recourse, they were not without reservations. Some seafarers trafficked to Russia expressed continuing fear of their exploiters, including the possibility of violent reprisals for testifying in the case. Two seafarers outlined their concerns as follows:

We received an invitation to travel there and give testimony. But we did not go because we knew that we were not going to come back if we went.

We think that we were very lucky to be able to escape from Sakhalin. When we were boarding the tugboat in international waters to travel to Russia, the captain said that his friends would be waiting for us in Sakhalin.

Many seafarers and fishers witnessed authorities' collusion with traffickers while being held captive at sea. As a result, they were not generally confident about the level of protection and support they might receive if they returned to Russia. This fear could be (and in some cases, was) a determining factor in decisions whether to testify. However, as noted below, there was a general willingness to testify amongst many trafficker seafarers.

Possibilities for legal recourse

The general willingness of trafficked seafarers to testify in criminal or civil cases against their traffickers is relatively rare in human trafficking and can be a powerful tool for combating it. Trafficking organisations are often extensive and

complex operations and may involve exploitation in a wide range of scenarios. Seafarers' and fishers' testimony may be useful for prosecuting groups known to engage in other forms of trafficking as well.

This willingness contrasts sharply with many trafficking scenarios, in which victims were often not able or willing to pursue legal action. This unwillingness was variously attributable to shame over talking about their abuse or exploitation, fear of traffickers, lack of confidence in the legal process, problems with immigration status and fear of repercussions against others, particularly family, and so on. Although many factors were the same as those confronted by seafarers/fishers, the men interviewed were more willing than typical victims to confront or bypass these obstacles.

The seafarers interviewed for this research were actively concerned about their cases, had a (diminishing) level of confidence in the criminal and civil justice systems, generally understood the legal process and were willing to be a part of this process. The greatest obstacle to making use of this testimonial resource was their separation from the legal process – i.e. geographic distance, cost of involvement, inadequate representation and slow court proceedings – all of which hampered their ability to engage the judicial remedies that should be available to them. The implementation of procedures to overcome geographical obstacles, such as remote (video) testimony, victim-state prosecutions or state payment of travel expenses, would also be valuable approaches to explore.

Identifying competent legal experts is another important starting point. One partial solution may be partnering with law firms that currently work on behalf of seafarers and fishers facing labour difficulties. One service provider explained how in their city of operation there are firms that specialise in this field. While these firms are generally not versed in trafficking legislation, they often advocate and pursue legal recourse for seafarers and fishers who face problems not dissimilar to trafficking.

There are some companies that are working here... that operate here and specialise in the provision of legal assistance to seafarers. Usually sailors contact these organisations with a request to make ship owners answer for non-payment of wages. They talk less about working conditions, instead emphasising delays or even non-payment of salaries. When sailors die, their relatives come for compensatory payments and the ship owner sometimes does not make the payment. This leads to legal cases. The courts, as a rule, attach these vessels and use them to compensate damages, wages, disability, the death of relatives and other matters. It is common here in [this city], perhaps in any port city.

Other barriers which merit discussion include the cross border nature of the crime, the different jurisdictions involved, the different legal frameworks

(including the specifics of maritime law and the law of the sea), the involvement of different law enforcement agencies, transfer of evidence, issues of language/ translations, etc. Tackling these requires cooperation between law enforcement agencies and judicial systems across borders beyond the formal means of mutual legal assistance treaties. Such obstacles apply in almost any form of trafficking litigation and experimentation in addressing this problem will contribute greatly to non-seafaring cases as well. Conversely, efforts made in other areas of trafficking to overcome these barriers may be learned from, or copied over, to the seafaring and fishing sectors.

Healthcare and medical assistance

Harsh living and working conditions as well as experiences of physical abuse meant that many seafarers returned with serious injuries and medical conditions. Some required intensive rehabilitation and medical treatment, as service providers who assisted trafficked seafarers explained:

One person had an operation to remove kidney stones. There was also another person with serious bladder conditions. One should understand that they have been working in a very difficult environment, knee deep in water. They suffered physical and psychological violence... There was another case with another seaman who had a heart operation and we also were giving assistance in that case.

We had a man with deep psychological distress. He developed prostate cancer and did not have access to medical assistance in Russia. His physical and psychological conditions were pretty bad.

They have a lot of physical disorders. But, thankfully, many of those disorders are treatable... The most serious disorders are spine injuries. Gastric ulcers and ulcer erosion are very common. About 80% of them have this sort of disorder.

Trafficked seafarers stressed their need for medical assistance, both in the immediate aftermath of their exploitation as well as in the longer term.⁶⁹ A number of men developed chronic health problems as a consequence of trafficking—e.g. bronchitis, prostatitis and the like—which required on-going treatment or made them vulnerable to other conditions. One seafarer described his current health situation:

⁶⁹ This is consistent with the findings of an assessment conducted by IOM about the assistance needs of male trafficking victims. One finding was that 84% of the male victims interviewed and all specialists considered medical help to be the main area of need to be addressed – that is, men being consulted and treated in local medical institutions (Bezpalka 2006).

When I was in Sakhalin, I caught cold there and currently once a year I go through treatment of prostatitis.⁷⁰ After that trafficking experience, I have chronic prostatitis because my legs were in water all of the time.

While all seafarers received medical care on their return, through the assistance NGOs and IOM, their longer term medical needs posed on-going problems. This was particularly true in countries like Ukraine where medical care is often prohibitively expensive. And in Ukraine there are inadequate provisions in the social security legislation for contributions by seafarers/ship owners to ensure adequate medical coverage. The cost of medical treatment can have serious repercussions on the seafarers' and their family's financial situation. One seafarer with whom we conducted a follow-up interview in 2011 had just been discharged from the hospital after a bout of pneumonia suffered in part because of his compromised immune system. After staying at the hospital for two weeks he had discharged himself to continue treatment at home. This was largely an economic decision:

I am currently at home because it takes two or three weeks to treat pneumonia. It is quite expensive to stay in the hospital in Ukraine. That is why I continue medical treatment at home. I take antibiotics.

On-going health problems can impede the seafarer's ability to work, either on land or back at sea. The above seafarer, who has since left work at sea, explained:

I cannot go to sea because I have chronic bronchitis and actually they will not let me to work at sea due to my health condition.

Psychological assistance

Psychological assistance was another essential support category identified by service providers working with trafficked seafarers and fishers. Trafficking experiences can lead to serious trauma and long-term complications, as both psychologists and social workers who had worked with the seafarers explained:

Psychological assistance is very important for those seamen who came back from exploitation.... Psychological assistance is important because it is a psychological trauma that affects their life.

A lot of men came back with post traumatic stress disorder... That also means that patients like that would not only need the help of a psychologist but also [sometimes] medical assistance from a psychiatrist. We need to deal with sleeping disorders, stress disorders, nervousness and so on. It is only after we deal with these problems

⁷⁰ Prostatitis is an inflammation of the prostate gland in men.

that the man can go out and look for a job. And that is not going to be an easy task for him in Ukraine.

... some seafarers came back after eight months without money, without anything, after having escaped from trafficking... from terrible conditions. When they came on the territory of the Russian Federation they were guarded by the Russian special police squad due to fears for their lives... so you can imagine what [psychological] state they were in.⁷¹

Providing psychological support to seafarers and fishers included a raft of challenges. One primary issue was that many Ukrainian men felt seeking psychological support was weak and potentially debilitating. One service provider explained:

I think that if someone refuses psychological assistance in our country they do so because they are afraid of being sent to a psychiatric hospital. Because most of the time they do not know the difference between psychological assistance and psychiatric assistance.

Even where the value of this assistance was recognised, it was not always socially acceptable. Some feared being classified “crazy”. Others feared that their decision to consult a psychologist or psychiatrist would become part of their permanent record and, if known, would negatively impact their ability to find a later job.^{72 73}

One anti-trafficking service provider also explained that providing psychological support to men sometimes involves different skills and expertise from those traditionally associated with treating female victims of trafficking who are commonly exploited for sexual exploitation:

This gender-based aspect is not yet considered in our professional education and training. We are more oriented and trained to provide counselling to women and most often to those women who go abroad

⁷¹ There are a range of difficult experiences seafarers may face, whether trafficking, exploitation, piracy or otherwise, which lead to psychological stress, as one seafarer explained:

There was a case when a person whom I knew... he came back home [from working at sea] and after a week he hung himself... And this, I will tell you, is not an isolated incident. Just recently they showed on TV a ship taken by pirates in Somali waters. When they came back, the seafarers did not receive any money, nothing, so one of them hung himself as well. It is not reported. Sailors tend to have significant nervous breakdowns. I think that if there were statistics [on this] people would be shocked by the number of sailors who commit suicide or who find themselves in a difficult psychological situation or even in a psychiatric hospital.

⁷² Please see: Nygard et al., 2003: 46-7; Surtees & Somach 2008: 41; Surtees 2008c, 2007.

⁷³ This may particularly be an issue in countries in the former Soviet Union (FSU) where communist party officials sometimes used psychiatric care as an excuse to control or confine opponents, leading to a society-wide mistrust in the past. One psychiatrist highlighted this issue in the context of a study on assistance to trafficked persons in the FSU: “People had a high level of fear that the Communist Party Council would do something to this person who has [psychological] problems. And we still have [this concern]” (Surtees & Somach 2008: 41).

to work in the sex industry... For men, there are other criteria, different counselling and especially completely different crisis counselling if they come back in a state of crisis. Counselling men differs from counselling women.

Other challenges were more logistical in nature. Appropriate services were not always available in the communities where seafarers were reintegrating or seafarers returned to sea before they had started or completed psychological treatment. Availability of specialised psychological assistance for trafficking victims is extremely limited in many countries, and where it is available, it is often only in capital cities. In some countries, due to a shortage of resources, social workers perform psychological counselling with trafficking victims. This may include trafficked seafarers and fishers with serious mental health issues that require advanced treatment.

Obstacles to seeking out and accepting assistance

The above section outlines the needs identified by trafficked seafarers who sought out assistance. However, the needs of assisted and unassisted trafficking victims may not be the same and there is a need to look beyond assisted victims to meet the needs of the broadest possible number of trafficked persons.⁷⁴ In some cases, trafficked persons did not need assistance or at least not the assistance that was currently offered. Some seafarers did not seek out assistance because they felt that they could manage on their own; that they were sufficiently prosperous or supported to not need the assistance offered by service providers:

When a person returns to Ukraine and he is able to cope with the situation, deal with the situation, he just never comes for assistance and that especially concerns men.

... some people are prosperous ... I mean, psychologically maybe [they need help] but those who are rich, they can reintegrate themselves without [the organisation's] intervention.

He said that he could solve his problems on his own. I understand that he was from a well-off family, not a needy one... and that is why he said that he did not need any assistance.

At the same time, failing to seek or obtain assistance may also be a consequence of the obstacles to appropriate assistance for trafficked seafarers and fishers. Understanding why some trafficked seafarers and fishers do not receive assistance necessarily entails a consideration of the many potential barriers and facilitators when seeking out and accepting assistance.

⁷⁴ For further discussion, please see Brunovskis & Surtees 2010, 2007; Surtees & Craggs 2010; Surtees 2012.

Administrative, budgetary and legal barriers

Assistance to trafficked seafarers came almost exclusively from IOM and NGOs rather than governmental authorities. What assistance did come from the Ukrainian government was largely due to referrals and facilitation by NGOs and IOM. State assistance included employment offices that provided re-training and professional courses or government hospitals in the area providing health care and rehabilitation treatment. One NGO employee described the situation:

Unfortunately, the resources of our organisation are very limited. The government provides virtually no assistance to sailors and in general to any victim of trafficking. Therefore we act taking into account our limited possibilities.⁷⁵

The issue extends beyond resources. Administrative barriers can limit the extent to which trafficked seafarers and fishers were assisted. One such barrier in many countries of the former Soviet Union (FSU) relates to civil registration, which demands that the person be assisted in the region where they are registered to live. This regulation was in place when the seafarers interviewed for this study were assisted and the existence of this requirement, if known to a trafficked person, may have served, at a minimum, to chill their desire to seek assistance in the first instance. Nonetheless, state official interviewed for this study maintained that there were ways around these barriers:

There are different types of registration, e.g. temporary residences... so we do not see that this as an issue. If the person comes to our centre in Odessa, it means that he has an address somewhere in Odessa, even if it is temporary. He just tells us his factual address. Maybe this is an issue elsewhere but we do not turn this into a problem. We do not ask people to show us their passport with the stamp that they are residents of the Odessa oblast. We have to help the person and not verify whether whether the documents are in order.

In September 2011, the new Law of Ukraine “On Combating Trafficking in Human Beings” was adopted and, under this legislation, victims can access available governmental services regardless of whether they are registered in the community/region or whether they have registration at all. This is further elaborated in a draft Decree by the Cabinet of Ministers that details the operation of the National Referral Mechanism, to be passed in 2012.

⁷⁵ This is consistent with the findings of a recent situation analysis in Ukraine which noted that there is no formal National Referral Mechanism (NRM) in place in Ukraine and no budget had been allocated to trafficking victim reintegration by the state to date. Currently trafficked persons do not have full access to the state social system; direct victim assistance relies very heavily on IOM and a network of specialised NGOs, with funding from international donors (IOM 2011: 2).

The administrative framework related to trafficking situates responsibility for victim assistance within the Ministry of Family, Youth, Sport and Tourism, which works with persons under 35 years of age, and families. One ministry representative explained that the category of trafficked seafarers (as men and persons over 35 years of age) would not fit easily within the legislative framework that controls their operations, making this group difficult to assist:

A: We work with young people and under Ukrainian law, young people means people under 35... Social centres provide services also to families who are in crisis situations. When people above 35 come to our centres for assistance in cases of human trafficking we treat it as a case of family in a crisis situation and then we provide assistance to the family.

Q: *What if they are not a family? What if it is a single man? What sort of issues do you face within the administrative framework?*

A: We could get some assistance to him. But the problem is a legal one. It is an issue.

It remains to be seen how this will be addressed in light of recent administrative changes, according to which the Ministry of Social Policy, as of January 2012, is responsible for the coordination and implementation of counter-trafficking policies.

Negative or non-experiences of assistance

A reluctance to seek out assistance may also be linked to past, negative experiences with the system intended to provide it or, in some cases, lack of past assistance altogether. One medical professional in a donor funded medical assistance programme explained:

Attitudes at the state hospital and of staff in state hospitals, they treat people with indifference. They are also oriented towards money making. Very often when a person goes for medical assistance locally he is treated dismissively because he does not have money. Having had this experience they do not believe that they can be treated normally, humanely in the medical institution if they do not have money. Here [at this medical facility] the first thing that surprises them is not the medicine that they get; they are surprised by the good treatment from staff.

Her colleague, another medical professional, added:

Access to medical assistance is very hard to come by in Ukraine now. It is available for free but that is only on paper. When they heard that they could get a free medical examination here, they felt that they had been deceived again, that this was some sort of a scheme. The first day

when they came here they were pretty nervous.... Although they were being told that they would be examined here and treated for free, that the staff is nice and would treat them in humane way, they did not believe that.

A key factor in seeking and obtaining assistance is trust, which is often undermined by widespread disbelief in the possibility of receiving effective assistance. As one service provider explained:

Men just generally do not believe that they can get any assistance and again they believe that free cheese comes only in mouse traps.

Availability of services

Willingness to accept assistance was directly linked to what services are available and how they are offered. Restrictive assistance environment were less likely to be responsive to the needs and feelings of formerly trafficked persons, including seafarers and fishers. One service provider explained:

Resistance comes when there is pressure. So the principle is: “No pressure and freedom of choice”... We just offer him a wide range of options and he will likely take one of those. For example, a person comes in and the first option is: “If you do not want to come here, you can leave, that’s up to you”. Another option is: “You can spend a night here and the next day we buy you a ticket, put you on the train and you go home”. Or: “You can spend a night here, do some medical tests in the morning, we will know the results by the evening and then it will be up to you to decide whether to stay and receive treatment or go home”. Or: “You can go home and come for treatment later” and that’s understandable because people want to see their loved ones. Or: “You can stay here, do the exams, do the treatment, stay as long as you need”. They can make the choice themselves. They may resist when there is pressure. They are resistant and sensitive to pressure because they were in situations of pressure and stress before.

Pressure to work and earn money

Trafficked seafarer’s individual and family situations often had a significant influence on decisions they made after their return home. One seafarer explained that, while assistance was recognised as valuable by many returned trafficking victims, their family situation and personal obligations did not allow them to take advantage of assistance offered:

Those who did not come to the organisation, they had to find another job because they have families and they need to provide for their families.

We had a few cases [of men declining assistance] but this was not really about declining assistance... They were able to find jobs immediately and so they had to start their jobs. Others had family circumstances they had to tend to.

Many men felt shame at not having been able to support their families and pressure to compensate for this perceived failure. For them, the first priority was to address their family's financial situation, as one service provider explained:

He's been away for six months, he hasn't brought any money, his wife keeps asking: "What happened? What did you do there?" They would be saying: "Why do you go for free medical assistance. There is no such thing now as free medical assistance. You'd just better go find a job or do some useful things at home". Victims' families often have financial hardships and men would be the ones to deal with this. This is the most widespread reason for refusal.

This meant that many returned seafarers did not seek out or accept assistance until their situation became critical, as one service provider explained based on her experience:

They would often come when they have no way out... He comes back and he has posttraumatic stress disorder but he has a family and children to provide for. He is the head of the family. So he does not rush to a psychologist, his mind is bent on finding a job. But when he starts looking for a job, employers can see from his appearance and physical condition that he is not able to work, so nobody hires him. Once they realise it and once they also get the information from someone that there is a place, there is an organisation that can help them, it is then that they come in for assistance.

Rejecting the victim identity

At a more personal level, receiving assistance can often be a psychologically complicated experience. The men interviewed for this study were generally educated and previously successful seafarers and, while they did recognise they had been abused and exploited, they did not necessarily see their experience within a paradigm of "victimhood". A further complication was that, as men, they were often uncomfortable talking about the emasculating experiences they had been through, as one service provider explained:

... many of them did not realise they were victims of trafficking. They just did not perceive themselves as victims of trafficking. One of the things about men in labour exploitation is that they find it difficult to speak about this problem. They feel uncomfortable speaking about this because they are men, they have to provide for their family. That's

why they do not feel comfortable sharing their experiences... It is only after they realise that they are well treated here, that the information that they share will be confidential, that we are trying to protect their interests, it is only after this that they open up and share information. Because some of them would not even share that information with their families, about the violence.

There was a general impression among service providers that trafficked men were more resistant to speaking about their problems and seeking support than trafficked women:

It is harder for men to accept assistance because they think of themselves as being strong and it is hard for them to admit that not everything is okay, that they need this assistance.

This observation was borne out in interviews with trafficked seafarers. One man, at least initially, responded to questions about his experience and situation with ambivalence, asking:

Why do we have to talk about this? Men should not talk about their problems.

When asked how the seafarers experienced receiving assistance, service providers described complicated reactions on the part of many men:

It was interesting because they were not really proud that they were [being assisted]. Even when we were providing the installation grants, they were grown up men and they were saying: "Oh, now I am getting money from a woman". They were ashamed, let's say.

[They were] stressed and they were not feeling comfortable to ask help from our doctors... Sailors are well paid, this is a well-paid job. Somehow people get used to having money so after this kind of experience they are not really confident in themselves.

Discomfort with receiving assistance is not unique to men and/or trafficked seafarers. This has been documented amongst trafficking victims in other studies, leading in some cases to declining assistance. Among those who have struggled with this were successful breadwinners in their families and, as a consequence, suffered because of this challenge to their capacity and identity.⁷⁶ This finding resonated in the case of many of the trafficked seafarers interviewed in this study. Many had been successful professional seafarers, with good salaries and prestigious positions. Losing or compromising this identity was not a welcome prospect and caused resistance to the idea of seeking and accepting assistance.

⁷⁶ Please also see Brunovskis & Surtees 2007 and Surtees 2008b&c.

Confidentiality and disclosure of the trafficking experience to family and/or community

One concern with receiving assistance may be the perceived risk that this will “out” seafarers as trafficked to family, friends and community.⁷⁷

It is unclear to what extent seafarers revealed their trafficking experience to others or the extent to which disclosure was a pervasive concern. One service provider who assisted a group of seafarers explained that, in her experience, there was more openness about what had happened to family when exploited for labour as compared to sexual exploitation:

In cases of labour exploitation... after they have come back they had to explain to their relatives why they came back without money, why they did not earn anything. Usually people are ashamed of talking about sexual exploitation but in cases of labour exploitation this rule does not apply. By and large many of them were coming to the office with their parents, mothers and with their wives. They would come in already knowing what had happened.

That being said, seafarers interviewed had not always disclosed their experience. One seafarer explained that, while his family knew that he had problems abroad, their knowledge of the nature and extent of his exploitation was only superficial and his neighbours didn't know anything at all about what had happened.⁷⁸ As noted above, assuring confidentiality was often an important first step for trafficked men who did not want the (full) details of their experience to be public as one service provider explained:

Because some of them would not even share that information with their families, about the violence.

Disclosure may also be a function of the sex (and individual profile) of respondents, in addition to the form of trafficking. Women may be more open and willing to talk about their experiences and seek assistance than their male counterparts in Ukraine. A psychologist explained:

Men tend to think of themselves as the strong sex. When they come back to Ukraine women find it easier to speak about their experience, about being beaten, abused. Men find it much harder because they

⁷⁷ This is consistent with findings from a past study in the Balkans and FSU, where the perception of assistance as publicly identifying the trafficked person contributed to decisions to decline assistance (Brunovskis & Surtees 2007).

⁷⁸ This is in line with findings from a study on trafficking into the construction industry, also involving men from Ukraine, in which men often did not reveal the full extent of their exploitation. Many withheld details of their trafficking experience from their family and friends. In the extreme, this caused some to decline the offer of comprehensive assistance at the IOM rehabilitation centre because the centre was located in the capital, several hours from their home and they would not be able to explain to their family the reason for their absence from the family home (Craggs & Surtees forthcoming).

tend to think of themselves as being strong and they cannot share with anyone that they were beaten or abused. Before going abroad they thought that they were strong enough, even physically, to deal with a situation like this. Therefore men are unwilling to speak about their depression. Men often use a sort of “easy way out” of the problem and abuse alcohol. They would often tell us: “After I came back to Ukraine, things were so grim that I have just started drinking and I was drinking and drinking and at some point I realised that I need to deal with the problems”. [Men] are not inclined to speak about their problems, at least during the first contact. However, men often have psychological disorders just as women do. Then they often turned to alcohol until they realised this was not a way out. Victims usually do not come immediately after they get out of the exploitative situation.

* * * * *

Assistance options for trafficked seafarers and fishers while abroad were extremely limited; none were offered formal anti-trafficking assistance overseas. What assistance was received was *ad hoc* and largely insufficient, focused on their return. In Ukraine, trafficked seafarers and fishers received assistance largely through IOM in Kiev and NGOs working in their area of origin. They learned about available assistance most commonly through friends and former colleagues but also through advertisements or referral from the prosecutor’s office. At the same time, not all of the men trafficked to sea sought out or accepted assistance.

The type of assistance needed once trafficked seafarers and fishers returned home depended on a variety of factors such as the nature of trafficking, the period of exploitation and individual family circumstances, among others. It is nonetheless possible to identify some common needs. These included: professional opportunities including (re)training and continued education; legal assistance; healthcare and medical assistance and psychological assistance.

Some trafficked persons did not need assistance or at least not the assistance that was offered. However, for some, not seeking out assistance was also a consequence of obstacles to appropriate assistance for trafficked seafarers and fishers. These included: administrative, budgetary and legal barriers; negative or non-experiences of assistance; availability of services; pressure to work and earn money; rejecting the victim identity and concerns about confidentiality and disclosure of their trafficking experience.



10. Conclusion and recommendations

Trafficking of seafarers and fishers is a less considered and yet important part of the overall picture of human trafficking. Much can be learned from the experiences of the trafficked seafarers and fishers considered in this study, from recruitment and exploitation to identification and assistance.

At the same time, trafficking at sea can differ substantially from context to context and lessons from one region or one group may not resonate with others' experiences. Moreover, while the experiences and needs of trafficking seafarers and fishers have much in common with those of other persons trafficked for labour in/from Ukraine, there are some specific distinctions that need to be borne in mind when addressing this particular form of human trafficking. Exploring and recognising these similarities and differences is essential in understanding how this form of trafficking takes place and what can be done both locally and internationally, to address it.

In reflecting on the experiences and needs of Ukrainian trafficked seafarers and fishers, the following observations will be key to implementing effective assistance and counter-trafficking strategies.

- 1) *Physical danger and risk of exploitation are unusually high in seafaring and commercial fishing.*
- 2) *Trafficked seafarers and fishers are not 'traditional' victims.*
- 3) *Trafficking threatens seafarers' and fishers' sense of identity.*
- 4) *Experiences of trafficked seafarers and fishers challenges victim paradigm.*
- 5) *Identification of trafficked seafarers and fishers is difficult and infrequent.*
- 6) *Trafficked seafarers' and fishers' assistance needs are unique and highly specific.*

- 1) *Physical danger and risk of exploitation are unusually high in seafaring and commercial fishing*

Seafaring and commercial fishing have a unique potential to be exploitative and dangerous labour sectors. The very nature of the work—largely out of sight, at sea and, thus, inescapable and moving between various national and international jurisdictions—lends itself to a high risk of abuse. Labour and human rights abuses are commonplace aboard illegal fishing vessels, including a lack of legally binding



contracts; physical and psychological mistreatment of crew; abhorrent working and living conditions; the use of hazardous equipment; inadequate training in the use of equipment on-board; long shifts with little time to rest; inadequate medical services, equipment or facilities on board vessels and forced labour. Trafficking and labour exploitation are made significantly more feasible by the limited regulation of labour practices in the seafaring and fishing sectors. The current legal and regulatory framework in which seafaring and fishing operates affords space for dangerous and exploitative practices by criminal actors. Addressing trafficking within the seafaring and fishing sectors needs to be part of the development of a broader strategy of how to provide greater protection and rights within these labour sectors. This need is particularly acute in terms of the commercial fishing sector for which the regulatory framework is weaker than for merchant vessels, allowing fishing vessels to stay more 'out of sight' of the coastal states.

2) Trafficked seafarers and fishers are not 'traditional' victims

The trafficking of these highly skilled, professional seafarers goes some way in challenging notions of who gets trafficked and how. Assumptions of vulnerability and risk (which commonly centre around poverty, low education, family problems and social exclusion) do not apply in the same way to these cases of seafarer and fishers trafficking at sea. Formal work and migration frameworks (like regulated crewing agencies in Ukraine), which are assumed to provide sufficient protection to migrant workers, do not always translate into safe migration and employment opportunities. In some cases, they may even serve to camouflage risks of trafficking and abuse.

Who gets trafficked and how is highly specific. It is often very much linked to a localised context and the victim's personal situation. Traffickers have consistently proven adept at exploiting a wide range of persons in a variety of professions and circumstances. Understanding risks and vulnerabilities requires adequate attention to the specifics of the local setting, individual circumstances and personal narratives. Seafarers' and fishers' experiences documented in this study offer evidence that generic anti-trafficking models and pre-packaged responses to specific trafficking situations will not be effective.

3) Trafficking threatens seafarers' and fishers' sense of identity

The experience of being trafficked at sea poses a substantial threat to the identity of these men—on a professional level (as a skilled and capable seafarer) as well as on a personal level (as an educated and successful man, husband and father). Where one's sense of self and identity is intimately tied up in one's profession, having that profession undermined by a trafficking experience can be disorienting, challenging, even debilitating. While this may be most evident for men who have left the profession, it is equally an issue for those who have ambivalent feelings about continuing their chosen profession. Many may feel

anxiety or fear in their day-to-day work. Trafficked seafarers may also face identity challenges through their failure to earn money and to support themselves or their families, something that can be exacerbated by the need to seek out and accept assistance.

4) Experiences of trafficked seafarers and fishers challenge victim paradigm

As with many trafficked persons, the decisions, behaviour and actions of trafficked Ukrainian seafarers challenge the notion of “victimhood”. Victimhood is associated with a high level of passivity, yet these seafarers were active decision makers, seeking professional satisfaction and to support themselves and their families. Resistance was often subtle—like supporting one another at sea. In other ways, their resistance was more active—fighting back against abuse, devising means of exit, seeking help from authorities, giving statements and testimony, bringing legal action against their exploiters and relating their story for this research to contribute to anti-trafficking efforts.

From a human rights perspective, the paradigm of victimhood within trafficking discourse designates the violation experienced and where the responsibility for redress lies. This can be particularly useful when seeking to encourage state accountability for human trafficking abuses, when these are facilitated by State regulated agencies such as the Ukrainian crewing agencies. On the other hand, the notion of victim and victimhood is sometimes unpalatable for many trafficked individuals, including the Ukrainian trafficked seafarers and fishers interviewed for this study.

When trafficked persons do not see themselves as “victims” or “victims of trafficking”, this can decrease the likelihood that they seek out or accept redress or assistance. Addressing the gap in identification and treatment that the “victim” label can create is a crucial part of reaching out to groups like trafficked seafarers and fishers from Ukraine.

5) Identification of trafficked seafarers and fishers is difficult and infrequent

Identifying trafficked seafarers and fishers poses a number of challenges. Relatively little attention has been paid to seafarers as potential subjects of labour trafficking, not least because they are often quite literally “out of sight” while trafficked. Entry points for identification—whether at sea or in port—are case specific and require increasing the engagement of a wide range of stakeholders in the process of identification. At present, exploited seafarers are rarely identified as trafficked, even when they have been identified as “exploited” or “in need”. Increasing identification will also necessarily involve an expanded group of stakeholders. This is particularly true within the seafaring and fishing sectors, where expertise and resources have not yet been mobilised to combat trafficking. As important is the commitment and political will of authorities – from countries of origin and flag states.

6) *Trafficked seafarers' and fishers' assistance needs are unique and highly specific*

The needs of trafficked seafarers and fishers, while not always dissimilar to victims of other forms of labour trafficking, do have some features which merit particular attention. The decision of whether to remain in seafaring and what constitutes safe recruitment and employment contexts for the future are of immediate concern. The specific services that trafficked seafarers require, such as specialised legal aid or psychological assistance, require careful tailoring of assistance programmes to meet their needs. Experts from the seafaring and fishing sectors would be able to bring in a range of knowledge and resources that can help address many of the needs of trafficked seafarers and fishers. Anti-trafficking organisations, particularly service providers, have an equally important role to play in offering services (such as medical care, counselling and so on) to trafficked seafarers and fishers, particularly where government services are lacking.

Recommendations

Building on the above conclusions, the following recommendations aim to articulate possible ways forward for governments, NGOs, international organisations, unions and associations and local actors in addressing the issue of trafficking at sea. These recommendations are structured around the four 'Ps' of anti-trafficking efforts—prevention, protection, prosecution and partnership.

1) Prevention

a. Offer entry-level programmes for young seafarers

Publicised and advanced level apprenticeship or internship programmes, offered by established and reliable companies, afford work experience to young seafarers who might otherwise be at risk of being trafficked by unscrupulous crewing companies and employers. Such programmes allow young seafarers to gain experience in a safe, observed environment and can incentivise the private sector to take on inexperienced seafarers through subsidies or education-related tax benefits.

b. Increase awareness of the risks of trafficking within the seafaring and commercial fishing sectors

Although many seafarers and fishers have heard stories of colleagues who were trafficked, few recognise it as more than a labour dispute and fewer still are aware of how to avoid or deal with a trafficking situation should they encounter one themselves. Organisations like International Transport Workers' Federation (ITF), seafarers unions, fisheries schools, maritime schools, labour associations and government agencies are well-positioned to increase seafarer and fisher's awareness of trafficking –i.e. when it may occur and how to handle and escape the situation if trafficked themselves. Safe

recruitment practices, model contracts, background-checking placements, support groups and emergency contacts can be disseminated through media, education, online and in person. This same awareness-raising must extend to the staff and leaders of seafaring organisations as well as the broader anti-trafficking community. There is also a need to increase awareness of the risks of being involved in IUU fishing, which can be embedded in anti-trafficking awareness initiatives aimed at the seafaring and fishing sectors.

c. Enable seafarers to independently check and verify placements

Tools or programmes that allow seafarers and fishers to check the legality, authenticity and background reports of their placements are essential in preventing trafficking before it occurs. At a minimum, such tools should allow seafarers/fishers to view images of the ship and its current licenses, check its location, establish whether there have been complaints or lawsuits filed by previous crew, check the legality of the contract and check the history and reliability of placement firms. Existing tools include the ITF vessel registry, the Equasis project and the FAO's Global Record of the Fishing Fleet. These and similar initiatives should be incorporated into verification systems and awareness of them disseminated among seafarers and fishers. These tools can also be used by states in furtherance of their monitoring efforts.

d. Comprehensively regulate crewing companies

Ukrainian legislation should be brought into line with the specific international standards on regulation and liability of crewing companies for recruitment and placement of seafarers and fishers. This includes no recruitment fees be borne by seafarers and fishers, legal and financial responsibility for violated contracts, a duty to investigate the shipping companies they make placements for, a central oversight and complaints body with public violation records and a ban on re-licensing individuals associated with companies that previously violated regulations.

e. Develop state anti-trafficking oversight of the seafaring and commercial fishing industries

State monitoring of the seafaring and fishing industries must extend beyond inspections for licensing or IUU violations. On-ship inspections of labour conditions, randomised port inspections, regular monitoring of flag vessel locations, vessel fitness inspections and interviews with crewmembers to ascertain if they are being treated fairly should all be part of state practice in their oversight of the seafaring industry. Legislation that allows states to hold ship owners and operators accountable for trafficking violations, including across state lines, is a vital enforcement tool. Due to the close relationship between fisheries crime and trafficking efforts to combat fisheries crime, governments should also include anti-trafficking efforts as an integrated part of the fisheries authorities' control activities at sea and in port.

2) Protection

a. *Ensure seafarers and fishers have contact information for organisations that can help – at home and abroad.* Seafarers and fishers should carry information about organisations and institutions from which they can solicit assistance in case of difficulty. This might include the ITF, seafarers and fishers associations and unions, organisations or institutions in destination countries and different anti-trafficking organisations. This might also include law enforcement authorities like coast guards and port authorities.

b. *Ensure seafarers and fishers have a means of communication*
Seafarers and fishers should be strongly encouraged to travel with charged and credited mobile phones. They should be advised to establish a system of regular communication with family or friends on shore, the interruption of which can serve as a warning signal for possible difficulties. This will be particularly necessary in the case of fishing vessels that are not subject to the same international obligations to have tracking systems on board as is requisite for SOLAS-convention vessels. Fishers working on board vessels under a flag of convenience should establish a system of regular communication, either by telephone or by use of more discreet personal portable tracking device.

c. *Improve and enforce labour regulation of the seafaring and commercial fishing sectors*

In some cases, laws regulating work conditions on merchant vessels are inadequate. In other cases, such legislation exists (often in the form of international treaties, such as the Safety of Life at Sea Convention) but is poorly enforced. Inspection, ombudsman and complaint mechanisms would all help to enforce such laws and regulations. Also important is the ratification of legislation that protects seafarers and fishers as well as the development and implementation of port state control on fishing vessels worldwide. The Law of the Sea Convention allows for the possibility to board a ship in international waters that is engaged in the slave trade, an option that should be further explored as a tool for coastal states where flag states are not enforcing their obligations. For fishing vessels there are no international conventions in force, making urgent the need to develop such protections.

d. *Improve identification of trafficked seafarers and fishers*

Given the difficulties of discovering and communicating with trafficked seafarers and fishers, a robust set of approaches is needed to effectively and consistently identify victims. This may include screening seafarers in ports, spot-checks by coast guards at sea or screening detained seafarers/fishers, among other possibilities. This will require tailoring tools to the specific issue of victim identification; the issue of trafficking is not currently captured within the standards questions asked. It will also need to involve screening of lower level crew members, rather than only senior officers. This needs to be done one-on-one and not in the presence of the shipmaster, who is likely to

dissuade them from speaking openly about problems faced, including human trafficking. It is also worth exploring other possible barriers to disclosure of trafficking when being screened by foreign authorities including, for example, issues of trust, fear of arrest, language barriers and so on. Where screening leads to potential identification, it is important to think about how the coast guard or other authorities would rescue victims in cases where no illegal fishing is detected. The legal basis for arrest of a vessel outside of territorial waters is limited. Identification may also take place through seafarer support organisations or anti-trafficking organisations—e.g. seeking assistance while in port, calling helplines or reaching out to fellow seafarers. These approaches should be analysed for effectiveness and the most efficient expanded on over time.

e. Develop an assistance system to meet the specific needs of trafficked seafarers and fishers

To the extent that the needs of trafficked seafarers and fishers are distinct from those of other trafficking victims, governments and victim assistance groups should be prepared to meet those needs. These may include back payment lawsuits, specialised psychological counseling, long term medical care, financial assistance, assistance with travel documents and visas, training and job placement in another field, among other things. Such support should be available in both countries of origin and destination, including accommodating the legal issues associated with foreign nationals being assisted abroad (i.e. temporary residence permits including the right to work). Language can also be a barrier in the provision of assistance to foreign nationals. Developing this specific assistance system may require building the skills and capacity of service providers, to be able to work effectively with this group of trafficked persons. The cost of this assistance might be borne not only by countries of origin and where victims are identified or escape but also by flag states for ships on which trafficked persons are exploited.

f. Address language barriers to identification

Many seafarers and fishers do not speak the native tongue of their destination countries, flag state or English. Their ability to seek help and to file complaints is thus severely limited. Lack of a common language can prevent trafficked seafarers and fishers from being able to reach out for assistance and for interlocutors from being able to screen for trafficking and appropriately respond to requests for assistance. Tools are needed which would allow for broader communication across (often multiple) language barriers. Coast guards and other authorities are increasingly accompanied by interpreters when boarding vessels, although this is not always possible in resource-poor countries. At a rudimentary level, this might involve a list of translated phrases for screening and which would allow seafarers and fishers to request assistance. More sophisticated (although costly) responses could involve the use of audio/video technology to reach different nationalities and address language barriers.

g. Improve legal assistance for trafficked seafarers and fishers

Seafarers and fishers need independent legal assistance to help them know and secure their legal rights. Coast guards might be one source of information to fishers and seafarers when encountering vessels, although there are differences in rights between merchant and fishing vessels. After trafficking experience, seafarers and fishers should receive legal assistance to determine what civil remedies, if any, may be available to them from the crewing and fishing companies involved. They should also be advised of (realistic) options to pursue civil/compensation claims and/or criminal anti-trafficking charges at home, in destination countries and/or against flag states.

h. Create an assistance funds for seafarers and fishers

While seafarers should be strongly encouraged to have emergency funds available to return home at any stage if needed, many seafarers/fishers who are victims of trafficking will find themselves without the necessary funds to return home. Some funds do currently exist which can be used to return and assist trafficked seafarers – e.g. ITF funds, seafaring union assistance funds, IOM's Global assistance fund for trafficking victims, etc. However, these funds are not always adequate or available; efforts must be made to leverage additional funding. This might be funds from donors or national governments (origin countries and flag states) or from exploitative ship owners and recruitment/crewing firms. Further, the best means to access these funds should be widely disseminated through the seafaring and fishing sectors as well as anti-trafficking communities.

3) Prosecution

a. Create transnational cooperation systems for anti-trafficking law enforcement and prosecutions

The investigation and prosecution of trafficking cases is often stymied by barriers between different jurisdictions and legal systems. Bilateral or multilateral agreements that serve to overcome these barriers through evidence sharing, testimonial admission, database collaboration and the like, are crucial to the successful investigation and prosecution of trafficking cases. It is also worth exploring links to related, crossover crimes such fisheries crimes and how cooperation between these sectors/issues can strengthen investigations and prosecutions.

b. Build a comprehensive legislative framework for prosecution and civil liability of traffickers and fishers at sea

Prosecutors and investigators should actively pursue cases of trafficking at sea, particularly through dedicated anti-trafficking teams, in order to create robust case law and to streamline future prosecutorial efforts. Legislators should ensure accountability laws contain no loopholes (such as operations in international waters or by flying a flag under a non-cooperative jurisdiction)

and that both criminal and civil reactions are commensurate with the gravity of the crime. Targeted trainings for prosecutors, police and judges on the handling of trafficking cases in the maritime context will be crucial in effectively pursuing these cases.

c. Ensure that witnesses and victims are able to testify

Many trafficked seafarers and fishers were willing but unable to testify in cases against their traffickers. The most common obstacles were money, geography, time, trust and security risks. Witness protection schemes, financial remuneration, accommodation provision and travel funds should be made available to ensure that victim/witnesses are able to testify in the country where prosecution is taking place, if they so choose. Victim/witnesses should also be offered (free) support and protection while serving as witnesses as well as translation services when testifying in foreign countries.

d. Pursue legal accountability of crewing agencies and other actors in the trafficking chain

Prosecutors should ensure that crewing agencies are investigated and attached to lawsuits involving trafficking on vessels on which trafficked persons have been placed. Legislators should ensure that laws establish liability for negligent or wilful blind placement of crewmembers that leads to trafficking. Legal accountability should also be pursued in terms of the registered owner of the vessel, the operator and the trader of illegal catch, where relevant. This would ideally serve as a deterrent for persons and companies that currently benefit from this activity.

e. Enforce legal responsibilities of flag states

Flag states have primary responsibility for the regulatory framework on their vessels and the well being of the crew. Therefore, flag states have obligations under national and international law to trafficked persons who are exploited on vessels that fly their flag. This should include identifying and rescuing trafficked persons as well as creating a legal framework that makes it difficult for vessels registered under its jurisdiction to conduct criminal activities such as human trafficking. Human trafficking legislation in flag states should also be used to protect seafarers and fishers aboard its vessels.

f. Address trafficking-related corruption

Fish licensing and control systems are vulnerable to corruption, as is the practice of awarding foreign fleets access rights to fishing grounds in developing states and the flag registry system for commercial vessels. Civilian oversight and complaint systems that can effectively monitor those sectors of the government most likely to be (even indirectly) complicit in trafficking will help limit traffickers' impunity and stealth.

g. Create a central repository of labour case law in the seafaring and commercial fishing sector

Legal professionals should put together a centralised database of national and international law relevant in pursuing cases involving trafficking at sea. This should include relevant treaties, international agreements, customary law, case law, national legislation, academic articles and any other resources that may be useful to an attorney attempting to pursue civil or criminal action on behalf of a victim of trafficking at sea. Jurisdictional issues will likely be the main obstacle faced in such cases, which makes it essential for governments to communicate, cooperate and learn from each other.

h. Encourage collaboration between relevant legal specialists and fields of law

Legal professionals will need the knowledge and experience of specialists to effectively represent trafficked seafarers and fishers. These cases may involve national law, international law, human rights law, the law of the sea, maritime law and labour law matters, all of which will require highly specialised attorneys to effectively litigate. Organisational rosters of relevant attorneys, online collaboration or consultation forums and inter-specialty academic study can all contribute to increasing the links between these fields of law.

4) Partnerships

a. Increase collaboration between the anti-trafficking community and the seafaring and commercial fishing sectors

The seafaring and fishing sectors and the anti-trafficking community remain under-aware of their relevance to one another. Much of what is currently considered labour exploitation within the fishing and seafaring industry is actually human trafficking. And much of the anti-trafficking community is unaware of the presence of trafficking at sea. Inter-organisational dialogue, accompanied by collaboration on cases and awareness-raising efforts, will assist both in better addressing this phenomenon. In addition, it is important to engage organisations for both fishers and seafarers. National organisations for seafarers on merchant ships do not always represent fishers; fishers usually have their own organisations.

b. Establish links between organisations in origin and destination/flag state countries

The metaphorical distance between countries is often as much of a problem for trafficked seafarers and fishers as the physical distance. Lack of communication channels between government agencies and victim assistance groups presents a major obstacle in return efforts as well as reintegration support and later civil lawsuits and prosecution. Organisations in origin countries, such as the Ukraine, should establish regular channels of communications and directories with organisations where trafficked seafarers and fishers are commonly identified or escape. They should share information about emergency contacts and avenues for assistance in order

to improve transnational collaboration. Anti-trafficking organisations in the flag state should also be aware of their country's involvement in trafficking and should work with other countries to respond appropriately to the issue of human trafficking (and fisheries crimes). International institutions, like Interpol, and international organisations, like IOM, ILO and UNODC, could play a role in communication and links between different countries.

c. Improve maritime authority communication with seafarers and unions

Port authorities, customs and border patrol and fisheries inspectors are often the first potential point of contact for trafficked seafarers and fishers but mistrust of authorities and lack of mutual communication about trafficking often causes seafarers to remain silent. Open dialogue between relevant law enforcement and the seafaring and fisheries sector about detecting and combating trafficking will encourage seafarers and fishers to report issues when they first arise.

d. Bring the broader NGO community to bear on trafficking at sea

Trafficking at sea touches on a host of concerns outside of trafficking in persons, including child welfare, labour rights, education and immigration, among others. The broader community of NGOs that work to address these issues can contribute substantially to the battle against trafficking at sea, both through collateral detection and through contribution of expertise, awareness and resources.

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Human trafficking is a complex phenomenon. Effectively addressing human trafficking involving vessels at sea adds additional layers of complexity. As long as the problem of trafficked seafarers and fishers is not recognised, acknowledged or prioritised by countries implicated by these activities, these steps will not be taken and there will be little if any identification of trafficked seafarers and fishers. The recommendations of this report should be reviewed, discussed, adapted and improved upon to begin to operationalise a credible response to modern slavery at sea.





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