

## **Report No 687**

# **An assessment of ethical issues impacting on the UK seafood supply chain:**

## **Literature Review**

**Author:** Roger Plant, Consultant

**Date inc Year:** April 2015

**ISBN no:** 978-1-906634-93-3

# **AN ASSESSMENT OF ETHICAL ISSUES IMPACTING ON THE UK SEAFOOD SUPPLY CHAIN**

## ***A LITERATURE REVIEW***

**Submitted under Seafish Tender Document Number: TD2014/005**

Produced by  
Roger Plant, Consultant

**Submitted: April 2015**

## **TABLE OF CONTENTS**

### **1. TERMS OF REFERENCE, CONTEXT AND CHALLENGES**

*The TORs and their interpretation, and methodology*  
*The Context and Emerging Trends*

### **2. CONCEPTS AND STANDARDS: THE SCOPE OF ANALYSIS**

*Social dimensions of ethics and concepts of sustainability*  
*Ethical issues in supply chains: Entry points for assessment*

### **3. REVIEWING THE LITERATURE: PUBLISHED REPORTS**

*Overview publications*  
*Regional studies and reports*  
*Trafficking in Persons: U.S. Country reports*  
*Country reports: select examples*  
*Country reports: the case of Thailand*  
*Academic work and articles*

### **4. MEDIA REPORTS, WEBSITES AND CAMPAIGNS**

*Media Reports*  
*Websites and campaigns*

### **5. GOVERNMENT, INDUSTRY AND MULTI-STAKEHOLDER INITIATIVES: INITIAL REFLECTIONS**

#### **Government initiatives and reforms**

*UK Government Initiatives: the Modern Slavery Act and its maritime provisions*  
*Flagging of vessels and law reform in New Zealand*  
*Reporting on government policy measures and reforms in Thailand*

#### **Multi-stakeholder initiatives**

*Broad consultations*  
*International organisations and project-led initiatives*  
*NGO led initiatives*  
*Industry-led initiatives*

### **6. OVERALL ASSESSMENT AND GAP ANALYSIS**

# 1. TERMS OF REFERENCE, CONTEXT AND CHALLENGES

In March 2015 Seafish commissioned a study to assess the ethical issues impacting on seafood species landed into, and imported to the UK. The aim was to provide a comprehensive description and analysis of ethical concerns pervading seafood production and processing activities in a wide range of countries or regions that supply the UK seafood market, as well as domestic landings; wild caught and farmed species; different sectors of the supply chain; and all aspects of unethical practice.

Under the Terms of Reference (hence, TORs) and the agreed supplier contract, the project should proceed in stages. The first stage, to be completed during the first month of the project, should comprise the literature review itself. This should prepare the ground for the next phase of the project, identifying both the gaps in existing knowledge which need to be filled, and the main concerns that should be discussed with representatives from the UK seafood industry and other key stakeholders. This should be followed by ethical risk mapping profiles highlighting countries and regions that import seafood to the UK, and an analytical report with strategic recommendations.

This paper comprises the literature review documenting ethical issues impacting on the UK seafood supply chain. It is prepared under Seafish Tender Document No. TD2014/005.

Before presenting the findings, it is important to explain how the TORs have been interpreted during this first stage of the project, in view of the current context, the evolving challenges, and the emerging priorities of Seafish itself in the area of ethics. These are each considered in turn below.

## ***The TORs and their Interpretation, and Methodology***

The TORs provide for a “detailed literature review”, covering: published reports, media coverage, campaigns and websites. This is far more than a literature review, as narrowly understood. It would need to look at the nature and objectives of the growing number of advocacy campaigns on slavery and other ethical concerns in the seafood industry. What are the issues covered? What are the demands? To whom are the recommendations addressed? In other words, the review is also to some extent an exercise in scoping “who is doing what?” on these ethical concerns in seafood at present. Who are the main actors? What are their main approaches and reference points?

As for websites, this is a large issue in itself. There are the websites of the technical agencies; the international organisations with a direct or indirect mandate on this subject (and sometimes with field projects addressing the concerns); the various NGOs; the seafood industry and companies at the national and international levels; and also different government agencies (including foreign affairs, labour and social affairs, the environment and fisheries, and criminal justice agencies). Extensive coverage of websites at the global level would have been beyond the scope of the project. Thus for the most part, coverage of this issue is limited to the main international organisations, a small number of NGOs, and some key actors in the seafood industry. However, it was considered useful to examine in more detail

these concerns in Thailand, given that this country is so much in the international spotlight at present

The review does not pretend to be a complete and comprehensive coverage at this early stage. While every attempt has been made to identify the main published and electronically available sources, this has had to be done at speed. Moreover, there has only been a very limited number of interviews (in person or by telephone) with key informants at this stage. Beyond desk work, the review is based on two brief overseas trips.

Between 8-9 March, interviews were held with the main fisheries expert, and persons involved in research and project work on child and forced labour in the fishing sector, at the International Labour Organization (ILO), Geneva.

Between 25-27 March a series of interviews were held in Bangkok, with government officials (mainly from the Foreign Ministry), international organisations such as ILO and International Organization for Migration (IOM), NGOs including the *Issara* Project of Anti Slavery International, international seafood buyers, and several representatives of the Thai shrimp industry and the major shrimp production companies (CP Foods, Thai Union and Thai Royal). These meetings took place on the side of the “Bali Process Symposium on Trafficking for the Purpose of Labour Exploitation”, in which the consultant was invited to participate as an expert, and during which there were extensive discussions of trafficking in the Thai seafood industry (see below for media coverage). The morning of 27 March was devoted to attending a wrap-up section of the Thai Shrimp Feed Task Force, at which there was extensive of the measures needed to improve auditing of the vessels and peeling sheds supplying the main actors in the Thai shrimp industry (together accounting for some three quarters of all Thai shrimp production).

On the basis of its findings, the review aims to present a “gap analysis” for research and other activities during the next phase of the project. In this sense it can be seen in large part as a planning document for the overall project<sup>1</sup>.

### ***The Context and Emerging Trends***

Beginning in approximately 2006, there has been a steady growth in international attention to ethical concerns in the global seafood industry. Some key points have been: early overview publications by such trade unions groups as the International Transport Workers Federation (ITF) in 2006; NGO publications on specific commodities such as shrimp in Bangladesh and Thailand, as of 2008; overview studies by such international agencies as the United Nations Office on Drugs and Crime (UNODC) and International Labour Organization, 2011-2013; and a spate of media reports and NGO campaigns, backed up by some well documented country studies, over the past two years.

While the momentum has risen steadily, a critical moment was clearly the publication by the Guardian in mid 2014 of its well documented articles on serious forced labour abuses in the Thai shrimp industry, documenting specific suppliers of shrimp feed to Thailand’s largest shrimp producer, Charoen Pokphand (CP) Foods. This had a major impact in the UK, and was largely instrumental in persuading Seafish to extend the remit of its Common Language Group (CLG) to ethical concerns. The Seafood Ethics CLG was correspondingly formed in July 2014, and

---

<sup>1</sup> The main findings and follow-up recommendations will be synthesized in a Planning Document, to be presented at a meeting in Seafish, Grimsby, on 14 April 2015.

has since played an important role in bringing together members of the UK seafood industry and other key stakeholders.

As regards Thailand, other key developments were the decision of the United States Department of State to place the country on the lowest Tier 3 of its annual anti-trafficking rankings in June 2014 (making Thailand potentially liable to certain sanctions, as well as serious adverse publicity); and further high-profile media articles in 2014-2015. In late March 2015, a major article by Associated Press followed the *Guardian* by documenting the complicity of major international companies in Thai shrimp production under severe forced labour conditions<sup>2</sup>. AP, which claimed to have interviewed more than 40 “current and former slaves” in Indonesian waters where Thai trawlers were active, used US Customs Bill of lading identity documents to identify shipments from tainted Thai suppliers to U.S. companies, including well-known brand names.

With regard to the most serious abuses, the advocacy and media focus is now most predominantly on Thailand and Thai fishing. The victims are mainly migrant workers, both irregular and regular, from the neighbouring countries of Cambodia and Myanmar. Very widespread abuses have been documented, both on close-haul fishing boats and in land-based operations such as the “peeling sheds” where much of the work is carried out by undocumented migrants.

Beyond Thailand and Thai vessels, reports of abuse are far more sporadic. At the global level, all reports concur that fishing at sea is inherently dangerous because of the nature of the industry; and that conditions of employment present a range of concerns with regard to such aspects as hours of work, payment of wages, contracts of employment, freedom of movement and freedom of association. Attempts to regulate broad conditions of employment for fishers, through instruments such as the ILO’s 2007 Work in Fishing Convention, have so far had very limited impact because of the low level of ratifications.

A critical issue is whether these are *longstanding concerns* in the fishing and seafood industries, which have never been adequately addressed, or whether the industry is now facing *new concerns and challenges* as a result of more recent changes in employment and production trends.

On the one hand – as will be examined further in the next section – there has been a growing momentum over the past decade to address the situation of various vulnerable groups, and the situation to which they can be subjected. This includes, in addition to maritime workers and fishers, groups such as domestic workers, seasonal workers in agriculture and food processing, construction workers, workers in the hotel and entertainment sector, and in particular the migrant workers (both regular and irregular) who are increasingly being recruited for the lowest paid, difficult and dangerous jobs at the lower end of the labour market. There are also growing concerns at the unfair practices used by labour brokers and recruitment intermediaries, and the unscrupulous means (including unexplained deductions from wages) in order to make profits from these vulnerable groups. The international momentum against human trafficking of “modern slavery” has served to draw attention to maritime workers and fishers, together with other vulnerable groups. One example is the annual Trafficking in Persons (TIP) reports of the U.S. State

---

<sup>2</sup> The article was published in full by the Bangkok Post on 26 March 2015, during the consultant’s visit to Bangkok. Entitled “Slave-labour fish mixes in with Thai catch”, it led to a series of follow-up editorials and articles, and to statements by the Thai government as to measures that would be taken to deal with the problems.

Department. The subject of trafficking and exploitation of fishers has received thematic coverage in recent years, while the abusive exploitation of fishers has also received quite extensive treatment in country reports. A further example is the Modern Slavery Act enacted by the UK Parliament in late March 2015. As will be discussed further below, a detailed section of this new Act deals with maritime enforcement, and recognises the risk of human trafficking and slavery-like practices at sea.

On the other hand, it is being widely argued that new trends in seafood production are increasing the risk of severe labour exploitation of the workforce involved. A considerable number of NGO advocacy documents and campaigns, and also some academic publications, are drawing the linkage between severe forms of labour abuse; and IUU fishing, over-fishing, and new trends of recruitment and employment in the fishing and seafood industry. These trends have been most extensively documented in Thailand (particularly by the Environmental Justice Foundation), but they also have global dimensions. In Scotland for example, there has been recent media coverage of abuses against migrant workers in fishing, paid far less than UK nationals. Particularly high risk areas for vulnerable migrants in all regions include long-haul fishing, small vessels involved in illegal fishing, and processing plants for shrimp and fish feed. While there has been very little systematic research on working conditions on long haul boats, some recent research on Cambodian fishers in South Africa shows how complex a global problem this may be, stretching way beyond the Thai vessels and waters on which so much recent research has concentrated.

There are signs that the combination of media reports, NGO advocacy and consumer pressure may now be having some impact on company practice. Following the March 2015 AP report on Thailand, for example, Thailand's biggest seafood company *Thai Union Frozen Products* announced that it had cut ties with a supplier named in the AP report, after determining that it might be involved with forced labour and other abuses. However, as in others sectors where serious labour abuses may be prevalent or widespread, companies are faced with a constant dilemma. When do they disassociate from individual suppliers? When do they seek to remediate the problems, through rigorous auditing, accompanied by training and support measures for suppliers? What measures do they require from governments, in the form of better laws and regulations, intensified inspections, and more vigorous law enforcement?

In view of this, the next section discusses some of the conceptual issues in conducting an assessment of ethical concerns in an industry like seafood.

## 2. CONCEPTS AND STANDARDS: THE SCOPE OF ANALYSIS

### *Social dimensions of ethics and concepts of sustainability*

For the purpose of this project, the term *ethics* is used “for issues relating to labour and human rights. This includes slavery, bonded and forced labour, child labour and health and safety across the whole supply chain, be that on land or at sea”.

Over the past year, the spotlight in media reports and NGO advocacy has been mainly on the most egregious forms of human and labour rights violations in parts of the fishing industry, namely slavery and slavery-like practices, forced and bonded labour, human trafficking, and the worst forms of child labour. The media reports and campaigns on Thailand have certainly focused on slavery and forced labour, as have the reports of serious abuses aboard South Korean and other foreign-crewed charter vessels in New Zealand waters.

However, both for the literature review and for the overall project, it is important to reflect on the extent of analysis, and on the concepts and standards (both international and national) used for this analysis. The social dimensions of ethics – and in particular, the labour and human rights components of these social dimensions – appear to be a new issue for the seafood industry, either in the UK or globally. While UK based groups such as the Sustainable Seafood Coalition have issued codes of conduct on responsible fishing and seafood sourcing, these are currently limited to environmental concerns<sup>3</sup>. And while agencies such as the Norwegian Seafood Council purport to address social as well as environmental concerns in their reports on seafood sustainability, the emphasis is on the *positive* impact of seafood to people and communities, rather than the *negative* impact associated with certain labour and production practices<sup>4</sup>.

At the same time, there are indications that some of the more technical bodies associated with the seafood industry now understand the need to address the social and labour dimensions of sustainability. This emerging concern may be more evident in some parts of the world than others. In Latin America for example, one well informed NGO informant lamented that social dimensions were simply not on the radar screen of the environmental NGOs working on seafood<sup>5</sup>. But at countless seafood and aquaculture events over the past year – from Europe through to the U.S. and Asia – attention has been drawn to these social dimensions<sup>6</sup>. From the various

---

<sup>3</sup> See for example, “Codes of Conduct”, Sustainable Seafood Coalition, August 2014.

<sup>4</sup> See for example, “A Report on Sustainable Norwegian Seafood”, Norwegian Seafood Council, Tromsø, February 2013.

<sup>5</sup> Leo van Mulekom, skype conversation, 20 March 2015.

<sup>6</sup> One interesting example is the Global Outlook on Aquaculture Leadership (GOAL) Conference, held in Ho Chi Minh City, Vietnam in October 2014. Though it has not been possible to locate an official report of the conference proceedings, it appears that participants were surprised by the degree of attention given to human and labour rights. In the words of a commentator from *Fishwise*, on the lessons learned from this conference, “On my retail panel, the most interesting part of the discussion was around how the recent revelations of abuse in seafood supply chains has changed how we think about sustainability. The uncomfortable truth is that we have may have been calling some seafood “responsibly sourced” despite being associated with egregious human rights abuses....the definition of seafood sustainability can no longer be restricted to environmental standards. Figuring out how to address both environmental and social considerations in seafood production and improve traceability so sustainability claims can be verified is our revised challenge moving forward”. See for example, “Codes of Conduct”, Sustainable Seafood Coalition, August 2014.

recent industry and multi-stakeholder events in such places as Ho Chi Minh City, New Orleans and Boston, it is clear that the drive to redefine the concept of sustainable seafood, and to address social and human rights standards as well as environmental ones, is penetrating the mindset of the industry. As to how to do this, however, the industry appears still to be at the foothills.

For most concerned actors and agencies in the seafood industry, the entry point for addressing the labour rights concerns has been the extreme abuses of forced labour and trafficking. Shortly after the 2014 *Guardian* article, for example, the Marine Stewardship Council (MSC) announced a new policy on forced labour within the future requirements of MSC certification<sup>7</sup>. The International Marine Ingredients Organisation IFFO has also focused on this issue observing in a recent bulletin that “IFFO has offered our support in the endeavour to abolish human trafficking, forced labour and exploitation of workers and is open to receiving solutions to this from all avenues”<sup>8</sup>.

Yet many actors want to spread the net wider, using the mantle of ethics to address longstanding deficiencies in the treatment of fishers. There are justified concerns that fishing is an inherently dangerous activity, with above average levels of fatalities and injuries, and that measures are now urgently required to improve the working conditions of crewmen. These points are made, for example, in a background report prepared by the ILO in 2013, for a global dialogue forum to promote its Work in Fishing Convention<sup>9</sup>. This ILO issues paper focuses on fishers working on commercial fishing vessels engaged in capture fisheries, as these are the focus of Convention No. 188. The context is that the globalisation of the industry has also contributed to the globalisation of the workforce, through the regular use of migrant workers. These developments have “created new challenges with regard to the regulation of conditions of work in the sector”. Migrant workers are seen as particularly vulnerable to exploitation. “Some migrant fishers may not be fully aware of their rights on foreign vessels and may find it difficult to seek help when faced with poor working and living conditions. They may not have acceptable written work agreements or medical care, may be owed wages or may experience unsafe and unhealthy living and working conditions. Their situation may go unaddressed if vessels are inspected by the Flag States and are not checked during visits to foreign ports”.

The ILO issues paper also highlights the particular challenges on small fishing vessels. Technological improvements have permitted these small vessels to fish

---

<sup>6</sup> See for example, “A Report on Sustainable Norwegian Seafood”, Norwegian Seafood Council, Tromsø, February 2013.

<sup>6</sup> Leo van Mulekom, skype conversation, 20 March 2015.

<sup>6</sup> One interesting example is the Global Outlook on Aquaculture Leadership (GOAL) Conference, held in Ho Chi Minh City, Vietnam in October 2014. Though it has not been possible to locate an official report of the conference proceedings, it appears that participants were surprised by the degree of attention given to human and labour rights. In the words of a commentator from *Fishwise*, on the lessons learned from this conference, “On my retail panel, the most interesting part of the discussion was around how the recent revelations of abuse in seafood supply chains has changed how we think about sustainability. The uncomfortable truth is that we have may have been calling some seafood “responsibly sourced” despite being associated with egregious human rights abuses....the definition of seafood sustainability can no longer be restricted to environmental standards. Figuring out how to address both environmental and social considerations in seafood production and i

<sup>7</sup> MSC Bulletin, “MSC Board announces clear policy on forced labour”, 1 August 2014. This policy only covered companies which had been successfully prosecuted for forced labour violations over the past two years. These would be out of scope of the MSC programme and would be ineligible for MSC certification.

<sup>8</sup> IFFO, “Ethics in the Seafood Industry”, Industry News Bulletin, 30 July 2014.

<sup>9</sup> “The Work in Fishing Convention, 2007 (No. 188): Getting on Board”, ILO, Geneva, 2013.

further from shore, or for longer periods of time. Standards with regard to water, food, accommodation and sanitary facilities are therefore particularly important. Similarly, medical supplies, care and examinations become more relevant, the further that these vessels are from shore, and the longer the periods they are at sea.

The U.S. NGO Verité, in its overview analysis<sup>10</sup>, has also highlighted the essential and growing vulnerability of fishers and seafood workers to abusive labour conditions, seeing this as linked to the growth of IUU fishing. “The prevalence of IUU fishing has contributed to sharply declining world fish stocks through overfishing, leading vessels to undertake longer and longer voyages in order to find fish, and thereby increasing the vulnerability of workers who are stuck aboard for longer and longer periods of time”. The workers engaged in illegal fishing are seen as especially vulnerable to labour trafficking and other forms of exploitation. “They are sometimes employed by, or owe money to, criminal groups, making it hard for them to escape from exploitative situations without a perceived threat of violent reprisal. Also, because they are engaged in illegal activities, it is unlikely that they will complain to authorities about violations of their rights for fear of arrest”.

Declining stocks also increase the precariousness of employment for workers involved in fish processing, by threatening the overall viability of the industry. Fish and shrimp processing workers face a high exposure to hazardous work conditions. “Previous studies of the sector have identified a wide variety of risks including mechanical and electrical accidents, excessive noise levels, extreme cold, aggravation of respiratory conditions including asthma, skin and eye infections, and musculoskeletal injuries”.

Analysts also perceive links between recent trends in the employment structure in the fishing and seafood industries, and the prevalence of abusive labour practices. In both small-scale fishing and the processing sector, the employment is largely casual. Moreover, on both large and small fishing vessels, workers are often remunerated under the “share” system, where they are considered as “partners” in the fishing venture rather than as employees. They may receive no remuneration at all, if the voyage is not profitable. They may also see their wages reduced to pay for items consumed on board. If the fishers are in debt to money lenders or labour brokers, or if the items are charged at highly inflated rates, then they can easily become trapped in situations of debt bondage.

Verité observes that casual work, increasingly of women, is also a feature of the fish processing and canning industries. In the tuna sector in the Philippines, for example, it found that canning facilities had shifted to hiring nearly all their workers through labour cooperatives, avoiding a direct employment relationship and the related benefits for workers.

### ***Ethical issues in supply chains: Entry points for assessment***

Ethical concerns in seafood clearly go beyond forced and bonded labour, child labour, trafficking and slavery. To be manageable, however, the assessment cannot cover all aspects of labour rights, as for example set out in the ILO’s international labour standards. It makes sense to focus mainly on the “worst violations”, as set out in ILO Conventions on forced labour, child labour and its worst forms, and related practices. A second tier of standards can be the “core labour standards” articulated in the ILO’s 1998 Declaration on Fundamental Principles and

---

<sup>10</sup> Verité overview paper, “Fishing and Aquaculture”, 2014.

Rights at Work. These are, in addition to forced and child labour concerns, freedom of association and collective bargaining, and non-discrimination.

A further frame of reference, with specific regard to fishers, can be the labour rights and guarantees set out in the ILO's Work in Fishing Convention, 2007 (No. 188). The Convention's overall objective is to ensure that fishers have decent conditions of work on board fishing vessels, regarding minimum requirements for work on board; conditions of service; accommodation and food; occupational health and safety protection; medical care and social security. While revising earlier ILO Conventions on certain aspects of fishers' rights and protections, it is drafted as a comprehensive instrument covering all aspects of protection. Substantive issues covered include: the minimum age of 16 years for work aboard a fishing vessel; medical examination; manning and hours of rest; crew list; fisher's work agreement; repatriation; recruitment and placement (including the role of private employment agencies); payment of fishers; accommodation and food; medical care; social security; and protection in the case of work-related sickness, injury or death. Part II provides for general principles implementation and coordination; and the responsibilities of fishing vessel owners, skippers and fishers. Part VII deals with compliance and enforcement, including: inspections, reporting, monitoring, complaint procedures, appropriate penalties and corrective measures in accordance with national laws or regulations.

The ILO's Work in Fishing Convention is not yet in force. It shall be binding only on ILO Member States who have registered their ratifications, and shall come into force one year after which ten countries (at least eight of which are coastal states) have ratified it<sup>11</sup>. In the meantime, its provisions are of obvious value as the "higher benchmark" to which national laws and policies should aspire, as ideal conditions for the recruitment, employment and social protection of fishers.

At the lower end of the spectrum, there can be "grey areas" between the criminal offences (of forced labour, slavery and trafficking) and poor conditions of work. The ILO and others have referred to this *continuum* of forced labour. In the ILO's words, "...there is a continuum including both what can clearly be defined as forced labour and other forms of labour exploitation and abuse. It may be useful to consider a range of possible situations with, at one end, slavery and slavery-like practices and, at the other end, situations of freely chosen employment. In between the two extremes, there are a variety of employment relationships in which the element of free choice by the worker begins at least to be mitigated or constrained, and can eventually be cast into doubt"<sup>12</sup>.

At the present time, there has been a very small number of prosecutions or convictions worldwide for the criminal offences of forced labour, slavery or labour trafficking (and even fewer affecting individual companies, let alone companies in the seafood industry). This may change, as there is more of a spotlight on abuses in the seafood industry. In Thailand, for example, as the government comes under intense pressure from the US government among other to intensify its action against human trafficking, the Prime Minister has recently vowed to take legal action against any private companies found to have used forced labour in the fishing industry.

---

<sup>11</sup> By mid March 2015, the Convention had been ratified by only five countries (Argentina, Bosnia and Herzegovina, Morocco, Congo and South Africa).

<sup>12</sup> ILO, *The Cost of Coercion*, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Geneva, 2009.

With or without prosecutions, both governments and the industry need, for practical reasons, to know how to differentiate between the gravity of different labour violations. Buyers need to know the circumstances in which they should immediately cut off a supplier, in order not to be tainted by the criminal offences of slavery and forced labour; and when they should seek to remediate the problems. While the literature reviewed below has rarely discussed these issues in a rigorous way, there have been some exceptions. For example, an ILO report on employment conditions in Thai fishing explains at length the criteria for assessing whether migrant fishers were subjected to forced labour in the strict legal sense.

A further concern is to distinguish between countries and their fisheries, where there are only isolated countries of abuse (which can be dealt with through effective victim identification and law enforcement); and situations where the abuses are more industrial and widespread, arguably an integral part of labour use in seafood production. Much of the recent coverage on Thai fisheries, for example, argues that the abuses are so deeply embedded in recent patterns of seafood production as to require widespread reforms in the fishing industry. The implications are that intensified law enforcement against individual offenders, while necessary, can be only one part of the overall solution.

All these factors will have to be considered carefully, in developing a matrix at a later stage of the project.

### **3. REVIEWING THE LITERATURE: PUBLISHED REPORTS**

This section aims to cover the main reports on the subject published in recent years, by inter-governmental organizations, NGOs and others. Some of these are general and overview publications, others are country specific. Some may be considered generic or awareness raising documents. Others are clearly designed as campaigning documents, often containing specific and quite detailed recommendations to governments, the seafood industry and other stakeholders.

#### *Overview publications*

An overview study on trans national organised crime in the fishing industry was published by the United Nations Office on Drugs and Crime (UNODC) in 2011<sup>13</sup>. It consists mainly of a desk review. It highlights the severity of the abuse of fishers trafficked for the purpose of forced labour on fishing vessels, together with the frequency of child trafficking in the fishing industry. It identifies key vulnerabilities of the fishing industry to trans national organized crime and trafficking, including the global reach of fishing vessels and a general lack of governance and rule of law in the fishing industry. Factors behind this weak governance include: lack of at-sea surveillance of vessel movements and shipments; lack of transparency of the identity of ownership of fishing vessels, and a lack of international records; lack of ability of some flag States to enforce their criminal law jurisdiction; and a lack of international endorsement of existing international regulation of the safety of fishing vessels and working conditions of fishers at sea. Importantly however, the UNODC study notes that the few empirical studies into these concerns in the fishing industry are “limited in size and geographical reach”. Most sources are anecdotal, and further research is

---

<sup>13</sup> *Transnational Organized Crime in the Fishing Industry (Focus on Trafficking in Persons, Smuggling of Migrants, Illicit Drugs Trafficking)*, UNODC, Vienna, 2011

required. In particular, “More needs to be understood about the role and *modus operandi* (such as incorporation strategies) of fishing operators involved in human trafficking for the purpose of forced labour on board fishing vessels; the benefit they accrue from the criminal activity; and the link between human trafficking and marine living resource crime. More needs to be known about the manner in which market mechanisms influence fishing operators’ decision to exploit fishers for the purpose of forced labour, as well as the ability of States and consumers to influence fishing operators’ decisions”.

Two years later in 2013, UNODC issued a further issues paper on organised crime committed more generally at sea<sup>14</sup>. The paper underscores the common and interlinked emerging crimes at sea, including piracy and armed robbery at sea, migrant smuggling and trafficking in persons, drug trafficking, organized crime within the fishing industry, and oil bunkering. It identifies the applicable maritime laws and regulations and their potential gaps as well as the relevant good practices and challenges in international cooperation at the legal and operational level with respect to crimes at sea. It discusses the problems concerning the investigation and prosecution of crimes at sea, including the need for capacity building.

This second UNODC paper has a five-page section on fisheries crime, covering: the current problem of fisheries crime; the legal framework; and problems and challenges posed by fisheries crime. This essentially repeats the findings of the earlier 2011 report on the fishing industry. However, the paper also draws on the findings of an expert meeting to draw particular attention to concerns in the African region. “The importance of tackling fisheries crime off the coasts of Africa and the need for a comprehensive strategy to reform the sector and mobilize a partnership for African fisheries were highlighted at the experts meeting. Fisheries crime has both ecological impact (eg. it threatens food security) and economic impact (eg. it distorts the market, undermines sources of livelihood, disadvantages legal fishers, undermines source of employment/profit/income for Africans)”. The paper concludes with a series of recommendations formulated at the experts group meeting. These cover the four areas of: legal and conceptual concerns (eg. clearly demarcating organized fisheries crime from IUU fishing for the purpose of UNODC mandates; implementation, enforcement and prosecution; UNODC resources and tools; and supporting the African Union policy agenda).

A further overview study was published by the ILO in 2013, also comprising a desk review. Its purpose is to “consolidate existing knowledge about forced labour and trafficking in the fisheries sector and to identify institutional and legal frameworks and multi-stakeholder initiatives that have the potential to positively affect fishers’ safety and working conditions”. The ILO study builds on a consultation on forced labour in the fishing sector held in September 2012, with the participation of governments, employers’ and workers’ organizations, as well as relevant inter-governmental organizations, NGOs and experts. It examines recent literature on forced labour and human trafficking in the fisheries sector, with a focus on fishing vessels engaged in commercial marine fisheries.

A first part of the ILO desk review provides a background to the main actors, activities and trends affecting fishers’ working conditions, and reviews and consolidates the literature on forced labour and trafficking in the fisheries sector, particularly that taking place on board fishing vessels. A second part outlines legal frameworks pertaining to forced labour and human trafficking, and fishers’ safety and

---

<sup>14</sup> “Combating Transnational Organized Crime Committed at Sea: Issue Paper”, United Nations Office on Drugs and Crime, Vienna, 2013.

working conditions, as well as the instruments which provide guidance to business, and voluntary multi-stakeholder initiatives to encourage social responsibility in the sector.

While focusing primarily on the shrimp industry in countries of Asia's Great Mekong sub-Region, the ILO study also refers to reports of forced labour affecting seamen and fishers in places including the Russian Federation, Ukraine, West Africa, and Scotland and Ireland. As regards the latter, it cites a 2008 report by the International Transport Workers' Federation (ITF) on *Migrant Workers in the Scottish and Irish Fishing Industry* (a compilation of abusive working conditions affecting migrant workers in this sector). Like UNODC, however, the ILO regrets the absence of comprehensive research in the fisheries sector. The literature is referred to as "fragmented and often anecdotal, providing little insight into the prevalence of forced labour and trafficking in the fisheries sector". It is seen as an "underground and unexplored problem in many parts of the world", urgently requiring further research.

Appendices list certification schemes, and also present the results of a brief review of individual companies that have attempted to develop responsible value chain procedures and policies on fish, with reference to ILO standards and Conventions in their codes of conduct.

Moreover, NGOs and the international trade union movement began to address these concerns almost a decade ago, in their advocacy-oriented publications. In 2006 the International Transport Workers' Federation issued a report which highlighted the human rights abuses endured by seafarers generally, though with a strong focus on the plight of fishers<sup>15</sup>. The report identified the main forms of abuse suffered by fishers and other seafarers, including: abandonment of seafarers and fishers in port; the use of manning agents; corruption and blacklisting of crews; criminalisation of crews; and lack of access to justice. A 2010 report by EJF<sup>16</sup> firmly established its credentials as a leading advocacy group, backed by well documented case work and analysis. The 24-page 2010 report focuses on the links between IUU and abusive working and safety conditions. It has case studies from West Africa and South-East Asia, refers to international organizations and their standards, and calls for concerted action against flags of convenience.

Of overview studies by NGOs, the most recent is the 2014 publication of the U.S.-based *Fishwise*<sup>17</sup>. This aims essentially to be a resource guide for seafood businesses seeking to prevent and eliminate such human rights abuses. First, it provides an overview of both human rights issues in seafood supply chains, and the major challenges to reform (including corruption, lack of transparency, lack of enforcement, and the prevalence of illegal fishing). Second, it explores how different governmental, non-governmental, industry groups and companies are working on human and labour rights in the fishing industry, and makes a number of specific recommendations as to ways in which companies can address these concerns in an honest and transparent manner. The 2014 *Fishwise* publication is actually an updated version of an earlier study, containing (a) an updated summary of media reports on human rights abuses in seafood supply chains released since November 2013, and (b) the results of an online survey of stakeholder groups including the seafood industry, seafood consumers and NGOs. Though well presented and extensively referenced, the 2014 *Fishwise* study does not aim to break new ground in research and analysis. It again observes that the vast majority of reports on human

---

<sup>15</sup> *Out of Sight, Out of Mind*, ITF, 2006.

<sup>16</sup> *All at Sea*, EJF, 2010.

<sup>17</sup> *Trafficked: an Updated Study of Human Rights Abuses in the Fishing Industry*, Fishwise, March 2014.

rights abuses in the seafood industry involve case studies on the Greater Mekong Subregion (though examples of coercive practices in capture fisheries have also been recorded in source countries such as Ukraine, Indonesia and West Africa; and destination markets such as New Zealand, South Korea, Turkey, Russia, Ireland and Scotland). Thus further study “is required in order to determine the international scale of human rights and labour abuses in the seafood industry”.

Verité has also provided an overview of the risk to human trafficking in the fish and aquaculture sector, in a recent 2015 report on human trafficking in U.S. Federal and corporate supply chains<sup>18</sup>. The eight-page review refers quite extensively to the ILO and other publications mentioned above, while also drawing on Verité’s own research projects in countries including Bangladesh, Indonesia and the Philippines. It highlights *inter alia* the risk in fish processing facilities, because of their reliance on casual labour which allows them flexibility to respond to lower and unpredictable catches. It notes that child labour is common in fishing and aquaculture throughout the globe. The report documents some cases of abuse, where fish processing relies heavily on migrant labour. One case is cited in the Maryland crab processing sector, where workers were indebted to labour brokers, wages were much lower than promised, and wage deductions and piece-rate wage structures made it almost impossible to attain the minimum wage. Verité also focuses heavily on the abuses associated with practices of labour brokers and middlemen in developing and developed countries alike.

### ***Regional studies and reports***

By far the largest number of regional studies cover the South-East Asian region, and particularly the Greater Mekong Subregion. Some of these are advocacy documents, for example the well documented and well presented reports of EJF (often backed up by short videos). Others are more analytical reports. More recently, a number of studies have been carried out within the framework of projects implemented by international organizations.

An important contribution is a recent study prepared by *Accenture* on behalf of Humanity United, on labour exploitation in the shrimp industry<sup>19</sup>. The study focuses mainly on production systems in Bangladesh and Thailand, and on the US consumer market. This detailed and high quality study is of considerable importance because it (a) examines recent patterns of labour exploitation in the context of changing production, tenure and employment practices (b) examines the implications for poverty reduction and livelihoods (c) makes detailed comparisons between the different circumstances of Bangladesh and Thailand and major shrimp producers in the region, and the implications for future policy (d) makes a series of recommendations, broken down by country, and (e) contains an overview of shrimp supply chains and production schemes in Bangladesh, India, Indonesia, Thailand and Vietnam. The *Accenture* study reviews the major seafood certification schemes and commitments of major shrimp buyers, and also makes a number of useful recommendations for corporate practice at different levels of the seafood supply chain (including the establishment of ethical labour brokers, and the registration of the peeling sheds where so many of the abuses against vulnerable migrant workers have been documented).

---

<sup>18</sup> *Strengthening Protections against Trafficking in Persons in Federal and Corporate Supply Chains*, Verité, January 2015.

<sup>19</sup> *Exploitative Labor Practices in the Global Shrimp Industry*, Prepared by Accenture for Humanity United (undated, but apparently 2012).

A number of Asian regional studies have been undertaken by the ILO, in the context of projects on child labour and for the protection of migrant workers. One publication of this project, drawing on the results of a 2013 regional meeting, addresses the concerns of migrant fishers in the ASEAN region<sup>20</sup>. It aims to provide a snapshot of the legislation, policies, support services and tools available to improve the protection of migrant workers in ASEAN fisheries. Usefully the publication covers – in addition to the TRIANGLE project countries – such receiving Asian countries as Japan, Malaysia, South Korea and Taiwan.

A very recent study, carried out by the International Organization of Migration and the London School of Hygiene and Tropical Medicine, addresses the health impact of human trafficking in some of the GMS countries<sup>21</sup>. It contains the findings of a survey of over 1,000 men, women and youth over 10 years of age who were receiving post-trafficking services in Cambodia, Thailand and Vietnam. While the survey covers victims of trafficking in a number of different sectors (including domestic work and sex trafficking, as well as trafficking for labour exploitation), it highlights the severity of conditions for those persons trafficked in fisheries. Respondents referred to an unusually high level of violence in fishing, compared with those exploited in other sectors. They had the greatest number of working hours (almost 19 hours per day over a seven-day week). Together with those in domestic work, they endured the greatest restrictions on personal freedom. They had the longest median periods in trafficking (at over 487 days), moreover, nearly half of those trafficked for commercial fishing reported at least one serious injury.

### ***Trafficking in Persons: U.S. Country reports***

Every year the U.S. Government publishes its widely publicized Trafficking in Persons Report (TIP report). This contains an introductory section which highlights certain thematic concerns, together with global and regional law enforcement data. The bulk of the report then consists of country narratives, in which individual countries are ranked in certain “tier placements” in accordance with their performance in action against human trafficking. The lowest rank is Tier 3, for countries whose governments do not comply with the minimum standards of U.S. domestic legislation against human trafficking and are not making significant efforts to do so. Governments ranked on Tier 3 may be subject to certain penalties and restrictions on U.S. bilateral assistance, and for this reason most governments make strenuous efforts not to be included on the lowest Tier 3 ranking.

Trafficking in the fishing industry was first covered as a thematic concern in the 2012 TIP report. This highlighted forced labour on fishing vessels occurring concurrently with IUU fishing, which threatens food security and the preservation of marine resources. Fishing and aquaculture are again highlighted in the most recent TIP report, issued in June 2014. As observed generally, “In recent years, a growing body of evidence has documented forced labour on inland, coastal and deep sea fishing vessels, as well as in shrimp farming and seafood processing. This evidence has prompted the international advocacy community to increase pressure on governments and private sector stakeholders to address the exploitation of men, women and children who work in the commercial fishing and aquaculture sector. As specific examples the report cites:

---

<sup>20</sup> *Work in Fishing in the Asean Region: Protecting the Rights of Migrant Fishers*, ILO, Regional Office for Asia and the Pacific, September 2014.

<sup>21</sup> *Health and Human Trafficking in the Greater Mekong Subregion*, IOM, Danesvad and the London School of Hygiene and Tropical Medicine, March 2015.

- In Europe, Belize-flagged fishing vessels operating in the Barents Sea north of Norway have used forced labour, as have vessels employing Ukrainian men in the Sea of Okhotsk
- In the Caribbean, foreign-flagged fishing vessels have used forced labour in the waters of Jamaica and Trinidad and Tobago
- Along the coastline of sub-Saharan Africa, forced labour has become more apparent on European and Asian fishing vessels seeking to catch fish in poorly regulated waters. Traffickers have exploited victims in the territorial waters of Mauritius, South Africa and Senegal, as well as aboard small lake-based boats in Ghana and Kenya
- In Asia, men from Cambodia, Burma, the Philippines, Indonesia, Vietnam, China and India and Bangladesh are subjected to forced labour on foreign-flagged (largely Taiwanese, Korean and Hong Kong) vessels operating in territorial waters in Southeast Asia, the Pacific region, and New Zealand.

The 2014 TIP report documented human trafficking in the fishing and aquaculture sector of 32 countries altogether<sup>22</sup>. Of these, 12 countries (Bangladesh, Belize, Ghana, Indonesia, Israel, Madagascar, Mauritius, Sri Lanka, Taiwan, Thailand, the United Kingdom and Vietnam) have been identified as suppliers to the UK market in 2013. The kind of evidence for these countries, as presented in the TIP report, is reviewed below.

For Bangladesh, Belize, Ghana, Indonesia, Sri Lanka and the United Kingdom, there are only very general statements that adults or children (including migrant workers) have been subjected to forced labour in the fishing or fish processing industries. Vietnam is mentioned as a source country for men and women migrants, who can be subjected to forced labour in industries including fishing in a large number of destination countries. In Israel, “Men from the Philippines, Sri Lanka and India reportedly work in harsh conditions on fishing boats; some of this labour may amount to human trafficking, distinguished by isolation, long working hours without rest, and withheld salaries”. For Madagascar, “Malagasay men have been subjected to forced labour aboard Chinese-flagged fishing vessels in South Africa’s territorial waters”. For Mauritius, it is observed briefly that “In previous reporting periods, Cambodian fishermen were subjected to forced labour on fishing boats in Mauritius’s territorial waters”.

For Taiwan, there is more detail. Most trafficking victims are migrant workers from a range of Asian countries employed through recruitment agencies and brokers to perform low-skilled work in Taiwan in different industries, including fishing. “NGOs estimate there are up to 160,000 workers onboard Taiwan fishing vessels around the world, some of whom have reported non- or underpayment of wages, long working hours, physical abuse, lack of food, and poor living conditions; an unknown number of these men are trafficking victims”. A specific recommendation is that the Government should vigorously investigate and prosecute the owners of Taiwan-owned or Taiwan-flagged fishing vessels who allegedly commit abuse and labour trafficking onboard long haul fishing vessels.

---

<sup>22</sup> Angola, Bangladesh, Belize, Burundi, Cambodia, Comoros, Costa Rica, Democratic Republic of the Congo, Fiji, Ghana, Indonesia, Israel, Jamaica, Kenya, Kiribati, Madagascar, Malawi, Mauritius, Mongolia, Myanmar, Namibia, Federated States of Micronesia, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Taiwan, Tanzania, Thailand, Timor-Leste, United Kingdom and Vietnam.

Finally in Thailand (placed in Tier 3), the TIP report addressed the fishing sector in considerable detail. It observes that a significant portion of labour trafficking victims within Thailand are exploited in commercial fishing and fishing-related industries, among others. “Burmese, Cambodian and Thai men are subjected to forced labour on Thai fishing boats that travel throughout Southeast Asia and beyond; some men remain at sea for several years, are paid very little, are expected to work 18 to 20 hours per day for seven days a week or are threatened and physically beaten”. The TIP report cites at some length the reports of other findings and investigations, including the ILO’s 2013 report (see below), and a 2010 assessment of the cumulative risk of labour trafficking among Burmese migrant workers in the seafood industry of Samut Sakhon, which found that 57% of the 430 workers surveyed experienced conditions of forced labour. However, the ample recommendations in the 2014 TIP report do not make any specific reference to the fishing or seafood sector.

### ***Country reports: select examples***

Two extensive country reports, one concerning Ukrainian fishers, the other concerning Cambodian fishers in South Africa, have been researched by the same author, Rebecca Surtees, and published jointly by the IOM and the Washington-based Nexus Institute<sup>23</sup>. The Ukraine study need not be reviewed here, as this country appears not to be a supplier to the UK market. While South Africa is a relatively small supplier to the UK market (monkfish and warm water prawns in 2013), the study is of considerable importance for the light it sheds on the trafficking of Asian fishers to distant regions, and for the involvement of operators and vessels from a wide range of different countries and flag States.

The 2014 report describes the experiences of Cambodian men who were held in servitude by human traffickers or suffered “other extreme forms of exploitation” on fishing vessels in the waters of South Africa. It is based on fieldwork conducted in Cambodia between 2013-2014, and interviews with professionals in South Africa in 2014. It explores the experiences of 31 Cambodian men who migrated for work in the fishing industry through a recruitment agency legally registered in Cambodia, the Giant Ocean International Fishery Company Limited. Interviews were also conducted with a further seven Cambodian men who were recruited through Giant Ocean, but ended up being exploited on fishing vessels in Fiji and Mauritius.

The report first describes the initial recruitment, travel and arrival process, and then moves on to the work experience. Most were initially contacted by labour brokers in their own villages, were often told they would work in fishing but misinformed about the destination (usually Japan rather than South Africa). Giant Ocean provided travel documents, and travel costs were to be deducted from future earnings. On arrival in South Africa the Cambodian migrants were generally met by persons from mainland China or Taiwan, as well as other countries, who represented the fishing companies in the port. All men worked on long-haul fishing vessels, spending months or even years at sea, and often travelling long distances. In cases where the migrants could remember the flag of the vessels on which they worked, these were identified as from China, Japan, South Africa and Taiwan. Most captains were from mainland China or Taiwan. The crew on the fishing vessels were usually of mixed nationalities (Cambodia, China, Indonesia, Malaysia, Myanmar, the Philippines, Taiwan and Vietnam).

---

<sup>23</sup> *Trafficked at Sea: the Exploitation of Ukrainian Seafarers and Fishers*, IOM/NEXUS Institute, 2012; and *In African Waters: the Trafficking of Cambodian Fishers in South Africa*, IOM/Nexus Institute, 2014.

The kinds of abuse were similar to those documented in other reports. All but two the 31 Cambodians experienced physical abuse and violence. The fishers sent abroad through Giant Ocean received little or no payment for their months or years of fishing off the South African coast. Men were moved between vessels at sea. Their documents were always taken upon arrival at the port, staying either with the captain or the fishing company at the port. Living conditions on the fishing vessels were substandard, and men reported various injuries or illnesses as a result of poor working conditions or the harshness of the work itself.

This report is cited at some length, mainly because of the complex issues it raises in terms of responsibility, between South Africa as the receiving state, the various Asian flag States of the vessels, and the diverse national origin of both the skippers and the crews.

### ***Country reports: The Case of Thailand***

There has been a large and growing number of studies in recent years, documenting abusive working conditions in the Thai fishing industry. Together with media reports – the best known being those of the UK Guardian newspaper in July 2014 – these have done much to persuade the major buyers of Thai seafood products to take remedial action.

Two very detailed reports have been published by international organisations, the IOM and ILO respectively. Both of these give ample context, examine the laws and regulatory framework in considerable detail, and document a large number of individual cases of abuse, focusing on the situation of both regular and irregular migrants from Cambodia and Thailand.

The IOM study was issued in 2011<sup>24</sup>, and prepared mainly by one consultant. Its objective is to “provide a better understanding of the recruitment, living and working conditions of fishermen 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 fishermen and its implementation, highlighting certain gaps which enable traffickers to operate in the sector and lead to abusive conditions. The report also examines protection and support services accessible by victims of trafficking”. The methodology was an initial comprehensive desk review of available NGO publications, followed by individual and focus group discussions with migrant fishers and their families. There were at least eleven field trips to different parts of Thailand Cambodia, and extensive contact with trafficked fishers who had escaped and returned to their home areas.

The IOM study has a useful review of the role of, and coordination between, different agencies (maritime institutions; immigration, police, labour and anti-trafficking units; Thai fishing boat owners’ associations, NGOs and fishers’ advocates). It contains a thorough review of recruitment practices, together with abusive living and working conditions. A basic conclusion is that Thailand need to be proactive in reforming relevant labour migration legislation and practices. “Tackling the issue of human trafficking in the fishing sector in Thailand will not be easy. Labour recruitment practices which have been established over more than twenty years will be hard to change, but the long-term sustainability of the fishing sector depends on successful reforms”. The “recommendations for discussion” are too extensive to be repeated at length. They cover the main areas of: collection and exchange of data on the location and operations of boats in the fishing industry; new

---

<sup>24</sup> *Trafficking of Fishermen in Thailand*, prepared by Phil Robertson, IOM, Bangkok, January 2011.

mechanisms for the recruitment of migrant and Thai fishers; maritime legal and regulatory reform; prevention campaigns and materials; inspections; prosecution at sea and on land; protection and reintegration support; capacity development and training; and partnerships and international cooperation. An interesting feature of this IOM report is that it reproduces the extensive comments of a wide range of government agencies with which it was shared. These include the Ministry of Foreign Affairs, the Ministry of Social Development and Human Security, the Marine Police, the Immigration Bureau, the Ministry of Labour, and the Department of Fisheries. Generally, the government agencies were concerned that the report should emphasize the increasing legislative and operational measures it had recently been taking to address the problems.

An extremely detailed and thorough study was conducted in the framework of the ILO's TRIANGLE project, first published in 2013 and reproduced in 2014<sup>25</sup>. This presents the findings of a large-scale survey of employment practices and working conditions within the commercial fishing sector in the four major port areas of Thailand. The study was carried out in close consultation with the Thai Ministry of Labour, the Department of Fisheries, the National Fisheries Association of Thailand, the Thailand Overseas Fishing Association, and other relevant government and civil society stakeholders.

The context is clearly explained. The Thai fishing industry has seen dramatic changes in the structure of its employment and working conditions since the late 1980s. With economic development the Thai workforce has been less attracted to work in the fishing industry; and the labour force has been transformed from exclusively Thai crews to primarily irregular migrant workers from Cambodia and Myanmar. Even with its heavy reliance on undocumented migrant workers, Thailand's fishing industry has been unable to satisfy its demand for fishers. The shortage is a key factor leading to deceptive and coercive labour practices, forced labour and trafficking.

The survey, of almost 600 fishers on Thai boats fishing in national and international waters, was collected through interviewing fishers onshore (thus not fully capturing the experience of fishers working in exploitative conditions at sea). Cambodians made up the majority of respondents in two of the provinces, and Myanmar migrants in the other two. Over 80 per cent of the respondents were short-haul fishers, at sea for less than a month. Only a small fraction had work permits or had entered the regularization process.

This ILO study takes the ILO definition of *forced labour* (as set out in its main Conventions on the subject) as an important reference point for its analysis. One section assesses: the prevalence of forced labour and human trafficking in the fishing sector; patterns of forced labour and human trafficking in the fishing sector; the law enforcement response; and international pressure to address forced labour and human trafficking in the fishing sector. An additional section contains further analysis of deceptive and coercive practices, covering such issues as: forced labour and entry into the fishing sector; forced labour and nationality; forced labour and type of fishing; forced labour and working hours; forced labour and savings, wages and remittances; and forced labour and complaints.

The ILO study – like the previous IOM report – emphasizes that serious abuses are most likely to occur in long-haul fishing. A quarter of the long-haul fishers

---

<sup>25</sup> *Employment practices and working conditions in Thailand's fishing sector*, Asian Research Centre for Migration, Institute of Asian Studies, Chulalongkorn University, ILO TRIANGLE Project, 2014.

covered by the survey had been subjected to coercive or deceptive labour practices. “These long-haul fishers trapped in forced labour situations were more likely to have been employed through deceptive recruitment practices whereas short-haul fishers were more likely to be forced to work by the threat of financial repercussions. Physical inability to escape means that forced labour practices on board deep-sea ships, which remain at sea for months or years at a time, are more overt and of increased severity”.

Recommendations in the ILO report are divided into four areas, namely: (a) to the Thai government (b) for cooperation between the Thai government and the social partners<sup>26</sup> (c) for cooperation between the Thai government and the governments of countries of origin and countries in which Thai vessels are fishing, and (d) buyers of Thai seafood products. The last set of recommendations is arguably of most relevance for the present Seafish assessment. They are that “Buyers sourcing their seafood products from Thailand should continue to advocate for and develop means for monitoring of stricter regulatory standards to prevent and eliminate forced labour and other unacceptable forms of work from occurring within supply chains”.

An annex to the ILO report presented key findings of a survey of members of the National Fisheries Association of Thailand. Over 92% of the respondents were vessel owners, the remainder being either skippers or both vessel owners and skippers. The main problems identified in the employment of fishers were deceptive brokers, unfair wages and serious violence on board fishing vessels.

Of NGO reports on Thailand, the most meticulously documented are those of EJF. This is a small and London-based non profit organization, founded in 2000, and working internationally to protect the environment and defend human rights. It is an advocacy and campaigning group whose work aims to be “direct and effective, from investigations, field projects and community partnerships, to policy briefings and reports, campaign films and international advocacy that reach the highest levels of policy making in government, business and amongst the public”<sup>27</sup>. Its work today focuses in particular on “protecting the world’s seas and oceans by exposing illegal “pirate” fishing and exploitation in the seafood industry. EJF works to create full transparency and traceability within seafood supply chains and markets, promoting improvements in corporate governance and management of fisheries along with consumer activism and market driven solutions. It believes in collaborating with all stakeholders to achieve these goals.

Though EJF reports have been published on other countries, including Bangladesh, by far the greatest focus in recent years has been on Thailand. Since 2013 there have been no less than five separate published reports on Thailand, backed by well produced video films and other campaign materials. These latest reports are reviewed briefly below.

A first report in early 2013 addresses human trafficking in Thailand’s fishing industry<sup>28</sup>. This report documents some extreme cases of abuse, based on field investigations carried out by EJF in March that year. EJF carried out an investigation on Thai fishing boats, including the case of 14 Myanmar men rescued from a port. One of the boat workers interviewed had witnessed multiple murders. The report

---

<sup>26</sup> The ILO uses the term *social partners* to refer to the employers’ and workers’ organizations which form part of its governance structure, together with governments.

<sup>27</sup> Citation taken from vision statement on EJF website.

<sup>28</sup> *Sold to the Sea: Human Trafficking in Thailand’s Fishing Industry*, EJF with the support of Humanity United, May 2013.

pointed to the failure of the Thai government to take remedial action, and alleged that Thai police were profiting from the exploitation. It had a series of recommendations, addressed separately to the Thai government, the international community, the private sector and consumers. Internationally, it suggested that Thailand should be placed on Tier 3 in the US Government's anti-trafficking report, and that concerns over human trafficking should be specifically raised in the context of trade negotiations between the EU and Thailand. The private sector was urged to support a global record of fishing vessels with an associated Unique Vessel Identifier (UVI), and to demonstrate that supply chains were free from trafficking.

A report later that year focuses specifically on the Thai shrimp industry<sup>29</sup>. It highlights in particular labour abuses and human trafficking in the pre-processing factories otherwise known as "peeling sheds". This pre-processing stage of production is the most labour intensive and least regulated aspect of an "otherwise sophisticated supply chain", making it "particularly prone to poor working conditions, breaches of national and international standards, child and forced labour, exploitation and abuse". EJF notes that there are approximately 200 peeling sheds registered with the Department of Fisheries (DOF), while the number of unregistered peeling sheds is conservatively estimated at double that amount. In Samut Sakhon, Thailand's main seafood processing region, there are thought to be more than 400,000 migrant workers from Myanmar alone. The report again focuses on abusive behaviour by Thai police and border officials. "The Thai police and border officials frequently subject migrants – documented or undocumented – to harassment, extortion and arrest. Insiders are also known to have informed owners of abusive factories before an impending raid by Thai authorities". Once again, recommendations are addressed separately to: the Thai government, the international community, the Thai shrimp industry, retailers and buyers of Thai shrimp, and consumers. The shrimp industry is urged, among other things, to ensure that all pre-processing facilities are registered with relevant government agencies, to institute a rigorous Code of Practice, and to blacklist all non-compliant facilities. It should also provide access to third party monitoring of working conditions and recruitment processes. Retailers and buyers should highlight their concerns with the Thai government and companies, and provide clear information to consumers on the origin of fisheries products. Consumers are advised to avoid all purchases of Thai shrimp until retailers can provide confirmation that it was produced without human rights abuses.

A third report was published in early 2014, claiming to reveal new evidence of human trafficking and the use of violence in the Thai fishing industry<sup>30</sup>. It is based on an investigation in early 2014, including interviews with rescued trafficking victims, boat owners, officials and other stakeholders in Thailand's fishing industry. In practice, this report focuses much more on the shortcomings of the Thai Government's response than on the presentation of new evidence of abuse. It highlights failings in the area of coordination, registration of vessels, prosecutions and convictions of alleged offenders, and the protection of victims. It is also critical of the reluctance of the Thai fishing industry to modernize, thus generating a strong dependence on migrant labour in many sectors. Recommendations are addressed to the Thai government, the international community, the private sector, and consumers, and are not substantially different from those in earlier reports.

---

<sup>29</sup> *The Hidden Cost: Human Rights Abuses in Thailand's Shrimp Industry*, EJF, September 2013.

<sup>30</sup> *Slavery at Sea: The Continue Plight of Trafficked Migrants in Thailand's Fishing Industry*, EJF, March 2014.

A briefing note was issued in early 2015, essentially presenting arguments as to why Thailand should remain on Tier 3 in the U.S. Government's annual TIP report<sup>31</sup>. This briefing – drawing on government, media and other reports – provides a table of thirteen continued cases of trafficking, forced and bonded labour between March 2014 and January 2015. The remainder of the brief criticises the Thai government's response to trafficking in different areas, and recommends that Thailand should be kept on Tier 3 for the next TIP report.

The most recent EJF report on Thailand was published in March 2015<sup>32</sup>. As indicated in the subtitle, this latest report calls for over fishing, IUU fishing and modern slavery in the Thai fishing industry to be considered as interconnected issues. It argues for example that the practice of transshipment at sea - where larger cargo vessels re-supply fishing boats and pick up their catches – together with weak documentation systems, undermine private sector efforts to verify whether Thailand's export-oriented seafood supply chains are free from abuse. This report adopts more of a historical and analytical approach, documenting the decline of Thailand's capture fisheries over time since the 1980s. A strong business case is put forward for better practice, arguing that Thailand's fishing industry earns the country roughly half of what it could if it were managed in a sustainable way. Though there is a five page section on slavery in Thailand's fishing industry, this does not seek to provide new documentary evidence. It is again more analytical, examining the context in which slavery-like conditions occur, and drawing mainly on the reports of other organizations. The report contains extensive recommendations, now broken down into the three areas of political, enforcement, and transparency and traceability. It notes that the Ministry of Agriculture and Cooperatives 2014 Master Plan to Address Labour Issues in the Fishing Industry "explicitly outlines a series of actions to combat pirate fishing and human trafficking in an integrated manner, an approach which has subsequently been adopted by PM Prayuth through the establishment of a high-level policy committee on IUU and human trafficking in the fishing industry".

As regards transparency and traceability, the latest report contains a considerable number of recommendations addressed at retailers, buyers and producers of Thai seafood. Some of these are of a more technical nature than in previous reports. Reference is made to the Thai Sustainable Food Roundtable (TSFR). Retailers, buyers and the TSFR should work to establish binding policies covering each stage of the seafood supply chain, and with time bound commitments. There should be provisions to enforce non-compliance through the immediate suspensions of purchase, and the revoking of industry association membership where applicable. They should require vessels supplying fishmeal producers in their supply chain to install voice mail systems on their boats.

### **Academic work and articles**

Finally, reference can be made to two academic articles, one of general coverage, the other relating specifically to Thailand.

In a 2013 law journal article, Rebecca Surtees examines how to use the legal and regulatory framework to prevent and combat trafficking at sea, including of

---

<sup>31</sup> *Broken Promises: Why Thailand should stay on Tier 3 in the 2015 US Trafficking in Persons Report*, EJF, February 2015.

<sup>32</sup> *Pirates and Slaves: How Overfishing in Thailand Fuels Human Trafficking and the Plundering of Our Oceans*, EJF, March 2015.

fishers<sup>33</sup>. The article presents the legal and regulatory framework to combat trafficking at sea (international anti-trafficking law, international maritime law, and international law of the sea). It also draws on the perspective of men trafficked in the fishing sector to situate the discussion in the practical realm, and articulate what can be done in concrete terms. Importantly, while trafficking at sea is often associated with IUU fishing, the author observes that it also occurs within regulated fishing sectors. This detailed 60 page article is of value because it really thinks out how the multiple provisions of diverse international law could be used to remedy the plight of abused fishers, what the barriers are, and how these could be overcome. The article is too comprehensive to be reviewed briefly here. It covers such pertinent questions as: how non-accountability of crewing agencies in terms of job placements can lead to trafficking at sea; how recruitment of seafarers and fishers may involve fraud and deception; inadequate identification of seafarers and fishers on the high seas; barriers to the identification of trafficked fishers in territorial waters and exclusive economic zones (EEZs); barriers to identification in ports; lack of identification of trafficked seafarers and fishers beyond ports; inadequate provision of assistance; barriers between different jurisdictions and legal systems; lack of prosecution of such “higher level traffickers” as ship owners and operators; and lack of state accountability for trafficking at sea. The author concludes by identifying key issues that merit attention and could go some way towards addressing human trafficking, framed around the three areas of prevention, protection and prosecution. These are set out in the box below.

<b>BOX</b>	
<b>KEY ISSUES FOR ADDRESSING HUMAN TRAFFICKING IN SEAFARING AND FISHING</b>	
<b>Prevention</b>	
	<ul style="list-style-type: none"> <li>• Prohibit the payment of recruitment fees borne by seafarers/ fishers to decrease trafficking vulnerability</li> <li>• Enforce accountability of crewing agents in terms of job placements for fishers and seafarers</li> <li>• Improved regulation to prevent the use of fraud and deception in the recruitment of seafarers and fishers</li> </ul>
<b>Protection</b>	
	<ul style="list-style-type: none"> <li>• Improve identification of trafficked seafarers and fishers on the high seas, not least through enhanced flag State responsibility</li> <li>• Enhance identification in territorial waters and EEZs through coastal State engagement and cooperation with flag States</li> <li>• Improve and expand identification efforts beyond ports, with costs to be borne by flag States as well as countries of origin and destination</li> <li>• Ensure adequate provision of assistance to trafficked seafarers and fishers, both home and abroad</li> </ul>
<b>Prosecution</b>	
	<ul style="list-style-type: none"> <li>• Improve legislation and legal expertise in all field of law to effectively prosecute trafficking at sea</li> <li>• Cooperate and coordinate trans nationally to overcome barriers between different jurisdictions and legal systems</li> <li>• Prohibit the prosecution and penalisation of trafficked victims for crimes committed while trafficked</li> </ul>

<sup>33</sup> Rebecca Surtees, “Trapped at Sea. Using the Legal and Regulatory Framework to Prevent and Combat the Trafficking of Seafarers and Fishers”, Groningen Journal of International Law, Vol.1, No. 2, 2013.

- |  |
|--|
| <ul style="list-style-type: none"><li>• Pursue prosecution of “higher level traffickers” such as ship owners and operators</li><li>• Advocate and act to enforce State accountability for trafficking at sea</li></ul> |
|--|

<p>Source: Rebecca Surtees, <i>Groningen Law Journal 2014</i></p>
---

A second academic article specifically addressed the Thai fishing industry, focusing on the linkage between environmental depletion and labour trafficking in this industry<sup>34</sup>. The article is of some interest, in that – while the conclusions are similar to those in EJF advocacy documents – the arguments are presented in academic language. The main theme is that, while the Government of Thailand has recently increased its regulatory efforts to address male labour trafficking in response to international pressure, these have ignored the environmental dimension. The effects of over-fishing on the nature of the fishing industry thwart well meaning reforms. Environmental mainstreaming would strengthen current regulatory efforts, and contribute to the development of stronger and more realistic laws on labour trafficking.

## 4. MEDIA REPORTS, WEBSITES AND CAMPAIGNS

### *Media Reports*

While in recent years there have been countless media reports on abusive labour conditions in the fishing industry worldwide, three pieces of investigative journalism stand out because of their impact, either on the country in whose waters the abuses were documented, or on the seafood industry, or both.

In February 2012, *Bloomberg Business* published a long article on abuses aboard a South Korea-flagged ship trawling in the waters off New Zealand<sup>35</sup>. The articles focused on physical and sexual abuse endured by Indonesian fishers on Korean vessels, as well as on their conditions of debt bondage after taking out substantial loans. A six-month investigation detected conditions of debt bondage on at least ten Korean vessels operating in New Zealand waters. The author also cites earlier reports by researchers at the University of Auckland Business School, which had uncovered numerous cases of abuse and coercion among the estimated 2,000 fishers on New Zealand’s foreign charter vessels (FCVs).

The article traces the links between the *United Fisheries* company headquartered in New Zealand (reported to have purchased most of the ling, squid and other seafood products captured by these Korean vessels), and major U.S. retailers and buyers specifically named. Throughout the U.S. supply chain, these included Costco, Safeway, Sanford and Wal-Mart. The author also attempted estimates of the percentage of New Zealand’s catch of specific fishery products that could be tainted with forced labour, and subsequently exported to the U.S. “An analysis of several sources of data – including New Zealand fishery species quota and FCV catch totals made available by the Ministry of Agriculture and Forestry – suggests roughly 40% of the squid exported from New Zealand is caught on one of the vessels using coerced labour. Perhaps 15% of all New Zealand hoki exports may be slave-caught, and 8% of the country’s southern blue whiting catch may be tainted”.

---

<sup>34</sup> Joanna G. Sylwester, “Fishers of Men: The neglected effects of environment depletion on labour trafficking in the Thai fishing industry”, Pacific Rim Law and Policy Journal Association, 2014.

<sup>35</sup> E. Benjamin Skinner, “The Fishing Industry’s Cruellest Catch”, *Bloomberg Business*, 23 February 2012.

In this case, the media attention led to a swift government response in New Zealand itself. A Bill was introduced to amend the pertinent legislation on FCVs. It had its second reading in April 2014, also providing the opportunity for a large number of evidential submissions by the industry, NGOs and other stakeholders. Under the new legislation, as of May 2016 all vessels fishing in New Zealand waters will be flagged as New Zealand ships, and will operate under full New Zealand jurisdiction.

The *Guardian* reporting of June 2014<sup>36</sup> had a major impact on public opinion and the seafood industry in the UK. As with the earlier article on New Zealand, it combines well documented field reporting with rigorous analysis of the workings of the Thai seafood industry. The article was based on a six-month investigation, including “dozens of interviews with “fishermen, boat captains, boat managers, factory owners and Thai officials in and around various ports in Thailand”. Generally, it observed that coercive treatment of large numbers of men held against their will on fishing boats of Thailand was “integral to the production of prawns sold in leading supermarkets around the world, including the top four global retailers: Walmart, Carrefour, Costco and Tesco”. More specifically it found that CP Foods buys fishmeal, which it feeds to its farmed prawns, from some suppliers that own, operate or buy from fishing boats “manned with slaves”. Moreover, the *Guardian* identified Aldi, Morrisons, the Coop and Iceland as customers of CP Foods and its subsidiaries. The investigation focused in large part on the huge quantities of “trash fish” scooped up by Thailand. “The *Guardian* traced this fish on landing to factories where it is ground down into fishmeal for onward sale to CP Foods. The company uses this fishmeal to feed its farmed prawns, which it then ships to international customers”.

The article elicited statements from several of the major buyers and retailers (including Aldi, Carrefour, CP Foods, Morrisons, Tesco and Walmart) as to what they were doing to recognise and remedy the problems. CP for example said in a statement that it “believed the right thing was to use its commercial weight to influence the Thai government to act rather than walk away from the Thai fishing industry, although it is putting in place plans to use alternative proteins in its feed so that it can eliminate Thai fishmeal by 2021 if necessary. It said it had already tightened controls over the way its fishmeal is procured. While it recognises that workers on boats are exploited, it added that the Thai department of fisheries continues to deny that unregistered boats are a problem”.

This *Guardian* article appears to have had significant influence on future behaviour by companies. The fact that in the same month Thailand was demoted to Tier 3 on the U.S. Government’s anti-trafficking ranking was certainly an added catalyst, instigating the Thai government to take new measures in cooperation with the seafood industry. An example is the Thai Sustainable Fishmeal Roundtable (TSFR), in which eight Thai seafood industry associations engage with the government to seek long term solutions for the industry. CP Foods has also taken a leading role in creating a Shrimp Feed Task Force, as an industry alliance of major shrimp producers to audit shrimp feed plants.

A third major article, also covering Thailand and its major buyers, was published by Associated Press (AP) in late March 2015<sup>37</sup>. The article focuses on the Indonesian island village of Benjina and its surrounding waters, where AP claims to

---

<sup>36</sup> Kate Hodal, Chris Kelly and Felicity Lawrence, “Revealed: Asian slave labour producing prawns for supermarkets in US, UK”, *The Guardian*, 10 June 2014.

<sup>37</sup> The article “Slave-labour fish mixes in with Thai catch” was published in full in the *Bangkok Post* on 26 March 2015.

have interviewed more than 40 “current and former slaves” from Myanmar in a year-long investigation. It documented the journey of a single large shipment of “slave-caught seafood” from this Indonesian village – including squid, snapper, grouper and shrimp – and tracked it by satellite to a Thai harbour. AP journalists then followed the trucks that loaded and drove the seafood to dozens of factories, cold storage plants and the country’s biggest fish market. Inside the plants in Samut Sakhon, representatives told AP journalists that they sold seafood to other Thai processors and distributors. U.S. Customs Bills of lading identified specific shipments from those plants to several well known American firms. The AP journalists named one of the companies, Kingfisher Holdings Ltd., which “supplies frozen and canned seafood around the world”. It observes that Kingfisher and its subsidiary KF Food Ltd. send approximately 100 metric tonnes of seafood every month from Thailand to the U.S., where shipments have gone to a Boston-based Sysco supplier and other distributors. AP followed another truck to a company which sells to a subsidiary of Thai Union Frozen Products PCL, Thailand’s largest seafood corporation, which ships substantial amounts of canned seafood to the U.S. every month. The article infers that the major US pet food companies can thereby be tainted by Thai slavery.

The AP article elicited a swift response from the Thai government, as well as an immediate statement from Thai Union that it would disassociate from the supplier mentioned. The following day, the *Bangkok Post* mentioned a series of pledges from Thai government officials, from the Prime Minister downwards, to take intensified action against offenders<sup>38</sup>. These pledged legal action against any private companies found to have used forced labour in the fishing industry. The Thai government also pledged more cooperation with the Indonesian authorities, that “the two sides will gather evidence to bring those involved in exploiting forced labour to book, and to help workers falling victim to forced labour”. Other pledges included those to make Thai fishing boats comply with EU standards on IUU fishing; to register all foreign workers on Thai boats; and to equip vessels with monitoring systems according to international standards.

### **Websites and campaigns**

The main organisations involved with these issues, together with their websites, have already been documented by Seafish. It would appear superfluous to repeat such information at length in the present review. Suffice it to say that this kind of information can be of value for different purposes. Some websites can direct the reader to detailed reports and updates. Others provide information on projects, together with project and evaluation reports. Some provide updated information on action taken by industrial groups or even individual companies.

As with media coverage, a review of manifold websites and campaigns over several weeks points to an overwhelming emphasis on Thailand. This is where all the global campaigns appear to be centred at present, from Walk Free in Australia, through to EJF in the UK, and groups such as the International Labor Rights Forum (ILRF) in the U.S. An example of these campaigns is that of the Australia-based NGO Walk Free, “Help end Modern Slavery in the Thai Fishing Industry”. Basing its campaign on the June 2014 *Guardian* coverage (which identified specific companies), its campaigners are asked to petition these companies to join the Project Issara coordinated by Anti Slavery International; and to enforce their zero tolerance policies on forced labour by independently inspecting their Thai supply chain for modern slavery and publishing their findings. A September 2014 update on the campaign

---

<sup>38</sup> “Slave boat owners in govt sights: Trawlers with forced labour links face boot”, *Bangkok Post*, 27 March 2015.

web site focused on the companies Costco and Carrefour. There appear to have been no further updates since then.

Some other demands of these campaigns have been summarized in the earlier review of publications (see, in particular, EJF publications, for the demands of their campaigns on the Thai seafood industry).

## **5. GOVERNMENT, INDUSTRY AND MULTI-STAKEHOLDER INITIATIVES: INITIAL REFLECTIONS**

With so much activity at present, this area is a moveable feast. Moreover, the area cannot be covered as such in a literature review. The main focus of the project over the next two months will be precisely to discuss approaches, challenges and needs with representatives of the seafood industry and other pertinent stakeholders. However, it is useful at this early stage to make some initial reflections on the broad thrust of actions being taken. This will assist the planning meeting in mid April, and help identify some of the issues that can be followed up through individual and group consultations with the industry.

### **Government initiatives and reforms**

#### ***UK Government Initiatives: the Modern Slavery Act and its maritime provisions***

After years of preparation and much parliamentary debate, a Modern Slavery Act was finally adopted by the UK Parliament in late March 2015. This is timely for the project, in that an important section of the act covers the exploitation of seafarers.

Part 3 of the Act covers maritime enforcement. Clause 35 provides additional powers for law enforcement in England and Wales (the police, port police, British transport police, designated National Crime Agency officers, customs officials, or a member of Her Majesty's Armed Forces) to tackle suspected human trafficking or slavery at sea. Similar powers are established in relation to ships in Scotland and Northern Ireland. As the background to the Bill explained before its adoption, "This is an issue because victims are in many cases trafficked illegally on vessels, and also may be the subject of slavery, servitude or forced labour on board vessels. Extending law enforcement powers in relation to modern slavery offences will enable the police and other relevant bodies to better protect suspected victims and bring offenders to justice". The powers are set out in considerable detail, in various subsections of Part 3 of the Act.

Part 6 of the Act, of potential importance to the seafood industry, relates to transparency in supply chains. Following pressure from different advocacy groups (including the Ethical Trading Initiative, ETI) the Government introduced into the Act a provision that will require all businesses over a certain size to disclose what steps they have taken to ensure that their business and supply chain are free from slavery. The model for this is the California Transparency in Supply Chain Act, 2010, which entered into force in that state in January 2012. The Home Office has now launched a public consultation (due to last until 7 May 2015), specifically focused on which companies the transparency in supply chains measure should apply to, and what statutory guidance on this measure should contain. As the Home Office observes in the consultation document, "We believe that once it is made clear what activity major businesses are undertaking to ensure that slavery and human trafficking is not taking

place in their supply chains or own business, pressure from consumers, shareholders and campaigners and competition between businesses will encourage those who have not taken effective steps to do so”, The clause will also apply to commercial organisations (corporate bodies and partnerships, wherever incorporated or formed) which carry on a business or part of a business, in any sector, in the UK and who have a turnover over a certain minimum amount.

### ***Flagging of vessels and law reform in New Zealand***

New Zealand’s Fisheries (FCV and other matters) Amendment Bill passed into law in August 2014. It has received much favourable commentary, as a quick response to media reports of serious labour abuses on foreign-flagged vessels in New Zealand waters. The media reports prompted an extensive Ministerial enquiry, a detailed report of which was published in February 2012<sup>39</sup>. A review Panel concluded that the way in which some foreign FCVs has been operating has “the potential to damage New Zealand’s international standing and harm the fishing industry’s reputation”. Criticisms have been directed “not just against the foreign owners and vessels in question but also at the New Zealand charter parties concerned for failing to ensure that their obligations under the Code of Practice on Foreign Fishing Crew are met. Criticisms have also been made of weaknesses in the government’s monitoring and enforcing regime”.

The Panel therefore submitted a series of recommendations concerning law and policy changes, information sharing, and improved enforcement. The main recommendation involved a major policy change, namely that legislation be amended to require all FCVs to be placed on a demise charter and their crew to be employed under a New Zealand employment agreement. This would establish the accountability of New Zealand charter parties for the treatment of the crew. As such a significant policy change would have a major impact on the economics of fishing (including the value of quota and Annual Catchment Entitlement), the Panel recommended a transition period to enable the fishing industry to adapt to the changes.

The New Zealand reforms provide a good example of significant multi-stakeholder engagement over a protected period of time, involving “extensive discussions and debate with major players in the industry as well as a wide range of interested parties and officials”, preparing the ground for difficult policy changes.

### ***Reporting on government policy measures and reforms in Thailand***

The controversy concerning labour abuse in the Thai seafood industry has recently generated extensive reporting by the Thai government, on measures taken or envisaged to address the challenges. During his visit to Bangkok, the consultant was provided by the Foreign Ministry with a very detailed 132-page report on anti-trafficking measures, with a primary focus on the fishing industry, issued that same month<sup>40</sup>. Measures highlighted include nationwide registration of illegal migrant workers; and “more stringent registration of vessels and labour in the sea fishery sector”.

At the policy level the Prime Minister has initiated the establishment of a Policy Committee on Combating Human Trafficking and Illegal Fishing, with a

---

<sup>39</sup> “Report of the Ministerial enquiry into the use and operation of Foreign Chartered Vessels”, Ministry of Agriculture and Forestry, Wellington, February 2012.

<sup>40</sup> “Thailand’s Trafficking in Persons 2014 Country Report”, Royal Government of Thailand, March 2015.

subcommittee on fisheries and IUU fishing. New laws over the past year included regulations to improve protection and working conditions in the sea fishing industry<sup>41</sup>; and to improve preventive measures for workers on fishing vessels<sup>42</sup>. Labour Ministry regulations would provide for: minimum age of 18 years for fishers; daily rest period of at least 10 hours; a work contract signed with consent by both parties; and minimum annual leave of 30 days. Furthermore, a Fishery Act had been approved by the National Legislative Assembly, and was expected to come into force by April 2015. Based on this legislation, the Department of Fisheries had already prepared an action plan on fisheries and IUU. Key elements would make it compulsory for all vessels of 30 ton gross tonnage or more to install VMS; and to implement port-in, port-out protocol to be monitored by respective centres, leading to the more systematic monitoring of the movement of all Thai and migrant workers at sea.

As for implementation, in 2014 the Thai Marine Department had significantly stepped up efforts to register and legalize vessels, and to acquire information about their workers through mobile registration units. The Ministry of Labour had been actively updating data on migrant workers in sea fisheries. Through the work of Labour Coordination Centres in coastal provinces, and from information derived from the nationwide registration of illegal migrant workers, it had been established that just over 71,000 migrants were working in the sea fishery sectors.

Regarding forced labour, “47 cases were found, and among them 11 cases of forced labour in fishing vessels. The majority of victims were from Myanmar and of over 18 years of age. Investigations reveal that boat owners usually signed contracts with the boat captains in order to avoid responsibility regarding the employment of illegal labourers and unreported fishery. As a result, when the cases of trafficked and abused labourers were found in fishing vessels operating outside Thai waters, it was difficult to find the real perpetrator orchestrating such activities”.

Furthermore, the report documents eight so-called “prominent cases” of human trafficking, two of which concern the fishing industry. One of these is the “Kantang case” of trafficked fishers from Myanmar (extensively covered in EJF reports). The government states that eight Myanmar migrants were rescued from a fishing boat on September 2013. Investigations found that a Myanmar trafficking syndicate had been involved in this and earlier cases. The police were also able to identify the Thai captain and Thai fishing boat owner, and arrests were made in early 2014. A second case involved Thai forced labour on Ambon Island in Indonesian waters. 27 Thai nationals were rescued, and 16 identified as trafficking victims. A joint operation involving officials from several government agencies led to the arrest of the labour broker and boat captain, which the search for other suspects was ongoing. Thai authorities would seek possible seizure of the assets of suspects, while the Ministry of Labour was able to recover unpaid wages for eleven victims who filed claims.

The report stressed the importance of partnerships with such international organizations as ILO and IOM. There was important cooperation between the Ministry of Labour and the ILO, particularly in such key areas as developing good labour practices (GLP) in the seafood and shrimp industries. Cooperation with ILO also produced a book of guidelines and risk evaluation checklists for labour inspection in the sea fishery sector. These provided indicators of different cases of forced labour and human trafficking, labour exploitation and labour abuses, and were

---

<sup>41</sup> The Ministry of Labour’s Regulation to Protect Labour in the Sea Fishing Industry, B.E. 2557 (2014).

<sup>42</sup> The Marine Department’s Regulation on Criteria for Permission to Work in Fishing Vessels of 30 gross tonnage or over, B.E. 2557 (2014).

already being used by labour inspectors. Furthermore, the Department of Labour Protection and Welfare, the Department of Fisheries, concerned private sector associations (such as the Thai Frozen Foods Association and the Thai Food Processors' Association) and the ILO organised a multi-stakeholder forum on labour conditions in the Thai fishing sector in November 2014. A working group at this forum produced guidelines on GLP for the shrimp and seafood processing industries, and other stakeholders.

The report also described intensified government engagement with “new stakeholders”, such as major importers of Thai products and large overseas buyers. Large buyers from the U.S. and Europe had visited Thailand in July 2014 and January 2015 to “exchange information and discuss with both Thai authorities and private companies concerned about existing and future measures to ensure that Thai fishery supply chain would be free from labour exploitation and human trafficking”. Some buyers agreed to support training in human trafficking, and dissemination of GLP, as part of their CSR strategy.

The report documents “cooperation driven by the private sector and NGOs”. An example is a working committee, set up by such Thai fishery manufacturers as CP Foods together with foreign NGOs, “to work with the Government in combating human trafficking and forced labour in the fishing industry, and to review regulations in the fishing industry, in accordance with international standards”.

### **Multi-stakeholder initiatives**

Multi-stakeholder initiatives are efforts to bring a wide range of actors together – normally including governments, industry and employers, perhaps trade unions, NGOs and different civil society groups – to address an issue. Clearly, they can be of different kinds. They can be initiated by a government, a statutory authority, an international organisation or NGO. Such initiatives can be undertaken as part of a broader project (an example being ILO projects on child labour in Thai shrimp, or migrant workers including fishers in the ASEAN countries). An NGO might exist precisely to promote such initiatives (an example being ETI in the UK). The Seafish Seafood Ethics Common Language Group is another important example. As observed in a recent leaflet<sup>43</sup>, this group has brought together key stakeholders, including major supermarket chains, smaller retailer, processors, suppliers, NGOs, Government, development organisations and charities, “to facilitate information and knowledge exchange, to establish a common understanding of the issues and agree on future action”. Other initiatives, particularly concerning Thailand, appear to have been led more by the industry itself.

This section reviews some of the different kinds of initiative, pertinent to the seafood industry. The assessment is of course very preliminary at this early stage. Much of the time between April and June will be spent on consultations with the industry, after which a more rigorous assessment can be made. The comments below serve mainly to identify the kind of initiatives that are now being undertaken, the context, the participants, the objectives, and the extent to which they seek to promote concrete action.

### ***Broad consultations***

The aim of these is simply to promote a better understanding of the issues, perhaps from the perspective of different interest groups, without necessarily aiming

---

<sup>43</sup> “Ethics in seafood - Seafish role”, Seafish, March 2015.

to achieve concrete follow-up action. As Seafish is familiar with these (and has sometimes hosted or co-hosted them), they need not be described at length here. The two meetings of the Seafood Ethics CLG (in July 2014 and January 2015) have been well attended with strong industry as well as NGO participation, and have covered a lot of ground. They have served mainly as a forum for the sharing of information on diverse topics, including: the UK Modern Slavery Bill; such international standards as the ILO's Work in Fishing Convention; and country specific actions with a primary focus on action taken by the industry and NGOs in Thailand.

A further broad consultation was jointly hosted by Seafish and the U.S. NFI in Reykjavik, in January 2015. This was intended as a private meeting of major actors in the US and European seafood industries, to discuss "drivers for change" in the seafood supply chain with a particular focus on ethical concerns. Topics selected for discussion included: enforcement, human trafficking, brokering and labour abuse; government-to-government advocacy; advocacy of Thai industry vis-à-vis the Thai government; and commercial actions to protect reputation. While there was a strong focus on Thailand, there was agreement that this was not exclusively a Thai problem, and that the "spotlight was likely to fall on others soon". The U.S. for example sees Thailand as taking action, but Bangladesh and China as not doing so. Indonesia has been taking some action, for example through the ASEAN Fisheries Improvement Programme (FIP), as it is conscious that the spotlight will fall on it soon. The Thai Government meanwhile is willing to do things it would not consider in the past, and would act on tangible proposals. From a supply chain perspective, labour brokers were seen as the "real problem".

Reykjavik was planned as a private meeting, with nothing tangible to share with a wider audience, and there was therefore no public communication about it. But it clearly came to grips with the main problems facing the industry, and the pressure points that could be used on the Thai government. This meeting seems to have set the stage for informal follow-up dialogue at select events (eg. New Orleans and Boston in the months after that). It also enabled major seafood buyers and retailers to have frank discussions about the various NGO initiatives, and the merits of co-operating with each of them. With so much going on, for example, one had to choose carefully. However, despite the general observation that the problems went way beyond Thailand, it seems there was little opportunity to discuss these wider problems (or even an information base for achieving this).

### ***International organisations and project-led initiatives***

In their funded projects, international organizations typically try to work together with governments and other stakeholders. In Thailand and more generally in the Asian region, the ILO has played a role in different projects. In Thailand, with approximately US\$ 10 million from the US Department of Labour, between 2010-2015 it implemented its project on "Combating the worst forms of child labour in shrimp and seafood processing areas of Thailand". The project has focused on selected geographical hubs for shrimp and seafood processing, such as Samut Sakhon, Samut Prakan, Surat Thani, So Thammarat and Songhkla. Apart from direct support to children in focus areas, and support for law and policy frameworks, the project has had some emphasis on working with enterprises. A specific objective is to ensure that enterprises throughout the shrimp industry supply chain comply with national laws and international labour standards, in particular those relating to child labour and forced labour, and to introduce good practices to improve working conditions.

A feature of the project has been its Good Labour Practices (GLP) model. The GLP programme was developed in cooperation with the Thai Government (in particular, the Departments of Labour and Fisheries) and industry members, with involvement of trade union and civil society groups. Diverse compliance and good practice guidelines have been developed for different sectors, including fishing boats, aquamarine farms, primary processing workplaces, and processing or packaging factories. These GLP guidelines are backed up by a supportive training programme, aimed at assisting individual businesses to use them. Based on the project, the Department of Fisheries issued its own action plan for GLP in early 2014<sup>44</sup>. The GLP taskforce was gradually expanded over the lifetime of the project, holding its first meeting with an enlarged membership in November 2014. It has also engaged buyers through a reference group of seafood buyers located outside Thailand (a meeting was held in Madrid in March 2015, on the sidelines of another seafood event). A declared aim is to develop a GLP certification programme. While much appears to have been achieved over the final year of the project, there remains some uncertainty as to how this momentum will be sustained beyond its lifetime.

The ILO's GMS TRIANGLE project (Tripartite Action to Protect Migrant Workers within and from the Greater Mekong Subregion from Labour Exploitation) has also sought to engage with government and industry. Funded by the Government of Australia, and active in six countries of the GMG region including Thailand, it aims generally to strengthen the development and implementation of recruitment and labour protection policies and practices. Its thorough research work on employment conditions in the Thai fishing sector has already been referred to above (see section on publications). On Thai fishing, the project has been working in close cooperation with the National Fishing Association of Thailand (NFAT). It has given priority to health and safety concerns. A manual on this subject was published in 2014, in cooperation with several government agencies, and following focus group discussions with vessel owners, skippers and crews in four fishing areas<sup>45</sup>. The manual first outlines the various hazards and risks in fishing, and then presents modules for addressing these through a participatory risk assessment approach. Both government and fishing industry partners are expected to be involved in the delivery of these training materials<sup>46</sup>.

### ***NGO led initiatives***

A further initiative in Thailand, of particular importance to UK seafood buyers<sup>47</sup> and retailers, has been the Issara Project linked to Anti Slavery International<sup>48</sup>. Its importance has been the commitment of the UK-based industry partners to practical action on the ground. In September 2014, this coalition of ten retailers and seafood importers, together with the IDH Sustainable Trade Initiative, joined forces with Project Issara to address risks of human trafficking in their project supply chains. The first step of the pilot project was to engage top-tier Thai seafood exporters (including CP Foods, Kingfisher, Seafresh and Thai Union) to engage other

---

<sup>44</sup> Department of Fisheries, "Action plan and implementation by the Department of Fisheries in addressing labour issues and promoting better working conditions in Thai fisheries industry", April 2014.

<sup>45</sup> "Safety and health training manual for the commercial fishing industry in Thailand", ILO TRIANGLE, Australian Aid, 2014.

<sup>46</sup> While the ILO TRIANGLE project is now ending, a follow-up project is currently being negotiated with Australia Aid. The consultant was informed in Bangkok that any follow-up project should focus more on economic aspects, with clear targets for results in this area.

<sup>47</sup> Asda/Walmart, The Cooperative Food, CP Foods UK, Lyons Seafood, Marks and Spencer, Sainsburys, Sea-Farms, Tesco, Waitrose, Young's Seafoods.

<sup>48</sup> An update on Project Issara's activities was provided to the Seafish Ethics CLG in January 2015. These facts are not repeated here.

local businesses in their supply chain, including aquaculture farms, fishmeal plants and fishing companies. Moreover, a team of specialist would work with the companies on an ongoing basis to address risks in labour recruitment and the management process in their supply chain. The pilot project also included a Victim Support Fund. Project Issara appears to have successfully combined industry and buyer engagement with campaigning from such organizations as Anti Slavery International and Walk Free. Unlike the ILO projects with their five-year funding from donor governments, it has only received short term support from Humanity United and its business partners in the first instance<sup>49</sup>.

Finally, as there is ever more focus on the labour aspects of sustainable seafood production, there are emerging initiatives to provide services to consumers (and perhaps also to buyers and retailers) by ranking these patterns of labour abuse by country or even fishery. One example is the *Labour Safe Screen* being developed by the Labour Rights Promotion Network in Thailand as “a diagnostic tool for seafood companies to use to eliminate risks from their supply chains by pinpointing where working conditions need to improve”<sup>50</sup>. Supported by a number of international donor and support groups (including Humanity United and the Sustainability Incubator), the initiative aims first to pilot software on the subject, and then move towards delivery of support to those businesses that wish to improve their conditions.

A related initiative, apparently at an early stage, is that of the Sustainable Fisheries Partnership. Further to its existing risk assessments for *Fishsource*, it now seeks to develop an additional component of risk assessment for labour abuses in a specific industry. In the current climate, the likelihood is that further attempts will now be made to develop such metrics in different parts of the world.

### ***Industry-led initiatives***

Until now, the lead has been taken by international agencies, NGOs and sometimes governments, spurred on by media and NGO reports. But there are emerging signs that major companies are taking their own initiatives, either alone or in cooperation with others. For now, this is most clearly the case in Thailand. The Shrimp Feed Task Force, for example (previously known as the CP Task Force) is largely driven by CP Foods itself, with a strong input from Costco in the US. As yet, however, there is no sign of a strong sector based industry body in seafood, recognized as a market leader, perhaps developing a code of conduct for ethical behaviour in the industry<sup>51</sup>. It may be that the supply chain in seafood, with its wide range of land and sea based activities, is too complex to allow easily for such an exercise. One task for the next stage of the project will be to consider, in consultation with industry representatives, what measurable targets and benchmarks could be put forward in an overall set of standards for the industry.

---

<sup>49</sup> There were indications during the consultant’s Bangkok visit that the Freedom Fund would provide further support to Project Issara, as part of its US\$ 4.5 million project to address slavery and exploitation in Thai fishing over a three year period.

<sup>50</sup> The website [www.laborsafescreen.com](http://www.laborsafescreen.com) indicates that this is a commercial application developed for use by the seafood industry.

<sup>51</sup> An example is the Electronic Industry Citizenship Coalition (EICC), whose code of conduct is a widely respected set of standards on social, environmental and ethical issues in the electronics industry supply chain.

## 6. OVERALL ASSESSMENT AND GAP ANALYSIS

The literature review has detected a great deal of recent action (much of it over the past year), together with reporting of different kinds, almost all of it directed at the one country of Thailand. As to why there is so much focus on one country and its fishing industry, the jury is still out. There are some perceptions that the abuses of migrant workers aboard a certain number of Thai vessels, many of them unregulated, are uniquely bad. And yet the small body of research and other country situations (an example being that of the exploitation of Cambodian and other Asian migrants on Chinese skippered vessels off the coast of South Africa) suggests that similar abuses may be quite widespread on the high seas, but have so far gone largely unreported.

The overview studies of the problem – whether by ILO, UNODC or Fishwise – all reach similar conclusions. There are major problems of labour abuse against fishers worldwide, but there has been insufficient research. More case studies are urgently needed.

To achieve its objectives, the project will have to find some way to fill these information gaps. As the literature review had to be completed rapidly during the first month of the project, there was little time for intensive website searches, or telephone interviews with potential key informants in different parts of the world. And yet, if any high quality recent case studies had been prepared in any of the potential high risk countries, the consultant would probably have been made aware of them. Thus even finding additional information, let alone assessing its credibility, will be a major challenge for the next stage of the project. There are big question marks about China, Indonesia, India and Bangladesh, perhaps Vietnam, some countries from West Africa, and perhaps some countries from Central and South America. The next few days will be spent largely on web searches and select telephone interviews, assessing the scope for securing more information on these countries or regions.

A further challenge will be to identify, more carefully than has been possible in the literature review, the specific seafood products impacting the UK seafood supply chain that are likely to be most at risk. At present, this kind of information is guided mainly by the Thai experience. It allows for a certain typology, of the species of fish that have been caught under slavery-like conditions, or the different problems on land or at sea. On this subject, there appears to be limited publicly available information. It will be a key aspect to discuss with, among others, buyers in the seafood industry during the next stage of the project.

Sea Fish Industry Authority,  
Origin Way, Europarc,  
Grimsby, DN37 9TZ

**T:** 01472 252300  
**W:** [www.seafish.org](http://www.seafish.org)

*Our mission: supporting a profitable,  
sustainable and socially responsible  
future for the seafood industry*

**April 2015**