

# Human Rights Risk Tool for Seafood

September 2017

## Why is it needed?

Social responsibility is of paramount concern to the seafood supply chain, with seafood businesses globally now acutely aware of potential human rights abuses occurring in their supply-chains. Seafish (the Sea Fish Industry Authority), the Sustainable Fisheries Partnership, the Monterey Bay Aquarium Seafood Watch programme and Liberty Asia have formed a partnership to become part of the solution by creating a tool that identifies and assesses the risk of human rights abuses in [fisheries](#) worldwide, focussing on the risk of [child labour](#), [forced labour](#), [slavery](#), [debt bonding](#) and [human trafficking](#) in the first instance.

## What is it?

The Partnership has developed a tool that qualitatively assesses the potential risks of human rights abuses associated with the “at-sea” part of the wild-caught seafood supply chain. It uses credible, publicly available and verifiable information from multiple sources to produce risk ratings of human rights abuses by fishery and/or country. The tool also incorporates measures that have been implemented to mitigate such abuses, for example, indicating the impact on a risk score if sourcing from vessels who are members of recognised certification schemes which incorporate social welfare criteria.

## What is it for?

Businesses will be able to use risk ratings produced by the tool as a baseline to prioritise deeper exploration into their supply chains, to verify the level of risk they are exposed to and take action. The Partnership are developing a website to house the Fishery Profiles which will be publicly available and free to use. These profiles will indicate the risk level associated to the fishery and also provide access to the information that has been used to define the risk rating.

To help users tackle social responsibility in a systematic way, and take steps to lower the risks of buying seafood associated with human rights abuses, the website will provide links to the Seafish’ Tools for Ethical Seafood Sourcing (TESS).

TESS (<http://www.seafish.org/tess/>) is a website that provides information for businesses who want to manage social risks in their supply chains. It is aimed at seafood businesses who want to understand social responsibility and ‘what to do’ to address any issues in their supply chain. It is a ‘signposting’ tool providing a gateway to the wide range of helpful resources to support businesses in managing the risks identified within their supply chains and guide their approach to engaging in improvement work.

## How does HRRTS work?

It is a decision tree that produces risk ratings by drawing on publicly available and verifiable evidence and intelligence from multiple sources, including the [U.S. Department of State](#), the [U.S. Labor Department](#), the [International Labour Organization of the United Nations](#), national labour rights reports and credible media reports. Along with an overall human rights rating, the tool provides an overview that summarizes the potential risks associated with a [fishery](#).

Initially the tool will only assess the risk of human rights abuses in the at-sea portion of the seafood supply chain (i.e., fisheries). Human rights abuses include forced labour, slavery, human trafficking, child labour, and debt bondage. Any other social issues (e.g., fair wages, paid leave) are out of scope.

The partnership contracted experts in human rights abuses to assist in the development of the risk assessment tool, which has now evolved incorporating feedback received from businesses and other human rights experts captured as part of a peer-review exercise.

The risk assessment tool will identify and characterize the potential risks of human rights abuses in the at-sea portion of the seafood supply chain. Based on the available information, risk will be determined at the finest scale possible (i.e., at the [fishery](#) level). It will identify where the risks of human rights abuses in a fishery are occurring (country or [flag of fishing vessel/fleet](#)). If fishery level information is unavailable, risk of human rights abuses will be identified and characterized at the region/country level.

## How is a risk rating produced?

The decision tree consists of a series of questions that defines the level of risk. The output of the decision tree will be a human rights risk profile for each fishery. However, availability of information may limit the granularity of a fishery profile to region/country level. Each fishery risk profile will include the following: 1) scope of the fishery, 2) broad overview that provides an executive summary of the findings, 3) risk rating that will include citations of all information used to generate the rating.

Scope will be determined by: species and stock; governance (e.g., EEZ, RFMO, etc.); fishing areas (e.g. FAO region, body of water); fishing gear; country/ies that participate(s) in the fishery (country of origin of the fleet(s)) – each country will have a separate risk rating.

The overview will incorporate a summary of fishery characteristics and background on the human rights rating determined by the decision tree. This may include the following: proportion of different country vessels participating in the fishery; extent of forced labour that has been identified (e.g., limited to a few vessels or widespread); sources of all information used to create the risk rating and mitigations considered.

Very often information is not available at fishery level. Research **and** investigative journalism often start with people, communities, organisations or countries as the basic unit of analysis and therefore abuse may be documented within a country, without pin-pointing a specific fishery.

Responses to a series of questions relating to country level information are used to determine whether the level of risk of serious human rights abuses occurring in the profile fishery will be categorized as High, Medium or Low.

- If answers to all questions are **yes** the country will be defined as **‘in good standing’**.
- If any questions are answered **no** the country will be defined as **‘not in good standing’**.

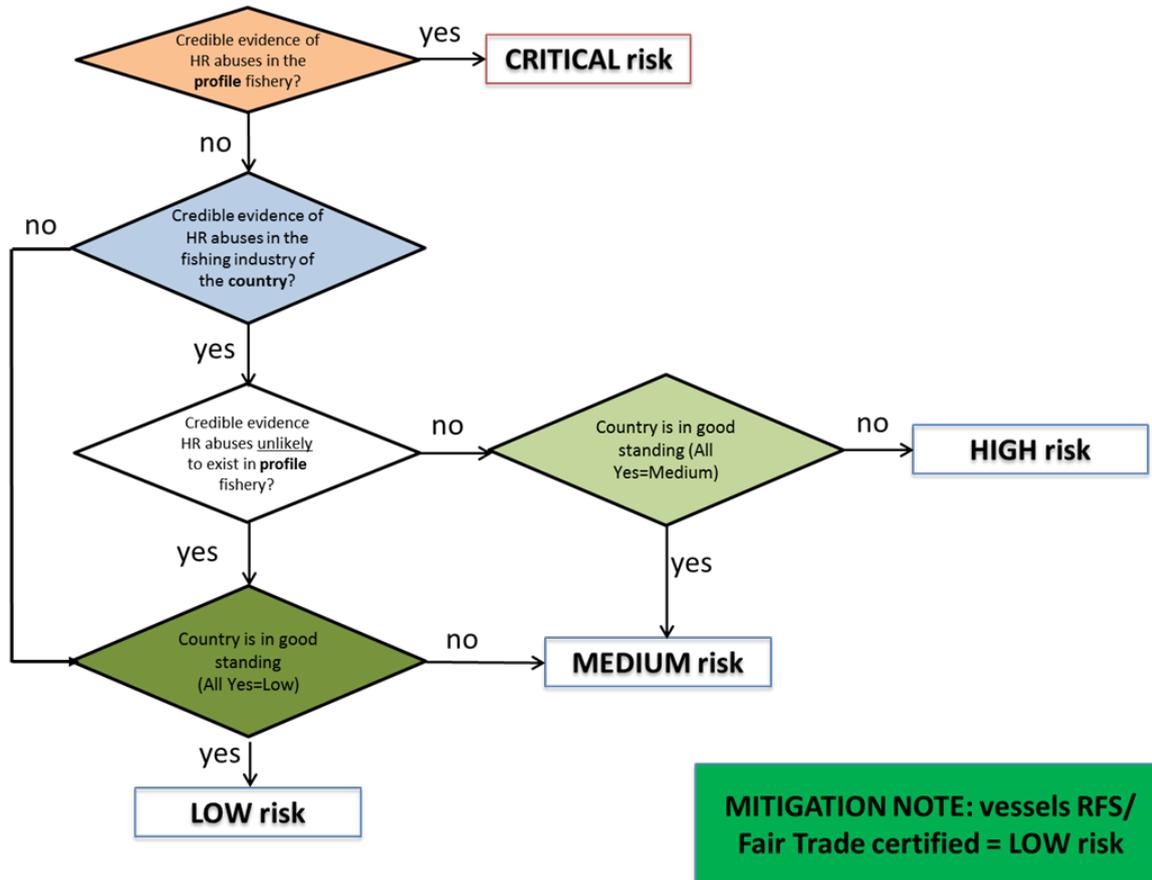
**Figure 1: Country level questions used to determine level of risk:**

|   |
|---|
| Is the country ranked Tier 1 or Tier 2 on the US TIP report?  |
| Has the country ratified Palermo Protocol?  |
| Has the country ratified ILO conventions 29, 105, 138, 182?   |
| Has the country ratified the Port State Measures Agreement?   |
| The country is NOT cited by the EU with a yellow/ red card for inaction on illegal fishing?   |
| The country has in place legislation to criminalise forced labour, slavery, and human trafficking, protect the rights of fishers and prohibit child labour? |
| There is credible evidence of effective enforcement of national legislation?  |

## Risk rating categories and descriptions:

The process flow diagram below demonstrates how evidence found is used to determine the profile fishery risk rating.

Figure 2: Conceptual model of the Seafood Human Rights Risk Tool:



- **Critical Risk:** documented evidence from an internationally recognized government agency, peer-reviewed publication, open source intelligence, media report, or credible NGO that forced labour is occurring in the [profile fishery](#)
- **High Risk:** documented evidence that human rights abuses are occurring in fishing in the profile country, but not pinpointed to any particular fishery AND the country is not in good standing (meaning the answer to ONE OR MORE of the questions shown in Table 1 is NO)
- **Medium Risk:**
  - (1) no evidence of human rights abuses in the fishing industry BUT the country is not in good standing
  - OR
  - (2) credible evidence of human rights abuses in the fishing industry BUT the country is in good standing (meaning the answers to ALL questions shown in Table 1 are YES)
- **Low Risk:** no evidence of human rights abuses in the fishing industry in the profile country AND the country is in good standing. However, low risk does not indicate *no* risk.

**Possible mitigations:** The tool also incorporates measures that have been implemented to mitigate such abuses. The risk rating for vessels who are members of recognized certification schemes which incorporate social welfare criteria would be **Low Risk**.

## Timeline of Development

An analyst has been recruited to finalize the twelve pilot Fishery Profiles that were created during development of the tool and create additional Fishery Profiles that will feature within the database. The initial list of twelve pilot fisheries can be found below; the Partnership will be inviting input on the next list of additional fishery profiles to be created as part of the forthcoming consultation exercise.

A website to house the database of Fishery Profiles is in development and a further peer-review stage to gather feedback from key user groups as regards the design and functionality of a partially populated prototype will be undertaken by the Partnership and completed during September, with feedback being incorporated into the final design prior to launch.

### *Initial list of twelve pilot Fishery Profiles:*

|                     |                              |                      |
|---------------------|------------------------------|----------------------|
| Antarctic Toothfish | Indonesia blue swimming crab | Taiwan Tuna Longline |
| Barents Sea Cod     | Japan Albacore               | Thai Fishmeal        |
| Brazil Grouper      | Peru anchovy                 | Thai Squid           |
| Iceland Capelin     | PNA Skipjack tuna            | UK scallop           |

The Partnership is very open to offers of collaboration and support as we move through the final stage of development towards launch and further expansion. We are keen for the Human Rights Risk Tool for Seafood to become well established as **one** risk assessment approach that suits the needs of many global seafood industry stakeholders.

Please do contact us to find out more:

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## Glossary

### Child Labour

Defined by ILO Conventions 138 and 182, child labour is work that may interfere with a child's education or jeopardise the child's full and normal physical, mental and moral development. ILO convention 138 defines the minimum age for employment as 15 years, provided compulsory education is completed. It also defines 18 years as the minimum age for undertaking hazardous work. Hazardous work is defined as a "Worst Form of Child Labour" in ILO convention 182 as work that "is likely to harm the health safety or morals of children". Other worst forms of child labour defined in Convention 182 include slavery and slavery-like practices, including debt bonding; the use of children in armed conflict, in illicit activities and in commercial sexual exploitation. (<http://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang-en/index.htm>)

### Credible

All evidence is cited from accurate, trustworthy reports by authoritative institutions (e.g., US government reports, EU reports, etc.) and civil society organizations (universities, NGOs, and media outlets) that are available in the public domain.

### Debt Bondage

When individuals are forced to work to pay off their debts, earned or inherited (ILO 2009)<sup>2</sup>. According to the U.S. Department of Health and Human Services, Office on Trafficking in Persons, debt bondage occurs when "traffickers demand labor as a means repayment for a real or alleged debt, yet they do not reasonably apply a victim's wages toward the payment of the debt, or limit or define the nature and length of the debtor's services. Traffickers may charge victims fees for transportation, boarding, food, and other incidentals; interest, fines for missing daily work quotas, and charges for "bad behavior" may be added. Debt bondage traps a victim in a cycle of debt that he or she can never pay down, and it can be part of a larger scheme of psychological cruelty" ([http://www.acf.hhs.gov/sites/default/files/orr/fact\\_sheet\\_human\\_trafficking\\_english.pdf](http://www.acf.hhs.gov/sites/default/files/orr/fact_sheet_human_trafficking_english.pdf)).

### EU Yellow or Red Card

The European Commission may make a decision to issue a yellow card to a fishing country after thoroughly analyzing its system for fisheries governance and record for meeting international obligations, where the country's respective levels of development and engagement against illegal, unreported and unregulated fishing (IUU) is inadequate. A yellow card serves as a warning to make improvements. Where improvements are not satisfactory, a red card may be issued after subsequent review. A red card can mean trade sanctions by the EU against fishery imports from the country. The EU IUU Regulation entered into force on 1 January 2010. The Regulation applies to all landings and transshipments of EU and third-country fishing vessels in EU ports, and all trade of marine fishery products to and from the EU. It aims to ensure that no illegally caught fisheries products end up on the EU market.

The Regulation requires countries to certify the origin and legality of the fish caught by vessels flying their flag, thereby ensuring the full traceability of all marine fishery products traded from and into the EU. The system thus ensures that countries comply with their own conservation and management rules as well as with internationally agreed rules. In addition to the certification scheme, the Regulation introduces an EU alert system to share information among customs authorities about suspected cases of illegal practices.

### Fishery

A combination of the fishing areas, fishing countries, vessel and gear for the seafood product/species of interest. Actors in a fishery are the fleet or fleets operating with authority to fish for the species of interest with a particular vessel type and fishing gear. Fishery types are diverse and may have multiple countries of fishing jurisdiction and also multiple fleets operating under an international authority. Also, fleets from a single country can operate in multiple fisheries worldwide. Other fisheries, like Thai squid, have domestic fishing vessels combined with reefer vessels purchasing squid from foreign fleets.

<sup>2</sup> ILO. 2009. The cost of coercion. Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. International Labour Conference, 98th Session, 2009 Report I(B). Geneva.

### Flag of Fishing Vessel/fleet

The flag or flag state of a vessel or fleet is the state (country) in which that vessel or multiple vessels in a fleet are registered. These vessels are required to abide by the laws of the country to which they are registered and may consent to another's jurisdiction<sup>3</sup>.

### Forced Labor

When an individual is threatened with violence and intimidated into working and cannot leave voluntarily (UN ILO Convention 29: "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily"). Forced labour may take the form of debt bonding and is often associated with human trafficking (trafficking for economic/labour exploitation) ([http://www.ilo.org/global/topics/forced-labour/news/WCMS\\_237569/lang-en/index.htm](http://www.ilo.org/global/topics/forced-labour/news/WCMS_237569/lang-en/index.htm)). See also [human trafficking](#) and [slavery](#).

### Human Trafficking

When an individual is deceived, recruited, transported, held, or compelled to work through threats of violence or coercion (US State Department, UN ILO). Initial consent is irrelevant upon such exploitation. Human trafficking takes place with the intent to exploit a person. This may be for work but could also be for sexual exploitation or for the removal of organs. Human trafficking is defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol) (<http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>) (<http://www.state.gov/j/tip/rls/tiprpt/2013/210543.htm>). See also [forced labor](#) and [slavery](#).

### International Labor Organization (ILO)

Tri-partite UN agency bringing together governments, employers, and worker representatives to set labour standards and promote decent work for all men and women. There are 8 fundamental conventions, binding upon every member country of the ILO. ILO conventions 29 and 87 address forced and child labour. Ratification of these conventions demonstrates a country's commitment to upholding basic core labour protections.

### Profile Fishery

The [fishery](#) for which there is a risk rating. It may include a large fleet that has vessel flags from multiple countries. Vessels target the same species in the same location typically with the same gear.

### Slavery

Article I, Section 1 of the 1956 UN supplementary convention (266 UNTS 3/ 1958 ATS 3), defines slavery as "debt bondage, serfdom, servile marriage practices, and the transfer of children for the purpose of exploitation." See [forced labour](#) and [human trafficking](#).

### US DOL - US Department of Labor

The International Labor Affairs Bureau (ILAB) publishes three flagship reports, two of which are critical data inputs to this scoring process.

### US Department of State

Creates the Trafficking in Persons Report (TIP), which "represents an updated, global look at the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it." More can be found at <https://www.state.gov/j/tip/rls/tiprpt/>.

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<sup>3</sup> Rieser, A., D.R. Christie, J.J. Kalo, and R.G. Hildreth. 2013. Ocean and Coastal Law: Cases and Materials, Fourth Edition. St. Paul, Minnesota: West Academic Publishing.