TRAFFICKED:

Human Rights Abuses in the Seafood Industry

FISHWISE

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About FishWise

FishWise, founded in 2002, is a nonprofit marine conservation organization based in Santa Cruz, California. FishWise promotes the health and recovery of ocean ecosystems by providing innovative market-based tools to the seafood industry. The organization supports seafood sustainability through environmentally responsible business practices. FishWise is a founding member of the Conservation Alliance for Seafood Solutions, with staff serving on the Environmental Stakeholder Committee of the International Seafood Sustainability Foundation (ISSF), the Fisheries Advisory Council of Fair Trade USA, and participates in a variety of other industry and marine conservation initiatives. FishWise works with companies throughout the supply chain and is currently partnered with several of North America's largest retailers, including Safeway Inc., Target Corp., and Hy-Vee Inc. Through its relationships with retailers and suppliers, FishWise works with over 65 million pounds of seafood per year and more than 100 species from farmed and wild sources. Its retail partners maintain more than 3,700 storefronts in North America.

About this Document

This white paper on human rights in the seafood industry follows FishWise's white paper on seafood traceability. It is hoped that this document will create connections across businesses, organizations, and governments to spark conversation and action as to how the seafood industry can work together to eliminate human rights abuses and illegal products from supply chains. If all stakeholders work together to elevate these issues of human dignity, and incorporate them into business practices, human rights within the seafood industry can be improved significantly.

It should be noted that, while the majority of facts presented in this document have been reviewed with their sources, this paper has not been formally peer-reviewed and should only be used for guidance and informational purposes. Additionally, this document is not exhaustive – not all initiatives and groups are included.

Additional resources can be found at the end of this document, including links, contact information for the organizations mentioned, and full citations for referenced documents.

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Executive Summary

It is important for companies to focus on social responsibility in supply chains, especially human rights, in order to demonstrate a real commitment to people, planet, and profit. Documentation of human trafficking and forced labor in seafood supply chains has been growing with increasing media attention, nongovernmental organization (NGO) investigations, and government reports. Discussions of environmental sustainability within the seafood industry are now commonplace, but efforts to improve human rights in the industry are nascent and just beginning to gain the momentum necessary to catalyze real change.

In the last five years, seafood companies have created sustainable seafood sourcing policies, and are now working to meet the commitments within them. Human and labor rights are often not incorporated into these policies for seafood, as the historical focus of such efforts has been on industries such as coffee, minerals, and textiles. The seafood industry is not free of these concerns however, and the time is ripe for companies to expand their sustainable seafood policies to address these issues. This is appropriate because environmental sustainability and human rights issues do not operate independently. Vessels and companies operating illegally often commit environmental and social crimes in tandem.

Eliminating human rights abuses in seafood supply chains is not an easy task. Challenges include corruption, exemptions within international standards for fishing vessels, lack of transparency via the use of flags of convenience and transhipment, the globalized nature of the supply chain, lack of enforcement, incomplete traceability, and the prevalence of illegal fishing. Amidst these challenges there are also opportunities. Brand value, shareholder opinion, and corporate social responsibility can benefit from companies addressing this issue in an honest and transparent manner. After improvements have been made, companies can actively promote the associated success stories, such as social and fair trade compliance, engagement in fishery improvements, and support for entrepreneurial ventures in the developing world.

An important step toward mitigating, and eventually eliminating these risks is to ensure comprehensive traceability systems are in place throughout the supply chain. Additionally, companies need to create policies to ensure specific attention is paid to address human rights in seafood supply chains. Conducting a risk assessment, seeking certification, and creating fishery improvement projects to address deficiencies can help companies improve and meet their commitments. Engaging with countries to ratify and implement relevant legislation, eliminating illegal fishing globally, and contributing financially to international efforts to aid victims of trafficking will also enable progress. Lastly, communicating success stories and transparent self-reporting will inform consumers and stakeholders of the problem and ensure they are aware of companies' progress towards eliminating modern slavery and illegal fishing.

This white paper aims to: 1) serve as a resource for seafood businesses seeking to prevent and eliminate human rights abuses in their supply chains and 2) improve the knowledge base and coordination of NGOs and other groups working on human and labor rights within the industry. It provides an overview of human rights issues in seafood supply chains, and then explores how more than fifty international and regional government programs, certification systems, NGOs, companies, and industry groups are working on human and labor rights. Companies can review the recommended next steps in this report to address human rights within their own businesses.

Definitions

Child labor

The International Labour Organization's (ILO) website defines 'child labor' as "work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development." This includes work that is "mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them the opportunity to attend school." The ILO's Worst Forms of Child Labor Convention (No. 182) considers a 'child' to be any person under the age of eighteen.

Forced labor

Forced labor is any working condition under which an individual is threatened or coerced to act against his or her will. Threatening or coercive working conditions nullify any prior consent-to-work agreements or contracts between victim(s) and employer(s) (USDOS 2013).

Human rights

For the purposes of this paper, this term refers to the UN Universal Declaration of Human Rights which lists 30 articles defining those rights, including that "all humans are born free and equal…have a right to life, liberty and security of person…shall not be held in slavery or servitude…everyone has a right to leave any country…everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment" (UN 1948).

Human trafficking

According to the 2013 U.S. State Department's 2013 Trafficking in Person's Report (hereafter, TIP report), 'Human trafficking' and 'trafficking in persons' are umbrella terms for "the act of recruiting, harboring, transporting, providing or obtaining a person for compelled labor or commercial sex through the use of force, fraud, or coercion" (USDOS 2013). Trafficking victims can include both individuals smuggled across borders and those born into state servitude (USDOS 2013). At the core of this issue is the traffickers' intention to exploit or enslave another human being, and the coercive, underhanded practices they engage in to do so (USDOS 2013).

The international definition set forth by the United Nations (UN) Office on Drugs and Crime (ODC) defines Trafficking in Persons as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (UNODC 2013).

Labor rights

In this paper, labor rights refer to a broader category of issues than trafficking or modern slavery. The International Labour Organization's (ILO) 'Declaration of the Fundamental Principles and Rights at Work' places these rights into core standards: freedom of association, right to collective bargaining, prohibition of forced labor, elimination of the worst forms of child labor, and non-discrimination in employment (ILO 1998).

Modern slavery

This is a general term often used when referring to holding a person in compelled service, including trafficking, forced labor, involuntary servitude, and bonded labor (US DOS 2013b).

Smuggling of migrants

The United Nations Convention against Transnational Organized Crime defines 'smuggling of migrants' as "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident" (UN 2001).

Human and Labor Rights Abuses in Seafood Supply Chains

Background

It is estimated that the livelihoods of 10-12% of the world's population (660-820 million people) are directly or indirectly dependent upon marine capture fisheries and aquaculture, which produce over 90 million tons of fish every year (FAO 2012). While the majority of the seafood industry operates legally and employs fair labor practices (FAO 2012; ILO 2013), a number of publications have recognized and documented the pervasiveness of human trafficking, forced labor, child labor, and egregious health and safety violations in marine capture, aquaculture, and seafood processing operations (Pearson et al. 2006; Skinner 2008; Brennan 2009; UNIAP 2009; EJF 2010; Robertson 2011; Stringer et al. 2011; Motlagh 2012; PBS 2012; Sifton 2012; PBS 2012; Surtees 2012; EJF 2013; IEDE 2013; ILO 2013; ILRF/WWU 2013; Stringer and Simmons 2013; Stringer et al. 2013).

While forced labor and human trafficking in fisheries and aquaculture is not a new phenomenon, the problem has been exacerbated in recent years by globalization of the seafood industry; illegal, unregulated, and unreported (IUU) fishing; increased competition for marine resources; and the availability and mobility of low-cost migrant labor (ILO 2013). Both genders are involved in the seafood industry. Victims on board fishing vessels are primarily men and boys ranging from age 15 to over 50 (UNIAP 2009; Surtees 2012). Processing facility workers are most often women and girls (Sifton 2012; IEDE 2013; ILRF/WWU 2013).

Globally, it is estimated there are over 20 million people[1] working under coercive or forced labor conditions - primarily migrant workers in labor-intensive industries in the informal (e.g. untaxed and undocumented sectors) and black-market (e.g. trade in illegal goods) economy (ILO 2013). The recruiting processes and working conditions of many fishers and seafood industry employees are so egregious that these human and labor rights abuses have been referred to as 'modern slavery' (EJF 2010; ILO 2013). Case studies from the last decade cite examples of fraudulent and deceptive recruiting, 18-20 hour workdays, homicide, sexual abuse, child labor, physical and mental abuse, abandonment, refusal of fair and promised pay, health and safety violations, and the removal or withholding of identifying documents (i.e. passports). IUU fishing, which depletes vulnerable fish stocks and deprives law-abiding fishermen and their communities of roughly US$23 billion worth of seafood annually (Agnew et al 2009), is often linked to human rights abuses and other organized crimes such as drug trafficking and piracy (Baird 2010; EJF 2010; UNODC 2011; EJF 2013).[2]

[1] Given the nature of these industries and crimes it can be difficult to accurately quantify this number.

[2] While instances of labor and human rights abuses appear to be more common in IUU fishery and aquaculture activities, several examples of deplorable labor practices and human rights abuses have been reported involving seemingly legal and licensed entities, including Cambodian fishing vessels and Thai shrimp peeling and processing sheds (Motlagh 2012, Heimkhemra 2013, ILRF 2013).

Scope and Scale

It is difficult to quantify the true extent of human rights abuses within seafood supply chains as these practices are intentionally hidden, and monitoring and enforcement efforts lack sufficient resources and are undermined by corruption. Therefore, this summary of scope and scale is unavoidably biased toward areas with better monitoring and enforcement or where investigative studies have uncovered human rights abuses.

The majority of reports documenting human trafficking and/or forced labor practices in the seafood industry involve case studies from the Greater Mekong Subregion (GMS) (ILO 2013), which includes Thailand, Cambodia, Myanmar, Vietnam, Lao PDR, and China (specifically the Guangxi and Yunnan provinces). Abuses involving Thai owned fishing vessels (UNIAP 2009; Brennan 2009; EJF 2010; UNODC 2011; IRIN 2011; Robertson 2011; EJF 2013; ILO 2013;) and shrimp peeling and processing plants in Thailand's southern coastal region (Pearson et al. 2006; Sifton 2012; EJF 2013b; IEDE 2013; ILRF/WWU 2013) are pervasive. By value, Thailand is the world's third largest exporter of fish and fisheries products and the largest exporter of shrimp (FAO 2012, Thai Shrimp Assoc. 2012), and the prevalence of coercive, deceptive, and abusive labor practices in the industry is partially due to the country's own economic success story. The booming economy, coupled with a very low unemployment rate (hovering around .05%), has resulted in a shortage of inexpensive labor (EJF 2013). The labor-intensive and lower paying jobs associated with seafood production and processing do not attract enough domestic workers (EJF 2013), therefore the Thai fishing and processing industry now relies primarily on a migrant workforce from countries with weaker economies. Ninety percent of the seafood processing workforce is composed of migrant workers from neighboring countries such as Myanmar, Lao PDR, and Cambodia (Pearson et al. 2006; UNIAP 2009; IRIN 2011; EJF 2013; EJF 2013b).

Abuse in the seafood industry is not unique to the GMS. Examples of coercive and deceptive labor practices in capture fisheries have 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 (Stringer et al. 2011; Surtees 2008, 2012; ILO 2013; Stringer et al. 2013). The U.S. Department of Labor identifies fish from Thailand, Cambodia, Ghana, Indonesia, Peru, the Philippines, and Uganda, as well as shrimp from Cambodia, Myanmar, Bangladesh, and Thailand, as being produced or processed with the use of forced labor, child labor, or both (DOL 2012). The findings by the ILO, Environmental Justice Foundation (EJF), and the U.S. Department of Labor support the UN Office on Drugs and Crime's (UNODC) conclusion that human trafficking in the fishing industry is likely occurring "in most major regions of the world" (UNODC 2011).

Further study is required in order to determine the international scale of human rights and labor abuses in the seafood industry. As previously mentioned, the number of individuals currently under debt bondage or other conditions of forced labor in *all* forms of industry is estimated to exceed 20 million (ILO 2013). In one study focusing specifically on Thailand, 20% of those interviewed on fishing boats and 9% of those interviewed in fish processing operations stated they were 'forced to work' (Pearson 2006). The UNODC suggests that, globally, "trafficking for the purpose of forced labor is underreported" (UNODC 2011). This is likely due not only to the difficulty in monitoring and enforcing labor standards in a global fishing fleet of roughly 4.32 million vessels (FAO 2012), but also because individuals often do not see themselves as 'victims' of trafficking or abuse (ILO 2013). Rather, many migrant workers—the ones most likely to experience trafficking or conditions of forced labor in seafood production and processing—view

serious human rights violations in the workplace as simply circumstances of "bad luck" (Surtees 2008; see 'Challenges'). This is a common phenomenon when people in positions of power abuse those who are legally and economically vulnerable (UNODC 2013b).

Abuse Aboard Fishing Vessels

Some of the worst human rights and labor violations in the seafood industry occur onboard fishing vessels (ILO 2013). Violations are often committed by the senior crew and captain (ILO 2013). Case studies from the last decade cite examples of recruitment under false pretenses, 20 hour workdays, child labor, physical and mental abuse, abandonment, and withholding of pay and identifying documents (Skinner 2008; EJF 2010, 2013; ILO 2013). In one report, over half the victims interviewed reported seeing a fellow crewmember murdered (UNIAP 2009).

Several factors have led to human and labor rights abuses on fishing vessels (Figure 1). Overfishing has contributed to the gradual decline of global fish stocks (FAO 2012). In order to find more plentiful fishing grounds, vessel operators are forced to travel further out to sea (ILO 2013). Fishing in more remote locations for longer periods provides ample opportunity to take advantage of the low risk of being caught when committing human rights abuses. Fishing already has one of the highest fatality rates of any employment sector and fishers with more promising opportunities are understandably reluctant to put their lives on the line for low wages and variable catches. Vessel owners and operators then turn to migrant workers, who are much more vulnerable to trafficking and labor abuses (ILO 2013).

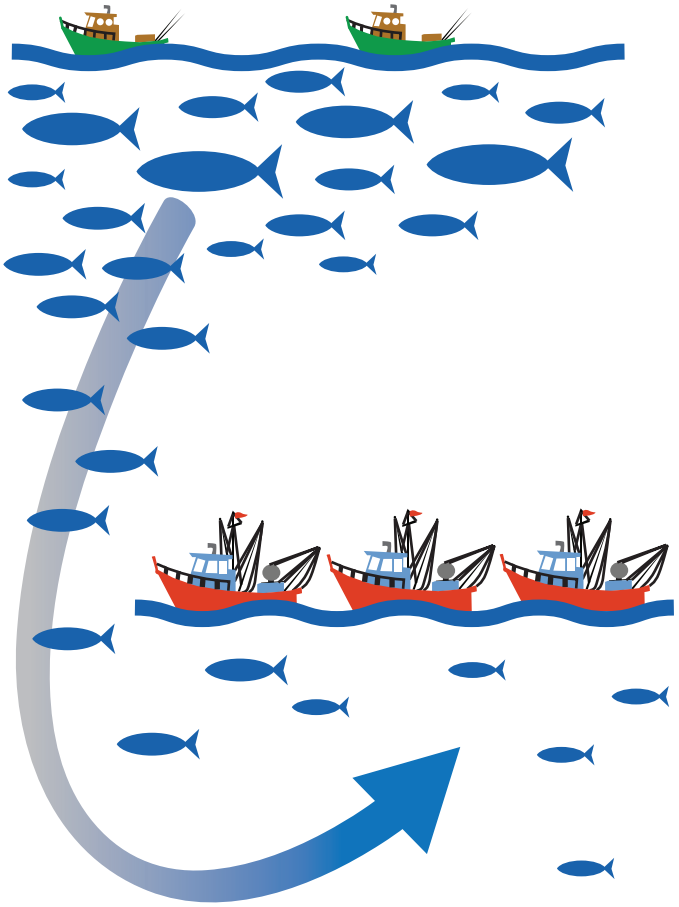
The use of low-cost migrant labor can reduce crew costs considerably for vessel owners (UNIAP 2009; ILO 2013). Migrant workers—many of whom are trafficked by recruiters or smuggling operations—are contracted to a vessel or vessel owner for a period of months or years, whether or not they have any working knowledge of the fishing industry or desire to become fishers (EJF 2013). The competition for decreasing fisheries resources may mean that many operators are cutting corners not only with labor, but also with health and safety provisions onboard the vessel (EJF 2010, FAO 2012, ILO 2013). There are reports of unhygienic working conditions, inoperable or complete lack of radio or fire safety equipment, substandard food, and poor accommodations (EJF 2010).

Abuse in Seafood Processing

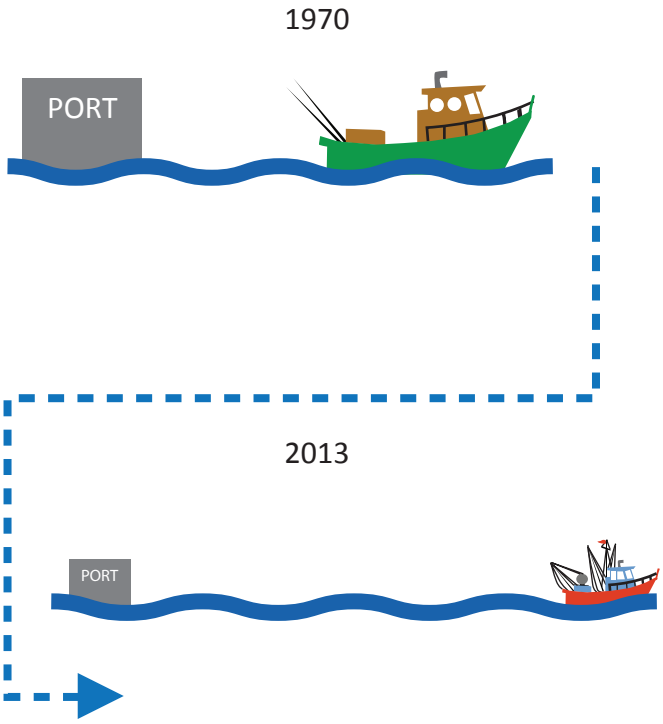
Most case studies of labor and human rights abuses in seafood processing and packaging involve migrant workers in both licensed and non-licensed operations in the southern provinces of Thailand (UNIAP 2009; Sifton 2012; ILRF/WWU 2013; IEDE 2013). As previously mentioned, migrant labor is used to cut costs and to fill the void created by a lack of available Thai workers. Some of the most egregious abuses occur in the Thai shrimp industry which is highly dependent upon migrant labor, including the use of underage workers, refusal of pay, charging workers excessive fees for work permits, and an ineffective auditing regime (ILRF/WWU 2013; Westlund 2013). Four hundred thousand Burmese migrants work in Samut Sakhon, where 40% of Thailand's shrimp is peeled and frozen for export (Motlagh 2012). Around 200 peeling sheds are officially registered with Thailand's Department of Fisheries. Less than 100 peeling sheds are also registered with Thai Frozen Foods Association, even though registration is required to legally supply to other members and export to international markets (EJF 2013b). Estimates for

Figure 1) Contributing factors to abuse at sea

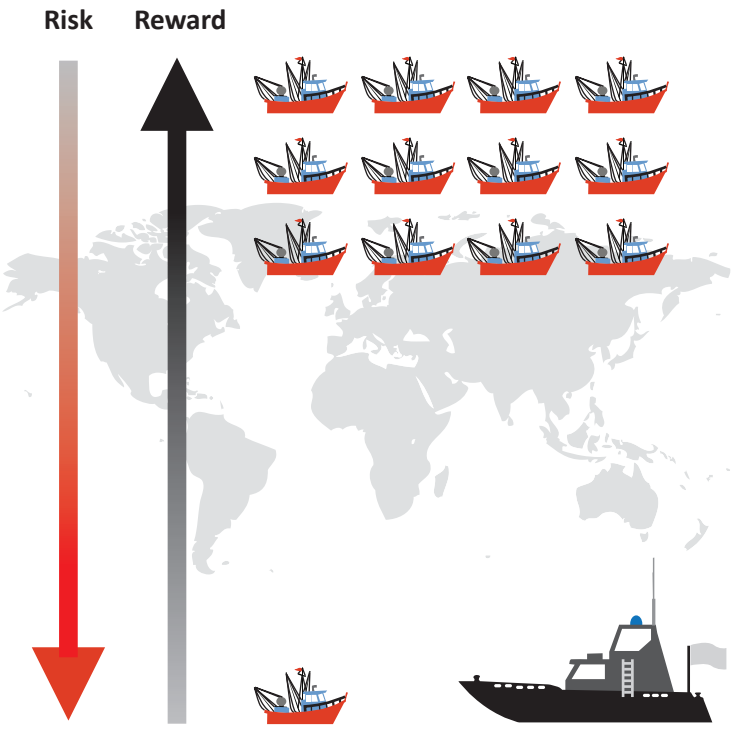
1) Overfishing has led to a global decline of marine fish stocks, increasing the competition for marine resources.



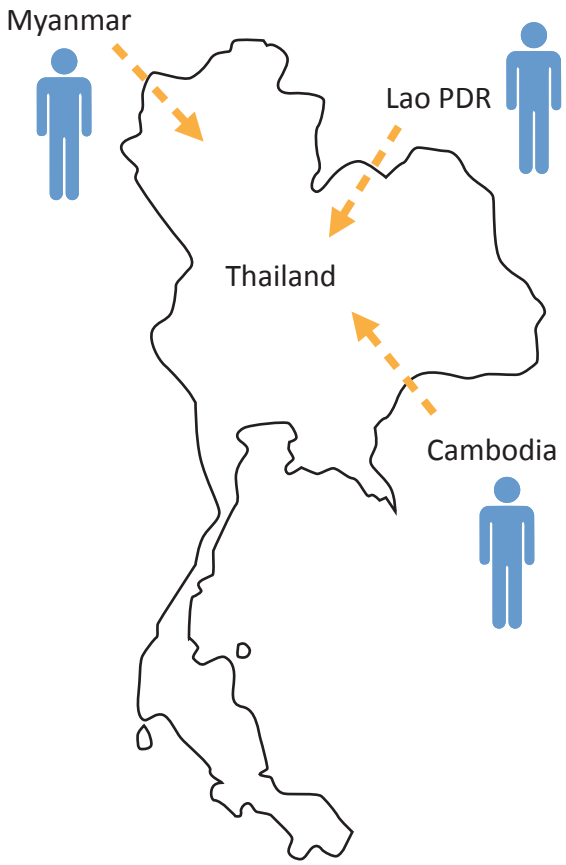
2) In order to find more plentiful fishing grounds, vessel operators are forced to travel further out to sea, or to remote regions, for longer periods of time.



3) The global nature of the seafood industry combined with poor enforcement creates a low risk/high reward scenario, allowing for human rights abuses and illegal fishing to go undetected.



4) Vessel owners and operators are increasingly turning to migrant workers, who are often desperate for work and vulnerable to trafficking and labor abuses.



unregistered peeling sheds operating in Samut Sakhon range from 400 to 1,300, with some organizations putting the number closer to 2,000 (EJF 2013b; Motlagh 2012). These unregistered facilities are not subject to any regulation or oversight, and are where the most severe abuses occur, including physical abuse, threats of violence, debt bondage, child labor, and imprisonment (UNIAP 2009; PBS 2012; Sifton 2012; IEDE 2013; EJF 2013b; ILRF/WWU 2013; Westlund 2013).

Child Labor in the Seafood Industry

According to the 2012 Food and Agriculture Organization's (FAO) State of World Fisheries and Aquaculture report, around 60% of the 215 million child labor abuse victims are engaged in the agriculture sector, including fisheries, aquaculture, livestock, and forestry (FAO 2012). Although it is difficult to determine the exact number of child laborers employed specifically in the seafood industry, case studies and surveys suggest it is pervasive, both in number and geographic scope (FAO & ILO 2013). According to the FAO & ILO report (2013), *Guidance on Addressing Child Labor in Fisheries and Aquaculture*, child labor occurs in many different sectors of the seafood industry, including capture fishing, aquaculture, and operations (such as processing, marketing, and net-making).

Instances of child labor and abuse include: the sorting of shrimp and small fish species on *jemals* (platforms supported with wooden tree trunks often built in shallow waters, 7–8 km out at sea) found throughout Asia (FAO & ILO 2013); Cambodian boys forced to work on Thai fishing vessels, where they are beaten and forced to endure a culture of bullying and intimidation by their captains and senior crew members (EJF 2010); and children engaged as swimmers and divers in *muroam*i (a type of net) fishing in Bangladesh, an extremely dangerous form of fishing targeting reef fish (FAO & ILO 2013). In the seafood processing sector in Thailand, the worst forms of child labor included employment of children under 15, children working long days without overtime day, and being verbally abused. Other reports have found children being paid low wages or not being paid at all, and abuse including being harmed, detained, and forced to work without pay in unregistered facilities (ILO 2011).

Human Rights and Sustainable Seafood

Until recently, gender equity, child labor, fair trade, and human rights in the fishery sector have been disconnected from, and perhaps even overshadowed by, environmental concerns (Allison 2012). However, issues of seafood sustainability and human rights are inextricably linked, not only from an ethical standpoint, but also from a practical one.

Globally, fish provides about three billion people with almost 20% of their protein needs (FAO 2012). Due to the decline in the health and abundance of fish stocks, the annual tonnage of capture fisheries has plateaued since 2005, despite an increase in effort over the same time period (FAO 2012). This means that as the global population continues to rise, more individuals, particularly in developing nations, will be without access to affordable protein, or will be forced to turn to terrestrial wildlife. There is already evidence of this in West Africa, where during periods of fish scarcity, an increase in bushmeat hunting and a subsequent decline in mammal biomass has been observed, suggesting a macro-scale link between fish supply and tropical wildlife declines (Brashares 2004). Unsustainable practices can stress communities dependent

on these declining marine resources and negatively impact their health, economy, quality of life, as well as their local terrestrial wildlife.

Marine living resource (MLR) crime is a form of environmental crime typically causing harm to the marine environment, often undermining management plans. MLR crimes and labor and human rights violations often occur together aboard fishing vessels (UNODC 2011). Although illegal fishing operations are, by their very nature, difficult to monitor, IUU fishing has been shown to contribute significantly to the decline of marine fish stocks (ILO 2013), taking between 11 and 26 million tons each year (Agnew et al. 2009). Over half of marine fish stocks (57.4%) are fully exploited (FAO 2012), which means, even as certain stocks are legally protected by means of catch restrictions, quotas, or marine protected areas (MPAs), IUU operations will still have a detrimental effect on the ability of certain species to stabilize, let alone rebound from decades of overfishing. Eliminating IUU fishing will help reduce overfishing and end the scourge of human rights abuses committed at sea in pursuit of marine catch.

While there is still great room for improvement (the FAO suggests 29.9% of fisheries are overfished and the World Bank found that the difference between the potential and actual net economic benefits from marine fisheries is US$50B), there are positive stories from the sustainability movement (WB 2009; FAO 2012). Retailers assessed in the various Greenpeace Scorecards (an evaluation and ranking of supermarkets on their sustainable seafood policies) in numerous countries around the world have demonstrated improvement every year (Greenpeace 2013). In the United States, fish stocks continue to rebuild under strong management and scientific advice (32 rebuilt between 2000 and 2012; NOAA 2012). The number of Marine Stewardship Council certified fisheries continues to increase with 216 certified fisheries as of November 2013, with another 102 in assessment (MSC 2013b). Similarly, the number of sustainability commitments[3] from the top 25 North American seafood retailers has grown significantly in the past several years, from 3 in 2006 to 18 retailers in 2012 (CEA 2013). These examples shed some hope on the topic of human rights abuses in the seafood industry. Sustainability improvements illustrate the industry's ability to identify a problem, display the will to improve, and subsequently change business as usual to address a challenge within complex supply chains. This paper is outlining these issues to mobilize a variety of stakeholders to begin to identify how improvements can be made for social issues. Addressing these issues is the ethical course of action, but also one that will prevent human rights abuses in supply chains from undoing the excellent work to date on the environmental sustainability of seafood.

[3] Commitment defined as working with a member of the Conservation Alliance for Seafood Solutions.

Challenges to Reform

While eliminating human rights abuses in seafood supply chains may seem like a typical example of labor reform, there are many complex factors to consider, which provide some daunting challenges to effective reform and policy implementation. Often predicated by the globalized nature of the seafood industry, many of these challenges are addressed below, although this not an exhaustive list.[4]

Corruption & Bribery of Officials

In many regions, the corruption and bribery of government officials have effectively crippled the enforcement mechanisms necessary to combat human rights and labor abuses in the workplace. In a recent survey by Transparency International, people in 70 countries said they thought that corruption had increased in the past two years, while over one in four people said they had paid a bribe in the past year for public services relating to tax, health, police, or land services (Economist 2013). Instances of corruption and bribery in the seafood industry have been documented by organizations such as EJF. According to the EJF (2012), "it is apparent that human trafficking onto fishing vessels has, on occasion, been facilitated by corruption and an unwillingness to prosecute those individuals and companies that procure trafficked persons". Laws and regulations, written and implemented by any level of government (international, regional, etc.), have little or no chance of improving the lives of seafood industry workers if those in local positions of power are unable or unwilling to enforce them. This is particularly important for fishers on the high seas, who are in remote locations for extended periods of time and have limited opportunities to alert authorities to instances of abuse.

Exemptions & Exclusions for Fishing Vessels Within International Standards

Unique Vessel Identifiers & Global Record of Fishing Vessels

Implementing and enforcing legislation that applies to vessels fishing in international waters is difficult, particularly due to the lack of mandatory unique vessel identifiers (UVIs). A UVI is an assigned number that stays with a vessel regardless of any change of ownership or flag state. The International Maritime Organization (IMO) number is the only UVI in operation on the scale needed for fishing vessels. IMO Resolution A.600 makes IMO numbers mandatory for "propelled, sea-going vessels" over 100 gross tons, but excludes vessels "used exclusively for fishing" (EJF and FishWise 2013). Without mandatory UVIs it is very difficult to identify or take action against IUU vessels that continuously change flag state registration or create shell companies to avoid detection (EJF and FishWise 2013). The creation of a Global Record of Fishing Vessels, an international database to store the UVIs of commercial fishing vessels along with information on their ownership, flag, history, characteristics, and fishing authorizations has been proposed. Ensuring all large fishing vessels obtain a UVI that is entered into a Global Record will improve the ability to track and enforce fishing vessel activities.

[4] Please note that the order of discussion on challenges to implementation is alphabetical, and in no way reflects a ranked scale (i.e. minor challenge or major challenge) related to challenges in addressing labor reform in the seafood industry.

Legislation

The exclusion of fishing vessels and personnel from maritime safety standards and international conventions, or size limits aimed at large vessels tied to these requirements, also contribute to the vulnerability of fishers at sea (Petursdottir et al 2001). Fishing vessels are excluded from the majority of provisions in the Convention for Safety of Life at Sea (SOLAS), the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW Convention), as well as the Marine Labour Convention (MLC).

As a global industry, fishing requires global labor standards. However, while several international conventions on safety and personnel requirements for fishing vessels have been adopted, they lack the ratifications required to come into full effect (see "International Governance" below). One promising exception is the recent 2012 enactment of the International Maritime Organization's (IMO) Standards of Training, Certification, and Watchkeeping for Fishing Vessel Personnel (STCW-F Convention). The STCW-F Convention is the first attempt to mandate and normalize standards of safety for crews of fishing vessels internationally. Other conventions, such as the International Labour Organization's (ILO) Work in Fishing Convention (No. 188), has thus far only been ratified by four states: Bosnia and Herzegovina, South Africa, Morocco, and Argentina. The ILO's Work in Fishing Convention requires ten ratifications before it can be enacted.

Flags of Convenience

Unlike merchant and passenger vessels, fishing vessels are not required to have a Unique Vessel Identifier (UVI). As such, fishing vessel owners can implement complex vessel registration and incorporation strategies to avoid detection (UNODC 2011). This includes sailing under various Flags of Convenience (FOCs). A FOC exists when a vessel owner registers a vessel in a foreign state, often for the "convenience" of paying lower taxes and/or registration fees (ITF 2012). FOC states are attractive to IUU fishing operators because these states often lack the capacity or willingness to effectively monitor IUU fishing activities (UNODC 2011). The transparency needed to identify and sanction IUU fishing and human rights abuses at sea will remain unattainable without UVIs for fishing vessels, especially those with FOCs.

Globalized Nature of Seafood Supply and Demand

According to Dr. John Ruggie (2008), "the root cause of the business and human rights predicament today lies in the *governance gaps* created by globalization—between the scope and impact of economic forces and actors, and the capacity of societies to manage their adverse consequences". This 'gap' becomes apparent in many industries operating across political, social, and economic boundaries, including seafood. The temptation to utilize cheap labor together with the often dire social and economic situations of international transboundary workers can result in a culture of exploitation and abuse. The extraordinary imbalance of power between the primary seafood import regions (e.g. U.S., Japan, China, & E.U.) and export regions (e.g. Greater Mekong Subregion & West Africa) cannot be understated. Correcting this imbalance is not the responsibility of the seafood industry alone, but of the entire global community. However, seafood producers, suppliers, distributors, and consumers all have a part to play in helping to ensure that labor and human rights abuses are effectively abolished from

within the seafood supply chain. This means, among other things, recognizing the need to incorporate the cost of providing fair wages and working conditions to employees into the final price point of seafood and other fisheries related products (e.g. fish meal and fish oil).

Lack of Enforcement

The effectiveness of enforcement of legally binding conventions on labor and health could be improved. Gaps exist due to capacity constraints and, at times, a lack of willingness by various governments (UNODC 2011). Similarly, human trafficking continues to occur on a global scale, despite several international treaties aimed at combating it (TIP 2013). For example, while Russia—a top fisheries production and export nation (FAO 2012)—ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as the Protocol Against the Smuggling of Migrants by Land, Sea and Air, there are multiple reports of trafficking and forced labor practices aboard Russian fishing vessels (ILO 2013). In fact, due to its failure to comply with even the "minimum standards for the elimination of trafficking" (TIP 2013), Russia was recently downgraded to the lowest possible tier (Tier 3) in the U.S. State Department's 2013 Trafficking in Persons Report.[5]

Lack of enforcement is also a problem on fishing vessels in terms of ensuring adequate safety equipment, vessel monitoring system compliance, and licensing and control system compliance (EJF 2010; UNODC 2011).

Lack of Transparency & Traceability

The need to improve transparency and traceability in the fishing industry is a common theme echoed by those concerned with improving seafarer well-being and achieving seafood sustainability (EJF 2010; Allison 2012; Boyle 2012; UNODC 2012; Hurlburt et al. 2012; EJF 2013). Implementing full traceability—every step in the supply chain having the correct procedures and protocols in place to track receipt, processing, and shipping of seafood—is the first step in eliminating illegal fishing, human rights abuses, and seafood mislabeling and fraud. With full supply chain traceability it should be easier to identify and remove seafood associated with these concerns from supply chains and, ideally, prevent it from entering the supply chain in the first place[6].

[5] The U.S. State Department's 2013 Trafficking in Persons Report seeks to assess how well governments are addressing and responding to the crime(s) of human trafficking. Tier 3 designations are assigned to countries whose governments do not fully comply with Trafficking Victims Protection Act (TVPA) standards and are not making significant efforts to do so. There are currently 24 countries and territories with a Tier 3 designation, including North Korea, China, Iran, and Saudi Arabia.

[6] For more information on seafood traceability, please see FishWise's white paper on seafood traceability.

Transhipment

Transhipment—the unloading of marine catch to a transport vessel at sea—is a common practice within commercial (often industrial) fishing operations (UNODC 2011). By allowing vessels and their crew to remain at sea for months—or even years—transhipment contributes to the pervasive human rights abuses aboard fishing vessels by trapping workers at sea and helping the vessel remain undetected by any authorities at port (EJF 2013).

Illegal, Unregulated, and Unreported (IUU) Fishing

High levels of IUU fishing occur worldwide. Estimates of fishing losses to illegal activity range from $10-23.5 billion, which represent 11-26 million tons of seafood (Agnew et al 2009). Some countries suffer greatly (40% of West Africa's total catches may be illegal), and in others, the illegal catch may be double the documented harvest numbers (Agnew et al 2009). Developing countries bear the brunt of IUU fishing through lost revenue, decreased food security, and loss of biodiversity (FAO 2012). IUU fishing and other MLR crimes have been linked to transnational organized crime and human trafficking on board vessels, all of which negatively affect the lives of fishers and non-fishers alike (UNODC 2011). In order to effectively address labor and human rights abuses in seafood, we must concurrently work to eliminate IUU fishing.

Opportunities

While this paper highlights the human rights abuses taking place in the seafood industry, there is also a positive and uplifting side to this story. Some companies have recognized the importance of protecting human rights and the benefit of communicating that work to stakeholders and consumers. We highlight some of these positive examples here. Promoting environmental and social attributes is not only important to corporate social responsibility (CSR) reporting, but increases consumers' willingness to pay, talk about the company to others, and buy stock (LOHAS 2013).

Examples of companies improving the social aspects of seafood supply chains include the Fishing & Living™ program (a collaboration between ANOVA Food LLC, USAID, WWF, many levels of government, and others) which strives to: 1) promote sustainable fisheries through improved fishing practices and 2) provide enhanced living conditions for the communities engaged in the industry. Specific Community Social Programs are listed on its website.

A community-based movement facilitated by the Global FISH Alliance created the Spiny Lobster Initiative, a collaboration between stakeholders from Honduras and Nicaragua. Members came together for a "Whole System in the Room" event that set the vision for a "sustainable, profitable and safe spiny lobster fishery," and agreed to 11 common goals including improving education, regulatory compliance, and resource management in the fishery. The Fourth Spiny Lobster Symposium in May 2013 included stakeholders from many sectors and focused on harmonizing actions taken by all stakeholders to reform the spiny lobster fishery, both environmentally and in terms of diver safety.

The Parties to the Nauru Agreement countries (Federate States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands, and Tuvalu) started Pacifical, a canned tuna brand, because they wanted to ensure sustainable tuna fishing, employment and participation of their people, and fair economic returns for the tuna. Its website details its commitment to involve more locally owned and crewed tuna boats, create more jobs via local processing plants (with a goal to increase local processing from 5% to 25%), and have fair working and social conditions (must meet the Business Social Compliance Initiative (BSCI) and Social Accountability International's SA 8000 conditions).

Retailers have also begun to communicate their social policies to their consumers. Young's Seafood in the UK has created 10 Principles to guide their seafood program. These principles include legality, continuous improvement, traceability, and most importantly to this discussion, ethics and environment. Young's states that it supports the Ethical Trading Initiative (ETI) Code of Conduct and the objectives of SA 8000. It also states a precautionary approach is employed when conformance to standards cannot be verified, and it seeks to only trade with companies that are mindful of their ethical and social responsibilities.

Finally, Talley's Group Ltd. is a New Zealand based company with a seafood division that owns and operates four seafood processing factories and a fleet of inshore and deep water fishing vessels. Talley's has publicly supported the proposed Fisheries (Foreign Charter Vessels and Other Matters) Amendment Bill (see 'Governance: Other Nations' section for details), which requires that all foreign-flagged vessels operating within New Zealand's EEZ are reflagged to New Zealand (Henderson 2012, Krupp 2013). This change in flag means that the vessels and crew will be accountable to New Zealand health, safety, and labor criminal laws.

Governance

Effective at-sea governance is difficult to achieve based on many factors, such as the large geographic scope and number of participating regulatory bodies, and is currently composed of a fragmented system of rules and regulations (CFR 2013). The United Nations Convention on the Law of the Sea (UNCLOS), now 30 years old, established fundamental legal principles for ocean governance, including "exclusive economic zones" (EEZs)—the coastal water and seabed extending 200 nautical miles from shore—over which the state has exclusive access to marine resources. UNCLOS also established that states have jurisdiction and control over flagships, and are responsible for ensuring the safety and seaworthiness of a vessel, as well as manning of ships, labor conditions, and training of crews (Petursdottir et al 2001). The broad-scale ratification of UNCLOS—165 nations as of January 2013—means that even a state that is not party to the convention (e.g. the U.S.), must recognize UNCLOS as customary international law. However, UNCLOS suffers from several limitations, including inadequate surveillance and enforcement mechanisms and the lack of a comprehensive evaluation system to assess progress (Lathrop 2012, CFR 2013).

There is a fairly strong history of international anti-slavery and anti-trafficking laws dating back to the 1920s, including: the Slavery Convention (1926)—a pre-UN convention formed through international multi-party legislation—and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), the Universal Declaration of Human Rights (1948), the International Covenants on Civil and Political Rights

(1966), The United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), and the Convention on the Elimination of all Forms of Discrimination Against Women (1979). According to a report by King (2009), "these instruments laid the foundation for the contemporary conventions and efforts to eliminating trafficking." However, the uniquely remote and transient nature of most fishing operations means that state, federal, and international legislation aimed at combating forced labor and human trafficking—such as the UN Declaration of Human Rights, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the International Labour Organization's Abolition of Forced Labor Convention, 1957 (No. 105)—may not be entirely effective at creating preventative or punitive measures for the fishing industry (ILO 2007).

Combating human rights violations and labor abuses in the seafood industry is a relatively new focus for most governments and NGOs (Allison 2012). However, several key pieces of proposed or enacted international legislation, as well as independent actions by certain nations and states, may help combat human and labor rights abuses. While provisions included in international treaties and conventions apply only to state parties (i.e. states that ratified the given legislation), a piece of legislation with enough ratifications (how many ratifications varies depending on the legislation in question) will translate into customary international law (e.g. UNCLOS), which can expand the scope of the provisions to non-party states. In addition, organizations such as the UN Food and Agriculture Organization (FAO), the International Labour Organization (ILO), and International Maritime Organization (IMO) have put together detailed publications suggesting voluntary codes and guidelines for safety of both vessels and crews at-sea.

In summary, efforts to combat human rights abuses by governments, companies, and organizations are varied and often are not specific to seafood supply chains or fishing vessels. To help unify groups working on these issues and to facilitate the efforts of companies seeking resources and contacts to help combat human rights abuses in their supply chains, legislation, certifications, and the work of consultants and NGOs have been summarized below. This report is not exhaustive, but an effort was made to reach out to the major players in the North American market, along with those suggested for inclusion in the paper by peers.

International Governance

Enacted Legislation

The Convention for the Safety of Life at Sea (1974)
Organizing Body: International Maritime Organization (IMO)
Adopted: 1914 Enacted: 1974 (current form) Ratifications: 162

Adopted in 1914 and later enacted in 1928 (due to the outbreak of World War I) - the Convention for the Safety of Life at Sea (SOLAS) has been referred to as the "most important legal instrument to ensure the safety of life and vessels at sea" (ILO 2013). The initial 1914 document was authored by a delegation of thirteen states at an international convention in London, partially in response to *HMS Titanic* disaster of 1912 (Wheeler 1914). When the International Maritime Organization (IMO) was founded in 1958, its first major task was to oversee amendments to SOLAS in 1960, as well as over 100 subsequent amendments in the

years that followed (Petursdottir et al. 2001). SOLAS specifies minimum safety standards for the construction, equipment, and operation of marine vessels. SOLAS in force today—sometimes referred to as SOLAS, 1974—has been ratified by 162 states. Because of this wide scale ratification, SOLAS is generally recognized as international common law by all maritime states.

While SOLAS is certainly the most important treaty concerning the safety of *merchant and passenger* vessels, fishing vessels are almost entirely exempt from SOLAS' provisions (Petursdottir et al. 2001). These exemptions are generally credited to the differences in design and operation between fishing vessels and other types of ships (IMO 2013). There are a few notable exceptions, including measures related to rescue equipment on board and vessel stability. Perhaps due to the elective nature of the few SOLAS provisions applying to fishing vessels, SOLAS amendments in 1960 included a requirement that state parties inform the IMO about the degree to which they apply SOLAS to fishing vessels (Petursdottir et al. 2001).

United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air
Organizing Body: United Nations
Adopted: 2000 Enacted: 2003 Ratifications: 178

Enacted in 2003, United Nations Convention against Transnational Organized Crime (UNTOC) and its protocols—the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereafter 'the TIP Protocol') and the Protocol against the Smuggling of Migrants by Land, Sea and Air (hereafter 'the Smuggling Protocol')—include specific language regarding transnational trafficking and smuggling aboard fishing vessels (UN 2001). The UNTOC is the guardian of the TIP and Smuggling Protocols. In accordance with Article 9(1), TIP Protocol requires state parties to "establish policies, programs, and other measures to prevent and combat human trafficking and protect and assist trafficking victims" (ILO 2013). The Convention and its protocols have seen large-scale ratification. As of July 2013, the UNTOC was ratified by 178 states, the TIP Protocol by 156 states, and the Smuggling Protocol by 137 states.

A critical aspect of the UNTOC and its protocols is the scope of jurisdictional authority granted to state parties. A state party to the Convention has jurisdiction over any offenses related to transnational organized crime occurring within its territory, which arguably can include the exclusive economic zone (EEZ) (Stec 2013). The TIP Protocol is even broader in its application; in addition to having jurisdiction over any vessel (excluding military and government vessels) flying the state's flag, carrying state nationals, or operating in the state's territorial waters, a state party may also establish jurisdiction when an offense related to trafficking or smuggling, though committed outside a state's territory aboard a foreign vessel, is "commission[ed] within [a state's] territory" (UN 2001). However, if a state party does not have the means or desire to establish its jurisdiction, then this broad scope of authority will likely have little or no effect on ensuring the safety of fishers.

Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F Convention)
Organizing Body: International Maritime Organization (IMO)
Adopted: 1995 Enacted: 2012 Ratifications: 16

Adopted by the IMO—a United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships—in 1995 and enacted in September 2012, the STCW-F Convention is the first attempt to make safety standards mandatory for fishing vessel personnel on an international scale. The STCW-F "sets mandatory training standards for crews manning and operating fishing vessels" (ILO 2013). As is often the case with maritime law, the flag states are the primary bodies responsible for taking any and all steps necessary to enact and regulate the STCW-F Convention. The regulations only apply to vessels over 24m in length, making the convention easier to implement, but possibly less effective since 86% of the world's motorized fishing fleet consists of small sized vessels (i.e. less than 12 meters in length; UNODC 2011).

While the STCW-F Convention was only recently implemented, there is encouraging data showing that significant progress could be made in as few as ten years. Between 1990 and 1999, Norway and Iceland saw a 50% reduction in fishing related fatalities after implementation of compulsory safety training (Petursdottir et al. 2001). However, the STCW-F Convention will most likely not be effective in combating abuse on an international scale until it is ratified by more large fishing nations. As of July 2013, only sixteen states had ratified the STCW-F Convention including Canada, Denmark, Iceland, Kiribati, Latvia, Mauritania, Morocco, Namibia, Norway, Palau, Russian Federation, Sierra Leone, Spain, Syrian Arab Republic, and Ukraine. By comparison, the STCW Convention—the corresponding convention for seafarers aboard non-fishing vessels (i.e. tankers)—came into force in 1984 and has been ratified by 157 states and territories (IMO 2013).

Maritime Labour Convention (2006)
Organizing Body: International Labour Organization
Adopted: 2006 Enacted: 2013 Ratifications: 51

Adopted in 2006 and only recently enacted in August 2013, the Maritime Labour Convention (MLC) embodies "all up-to-date standards of existing international maritime labor conventions and recommendations." Established as the "fourth pillar" of Maritime Legislation (the other three being STCW, SOLAS and the International Convention for the Prevention of Pollution from Ships, or MARPOL) the MLC consolidates and updates more than 68 existing ILO conventions and recommendations. The overall objectives of the conventions are to: establish decent working and living conditions for all seafarers worldwide, ensure governments and ship owners are committed to establishing decent conditions, and put control and enforcement mechanisms in place to ensure a level playing field.

The convention sets minimum requirements for seafarers, including minimum age requirements, medical fitness, and proper placement procedures. Employment conditions related to contracts, payment, repatriation, leave, and ship working conditions are listed. The convention details specific rules for accommodations that "promote the seafarers' health and well-being", and specific regulations for food quality and quantity. The MLC covers the specific medical care required both on board and ashore, ship owners liability, and health and safety

precautions. Standards to ensure compliance with the convention are set, with responsibilities for both the flag states and the port states, as well as labor agencies. Though like many international conventions, the MLC applies to all publicly and privately owned ships engaged in commercial activity *except* traditional ships, warships and fishing ships.

Adopted Legislation

Work in Fishing Convention (No. 188)
Organizing Body: International Labour Organization (ILO)
Adopted: 2007 Ratifications: 4

The ILO's Work in Fishing Convention (No. 188) was adopted in 2007 and supplemented by the 2007 Work in Fishing Convention Recommendations (No. 199). According to the ILO, the work in fishing convention "contains a number of important provisions that, once in force and widely ratified, could significantly improve working conditions of fishers and help prevent and combat the worst forms of labour exploitation experienced by victims of forced labour and human trafficking on board fishing vessels" (ILO 2013). Provisions include requirements for crew lists, written work agreements, minimum age of workers, and medical examinations. The ILO has produced a table, which details how various forms of exploitation will be prevented by ratification of the Work in Fishing Convention (see 'Appendix II').

The Work in Fishing Convention will come into force 12 month after it has been ratified by at least 10 ILO member states, 8 of which are coastal states. It is currently only ratified by 4 countries (Argentina, Bosnia and Herzegovina, Morocco, and South Africa). However, the European Union's Directorate-General for Maritime Affairs and Fisheries (DG MARE) has recommended the speedy ratification by EU member states. DG MARE hopes that the Work in Fishing Convention will "further enhance the attractiveness of the [fishing] sector" for workers, in accordance with their Common Fisheries Reform Policy (see 'Common Fisheries Reform Policy' below). Together with the STCW-F Convention, these two pieces of legislation could measurably improve the working conditions, training, and general safety for fishers.

Torremolinos Convention, Torremolinos Protocol, & the Cape Town Agreement
Organizing Body: International Maritime Organization (IMO)
Adopted: 1977 Ratifications: 17; 1

The Torremolinos Convention for the Safety of Fishing Vessels was the first international convention to focus specifically on the safety of fishing vessels, as opposed to marine vessels in general (Petursdottir et al. 2001). Modeled on SOLAS (1974), it was meant to make mandatory the many "voluntary" codes and guidelines governing fishing vessel safety. The Convention contains safety requirements for the construction and equipment of new, decked, seagoing fishing vessels of 24m in length and over, including those vessels also processing catch (Petursdottir et al. 2001). Convention provisions include standards for "construction, watertight integrity and equipment; machinery and electrical installations and unattended machinery spaces; fire protection, detection, extinction, and firefighting; protection of the crew; lifesaving appliances; emergency procedures, musters and drills; radiotelegraphy and radiotelephony; and shipborne navigational equipment" (Petursdottir et al. 2001). Adopted on April 2, 1977 by 45 states, the Convention did not obtain enough subsequent ratifications to enter into force.

In 1993—16 years after its initial adoption—the Torremolinos Convention was suspended by the Torremolinos Protocol. Depending upon the state, critics believed the Convention, in its original form, was either too stringent or too lenient (Petursdottir et al. 2001). In order to encourage and expedite ratification, the IMO reduced the scope of vessels subject to the Protocols provisions. In many instances, this was achieved by increasing the minimum accountable vessel size from 24m in length to 45m in length (Petursdottir et al. 2001). Instead, the Protocol requires that Regional guidelines be established for vessels between 24m and 45m, which take into account “the mode of operation, sheltered nature and climate conditions of that region” (Petursdottir et al. 2001).

However, nine years after its initial adoption, states were still hesitant to sign on to Torremolinos (Convention or Protocol). This led to the adoption of the Cape Town Agreement in 2012. The Cape Town Agreement—formally the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels—goes even further than the Torremolimos Protocol in its attempt to secure wide scale ratification. The Agreement “allows for Administrations to exempt any vessel entitled to fly its flag from any of the requirements of this annex if it considers that the application is unreasonable and impracticable in view of the type of vessel, the weather conditions and the absence of general navigational hazards" (IMO 2012). The Agreement also allows a phasing in of safety standards over 1-10 years, and offers assistance to states that anticipate having difficulties meeting certain requirements. The Agreement will enter into force 12 months after it has been ratified by at least 22 states with a minimum of 3,600 fishing vessels over 24m operating on the high seas. As of July 2013 the Torremolinos Protocol has 17 ratifications and the Cape Town Agreement has been ratified by one state (Norway).

Voluntary Codes and Guidelines

FAO-ILO-IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel

The Document for Guidance on Training and Certification of Fishing Vessel Personnel is a joint publication by the IMO, the ILO, and the FAO. The Document takes into account "the conventions and recommendations adopted by ILO and IMO and the wide practical experience of FAO in the field of fishermen's training, and cover training and certification of small-scale and industrial fishermen". Aside from generally improving safety and working conditions for fishers and crew, the document is meant to help states come into accordance with the STCW-F Convention and makes particular references to the Convention's resolutions.

FAO Fisheries & Aquaculture Code of Conduct for Responsible Fisheries

Unanimously adopted by the FAO in 1995, the Code of Conduct for Responsible Fishers (hereafter 'the Code') is voluntary, however, many parts are based on relevant or binding international law, such as UNCLOS. Taking steps to come into accordance with the Code can help states prepare for ratification of other binding legal instruments. The Code covers environmental issues along with economic and social factors (Petursdottir et al. 2009).

FAO-ILO-IMO Code of Safety for Fishermen and Fishing Vessels

Originally developed in 1970, but revised periodically—most recently in 2005—the Code of Safety for Fishermen and Fishing Vessels (hereafter 'Code of Safety') is a joint publication by the FAO, the ILO, and the IMO. The Code of Safety is a two-part guidebook recommending 'safety and health practices for skippers and crew' (Part A) as well as 'safety and health requirements for the construction and equipment of fishing vessels' (Part B). The Code of Safety is in no way binding and implementation is not mandatory. Part B only applies to fishing vessels 24m and over (excluding recreational fishing vessels and processing vessels). According to the text, "it is anticipated that the [suggested] standards will be used by relevant competent authorities to improve upon national laws and regulations". For fishing vessels not included in Part B—those under 24m—there are supplemental guide books, including one for decked fishing vessels less then 12m and undecked fishing vessels of any size, and another for decked vessels between 12m and 24m. These books cover design, construction, and equipment standards.

While none of these code books are meant to be substitutes for national laws and regulations, their availability in a variety of languages could help law makers shape binding legislation, as well as help give vessel owners, fishers, and other crew members access to internationally recognized safety standards.

FAO-ILO Guidance for Addressing Child Labour in Fisheries and Aquaculture

In response to one of the recommendations from the Workshop on Child Labour in Fisheries and Aquaculture (Rome 2010), the FAO and ILO developed a document entitled Guidance for Addressing Child Labour in Fisheries and Aquaculture. This document is a collection of principles for policy makers, organizations of fishers, fish farmers, fish workers and employers, development practitioners, and the general public that addresses child labor in the fisheries and aquaculture sector. The document's key recommendations include ensuring adequate legal and

institutional frameworks, developing a more definitive definition of what constitutes child labor, closing the data and knowledge gap, taking action to eliminate child labor, and enabling implementation (FAO & ILO 2013).

U.S. Governance

Prosecutorial Remedies and Other Tools To End the Exploitation of Children Today Act of 2003

The 2003 Prosecutorial Remedies and Other Tools To End the Exploitation of Children Today Act (PROTECT Act) seeks to prevent crimes committed upon and involving minors, including child abduction, the sexual exploitation of children, and other offenses. The PROTECT Act includes provisions such as stronger penalties for kidnapping, the elimination of a statute of limitations for abduction and sexual exploitation, and the repeal of a pretrial release option for those who rape or kidnap an individual under the age of 18. Cases involving trafficking and forced labor of minors in the seafood industry have not typically involved U.S. flagged vessels or U.S. territory; however national legislation such as the PROTECT Act—which emphasizes the severity of crimes committed against children or involving children—could be an important step toward addressing child labor abuses in the seafood industry worldwide. The PROTECT Act has been in effect since 2003.

Victims of Trafficking and Violence Protection Act of 2000 and Reauthorization Acts

According to the U.S. State Department website, the "Victims of Trafficking and Violence Protection Act of 2000, the Trafficking Victims Protection Reauthorization Act of 2003, the Trafficking Victims Protection Reauthorization Act of 2005, and the Trafficking Victims Protection Reauthorization Act of 2008 provide the tools to combat trafficking in persons both worldwide and domestically." The Acts authorized the establishment of the Office to Monitor and Combat Trafficking in Persons and the President's Interagency Task Force to Monitor and Combat Trafficking in Persons to assist in the coordination of anti-trafficking efforts. In accordance with the Acts, the U.S. now prepares an annual Trafficking in Persons Report, which seeks to assess how well governments are addressing and responding to the crime(s) of human trafficking. Tier 3 designations are assigned to countries whose governments do not fully comply with Trafficking Victims Protection Act (TVPA) standards and are not making significant efforts to do so. There are currently 24 countries and territories with a Tier 3 designation, including North Korea, China, Iran, and Saudi Arabia.

State Governance

California

On January 1, 2012, the 2010 California Transparency in Supply Chains Act (SB 657)took effect (CA Senate 2010). The Act applies to companies with sales of $100 million or more in California and primarily affects retailers and manufacturers of clothing and other consumer products (CA Senate 2010). The act requires companies to disclose their efforts, if any, to eliminate slavery and human trafficking from their supply chains (K&L Gates 2012). Existing state laws already make human trafficking a crime and allow for a victim of trafficking to bring a civil action for damages.

European Union Governance

Common Fisheries Policy Reform

Social sustainability is one of the core objectives of the new Common Fisheries Policy (CFP) reform. An important new tool to facilitate this reform is the European Maritime and Fisheries Fund (EMFF). The EMFF will be used to "increase the attractiveness of the fishing industry" by, among other things, improving wages, working conditions, training, and safety for fishers. In addition, the CFP officially supports quick ratification and implementation of the ILO's Work in Fishing Convention (No. 188) as well as the IMO's STCW-F Convention. The reformed CFP will come into effect in 2014.

Other Nations

Many states have made independent efforts to improve the safety of workers in the seafood industry both on land and at sea. The following section gives only a few recent examples of these efforts and is by no means an exhaustive list.

Myanmar

Myanmar has sought to curb human rights and labor abuses by requiring that all crew on Thai fishing vessels operating within Myanmar's exclusive economic zone (EEZ)—with exception of the captain and top officers—must be Myanmar nationals (Robertson 2011; ILO 2013). The Myanmar Navy inspects all vessels before they receive clearance to fish. Upon a vessel's return, a 70,000 baht fine is levied for each missing crewmember. This has made fishermen too expensive to negligently injure or kill, which in turn protects them from abuse (Robertson 2011; ILO 2013).

Belize

Belize has been identified as a flag of convenience (FOC) state by the International Transport Workers' Federation (ITF). However, recent government reforms show promise for the future of the state's vessel management policy. The Belize Fisheries Department announced a moratorium on transhipments of fish for Belize-flagged vessels on the high seas (except for those regulated by an RFMO to which Belize is a party), as well as within another coastal state's EEZ (unless explicitly authorized and monitored; TheFishSite 2013). By allowing vessels and their crew to remain at sea for months, or even years, practices such as transhipment contribute to the pervasive human rights abuses aboard fishing vessels by trapping workers at sea and helping the vessel remain undetected by port authorities (EJF 2013). By creating more robust vessel management policies, Belize will discourage foreign vessels from registering in Belize without a 'genuine link' to the state. The success of the moratorium will be dependent upon effective monitoring and enforcement.

New Zealand

The Fisheries (Foreign Charter Vessels and Other Matters) Amendment Bill was introduced to the New Zealand Parliament in 2012 and would require all foreign flagged fishing vessels operating within New Zealand's exclusive economic zone (EEZ) to be reflagged to New Zealand

by 2016, though exemptions for certain types of tuna vessels from reflagging and a delay for vessels catching Maori quota until 2020 have recently been proposed (Harré 2013). At the time of writing this paper, the bill had not been passed by Parliament. The bill was introduced after revelations of extensive human rights and labor abuse on board foreign charter vessels fishing privately owned quota contracted to domestic permit holders (Henderson 2012; Kumar 2013; Stringer et al. 2013). In the 2012 and 2013 U.S. State Department's Trafficking in Persons Report, New Zealand was criticized for its treatment of low-wage, primarily Indonesian crews in the fishing industry. These crews work on board foreign flagged, industrial trawlers chartered by New Zealand fishing companies and quota holders to fish the deep-sea fisheries beyond 12 nautical miles but within the EEZ (200 nautical miles). By reflagging to New Zealand, foreign vessels and their crew will become accountable to New Zealand health, safety, and labor criminal laws. New Zealand, along with Brazil and Namibia, are the only states that do not strictly regulate foreign charter vessels within their exclusive economic zones (EEZs; NZ Parliament 2013). This bill will help New Zealand's established Port State Control (PSC) measures contribute to the health and safety of foreign fishers.

Thailand

Due in part to the recent reports documenting human rights and labor abuses on board Thai chartered fishing vessels—and subsequently being placed on the Tier 2 Watchlist of US Department of State's annual Trafficking in Persons report for four consecutive years, and facing a mandatory downgrade to Tier 3 in 2014 if major issues are not addressed—the government of Thailand has recently taken some decisive actions in an attempt to reform the industry (EJF 2013b). These actions include work by the Thai Labor Ministry and the International Labor Organization (ILO) to draw up an employment contract to regulate labor in the fishery sector. The Ministry will now refuse to issue work permits to migrant workers in fisheries who are not given such a contract by their employer (Bangkok Post 2013). While this does not appear to apply to land based seafood processors, it is nonetheless an important step on behalf of the Thai government. In September 2013, in an effort to "continue to take appropriate measures to ensure all labour practices are of an internationally [recognized] ethical standard", Thai Union Frozen Products joined the ILO's Good Labour Practices (GLP) program (The Nation, 2013). The GLP program provides a framework for businesses to implement labor laws and international labor standards - some experts are encouraged by this move while others think it will do little to end human rights violations (Tang 2013; The Nation 2013). In 2008 the Thai government took a positive legislative step by ratifying a national Anti-Trafficking in Persons Act, but still needs to actively implement the provisions of this act (EJF 2013b). In addition, Thai authorities recently arrested three members of a Myanmarese human trafficking gang—including the gang's leader, Ko Myo—responsible for selling hundreds of their fellow countrymen into slavery and murdering dozens of people (Nadi 2013, Temphairojana 2013). Ko Myo's victims include the Myanmarese workers profiled in EJF's influential report, "Sold to the sea: human trafficking in Thailand's fishing industry" (Nadi 2013).

South Korea

In an amendment to South Korea's Water Fisheries Act, fishing industries involved in IUU fishing or mistreatment of their fishing crew face the loss of government subsidies, increased fines—up from US$5,000 to a maximum of three times the value of the catch—and the possibility of imprisonment (Lavina 2013). While further legislation is needed to ensure and prove the

traceability and legality of fish products, this legislation is important, as it will increase the risk associated with illegal fishing and the mistreatment of crew.

Seafood Certifications for Social Responsibility

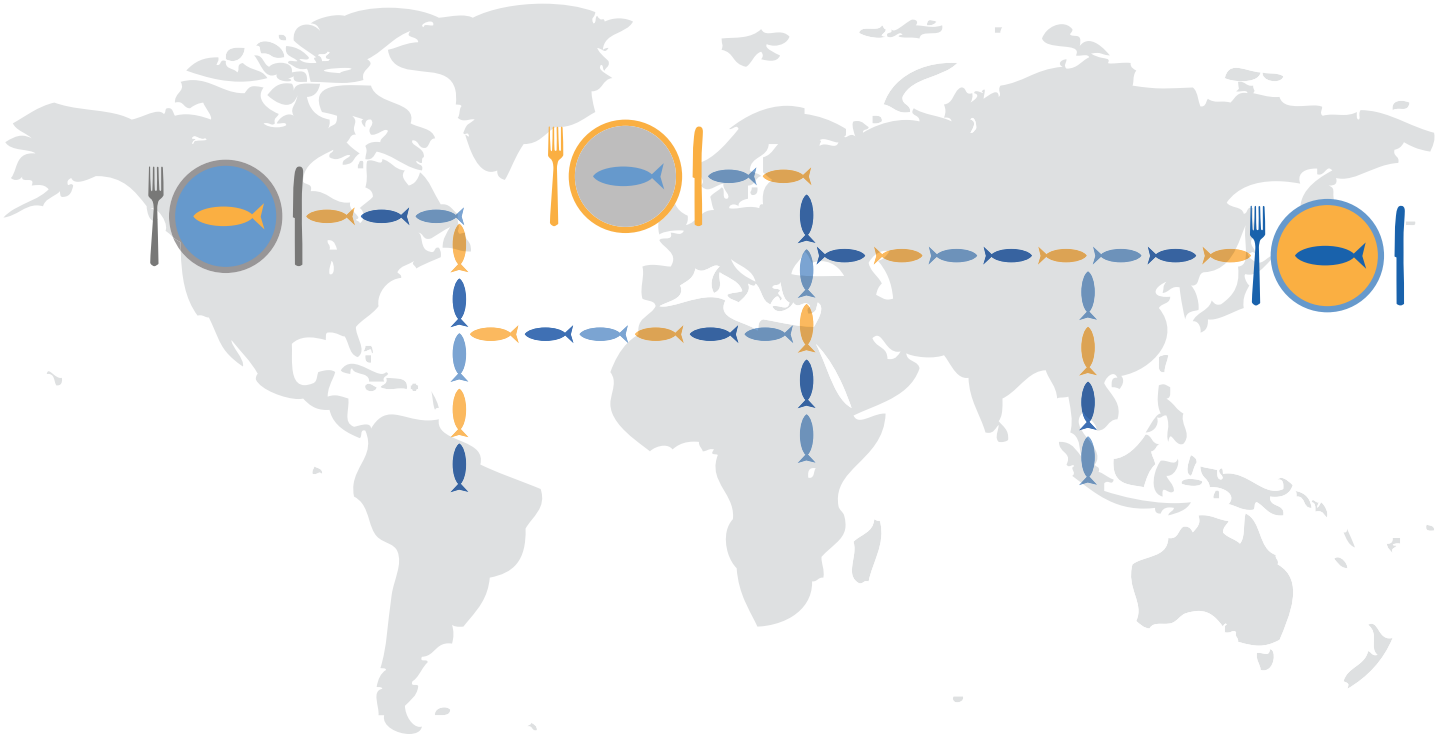
In addition to legal mechanisms to address human rights and labor abuses in the seafood industry, market-based mechanisms can also be used to encourage social responsibility and shift industry norms. The power of markets in the global North to transform labor practices in regions such as the Greater Mekong Subregion and West Africa is due to the seafood industry's supply and demand dynamic. The global North provides the majority of demand for seafood products produced and processed in the global South—in 2010, 67% of the fishery exports (gross value) of developing countries were directed to developed countries (FAO 2012; Figure 2). According to Conroy (2001) at the University of Massachusetts, Amherst, social and environmental certifications "represent creative new solutions for problems of persistent poverty by using the leverage of markets in the global North to improve the ability of workers, farmers, and other producers in the global South to build natural assets in ways that generate socially and environmentally sustainable livelihoods".

For the most part, certification standards in the seafood industry have been focused on improving transparency and ecological sustainability. Organizations such as the Marine Stewardship Council (MSC) certify responsibly managed fisheries, as well as companies sourcing from those fisheries that can verify Chain of Custody (CoC; MSC 2013). However, the MSC certification process has no associated human rights or labor standards. In addition, many organizations that *do* focus on fair labor practices, such as the Fair Labor Association (FLA), do not certify fisheries production or processing operations, but instead focus on industries such as electronics, textiles, and agriculture.

FishWise sought out the certification programs that incorporate social standards and are tailored specifically to the seafood industry. In addition, other certification programs focusing on worker safety, labor, and human rights that are suited for all types of industries are also listed below, as producers, processors, and distributors within the seafood supply-chain can easily utilize them. There are also a variety of voluntary codes and standards developed by organizations such as the FAO, ILO, and IMO, which can help governments and private entities improve the social and labor standards within the fisheries and aquaculture industries. Seafood certification programs with standards incorporating human rights or fair labor requirements, as well as certification bodies were contacted and asked to provide an overview of their work.

Specific contact information for each certification program and certification body is included in Appendix III.

Figure 2) The largest demand for seafood lies in the global North, with the gobal South providing the majority of that product.



Certification Programs

Aquaculture Stewardship Council

The Aquaculture Stewardship Council (ASC) is a global organization working with aquaculture producers, seafood processors, retail and foodservice companies, scientists, conservation groups and the public to promote environmental and social certification and labelling program for responsibly farmed seafood. The ASC operates with Chain of Custody (CoC) certification to ensure traceability, which includes certifying environmental, social and economic aspects of the supply chain. Social and economic issues considered during the audit process include: labour rights and conditions, gender rights, cultural rights, social services, income, and value chain fairness. Launched in January 2012, the ASC set up the CoC requirements and procedures with the Marine Stewardship Council (see more details under the MSC section of this report) and uses standards developed according to ISEAL guidelines.

Fair Trade Certified™ Seafood

Fair Trade USA is adapting its certification process so it can be applied to fisheries in the global South. This program will focus on baseline social and environmental criteria with benchmarks for moving toward better stewardship practices, improved business capacity, and community development programs and market access, benefiting both ecosystems and people. Fair Trade USA welcomes the input, participation, and support of a variety of stakeholders in the marine sector. Fair Trade USA is actively engaging fishing communities and their processing/export partners, NGOs and experts working in the global marine sector, and funders that want to support innovative solutions for developing world fisheries. In May 2013, The Fair Trade Fisheries Advisory Council (FAC) was elected to consult on conservation, economic, and applied aspects of Fair Trade Fisheries program and Fair Trade USA is now piloting the impact potential of the Fair Trade model on fisheries in Asia.

Fair for Life

The aim of the Fair for Life Social & Fair Trade Certification Programme is to ensure fair and positive relations between producers and their cooperatives or contracting companies, between workers and their employer, and between sellers and buyers on the world market while, at the same time, ensuring performance of standards. Fair for Life certification of products also confirms traceability of all certified products from production to sales. Fair for Life certification is available for aquaculture products as well as manufactures and processors of seafood.

Friend of the Sea

Friend of the Sea (FOS) is a non-profit organization and international certification for farmed and wild seafood. The FOS criteria are based on the FAO Guidelines for eco-labeling and include a social component to the audit. Audit checklists are available to download from the FOS website, for various fisheries, including inland fish farming, marine aquaculture, prawns, wild-catch fisheries, fishfeed and others. All the checklists include a social accountability section that has four requirements: compliance with international and ILO directives regarding child labor; remunerating workers with salaries conforming at least to the legal minimum; assuring workers'

access to medical care; and applying safety measures in accordance with legal requirements. FOS also recommends that organizations should be SA8000 certified (see SA 8000 – Social Accountability in this section for more information), which is a standard based off of ILO, UN and national laws that covers child labor, forced labor, health and safety issues, working hours, and disciplinary practices, in additions to other relevant standards. These audits are conducted by an independent Certification Body. FOS reports that in two instances a fleet and an aquaculture plant where not approved because of child labor and crew forced labor. In several occasions non-conformities were raised by the auditors and the companies implemented appropriate corrective actions to improved their social accountability.

Global Aquaculture Alliance Best Aquaculture Practices

The Global Aquaculture Alliance (GAA) is an international, non-profit trade association dedicated to advancing a safe, quality seafood supply through environmentally and socially responsible aquaculture. Through the development of its Best Aquaculture Practices (BAP) standards, the full production chain is covered (seafood processing plants, farms, hatcheries, and feed mills). All of the BAP standards address key topics such as food safety, quality, traceability, the environment, animal welfare, and social responsibility. Regarding social responsibility, all of the BAP standards cover a wide range of subjects including, but not limited to, child labor, young workers, and the treatment, rights, benefits, and safety of the workers. For example, the Seafood Processing Standard contains 48 clauses pertaining to these subjects. The standards also include reference to international standards such as ILO Minimum Age Convention (No. 138). Other social responsibility provisions include discussion of proper medical care, staff facilities, protective clothing, training, benefits, worker rights, minimum wage, and the abolition of forced labor and human trafficking. After the initial GAA auditing process is complete, BAP facilities must submit to an annual audit in order to maintain certification.

GLOBALG.A.P.

GLOBALG.A.P. is a private sector body that sets voluntary standards for the certification of production chains of agricultural products, including aquaculture, globally. The standard is designed to communicate that a food was produced on a farm that minimized environmental impacts, reduced chemical inputs, and responsibly managed worker health, safety and animal welfare. The 'Workers Health, Safety and Welfare' certification checklist addresses categories including: health and safety, hygiene, training, hazards and first aid, protective clothing and equipment, and worker welfare. A consumer aquaculture website extends transparency all the way to the end consumer by accessing the GLOBALG.A.P. database using a GLOBALG.A.P. Number (GGN), sharing information about the supply chain and product origin with the consumer. GLOBALG.A.P. has also developed GRASP - a Risk Assessment on Social Practice. GRASP is a voluntary ready-to-use module developed to assess social practices on the farm, addressing specific aspects of workers' health, safety, and welfare.

Naturland Wildfish

Based in Germany, Naturland is a 53,000 member organic farming association. The Naturland organic agriculture certification program is unique in that, unlike other organic certifications (e.g. the USDA's National Organic), Naturland has included social responsibility into the standard with equal weight. In November 2006, the Naturland Assembly of Delegates adopted the first

Standards for Sustainable Capture Fishery. The Naturland Wildfish certification standards approach 'sustainability' holistically and include ecological, social, and environmental dimensions. Naturland Wildfish Social Responsibility standards include: (i) respect of basic human rights as listed in UN conventions and ILO conventions and/or recommendations; (ii) freedom to accept or reject employment; (iii) freedom of association and/or access to trade unions; (iv) equal treatment and opportunities; (v) the complete absence of child labor; (vi) basic health and safety provisions; (vii) employment contracts; (iix) fair wages; (ix) payment in kind; (x) fair working hours; and (xi) basic coverage for maternity, sickness, and retirement.

SA 8000 – Social Accountability

Developed by Social Accountability International (SAI)—a non-governmental, multi-stakeholder organization whose mission is to advance human rights at work by designing and implementing standards, training and guidance to a broad spectrum of stakeholders, from brands to workers —SA8000 is a voluntary standard for auditable third-party verification, setting out the requirements to be met by organizations, including the establishment or improvement of workers' rights, workplace conditions and an effective management system. The foundational elements of this standard are based on the conventions of the ILO, international human rights norms and national law, and span industry and corporate codes to create a common language to measure social compliance. The Management System, the ninth element of the standard, is central to the correct implementation, monitoring and enforcement of the standard's other eight elements. It is the operational map that permits its user to meet one of the most critical goals of SA8000 compliance – continuous improvement. The nine elements of the SA 8000 standard include: (i) child labor; (ii) forced or compulsory labor; (iii) health and safety; (iv) freedom of association and right to collective bargaining; (v) discrimination; (vi) disciplinary practices; (vii) working hours; (iix) remuneration; and (ix) management system.

International Transport Workers Federation (ITF) Blue Certificate

ITF, together with International Labour Organisation (ILO) social partners, has come up with a set of policies to establish minimum standards for workers in the fishing industry, ILO Work in Fishing Convention, 2007 (ILO C188), which is yet to be ratified by sufficient countries to see it come into force. ITF has a set of policies applicable to seafarers (specifically, the shipping industry) that could also be applied to fishing vessels, including those flying the flag of a country that ITF has identified as a flag of convenience (FOC; see 'Challenges').[7] According to the ITF's website, "all FOC vessels covered by an ITF-acceptable agreement are issued an ITF Blue Certificate by the ITF Secretariat, which signifies the ITF's acceptance of the wages and working conditions on board". Certification compliance is monitored by a network of over 130 ITF inspectors in ports throughout the globe. Currently, roughly one quarter of FOC vessels are covered by ITF agreements, contributing to the protection of over 123,000 seafarers. There is the need for a similar system of compliance and enforcement in the fishing sector, building upon the Blue Certificate for the shipping industry and advancing the ratification and enforcement of ILO C188.

[7] An FOC exists when a vessel owner registers a vessel in a foreign state, often for the "convenience" of paying lower taxes and/or registration fees (ITF 2012).

Voluntary Standards and Codes

ISO 26000—Social Responsibility

The International Organization for Standardizations (ISO) is the world's largest developer of voluntary international standards. Launched in 2010, ISO 26000 provides guidance on how businesses and organizations can operate in a socially responsible way. This means acting in an ethical and transparent way that contributes to the health and welfare of society. ISO 26000 provides guidance rather than requirements, so it cannot be certified to unlike some other well-known ISO standards. Instead, it helps clarify what social responsibility is, helps businesses and organizations translate principles into effective actions, and shares best practices relating to social responsibility, globally. It is aimed at all types of organizations regardless of their activity, size, or location. The ISO 26000 principles of social responsibility include accountability, transparency, ethical behavior, respect for international norms of behavior, and respect of human rights.

Business Social Compliance Initiative Code of Conduct

The Business Social Compliance Initiative (BSCI) Code of Conduct is based on the most important international labor standards protecting the workers' rights such as ILO conventions, UN conventions, the Organisation for Economic Co-operation and Development (OECD) guidelines for multinational enterprises, and the UN Global Compact. The participants are requested to disseminate the BSCI Code of Conduct both internally and in their supply chain to inform employees and producers about the company's dedication to social compliance and the BSCI development approach. This step ensures that all parties in the company and its supply chain are informed about their responsibility in the process. In doing so, BSCI participants express their wish to do business with producers who take social responsibility seriously. The BSCI code provides companies with practical management, auditing tools, and guidelines to implement the BSCI Code of Conduct and monitor improvements of working conditions in the supply chains. The monitoring process includes self-assessments, internal audits, and the preparation of corrective action plans (CAPs).

International Labour Organization, Good Labour Practices Programme

The Good Labour Practices (GLP) program is a comprehensive Thai fisheries industry improvement program that combines establishment of industry labor guidelines with a supportive training program. Special attention is given to unacceptable forms of work such as child labor and forced labor, and special consideration is made for the fact that a significant proportion of these workers are migrant workers. The GLP program promotes stakeholder understanding of the principles of good labor practices through the development of a series of industry specific labor compliance and good practices guidelines for fishing boats, aquaculture farms, primary processing workplaces and packing factories. The GLP program promotes the dissemination of the guidelines directly to all levels of the industry - regional and local government, officials, employers, trade unions, workers, and NGOs, ensures that all key stakeholders are aware of the laws and regulations on labor issues in the sector. GLP guidelines are supported by a training program aimed at assisting individual businesses in applying the GLP guidelines and improving working conditions at the business level. Through voluntary facilitated workplace training the GLP program works with businesses to address their specific concerns,

and helps bridge the existing gaps between compliance and improving working conditions in a systematic manner. GLP program was initiated and developed by the Department of Labour Protection and Welfare, Department of Fisheries and industry members, with technical support from International Labour Organization.

Accreditation, Certification Bodies & Consultancies

Accreditation and certification bodies working on human rights within seafood supply chains were contacted and asked to provide an overview of their work.

Social Accreditation Accountability Service (SAAS)

SAAS is structured and operates as an accreditation body. SAAS manages and directs accreditation activities, including the granting, maintaining, extending, reducing, suspending, and withdrawing of accreditation for applicable social standards and verification codes, such as SA 8000. The primary activities for SAAS are: (i) to accredit and monitor organizations seeking to act as certifiers of compliance with social standards, including the Social Accountability 8000 standard for ethical working conditions and other such verification standards; (ii) to offer accreditation services to certification bodies (CBs); (iii) to determine the qualifications of such organizations to perform full, reliable, and impartial audits of employers against specified social standards; (iv) to provide confidence to all stakeholders in SAAS accreditation decisions and in the certification decisions of its accredited CBs; (v) to continually improve the SAAS accreditation function activities and systems; and (vi) to be impartial and fair to all applicant and accredited certification bodies.

SAI Global

SAI Global provides organizations around the world with information, services and solutions for managing risk, achieving compliance and driving business improvement. SAI Global products and services are extensive and include all major primary production, manufacturing and supply chains, as well as management systems, food safety, health and safety, environmental, GHC, re-cycling, social accountability, responsible supply, risk management and business ethics. Within seafood sectors, SAI Global audits, assesses and certifies to all leading standards, including the emerging social accountability scopes. With auditing and assessment staff located around the world, their clients include large global corporations as well as single site organisations. As a global company, they can meet these needs for any client - those operating within one country's borders and in one language or those operating across borders and in many languages.

SGS

SGS is a leading global inspection, verification, testing, and certification company. Focusing on themes such as the environment, health and safety, risk management, trade, and training courses and seminars, SGS partners with a wide range of industries to offer independent services that help reduce risk, streamline processes, and improve sustainability. Some of SGS's many services include audits for OSHAS 18001, awareness training for ISO 26000, and certification of SA 8000.

SCS Global Services

SCS Global Services (SCS) has been providing global leadership in third-party environmental and sustainability certification, auditing, testing, and standards development for nearly 30 years. SCS is accredited to provide services under a wide range of nationally and internationally recognized certification programs, including the Marine Stewardship Council (MSC) and Aquaculture Stewardship Council (ASC). SCS is Fair Trade USA's certification partner and is currently working with Fairtrade USA to develop and implement their Wild Capture fisheries standard. SCS is a chartered benefit corporation and Certified B Corp™, reflecting a commitment to socially and environmentally responsible business practices.

The Sustainability Incubator

This year the Sustainability Incubator and Humanity United are developing an auditing protocol for seafood companies to use to help find risk hotspots for unseen poor labor practices in supply chains. The scope of the audit goes all the way back to source through primary processing and transhipping back to fishing grounds to capture all places where supplies are mixed and labor is brokered. A pilot phase with industry partners for Thai seafood products is underway in late 2013/early 2014 and a general use tool will be prototyped and available for the industry to use in Summer 2014.

NSF Seafood

As nongovernment seafood specialists in North America with 11 foreign offices covering more than 50 countries, NSF Seafood provides independent, third-party consultative services, seafood product inspections, facility auditing services, independent surimi testing, and chemical/microbiological testing. NSF Seafood tests, assesses compliance with seafood safety, sanitation and GMP requirements, and inspects and assesses product quality attributes against recognized inspection methodology. Additionally, NSF Seafood will perform supplier audits or customize the scope of the audit to meet a company's needs. NSF provides auditing service for Global Aquaculture Alliance (GAA) Best Aquaculture Practices (BAP), supplier audits to customized and NSF Seafood standards, as well as traceability, recall, and country of origin assistance and system audits.

Upstream

Upstream is a unique consultancy that applies a "change management" philosophy to help companies address and protect themselves from social risk within their supply chains. In a world of increased consumer interest in the human impact of products and transparency throughout the complex web of environmental and social risks, Upstream helps companies focus on critical supply chain questions. Upstream provides fact-based, human impact solutions including benchmarking, gap analysis, strategy and initiative planning, as well as implementation, monitoring, and impact measurement. Upstream works closely with clients to ensure that their business needs are met. Upstream founders have delivered bottom-line results through 100+ years of experience with global organizations. In addition to extensive supply chain experience in the apparel, food, and electronics industries, Upstream has delivered solutions to private and public sector enterprises on five continents.

Warnath Group, LLC

Based in Washington, D.C., the Warnath Group, LLC is a specialized consulting firm that offers strategic advisory services to company management and in-house counsel to comply with the new legal framework and transparency disclosure requirements about company efforts to preclude human trafficking in supply chains (e.g. SB 657). Their experts also help businesses seeking state-of-the-art internal research and business risk assessment on these issues. For companies looking beyond compliance and interested in exploring CSR opportunities in their communities and by their employees, whether that is in the U.S. or internationally, their specialty teams work with companies to design and implement CSR programs that are in sync with and advance each company's unique mission, vision and core competencies. In addition to specialized consulting, research and assessment, the Warnath Group, which is a leading provider to the U.S. State Department of tailored training on human trafficking issues to government officials and professionals world-wide, also offers industry and company-customized awareness and response training programs for company management, in-house counsel, employees and subcontractors.

Non-Profit Organizations, Industry Groups, Labor Organizations, Foundations and Research Centers

Industry groups, non-profit organizations, labor organizations, foundations and research centers working on social or human rights issues in the seafood industry or supply chain were contacted and asked to provide an overview of their work on human rights in seafood supply chains.

Environmental Justice Foundation (EJF)

The EJF is a U.K. based non-profit working internationally to combat human rights abuses and environmental degradation in a variety of fields, including cotton, fisheries, and shrimp farming. EJF provides film and advocacy training to individuals and grassroots organizations in the global South, enabling them to document, expose, and create long-term solutions to environmental abuses. EJF campaigns internationally to raise awareness of the issues its grassroots partners are working to solve locally. EJF has brought much needed attention to labor issues in the fishing industry, investigating abuses aboard fishing vessels in West Africa and South East Asia. EJF has also published reports exploring the social and environmental impacts of shrimp aquaculture. EJF is campaigning for a Global Record of fishing vessels and a ban on the Flags of Convenience.

Fair Trade USA

Fair Trade USA, a 501(c)(3) nonprofit organization, is the leading third-party certifier of fair trade products in the United States. Fair Trade USA recognizes that many fishing communities struggle to sustain and improve their livelihoods while engaging in practices that don't degrade the resources they depend on. Furthermore, with many fisheries under poor or no management, fish stocks and marine species are dwindling at an ever-increasing rate. Fair Trade USA seeks to address these challenges by adapting its certification process used around the world for

fisheries. Incentivizing fishing communities to improve conservation practices can be challenging, however the fair trade model provides a unique and tested solution. This program will focus on baseline social and environmental criteria with benchmarks for moving towards better stewardship practices, improved business capacity, community development programs, and market access, benefiting both ecosystems and people.

FishWise

FishWise is a non-profit conservation organization that promotes the health and recovery of ocean ecosystems by providing innovative market-based tools to the seafood industry. Thanks to extensive research and collaboration with experts, FishWise now has a deeper and more comprehensive understanding of how human and labor rights abuses affect the seafood supply chain. The distribution of this white paper is the first step in sharing with stakeholders what FishWise has learned on the issue. FishWise is also on the Fisheries Advisory Council (FAC) of Fair Trade USA. The FAC consults on conservation, economic, and applied aspects of the Fair Trade fisheries program.

Humanity United

Humanity United is a foundation that is committed to building peace and advancing human freedom. At home and in the corners of the globe where these ideals are challenged most, Humanity United leads and support efforts to lift up the voices and will of people, ensure good governance and the rule of law, engage markets and businesses as a force for change, and encourage the exploration of promising ideas and innovations to end conflict and slavery—all with the belief that everyone has the right to a life that is peaceful and free.

International Labor Organization (ILO)

International Labour Organization (ILO) is a specialized agency of the United Nation (UN). The main aims of the ILO are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues. The Geneva based ILO is devoted to promoting social justice and internationally recognized human and labor rights. They have done extensive work involving child labor, domestic workers, equality and discrimination, forced labor, trafficking, labour migration and health and safety in the work place. Several recent publications on forced labor and trafficking in fisheries, working conditions in the Thai fishing sector, as well as child labor in shrimp processing have shed much needed light on the international scope of social and human rights abuses in the seafood industry. The ILO Work in Fishing Convention, No. 188 contains a number of provisions that, if widely implemented, could “significantly improve the working and living conditions of fishers and help prevent and combat the worst forms of labor exploitation experienced by victims of forced labor and human trafficking on board fishing vessels” (ILO 2013). Even where the convention is not ratified, it is still a valuable reference point in developing national legislation and tools, as has been the case with the draft Ministerial Regulation on Sea Fisheries Work and the GLP in Thailand.

International Labor Rights Forum (ILRF)

Based in Washington, D.C., ILRF is a policy advocacy organization fighting to end child labor, forced labor, and discrimination and promoting workers' rights to organize and secure safe and decent working conditions. ILRF advocates for government and corporate policies that enable workers to claim their rights at work. Through a broad network of grassroots allies, ILRF amplifies the voices of frontline labor rights defenders and connects workers in developing countries with consumer activists worldwide. A recent publication by ILRF and Warehouse Workers United (WWU) reporting on child and worker rights violations at Narong Seafood Co., a Thai shrimp processing facility, helped spur an investigation by the Global Aquaculture Alliance (GAA) into the factory's Best Aquaculture Practices (BAP) certification. ILRF is coordinating with the Migrant Workers' Rights Network in Thailand to improve migrant worker access to justice and to document labor practices, child labor, and instances of rights violations across a variety of industries.

International Transport Workers Federation (ITF)

Headquartered in London, the ITF is an international trade union federation of transport workers' unions. Fishers (and the fisheries sector in general) are becoming an important part of the ITF's activities. ITF recognizes that exploitative practices experienced on board fishing vessels are closely linked to those of merchant seafarers and is working at the highest levels of international organizations, such as the International Labor Organization (ILO) and United Nations (UN), in order to further expand regulation of practices and attain, at the very least, minimum standards within the fishing industry. The ITF's work has included assisting researchers of human trafficking through providing evidence of fishers abuse as well as participating in the work of international organizations dealing with human trafficking like the International Organization of Migration (IOM) and Interpol. Working together with sister global union federation, International Union of Foodworkers (IUF), the ITF are leading a global organizing project unionizing workers in integrated fish catching and processing companies. This is to support workers' collective access to independent unions and negotiate improvements to working conditions that in some areas of the world breach human as well as labor rights. ITF's support has been essential to union affiliates and their continuing work in organizing and supporting previously non-unionized fishing communities at a grassroots level.

NEXUS Institute

The NEXUS Institute is an independent international human rights research and policy center, dedicated to ending human trafficking as well as other abuses and offenses that intersect with human rights and international criminal law. NEXUS is a leader in research, analysis and evaluation in human trafficking and is pioneering the application and adaptation of methods for the collection, analysis and presentation of new knowledge about human trafficking, including what does (and does not) work in combatting human trafficking and why. NEXUS works globally and has conducted research in Africa, the European Union, South East Europe, North America, Latin America, the former Soviet Union and South East Asia. In 2012, NEXUS released *Trafficked at Sea*, a study of trafficked Ukrainian seafarers and fishers and, in 2013, completed an analysis of the legal and regulatory framework on trafficking at sea, *Trapped at sea*. Forthcoming projects will examine trafficking of Cambodian fishers in Africa and strategies in identifying and protecting trafficked fishers. NEXUS is headquartered in Washington, D.C.

Not For Sale

Based in the San Francisco Bay Area, Not for Sale fights modern day slavery around the world by creating sustainable enterprises in vulnerable communities, offering social services to survivors and those at-risk to human trafficking, and evaluating the use of child and forced labor in mainstream supply chains. Not For Sale, in collaboration with the International Labor Rights Forum (ILRF), developed an assessment program called Free2Work, which measures and grades a brand's efforts to prevent and address the risk of child and forced labor in its supply chain. Free2Work also provides updates regarding labor issues in a variety of industries, including seafood, apparel, coffee, and electronics. Free2Work is available as a mobile application for iOS and Android devices, making it easy to use when shopping for products.

One Earth Future (OEF) Foundation

OEF Foundation is a nonprofit, nongovernmental organization founded in 2007 with a vision of developing effective, multi-stakeholder systems of governance to achieve a world beyond war, or "Peace Through Governance." Oceans Beyond Piracy (OBP), a project of the One Earth Future Foundation, was launched in 2010 to develop a response to maritime piracy through mobilizing stakeholders from the maritime community, developing public-private partnerships to promote long-term solutions at sea and ashore, and creating sustainable deterrence based on the rule of law. With the four core principles of transparency, inclusiveness, shared-commitment, and independence, OBP believes that the answers to the piracy problem should come from within the community of stakeholders. Recent reports focus on piracy issues in Somalia and West Africa.

SlowFish

The international SlowFish campaign—part of the larger Slow Food organization—is launching initiatives that promote artisanal fishing and neglected fish species and inspire reflection on the state and management of the ocean's resources. The Slow Food philosophy of 'Good, Clean & Fair Food' emphasizes fish produced using methods that respect the environment and human health while also providing fair earnings that can guarantee decent working and living conditions for small-scale producers and workers.

Social Accountability International

SAI, a nonprofit membership organization, promotes human rights at work by providing standards, training and guidance to a broad spectrum of stakeholders. SAI's three primary areas of activity are not only provided to, but also informed by a multi-stakeholder approach. SAI's stakeholders include brands, buyers and suppliers at all levels of the supply chain, unions, civil society organizations, academia, government and workers themselves.

Solidarity Center

The Solidarity Center is a non-profit organization that assists workers around the world who are struggling to build independent trade unions. The Solidarity Center works with unions and community groups worldwide to achieve equitable, sustainable, democratic development and

to help men and women everywhere stand up for their rights and improve their living and working standards. A 2009 Solidarity Center publication entitled Out of Sight, Out of Mind: Human Trafficking & Exploitation of Migrant Fishing Boat Workers in Thailand is based on in-depth interviews with migrant workers who had worked on Thai fishing vessels operating out of the southern Thai port of Samut Sakhon.

Warehouse Workers United (WWU)

Warehouse Workers United is a project of Change to Win committed to improving the quality of life and jobs for warehouse workers in Southern California's Inland Empire. WWU engages with workers around the world who work in the supply chains of large global retailers. A recent joint publication between WWU and the International Labor Rights Forum (ILRF) reporting on child labor and worker rights violations at Narong Seafood Co. (a Thai shrimp processing facility) helped spur an investigation by the Global Aquaculture Alliance (GAA) into the factory's Best Aquaculture Practices (BAP) certification. WWU also aided workers in another Thai seafood processing facility in bringing unfair and illegal practices to the attention of the retailer receiving product from the Thai processing facility (Sifton 2012).

Slave Free Seas (SFS)

SFS is a nongovernmental organization based in Tauranga, New Zealand with a specific focus on slavery at sea. Primarily directed at seafarers who are least able to stand up for themselves (or have a meaningful voice), SFS sees its work as critical to high seas governance and related environmental issues. SFS has a team of some of the world's foremost experts on modern slavery, including international lawyers specializing in human rights and maritime law along with a diverse group of advocates from the private sector. SFS uses research-based legal remedies to facilitate justice for seafarers trapped in exploitative conditions around the globe. In partnership with the publishing firm LexisNexis, SFS is currently in the process of creating and implementing a 'legal toolbox' of strategies, which can be used by lawyers and non-lawyers to obtain remedies for victims of forced labor in the world's fishing industries. The toolbox will be published in a freely accessible online database.

Recommendations for Supply Chains

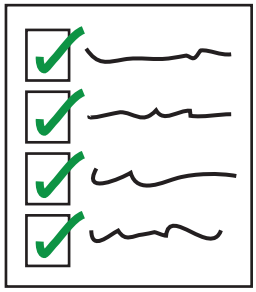
Outlined below are recommendations to improve human and labor rights within seafood supply chains (Figure 3). These steps are based on case studies, industry guidance documents, recommendations from other sectors, and conversations with experts, and draw parallels from work on illegal fishing and sustainability improvements.

Create a Company Policy on Human Rights

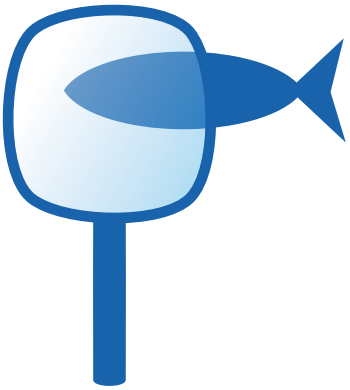
Human and labor rights have gained attention in many sectors, such as electronics, coffee, chocolate, garment, and textiles. Consumers are increasingly aware of the global nature of modern supply chains, and the stories of associated human rights abuses. Companies that have found great success in improving their supply chain practices have been transparent about their efforts to improve, with the first step being a public policy on human rights and ethical sourcing.

Figure 3) Recommendations for Seafood Supply Chains

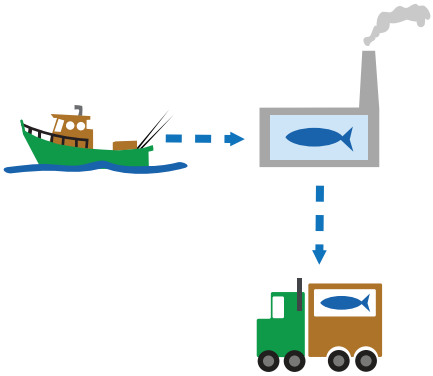
1) Create a Company Policy on Human Rights



2) Conduct a Risk Assessment



3) Work to Improve Supply Chain Traceability



4) Work to Eliminate IUU Product and Combat Illegal Fishing

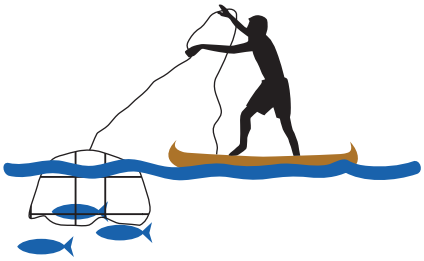
5) Seek Certification or Adhere to Best Practice Guide

6) Support Human Rights Legislation

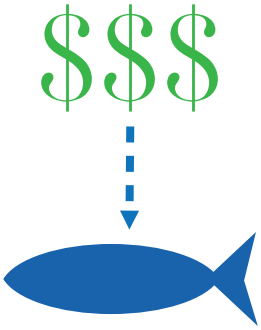
7) Engage with Governments of Countries with Human Rights Concerns

8) Conduct Transparent Self-Reporting

9) Improve Conditions via Fishery Improvement Projects



10) Provide Financial Support



11) Promote Positive Social Stories

Useful resources for companies creating a corporate policy on human rights include the Free2Work online scorecard and actions to prevent exploitation aboard fishing vessels by the ILO (summarized in Appendix II).

Conduct a Risk Assessment

As with all supply chain improvement efforts, it is important to quantify risk using objective criteria, then address the areas of highest risk first. While the discussion of human rights in the seafood industry is nascent, there are some reports and guidance documents that will be helpful to those looking to make improvements. We suggest that this risk assessment be conducted at the same time as an assessment of product at risk of being illegal or mislabeled. Marine living resources crimes (such as illegal fishing) and human trafficking have been found to co-occur, so work to eliminate both of these concerns is a priority (UNODC 2011). Once these high-risk items have been identified, research into sources and supply chains can lead to further engagement with the relevant companies and countries. For example, recommendations for the Thai government for shrimp are outlined in the EJF 'The Hidden Cost' report (2013b). For a list of risk by country, we suggest referring to the TIP (2013) report and DOL (2012) reports. Also, Free2Work has a short video explaining how it assesses worker rights in various supply chains.

Work to Improve Supply Chain Traceability

Without comprehensive traceability that allows companies to identify the source countries and regions of processing, human rights abuses and illegal fishing concerns cannot be identified and eliminated from supply chains. Several initiatives are underway to improve the traceability of seafood supply chains. For more information and recommendations for the industry please see the FishWise white paper on seafood traceability: Without a Trace II: An Updated Summary of Traceability Efforts in the Seafood Industry.

Work to Eliminate all IUU Product & Combat Illegal Fishing

Illegal fishing is often closely linked to human rights abuses. Working to eliminate all illegal product from supply chains, at a global level, will require work on many fronts to be successful. Some suggested actions to combat IUU include supporting IUU legislation at the international and national scale, creating a policy around illegal products and communicating the policy to vendors, showing support for a mandatory Unique Vessel Identifier for all large fishing vessels (such as the IMO number) and the creation of a Global Record of fishing vessels, ensuring vessels have the proper monitoring system equipment on board, not purchasing from vessels with flags of convenience, and reviewing all supply chains with transhipment to ensure they are operating legally.

Seek Certification or Adhere to Best Practice Guide

This paper outlines several certifications for social compliance and human rights within the seafood supply chain. However, this paper does not attempt to compare and contrast these certifications to determine which are the most rigorous and address the greatest number of concerns. Companies should research the various certifications and choose the one best suited to their supply chain. A consultant or certification body, many of which are outlined in this paper (with contacts provided in Appendix III), can help facilitate this decision-making. Another example of a best practice is to ensure workers have access to a reporting mechanism such as an anonymous hotline to report abuses (e.g. Polaris Project).

Support Human Rights Legislation

In this white paper, we reviewed the status of important international human rights legislation. A summary of each, along with the countries that have already ratified legislation, is included in Appendix II. Letters of support to the national governments of seafood sources, processing, and final sale locations will help these measures be enacted. Currently, the Work in Fishing Convention (No. 188) and Cape Town Agreement require more ratifications for them to go into effect, and the STCW-F Convention (already in effect) would benefit from additional ratifications by nations with a strong maritime presence.

Engage with Governments of Countries with Human Rights Concerns

The TIP report (2013), DOL report (2012), and other special investigations have published lists of countries with human rights concerns, with many focused on forced labor and trafficking. Similarly, the U.S. and E.U. have released IUU 'watch lists', and it is known that IUU and human rights abuses often occur together (UNODC 2011). Companies should identify the nations they source from that are also on these lists and send letters to the governments of countries with concerns, requesting that they improve their requirements and enforcement to ensure these conditions do not persist. Specific suggestions for the government of Thailand, in respect to shrimp farming, are provided in the EJF report "The Hidden Cost" (2013b).

Conduct Transparent Self-Reporting

Companies and customers alike are intensifying their focus on Corporate Social Responsibility (CSR). More than 50% of companies have integrated sustainability into strategic planning. Mission and values and external communication typically have the greatest integration with sustainability, while supply chain management and budgeting have the least (McKinsey & Company 2011). Concurrently, almost 80% of consumers expect companies to promote individual and collective well-being but only 28% think that companies do enough to address social and environmental issues (Havas Media 2011). Brands are now being rated on 'meaning' along with quality and cost. It is estimated that only 20% of brands worldwide make a "significant, positive effect on people's well-being" (Havas Media 2011). Reporting on CSR progress is important to connect with those consumers looking for "specific well-being benefits" from a brand. The return on building a 'Meaningful Brand' is high; the top brands in this

category outperform the market by 120% (Havas Media 2011). More than half of consumers are prepared to reward responsible companies by choosing their products and would pay a 10% price premium for a responsibly produced product (Havas Media 2011). Conducting transparent self-reporting allows companies to share their CSR efforts to build their reputation and brand – an important factor in the age of "immediate, open, and raw" information sharing (Trendwatching 2012). With the increased emphasis on using technology when shopping (namely ratings, reviews, and applications), having accurate CSR information available online is important to engage potential customers and build brand loyalty and trust.

Improve Conditions via Fishery Improvement Projects

Fishery improvement projects (FIPs) are focused on improving environmental, economic, and social aspects of a specific fishery or fishing community. Organizing at the community level helps to overcome the tragedy of the commons that has a caused overfishing in the past. This typically occurs when fishers act independently in self-interest and deplete the shared resource because the community is not responsible for fishery management and long-term interests are not considered (Kinver 2013). Arnason, a professor at Iceland University, likens territorial or quantitative fishery management to being a stakeholder in a company, where there is long-term interest from all stakeholders to see it succeed (Kinver 2013). This can also be applied to social aspects, in which healthy and productive workers can be a benefit to the business and community. Organizing in this fashion can also help to address corruption, if it is a barrier to improvements within the fishery. FIPs should include a summary of the labor conditions of the fishery (such as worker safety, minimum age requirements, etc.) and address any that are deficient in their work plans. Similarly, having cooperatives with social benefits or fisheries that invest in the local communities can provide excellent communication and marketing opportunities for seafood products. Examples of these are Pacifical, the Fishing & Living™ project, and the Spiny Lobster Initiative, which speak to their social improvements work on their websites along with environmental sustainability efforts. It is important that a FIP is credible, time-bound, and transparent in reporting on progress against its work plan. The Conservation Alliance for Seafood Solutions has drafted a set of guidelines for FIPs that can be used as a reference.

Financial Support

Enforcement efforts in developing nations often lack sufficient funding to be successful with human rights abuses. Similarly, the development of tools to help businesses and companies assess their own supply chains for risk is often delayed because of funding constraints. Companies can reach out to NGOs and grassroots organizations working to combat human rights abuses and rehabilitate trafficked persons to learn what further support is needed. The ILO (2013) report on Child Labor in Fisheries found that prevention strategies such as education, poverty alleviation, extraction, rehabilitation, and protection for children at employable ages are important areas of focus to prevent and deter child labor in the seafood industry. Initiatives that would benefit from additional funding support include:

- Programs that help to rehabilitate persons from trafficking and modern slavery (e.g. Not for Sale)

- Programs that invest in social enterprises in developing nations to break the cycle of poverty (e.g. Not for Sale)
- Legal assistance for victims (e.g. Slave Free Seas)
- Anonymous multi-language hotlines to report abuses (e.g. Polaris Project hotline)
- Self-reporting tools and supply chain transparency applications (e.g. Free2Work Ratings and App)

Financial support for illegal fishing enforcement and capacity building is also needed to combat this global issue. For suggestions of additional potential funding opportunities, please contact us.

Promote Positive Social Stories

The environmental movement has found that inspiring stories can help encourage consumers to alter their purchasing habits to favor more responsible products. Retailers are now starting to cater to the empowered shopper that has access to many digital resources to inform purchases and that cares about the social responsibility of products (Deloitte 2009). Companies self-report on environmental goals, and the logical next step is to do the same for social goals for seafood supply chains. As goals are achieved, that work can be promoted as a selling point for the products. Previously illustrated examples of companies promoting positive social stories are the Fishing & Living™ program and Pacifical.

Next Steps for Seafood Businesses

While the challenges are numerous, eliminating human rights abuses in seafood supply chains is paramount to achieving social equity and ensuring a sustainable and long-term supply of seafood. Businesses stand to gain from this work the ability to tell the story behind products with fair labor practices and increase brand value, reduce the risk of carrying illegal products often linked to human rights abuses, communicate their corporate social responsibility efforts to their stakeholders, and reduce the risk of being unknowingly associated with human rights abuses in the industry.

It is unacceptable for physical, mental, and sexual abuse to take place in seafood supply chains. Without binding international law, a strong willingness by states to fulfill their legal responsibilities, and businesses seeking to source responsible products, these problems will persist (Stringer et al 2013). Labor abuses are difficult to uncover because of the structure and lack of visibility into seafood supply chains and gaps in monitoring and enforcement. Businesses in other industries have had success instituting policies and working to make improvements over time, and the time is ripe for the seafood industry to do the same.

We suggest that companies review the steps outlined in this report to face this challenge within their business and supply chains. This includes direct action regarding human rights abuses in supply chains, but also the related issues of environmental sustainability, illegal fishing, and traceability. We also encourage companies to reach out to the experts and groups with experience in this topic to have an open and honest dialogue about challenges and opportunities, and ultimately work to improve the seafood industry.

About the Authors

Mariah Boyle, Traceability and IUU Project Director at FishWise, has summarized her research and findings on human rights in seafood supply chains in this document, for the purpose of assisting seafood companies and other stakeholders in the responsible seafood movement. Mariah has a M.Sc. in marine science and focuses on solutions to seafood traceability and illegal fishing, community-based fishery management in developing nations, business approaches to sustainable seafood, and the trophic ecology of fishes. She has ten years of experience working in marine science, several publications on fish ecology, and has conducted field research on fishes in Sierra Leone and the Pacific Northwest. Mariah can be contacted at m.boyle@fishwise.org.

Research Fellow

Samantha Robinson, Center for the Blue Economy Fellow, worked with Mariah over several months to conduct the research and outreach needed for this white paper. Samantha is currently earning a Masters in International Environmental Policy from the Monterey Institute of International Studies. Her interests include sustainable fisheries management, social equity, and the impacts of climate disturbance on coastal ecosystems. Samantha can be contacted at serobinson@miis.edu.

Graphic Design

The graphics in this report were created by Victoria Galitzine, Communications Project Manager at FishWise.

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To be updated on future human rights work by FishWise, subscribe to FishWise's Human Rights Mailing List at http://www.fishwise.org/contact-us.

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Appendix I: A Summary of Exploitation Forms Aboard Fishing Vessels

(Selections from the ILO Work in Fishing Convention No. 188)

FORMS OF EXPLOITATION	ACTIONS TO PREVENT EXPLOITATION
Exploitive recruitment practices	Recruitment services and agencies may not charge the fisher for their services or blacklist fishers.
Lack of written employment contracts	Fishers must have a written work agreement signed by both parties.
Non- or under-payment of fishers	Fishers that are paid a wage (not a 'share of the catch') on a regular schedule and provided a means to transmit payments to their families. Food cannot be deducted from the fisher's payment.
Abandonment in port	Fishers shall be entitled (subject to the member State or work agreement obligations) to repatriation at the fishing vessel owner's cost or, if the owner fails to pay, the flag State.
Loss of life at sea	Fishing vessels must carry a crew list and a copy of the crew list shall be provided to an authorized person ashore upon departure.
Excessive working hours, fatigue, and lack of rest	Fishers must be given regular periods of rest to ensure safety and health. For vessels at sea more than three days, minimum rest should not be less than 10 hours in any 24 hour period and 77 hours in any 7 days period.
Inadequate accommodation and ablution facilities, malnourishment, and lack of uncontaminated fresh water	New fishing vessels and, if reasonable and practicable, existing vessels, shall be fitted according to Annex III of C.188. The Annex requires that accommodation has the proper headroom, emergency escapes, does not open to machine or fish rooms, etc. Vessels must have sufficient hygienic toilets, washbasins, etc. for all crew on board. Food and potable water must be sufficient for the duration and nature of the voyage and have suitable nutritional value.
Work related injuries, illnesses, and lack of medical care	Fishing vessels must carry appropriate medical supplies and have radio or satellite communication equipment on board. Fishers have a right to medical treatment ashore and shall be provided appropriate personal protective clothing and equipment and safety training. Fishers must have a valid medical certificate.
Use of child labor	The minimum age of fishers is 16 years, but under special circumstances can be 15 years. Prevention strategies (poverty alleviation, education, consumer awareness, corporate social responsibility, and technological improvements), extraction and rehabilitation, and protection and safety measures for children in employable ages.
Inability to alert family or friends of abuse	Fishers should have reasonable access to communication facilities at a reasonable price, when possible.

Appendix II: Summary of Legislation on Human Rights Related to the Seafood Industry

INTERNATIONAL LEGISLATION	ADOPTED; ENACTED; RATIFICATIONS	SUMMARY	NEXT STEPS
IMO The Convention for the Safety of Life at Sea (SOLAS, 1974)	A: 1914 E: 1974 R: 162	A critical international instrument for ensuring the safety of merchant vessels and seafarers. Unfortunately, fishing vessels are almost entirely exempt from SOLAS' provisions. The Cape Town Agreement—designed to act as a SOLAS for fishers and their vessels—is not yet enacted (see below).	Encourage ratification of the Cape Town Agreement (see below).
UNOTC Protocol to Prevent…Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air	A: 2000 E: 2003 R: 176	Includes specific language regarding transnational trafficking and/or smuggling aboard fishing vessels. The UNTOC gives strong legal precedent to member parties wishing to establish authority over vessels—foreign and domestic—engaged in transnational organized crime at sea, including trafficking in persons.	Improve governments' enforcement capacity in strategic locations (e.g. West Africa and the Greater Mekong Subregion) to ensure full robust implementation.
IMO Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F Convention)	A: 1995 E: 2012 R: 16	The first attempt to make safety standards mandatory for fishing vessel personnel on an international scale. Only applies to vessels over 24m in length. In order to be effective, the STCW-F Convention is in need of more broad scale ratification. By comparison, the corresponding convention for seafarers aboard non-fishing vessels (i.e. tankers) came into force in 1984 and has been ratified by 157 states and/or territories.	Support ratification of the STCW-F Convention by nations with a strong maritime presence, including the United States and European Union. Currently ratified by: Canada, Denmark, Iceland, Kiribati, Latvia, Lithuania, Mauritania, Morocco, Namibia, Norway, Palau, Russian Federation, Sierra Leone, Spain, Syrian Arab Republic, and Ukraine.

INTERNATIONAL LEGISLATION	ADOPTED; ENACTED; RATIFICATIONS	SUMMARY	NEXT STEPS
ILO Maritime Labour Convention (2006)	A: 2006 E: 2013 R: 51	Consolidating more than 68 existing conventions and recommendations, the convention establishes a maritime "bill of rights" for seafarers that covers almost every aspect of their work and life on board. Ratified by 51 countries, representing 75% of the global shipping industry. Applies to vessels over 500 gross tonnage. Specifically excludes ships engaged in fishing.	Support ratification of the MLC by nations with a strong maritime presence, specifically the United States. List of ratifications
ILO Work in Fishing Convention (No. 188)	A: 2007 E: Not yet enacted R: 4	Aims to improve the working conditions of fishers and help prevent labor abuse and human trafficking aboard fishing vessels. Provisions include the requirements for crew lists, written work agreements, minimum age of workers, and medical examinations (see Appendix I for more detail).	Support the ratification of the Convention. It will come into force 12 months after it has been ratified by at least 10 ILO member states. Currently ratified by: Argentina, Bosnia and Herzegovina, Morocco, and South Africa
IMO Torremolinos Convention, Torremolinos Protocol, & the Cape Town Agreement	A: 1977 E: Not yet enacted R: 1	The Cape Town Agreement—the most recent incarnation of the 1977 Torremolinos Convention—is the first adopted international legislation to focus specifically on the safety of fishing vessels. Modeled on SOLAS, the Agreement applies only to fishing vessels over 45 m in length and allows a phasing in of safety standards over 10 years.	Support the ratification of the Agreement, which will enter into force 12 months after it has been ratified by at least 22 member states. Currently ratified by: Norway

Appendix III: Contacts

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