

Human Rights Abuses in Fisheries

César Cantú, Linnaea Doerner, Kathryn Langlois, Maya Russin, Payton Russell

Synopsis

Human rights violations are prevalent in the fishing industry, these violations include but are not limited to human trafficking, poor working conditions, no workers union and low wages. At the start of industrial fishing an increase in the demand for cheap seafood drove companies to start fishing off the coast where local fishermen were making a living. Due to the high fishing traffic and the depletion of stocks, local fishermen were soon left without a way to provide for their families. Due to corporatization of fishing local fishermen are forced to sell their ships and take on jobs provided by big companies. The working structure of a ship fishing in the high seas is conducive to creating an abusive environment.

These behaviors are usually associated with fishing fleets in developing countries. These developing countries' governments are less capable of addressing these problems because they're behind on their public policy pertaining to human rights. One of the ways to start the world on the path to ethically sourced seafood, supply chains need to be transparent. From the catchers selling their catch to a processor to the store selling it to their customers. With this transparent chain the people will decide what to buy. While we recognize that fishing abuse can happen all over the world our research pointed heavily towards low-income and underdeveloped countries. We also recognize that our recommendations are only going to work with the cooperation of non government organisations (NGOs) and government organisations.

Key Findings

- Declining fish stocks coupled with a demand for cheap seafood has led to the rise in IUU seafood and serious human rights abuses (Holland 2019).
- Fishing boats are often staffed with migrant workers. Migrant workers have "lower salaries, less social protection and weaker labour protections" than their non-migrant counterparts (EJF 2019). "Lack of training, inadequate language skills, and lack of enforcement of safety and labour standards make these fishers particularly vulnerable to forced labour and human trafficking" (Human Labour Organization 2015).
- Fishers inherently work in an isolated environment, further exacerbating the issue of human rights abuses.
- Fishing captains can take advantage of AIS usage and gaps in enforcement to continue without being caught. AIS is unusable to catch criminals, as they can use flags of convenience with little to no way to check if the info is true (EJF 2019).
- Unscrupulous captains use slaves or slave wages with people from poorer countries to cut down on wage expenditures.
- This is a global issue, with abuses being reported and found worldwide, including the UK, Hawaii, and Taiwan.

Human Rights Abuses (Human Rights At Sea 2017):

- Physical and sexual violence
- Mental health issues and self-harm
- Denial of wages
- Dangerous working conditions
- Food and water that is inadequate, unsanitary, or denied entirely
- Human trafficking

IUU fishing:

- Illegal, unreported, or unregulated fishing. IUU fishing accounts for 30% of fishing in some regions (EJF 2019).
- Examples include: destructive fishing practices, skirting EEZ boundaries, fishing in restricted areas, falsifying fishing statistics, and/or unlicensed vessels (EJF 2019)
- There is a direct link between low levels of governance and high instances of IUU fishing (EJF 2019). Concerns within the governments vary between fear that enforcement will affect the seafood economy, concerns over increased cost and regulation, and corruption (EJF 2019).
- There are also links between human rights abuses in the fisheries sector and other crime, such as drug and weapons trafficking, human trafficking, fraud, and tax evasion (Human Labour Organization 2015, EJF 2019).

Key Concerns

Migrant workers are more vulnerable to human trafficking and broker captains (EJF 2019) and are easily taken advantage of because of language barriers and their need for work in other countries. Working at sea on isolated fishing vessels makes it difficult for captains that exploit crew to be caught, and just as difficult for them to be punished without explicit evidence of abuse (Brennan 2009). A primary reason for the fishery industry exploiting migrant workers is because up to 60 percent of total vessel cost is labor costs, making migrant workers the most vulnerable people to hire (EJF 2019). Assessments have shown that specifically in the shrimp industry, workers on vessels reported abuse through intimidation, physical, and verbal abuse, and harassment. These abusive tactics are more easily used when working on the ocean, because of the isolation and ability to control the workers.

Generally, people trafficked in the fishery industry are often given an overview of the job, payment, and conditions that they will be working in (Alifano, Boyle, Mangel, Lewis, 2017). Upon arrival to the vessel or country that they will work at, the conditions change entirely but by then the isolation is too great and the need for money is big enough that laborers cannot escape the industry. The force often used to manipulate people into being trafficked is through financial and psychological manipulation, both at the beginning stages of the hiring process. Workers are asked to sign a promissory note, which says that they cannot legally break the conditions that they were asked to work under. Because they are legally bonded to this note, it is impossible for them to escape the vessels and still earn their salary.

The final key issue that the executive summary focuses on is the laws that are created but not enforced by organizations worldwide. A primary issue surrounding human rights laws is that not every country has to ratify the conventions. The ILO Forced Labor Convention created in 1930 was adopted by 178 of 187 ILO members. China, the United States, South Korea, and several other island countries have not yet ratified the agreements made in this convention, making their fishing fleets less vulnerable to the law (Alifano, Boyle, Mangel, Lewis, 2017). Although there are universal guidelines that are in place as well, such as one put forward by the United Nations Food and Agriculture Organization, many of these either do not pertain to certain countries or are simply guidelines that many nations choose not to follow. The issue is not the laws that are already created, but the lack of enforcement by them which is largely due to the isolation of vessels at sea. Laws cannot be enforced when law officials are not permitted onto vessels, or the cover-up of abuse and exploitation happening is great enough that it is not detected.

Recommendations

- Make supply chains transparent. From the catching of the fish to market.
 - Fishermen should be required to keep track of what they catch and who they send it to. Then those folks should provide the catch information when they sell it in the market. This is if the fish aren't being sold directly from fishermen to consumers.
- Processor companies should offer Human Resources options for workers where they can safely voice any of their concerns or problems without fear of retaliation.
- Processors should work with (or without, they should do this anyway) third party companies to identify risks and implement plans on how to either eliminate those risks and/or avoid them.
- Companies should provide resources for workers who might've been effected by slavery, a sort of assistance plan.
- Strengthen domestic courts and local judicial systems to allow access to justice and make fishermen voices' heard.
 - Investigations towards human rights abuses and forced labor, as well as ensuring victims of slavery have compensation and protection.
 - Establish higher standards for inspection, as well as allocating enough resources to make sure inspectors can carry out their duties properly.
 - Reform accountability processes and "ownership" of vessels based not only on their stated flag, but also on the companies that invest and profit off of them.
- Address systemic aspects of vulnerability from political and/or economic marginalization.

Sources

- Brown, D., D. S. Boyd, K. Brickell, C. D. Ives, N. Natarajan, and L. Parsons. 2019, November. Modern slavery, environmental degradation and climate change: Fisheries, field, forests and factories. SAGE Publications. 4(2):191–207. <https://doi.org/10.1177/2514848619887156>
- Business & Human Rights Resource Centre. 2019, June. Out of sight: Modern slavery in Pacific supply chains of canned tuna. https://media.business-humanrights.org/media/documents/files/Out_of_Sight_Modern_Slavery_in_Pacific_Supply_Chains_of_Canned_Tuna_4.pdf.
- EJF. 2003. Smash & Grab: Conflict, Corruption and Human Rights Abuses in the Shrimp Farming Industry. Environmental Justice Foundation, London, UK. https://ejfoundation.org/resources/downloads/smash_and_grab.pdf.
- EJF. 2019, May. BLOOD AND WATER: Human rights abuse in the global seafood industry. <https://ejfoundation.org/reports/blood-and-water-human-rights-abuse-in-the-global-seafood-industry>.
- Holland, Jason. 2019. EJF: Declining fish stocks, demand for cheap seafood driving human rights abuses. <https://www.seafoodsource.com/news/environment-sustainability/ejf-declining-fish-stocks-demand-for-cheap-seafood-driving-human-rights-abuses>.
- Human Rights At Sea. 2017. Investigative report and case study: Fisheries abuses and related deaths at sea in the Pacific region. <https://humanrightsatsea.org/wp-content/uploads/2017/12/HRAS-Fisheries-Abuse-Investigative-Report-Dec-2017-SECURED.pdf>.
- International Labour Organization. 2015. GAPfish: Global Action Programme against forced labour and trafficking of fishers at sea. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_429359.pdf.
- Lewis, S. G., Alifano A., Boyle, M., and Mangel M. 2017. <http://fishwise.org/wp-content/uploads/2017/12/Lewis-et-al-2017-human-rights-and-fisheries-sustainability.pdf>.
- Marschke, M., and P. Vandergeest. 2016, June. Slavery scandals: Unpacking labour challenges and policy responses within the off-shore fisheries sector. Elsevier BV. <https://doi.org/10.1016/j.marpol.2016.02.009>.
- Ratner, B. D., B. Åsgård, and E. H. Allison. 2014, July. Fishing for justice: Human rights, development, and fisheries sector reform. Elsevier BV. <https://doi.org/10.1016/j.gloenvcha.2014.05.006>.
- Solidarity Center. 2009. Out of Sight, Out of Mind: Human Trafficking & Exploitation of Migrant Fishing Boat Workers in Thailand. https://www.solidaritycenter.org/wp-content/uploads/2015/01/thailand_Out_of_Sight_Eng.pdf.