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Forced Labor Trafficking in the International Fishing Sector

Overview

Numerous reports have documented labor exploitation in the fishing industry for more than a decade, though the phenomenon is widely considered to be underreported. The U.S. government has played a leading role in international efforts to combat human trafficking, with Congress in particular closely engaged in U.S. foreign policy responses. Most recently, the 114th Congress has enacted trade-related legislation that may affect U.S. anti-trafficking policy.

What Is the Global Scope of the Problem?

The State Department's *Trafficking in Persons Report* describes practices that amount to trafficking in persons in the fishing industry as a widespread and global problem, but one that is particularly acute in Southeast Asia. The International Labor Organization (ILO) and the United Nations Office on Drugs and Crime (UNODC) have described labor exploitation practices in the fishing industry as "extreme instances of cruel and inhumane treatment."

Reports document underpayment or non-payment of wages and breaches of contract, as well as instances of debt bondage and involuntary servitude. Victims of trafficking in the fishing industry describe sleep deprivation, long working hours, poor living conditions, malnutrition, limited food supply, and limited or no access to health care, as well as physical abuse and violence. At sea, fishermen are typically unable to escape exploitative labor environments or to terminate contracts. Without the ability to disembark, some victims are left with no recourse for months, if not years.

Trafficking in persons on fishing vessels has also been linked to marine living resources crimes, such as illegal, unreported, and unregulated (IUU) fishing, as well as drug trafficking. In addition to forced labor, or labor trafficking, aboard vessels, fishing crews have also reportedly engaged in commercial sexual exploitation, including of children, some of whom come aboard as stowaways.

What Factors Contribute to Forced Labor?

The scope of trafficking problems in the fishing sector has grown as a result of increased globalization, which complicates traceability issues in complex supply chains. Demand pressures have also grown, including global demand for seafood products, despite a stagnated worldwide capture production of marine fish, and for labor in the fishing sector. Moreover, maritime regulation of the fishing industry, as well as corresponding law enforcement, is widely viewed as lax, providing criminal actors wide latitude to operate with perceived impunity.

How Do Fishing Boats Evade Regulation?

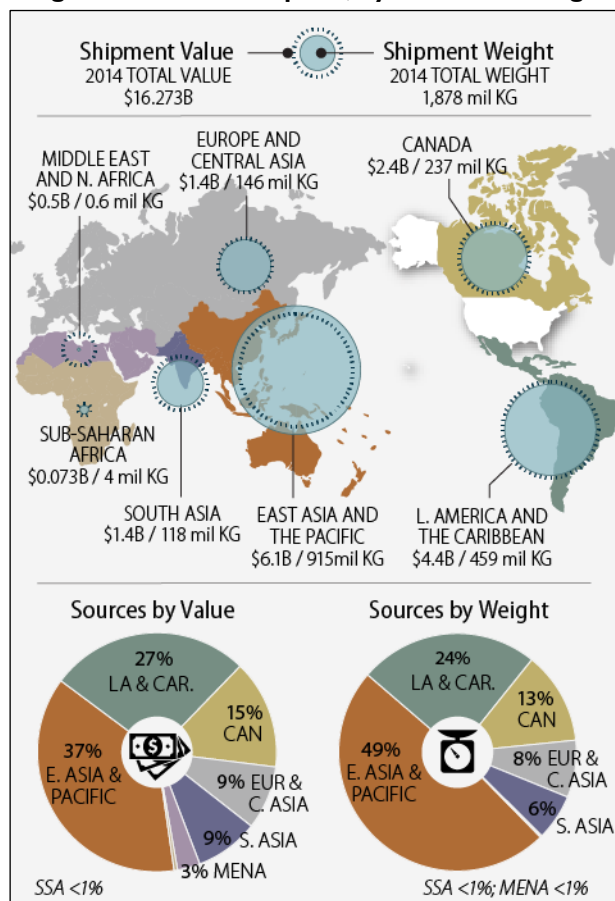
Fishing boat operators evade regulation and identification a variety of ways. They may register in political jurisdictions

with lax enforcement; stay in international waters as "ghost" ships, devoid of registration, identification, and tracking; or transfer their catch to other ships for transshipment elsewhere. Workers may play into this labor trafficking by their lack of awareness of their own exploitation, of the international rules against these practices, and of their rights. Some trafficked workers just assume that hardships are part of the job.

What Do Trade Data Show?

Overall, U.S. trade data show that in 2014, the United States imported nearly \$15 billion worth of fish, of which imports from East Asia and the Pacific accounted for 37% of all U.S. fish imports by value, but nearly half (49%) by weight (see **Figure 1**). The high ratio of volume to value reflects a combination of low-value fish and low-cost labor. While the ILO estimates that nearly 21 million people in the world work under coercion, with nearly one-half of them in Asia, estimates on the share of trafficking victims in the fishing sector are unavailable.

Figure 1. U.S. Fish Imports, by Value and Weight



Source: USITC Trade Database. Graphic by CRS.

International Framework

A number of international conventions and guidelines address human trafficking and forced labor in the fishing industry, including the United Nations and the ILO. Other international organizations, including the Organization for Economic Cooperation and Development, the World Bank, and the International Monetary Fund, have addressed forced labor protections through guidelines and codes of conduct.

In 2000 the United Nations supplemented its *Convention Against Transnational Organized Crime* with a *Protocol to Prevent, Suppress, and Punish Trafficking in Persons*. The *U.N. Trafficking Protocol* was not the first or only multilateral mechanism to address human trafficking; it was, however, the first to define trafficking in persons and require States Parties to broadly criminalize such activity.

The ILO also prohibits forced labor under several core labor conventions. These include C29 and C105, which call for the immediate abolition of forced labor, and C138 and C182, which prohibit the worst forms of child labor, including labor that is inherently dangerous, such as fishing. Together, these conventions constitute four of eight named in the *ILO Declaration*, adopted in 1998 by the ILO. In June 2014, the ILO adopted a new protocol and recommendation to supplement the *Forced Labour Convention of 1930* (C29). The new Protocol of 2014 reaffirms state obligations to address forced labor in all its forms, including trafficking in persons.

National Framework

Although the U.S. government participates in multilateral efforts to combat human trafficking, U.S. responses often extend beyond the scope of international commitments, primarily based on U.S. foreign policy legislation and executive branch guidance. Congress has enacted legislation to address aspects of the problem, including in, but not limited to, the Trafficking Victims Protection Act of 2000 (TVPA) and its TVPA reauthorization acts (TVPRAs of 2003, 2005, 2008, and 2013).

Trafficking-related provisions have been enacted in U.S. trade legislation, including as part of the Tariff Act of 1930, U.S. trade preference programs, U.S. trade negotiating objectives in Trade Promotion Authority (TPA), and recent U.S. free trade agreements (i.e., Colombia, South Korea, Panama, and Peru). Through such trade provisions, the United States has sought to ensure that trading partners fully adopt and enforce laws related to core internationally recognized worker rights, including against forced labor.

Congress has mandated that the Departments of State and Labor regularly report on foreign countries' policy responses to human trafficking and forced labor. The most targeted of these reports is the State Department's annual *Trafficking in Persons Report*, which ranks and reviews the status of foreign countries in addressing human trafficking. A country's Tier ranking in the *Trafficking in Persons Report* is also relevant in the context of trade negotiations. Other congressionally mandated foreign country reporting includes the Labor Department's *Findings of the Worst Forms of Child Labor* and its report listing goods produced by forced or child labor. In addition, in 1999, President

Clinton issued Executive Order No. 13126, which requires the Departments of Labor, State, and Homeland Security to maintain a list of countries and products that are likely to have been mined, produced, or manufactured by forced or indentured child labor. These reports identify and discuss trafficking in the fishing and seafood industries.

Selected Legislative Activity

Policymakers continue to approach the issue of trafficking in the international fishing sector on multiple fronts, including through efforts to combat IUU fishing, to uphold international core labor standards, and to address trafficking in persons in foreign policy. Further discussion may continue following the State Department's release of the 2016 *Trafficking in Persons Report* and over congressional deliberation of the proposed *Trans-Pacific Partnership* (TPP) agreement.

Illegal, Unreported, and Unregulated (IUU) Fishing

To the extent that recent reports indicate that the exploitation of labor on fishing boats is correlated with IUU fishing, the 114th Congress's enactment in December 2015 of the Illegal, Unreported, and Unregulated (IUU) Fishing Enforcement Act of 2015 (P.L. 114-81) may also have implications for anti-human trafficking policy. The act includes a provision that authorizes the Secretary of Commerce to deny port entry to maritime vessels known or suspected to have engaged in IUU fishing. To facilitate international cooperation consistent with P.L. 114-81, the United States also proceeded in February with ratification of the United Nations Port State Measures Agreement.

Recent Trade and Customs Legislation

Protection of core labor standards, including against forced labor, is a key feature of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Title I of P.L. 114-26), under which legislation implementing trade agreements, such as the proposed TPP, could receive expedited congressional consideration. TPP is particularly relevant for the international fishing sector, as 8 of the top 20 fishing nations stand to benefit from TPP implementation. P.L. 114-26 also linked trade authorities' procedures with country performance in the *Trafficking in Persons Report*.

On February 24, 2016, President Barack Obama signed H.R. 644, the Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125). H.R. 644 includes several provisions that pertain to human trafficking. One of these is the elimination of the consumptive demand exception to the longstanding prohibition on the import of goods made with convict labor, forced labor, or indentured labor pursuant to the Tariff Act of 1930. Some speculate that closing this loophole could improve the U.S. response to widespread allegations of slavery and forced labor on fishing vessels in Southeast Asia.

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