Monterey Bay Aquarium

Sustainable Fisheries PARTNERSHIP

# Seafood Social Risk Tool:

Identifying risk of forced labor, human trafficking,

and hazardous child labor in the seafood industry

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**This paper describes the underlying principles, methodology, use and intended outcomes of the Seafood Social Risk Tool.**


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**Seafood Social Risk Tool: Identifying risk of forced labor, human trafficking, and hazardous child labor in the seafood industry**

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# ABBREVIATIONS

| | |
|---|---|
| **AI** | Artificial Intelligence |
| **FAO** | Food and Agriculture Organization of the United Nations |
| **ILO** | International Labour Organization |
| **IOM** | International Office on Migration |
| **IUU** | Illegal, Unreported, and Unregulated |
| **NGO** | Non-Governmental Organization |
| **OECD** | Organization for Economic Cooperation and Development |
| **SFP** | Sustainable Fisheries Partnership |
| **TIP** | Trafficking in Persons (U.S. State Department report) |
| **UN** | United Nations |
| **UNICEF** | UN Children's Fund |
| **UNODC** | UN Office on Drugs and Crime |
| **U.S.** | United States |

# TABLES


# 1 EXECUTIVE SUMMARY

The Seafood Social Risk Tool is a business-facing risk assessment tool that allows seafood businesses to understand the risks of forced labor, human trafficking, and hazardous child labor associated with a particular seafood product. The tool provides an in-depth risk profile for seafood products, providing a solid starting point for seafood businesses' human rights due diligence.

Human rights are the basic rights and freedoms inherent to all people. They are laid down in various United Nations (UN) Conventions,[1] and they are indivisible and interdependent. Governments have the primary duty to ensure human rights for all people. In addition, the UN Guiding Principles on Business and Human Rights stipulate that businesses are responsible for complying with human rights laws and for safeguarding the human rights of workers within their supply chains. This includes seafood businesses.

The seafood industry provides employment and livelihood for billions of people worldwide. Seafood retailers, producers, and suppliers are responsible for upholding and protecting the human rights of those who

[1]The Universal Declaration of Human Rights was adopted by the UN General Assembly in 1948 and accords basic rights, including the right to protection from slavery and servitude, to all human beings and lays down the principle of human rights as indivisible and interdependent. A number of other UN Conventions lay down the principles and rights that the Seafood Social Risk Tool is concerned with in more detail. These include (but are not limited to) ILO Convention 29 on Forced Labor, ILO Convention 105 on Abolition of Forced Labor, ILO Convention 138 on Minimum Age for Employment, ILO Convention 182 on the Worst Forms of Child Labor, and the UN Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, Especially Women and Children.

work in the industry. Forced labor, human trafficking, and hazardous child labor are among the most egregious human rights abuses and are violations of international labor law. Information about these violations in the seafood industry, especially at the product level, is very difficult to find and in many cases does not exist. Moreover, convoluted and opaque seafood supply chains can mask and perpetuate these abuses by keeping them hidden.

The underlying tenant of the Seafood Social Risk Tool is the recognition that upholding human rights for all is central to production and consumption of sustainable seafood. The tool aims to achieve this by providing high-quality analysis of risk factors and evidence of forced labor, human trafficking, and hazardous child labor in seafood products. Seafood businesses can apply this information to improve their due diligence practices; prevent, mitigate, and remediate impacts to workers in the seafood industry, including those who are vulnerable and marginalized (e.g., migrants, women, internally displaced persons, ethnic minorities); and comply with human rights regulations. The purpose of the Seafood Social Risk Tool is to support those due diligence processes and help businesses take appropriate actions to improve conditions for seafood workers by providing information to help mitigate the power imbalances that contribute to worker abuse.

Seafood businesses also need to recognize that not upholding and promoting human rights in their supply chains incurs liability. Increasingly, harboring forced labor, human trafficking, and hazardous child labor at any level of a supply chain is an offense that may not only lead to a brand or company's reputational damage, but also to legal and financial losses and disruptions in supply, such as products being detained by authorities. More and more countries are adopting legislation on supply chain-responsibility, making it possible to punish those that do not undertake sufficient due diligence and implement risk mitigation measures and safeguards within their supply chain. Hence, addressing forced labor, human trafficking, and hazardous child labor is not only a moral imperative, but also a critical business practice. Risks of human rights violations generate business risks, therefore management of risks of human rights abuse makes business sense. The costs to businesses that ignore these risks will only increase.

However, for many businesses, understanding, mapping, and analyzing risks of human rights violations and establishing safeguards is challenging. Seafood supply chains are complex. Information is scarce and scattered. Hence, analyzing the risks of forced labor, human trafficking, and hazardous child labor can be difficult. By providing accurate and in-depth intelligence that will allow businesses to understand the risks and move more swiftly and comprehensibly to solutions, the Seafood Social Risk Tool provides seafood businesses with a starting point for due diligence and actions to address the risk of forced labor, human trafficking, and hazardous child labor in the seafood supply chain. Through in-depth analysis using an extensive set of carefully chosen risk indicators, the Seafood Social Risk Tool provides an overview of relative risks throughout the whole seafood value chain — fisheries, aquaculture operations, and seafood processing — as well as the business environment in which they operate.

The Seafood Social Risk Tool also contributes to the achievement of UN Sustainable Development Goal (SDG) Target 8.7 of taking "immediate and effective measures to eradicate forced labor, end modern slavery and human trafficking, and secure the prohibition and elimination of the worst forms of child labor, including recruitment and use of child soldiers, and by 2025 end child labor in all its forms."

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# 2 A HUMAN RIGHTS-BASED APPROACH

This white paper presents the approach and methodology of the Seafood Social Risk Tool. The paper offers a short description of the human rights approach that serves as the foundation for the tool and a detailed presentation of its methodology.

UN Conventions established that all people, regardless of gender, race, nationality, ethnicity, and beliefs, are entitled to the same human rights. You cannot have human rights for some people and not for others. Moreover, all rights apply equally and cannot be separated. Violating one right can lead to the violation of others. For example, someone who is subjected to forced labor may also have their right to freedom and dignity violated. The underlying tenant of the Seafood Social Risk Tool is the recognition that upholding human rights for all is central to production and consumption of sustainable seafood.

Governments have the primary responsibility for realizing human rights for all people. They must translate the global human rights framework into national legislation and protection measures. In addition, the UN Guiding Principles on Business and Human Rights stipulate that all businesses, regardless of size and other factors, have a responsibility to respect human rights over and above compliance with national laws and regulations. To meet that responsibility, the Guiding Principles state that businesses should implement policies and processes including human rights due

diligence. If a business determines that there is a risk of forced labor, human trafficking, or hazardous child labor within its supply chain, it can collaborate with third parties to help stop the abuse. The Seafood Social Risk Tool intends to be a starting point for businesses to do this.

The seafood industry provides livelihoods and nutrition to billions of people globally. The Seafood Social Risk Tool aims to help the seafood industry reduce the risks of some of the most egregious human rights abuses in seafood production, namely forced labor, human trafficking, and hazardous child labor. Reducing these risks will increase sustainability of seafood.

## WHAT THE SEAFOOD SOCIAL RISK TOOL DOES

The tool's rigorous, peer-reviewed framework and risk profiles are both user-friendly and comprehensive. It will help businesses mitigate risks of labor abuse in seafood value chains by increasing transparency, identifying gaps in information, and providing detailed due diligence questions targeted to specific knowledge gaps about an individual product in a particular country. These questions allow businesses to include attention to forced labor, human trafficking, and hazardous child labor when they apply their due diligence systems and processes. The tool will not tell businesses what to do as this depends on the context. However, it will help businesses define the actions they need to take, including applying (and possibly improving) the systems they already have in place. The risk profiles are a starting point for businesses to engage with their supply chains on how to prevent and mitigate the risks of forced labor, human trafficking, and hazardous child labor and put in place remediation measures at every level of their supply chain.

In addition to direct evidence of labor abuse, the Seafood Social Risk Tool looks at information about contracts, worker voice, equity, equality, equal opportunity to benefit, and socioeconomics. These risk indicators frame the context for potential abuse and help provide a starting point for end-users.

*"The tool's rigorous, peer-reviewed framework and risk profiles are both user-friendly and comprehensive. It will help businesses mitigate risks of labor abuse in seafood value chains by increasing transparency, identifying gaps in information, and providing detailed due diligence questions targeted to specific knowledge gaps about an individual product in a particular country."*

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# 3 FORCED LABOR, HUMAN TRAFFICKING, AND HAZARDOUS CHILD LABOR

Approximately 25 million people are trapped in forced labor worldwide.[2] Half of those people are in some form of debt bondage — individuals forced to work off ill-defined or ever-increasing debt burdens. The estimates for child labor are even higher. In 2020, the UN International Labour Organization (ILO) and UN Children's Fund (UNICEF) estimated that 160 million children between the ages of 7 and 15 were doing work that may harm them physically, mentally, or morally, or may jeopardize their education.[3] Almost half of them — 79 million children — were performing hazardous labor that may severely impact their physical and/or mental health and development.[4]

## KEY DRIVERS OF FORCED LABOR, HUMAN TRAFFICKING, AND HAZARDOUS CHILD LABOR

The causes of forced labor, human trafficking, and hazardous child labor vary by region and community. They are complex and interrelated and found in many different layers of society. The Seafood Social Risk Tool examines indicators of the most important drivers of these threats across industries and geographies.

[2] ILO and Walk Free Foundation. 2017. Global estimates of modern slavery: Forced labor and forced marriage. United Nations International Labour Office (ILO), Geneva.

[3] ILO and UNICEF. 2021. Child labor: Global estimates 2020, trends and the road forward. ILO and UNICEF. New York. License: CC BY 4.0.

[4] Ibid

| PUSH (SUPPLY) FACTORS | PULL (DEMAND) FACTORS |
|---|---|
| **Multi-dimensional poverty:** Lacking access to high-quality health care and education, vulnerability to economic shocks, and limited access to natural resources (e.g., land and fishing grounds) and physical infrastructure (e.g., roads, water and sanitation, internet). | **Labor shortages:** Especially during peak seasons and in very labor-intensive industries, that lead employers to engage under-age workers and control the movement of workers (to prevent them from leaving). |
| **Social norms and discriminatory practices:** Stereotyped beliefs and narratives that assign lower status to groups of people (e.g., women, migrant workers, ethnic minorities), which normalizes forced or child labor or limitations in access to resources. Social norms can be both a push and a pull factor. | **Social norms and discriminatory practices:** Stereotyped beliefs and narratives that assign lower status to groups of people (e.g., women, migrant workers, ethnic minorities), which normalizes forced or child labor or limitations in access to resources. Social norms can be both a push and a pull factor. |
| **Unsafe migration:** Informal migration arrangements, often by individuals from vulnerable communities who rely on unregistered and unsupervised recruitment agents. | **Business models that rely heavily on cheap labor:** Such as a piece rate system (especially where piece rates are very low). This is particularly significant in relation to child labor as parents bring the entire family to work to drive up outputs and earn sufficient income for basic needs. |
| **Unfair hiring and contracting practices:** Opaque employment practices that lead to exploitation and often rely heavily on recruitment agents. | **Low profitability:** Causes deterioration in pay and working conditions to control expenses (e.g., low profitability may be caused by dwindling fish stocks due to overfishing). |

*Table 1: Summary of supply and demand (push and pull) factors that contribute to forced labor, human trafficking, and hazardous child labor. Some factors can be categorized as both.*

## Push factors in families and communities

Push factors are interrelated, can be difficult to tease apart, and can include, for example, poverty, cultural mindsets, and migration. Poverty encompasses food insecurity, lack of access to social services, limited access to reliable information, and exposure to economic shock.[5] An economic shock is an event, like a natural

[5] OECD. 2015. Keeping the multiple dimensions of poverty at the heart of development. Organisation for Economic Cooperation and Development and Post-2015 Reflections, Element 1, Paper1. Paris, 12 pp.

disaster, illness in the family or an accident, that causes a sudden, negative impact on the family's or individual's economy. The economic shock may cause the family to slide into poverty or deepen poverty even more. Cultural mindsets may support the idea that certain ethnic groups or social classes are destined for occupations that are considered demeaning by majority groups.[6,7,8] Migrant workers, especially undocumented (unreported or unauthorized), are highly vulnerable to abuse.[9,10] Irregular migration easily can descend into forced labor and human trafficking. Like migrant workers, refugees and internally displaced persons (IDPs) often have limited options and may rely on human smugglers who exploit their situation.[11,12]

## Industry pull factors

Pull factors create demand for cheap, exploitable laborers. These factors can involve labor intensive industries where jobs are perceived as low status, risks of injury and abuse are high, and pay is low.[13] Pull factors are exacerbated by cultural expectations and social beliefs, poor governance, and enforcement, and can involve occupations with low profit margins.[14]

### *Complex and non-transparent supply chains*

Industries with long, complex supply chains and low levels of transparency are at increased risk of forced labor, human trafficking, and hazardous child labor. Human trafficking and hazardous child labor are present throughout supply chains, not just in the immediate, exporting stage, but these abuses often are hidden and obscured.[15] In addition, widespread data gaps are one of the drivers of persistent forced labor, human trafficking, and hazardous child labor in global supply chains. These data gaps make it harder for both policymakers and businesses to take appropriate action.[16] The seafood industry is characterized by highly complex supply chains and by significant data gaps.[17,18]

### *Use of recruitment agents and subcontracting*

The use of recruitment agents and subcontracting of work adds to the complexity of supply chains and is of particular concern, especially in the seafood industry. Recruitment agents can level debt on workers for payment of (non-transparent) fees for transport and lodging. The accumulation of fees can force workers into

[6] LeBaron, G., N. Howard, C. Thibos, and P. Kyritsis. 2018. Confronting root causes: forced labor in global supply chains. openDemocracy and the Sheffield Political Economy Research Institute (SPERI), University of Sheffield.
[7] ILO. 2016. Fishers first — Good practices to end labor exploitation at sea. United Nations International Labor Office, Fundamental Principles and Rights at Work Branch (FUNDAMENTALS), Sectoral Policies Department (SECTOR), ILO, Geneva. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_515365.pdf.
[8] Morrow, V. and J. Boyden. 2010. Social values and child labor. Oxford Scholarship Online.
[9] LeBaron et. al. 2018
[10] ILO. 2017. Risks and Rewards. Outcomes of Labour Migration in South East Asia https://www.ilo.org/asia/publications/WCMS_613815/lang--en/index.htm.
[11] Ibid.
[12] EUCPN. 2020. Unaccompanied minors at risk: preventing child trafficking. Brussels: EUCPN.
[13] ILO and Walk Free 2017
[14] LeBaron et. al. 2018; ILO and Walk Free 2017, ILO 2017
[15] ILO, IOM, OECD, UNICEF. 2019. Ending child labor, forced labor and human trafficking in global supply chains
[16] Ibid
[17] Fox, M, M. Mitchel, M. Dean, C. Elliott, and K. Campbell. 2018. The seafood supply chain from a fraudulent perspective. Food Security 10:939-963.
[18] Plagá, E.E., I. van Putten, O. Thébaud, A.J. Hobday, J. Innes, L. Lim-Camacho, A. Norman-López, R.H. Bustamante, A. Farmery, A. Fleming, S. Frusher, B. Green, E. Hoshino, S. Jennings, G. Pecl, S. Pascoe, P. Schrobback, and L. Thomas. 2014. A quantitative metric to identify critical elements within seafood supply networks. PLoS ONE 9(3): e91833, https://doi.org/10.1371/journal.pone.0091833.

debt bondage.[19] The risk of debt bondage is particularly high for workers in the informal sector and undocumented migrant workers. Moreover, the risk is particularly high where the recruitment agents used are not formally registered and subject to government control. In addition, it increases the risk of forced labor and hazardous child labor when seafood processors sub-contract labor-intensive work, such as primary processing, to small enterprises, sometimes in the informal sector or to home-based workers.[20]

### *Transnational organized crime and globalization*

The UN Office on Drugs and Crime (UNODC) and other agencies have repeatedly highlighted the dynamics of globalization that underpin transnational organized crime, including human trafficking for labor exploitation.[21] The global seafood industry lacks transparency and routinely has insufficient enforcement. Consequently, the industry is highly susceptible to transnational organized crime.[22] The links between illegal, unreported, and unregulated (IUU) fishing, forced labor, and corruption in the fishing industry are relatively well established, but evidence of links to other forms of criminal activities, such as drugs, arms smuggling, and tax evasion, is sparse.[23]

Regardless of the possible links between different forms of organized crime at sea, human trafficking and forced labor are criminal offenses in practically all countries and territories, and there are specific legal provisions that criminalize the practices. In addition, human trafficking may be prohibited and prosecuted under other legislation. In the U.S., for example, human trafficking is a predicate offense to (component of) money laundering. The profits from human trafficking can be difficult to determine as human trafficking and forced labor often are hidden, can take place in multiple parts of complex supply chains, and involve multiple steps and criminal activities.[24] Still, in 2014, the ILO estimated that the annual illegal profits of forced labor in the private economy amounted to US $150 billion.[25]

[19] UNODC. 2015. The role of recruitment fees and abusive and fraudulent recruitment practices of recruitment agencies in trafficking in persons, https://www.unodc.org/documents/human-trafficking/2015/15-05035_ebook-_Recruitment_Fees.Agencies.pdf
[20] ILO 2017
[21] UNODC 2015
[22] Nordic Council of Ministers. 2018. Chasing Red Herrings: Flags of Convenience, Secrecy and the Impact on Fisheries Crime Law Enforcement. North Atlantic Fisheries Intelligence Group. http://dx.doi.org/10.6027/TN2017-555.
[23] Mackay, M., B.D. Hardesty and C. Wilcox. 2020. The Intersection Between Illegal Fishing, Crimes at Sea, and Social Well-Being in Front. Mar. Sci., 12 October 2020. https://doi.org/10.3389/fmars.2020.589000.
[24] Comply Advantage. December 16, 2019, updated May 4, 2022. "How Anti-Money Laundering Efforts Combat Human Trafficking," Comply Advantage Knowledgebase, https://complyadvantage.com/knowledgebase/money-laundering-human-trafficking/.
[25] ILO. 2014. Profits and Poverty: The Economics of Forced Labor. https://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_243391/lang--en/index.htm.

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# 4 CHALLENGES UNIQUE TO THE SEAFOOD INDUSTRY

Many industries struggle with human rights issues, but there are several factors unique to fishing, aquaculture, and seafood processing that increase risks of exploitation. For example, the practice of transshipping allows a fishing vessel to stay at sea for long periods of time while a carrier vessel brings it supplies and fuel and hauls its catch back to shore. This process allows the fishing vessel to stay at sea and out of sight for years at a time. As a result, fishers on board the vessel are isolated at sea for prolonged periods of time. Cut off from communication with family, unions, fishers missions, and authorities, they are unable to seek assistance if abuses occur. Distant water fishing also embeds specific governance challenges related to the boundaries of enforcement of legislation to protect fishers.[26] On the high seas, flag states are responsible for ensuring safe and acceptable conditions while onboard the vessels. However, enforcement by flag states varies considerably, with some flag states having very limited capacity for oversight and enforcement of legislation at sea. Hence, flagging a vessel in a country or open register where enforcement is limited, or non-existent, opens the door

[26] ILO 2016

to forced labor and other exploitation of fishers with no or limited consequence for perpetrators.[27]

Aquaculture production is also difficult to monitor and track in remote areas in countries with inadequate regulations and resources for enforcement. As a result, children working on family farms go undetected. In addition, aquaculture feed may contain fish that were produced in association with forced labor, human trafficking, and hazardous child labor.

Seafood processing and fishing commonly use migrant labor, and workers are frequently hired through recruitment agencies that are subject to very limited oversight. Most workers in seafood processing are women, and many primary processing operations are informal, occurring outside of government oversight. Processing facilities may be crowded with poor ventilation. The sometimes-seasonal nature of seafood processing means that workers may be employed on temporary contracts with fewer protections and subject to exceedingly long working hours.

The global seafood industry's complex and nontransparent supply chains make it difficult to track products,[28]and may cause or enable producers to mix legal products with those from illicit sources. Moreover, one phase of seafood production might be licit, but other parts of the value chain may introduce illicit elements.

## HUMAN RIGHTS ABUSE IN FISHING AND ENVIRONMENTAL DEGRADATION — A VICIOUS CYCLE

Human rights and healthy ecosystems are linked, particularly when it comes to the fishing industry. Overfishing can diminish livelihoods and lower profits, which can increase poverty, unemployment, and the demand for cheap labor.[29] These conditions then facilitate poor working conditions, forced labor, human trafficking, and hazardous child labor.[30] Not only will environmental degradation create conditions that breed human rights abuses, but also environmental conservation is difficult to achieve in an atmosphere where people are vulnerable and more concerned with survival, and where malpractices and criminal activities are ignored, hard to legislate, or even accepted. Indeed, if slavery can be ignored, illegal fishing probably will be as well.[31]

Most of the evidence relating to the links between environmental sustainability and forced labor, human trafficking, and hazardous child labor pertains to fishing. Evidence in aquaculture is limited. There is significant evidence, however, that children in rural agricultural households are highly vulnerable to child labor when the family is hit by economic shock, such as natural disaster or disease that kills off livestock. Hence, climate change adaptation and environmental conservation to prevent

[27] ILO. 2013. Caught at Sea. Forced labor and trafficking in fisheries. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_214472.pdf.
[28] FishWise 2018. The links between IUU fishing, human rights and traceability. https://fishwise.org/wp-content/uploads/2018/03/The-Links-between-IUU-fishing-human-rights-and-traceability.pdf.
[29] EJF. 2015. Thailand's Seafood Slaves. Human Trafficking, Slavery and Murder in Kantang's Fishing Industry. https://ejfoundation.org/resources/downloads/EJF-Thailand-Seafood-Slaves-low-res.pdf.
[30] ILO 2016
[31] EJF 2015

and mitigate environmental risks are important from a child labor/child rights perspective.[32]

## HAZARDOUS CHILD LABOR IN SEAFOOD PRODUCTION

Some of the push and pull factors around child labor are different from those of vulnerable adults. Child labor is more likely found in small-scale, coastal fisheries than on the high seas.[33] Frequently, children fish on lakes and in coastal waters as part of a family operation because the family thinks of this as apprenticeship, there are no schools or alternative opportunities available, or simply because the family is poor and cannot afford to hire workers.[34] Fishing is hazardous work by nature and therefore unsuitable for children. Even if the child goes to school, fishing may take place at night or early in the morning, which encroaches on the child's sleep, making learning more difficult or impossible.

There is limited evidence around hazardous child labor in aquaculture, but like fishing and agriculture, hazardous child labor is more likely to occur in smaller, more informal operations.[35] Documentation of hazardous child labor in seafood processing is more likely to be associated with primary processing and informal sector operations.[36]

Understanding and navigating information — and lack of information — on these complex drivers of forced labor, human trafficking, and hazardous child labor can be challenging. The Seafood Social Risk Tool was designed to support businesses in this process by fostering adequate due diligence and other corporate responses to limit the risk of forced labor, human trafficking, and hazardous child labor.

[32] BILS, COAST Trust, Manusher Jonno Foundation. 2021. Sector-wide Human Rights Impact Assessment (SWIA) in small-scale artisanal fishing communities in Barguna and Cox's Bazar district of Bangladesh, 45 pp.; FAO. 2020. FAO framework on ending child labor in agriculture. Rome. https://doi.org/10.4060/ca9502en.

[33] FAO and ILO. 2013. Guidance on Addressing Child Labour in Fisheries and Aquaculture. https://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_22655/lang--en/index.htm.

[34] FAO and ILO 2013

[35] FAO and ILO 2013

[36] Asia Foundation - ILO. 2015. Migrant and Child Labour in Thailand's Shrimp and Other Seafood Supply Chains: Labour Conditions and the Decision to Study or Work. Publication, Asia Foundation - ILO. https://asiafoundation.org/publication/migrant-and-child-labor-in-thailands-shrimp-and-other-seafood-supply-chains-labor-conditions-and-the-decision-to-study-or-work/.


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# 5 BRIEF HISTORY OF THE SEAFOOD SOCIAL RISK TOOL

In 2015, investigative news articles about human trafficking and forced labor in the Thai fishing fleet brought slavery to the forefront of seafood industry concerns.[37, 38, 39, 40] Human rights abuses in the seafood industry, however, weren't limited to Thai vessels. The Monterey Bay Aquarium developed the Seafood Social Risk Tool in partnership with Sustainable Fisheries Partnership (SFP) and Liberty Shared, in response to requests from business partners to identify the risk of slavery in their supply chains. In developing the tool, the partners brought together their collective experience on sustainable seafood, forced labor, human trafficking, and hazardous child labor in supply chains, working with human and labor rights experts to develop the tool. The tool and its methodology were reviewed extensively by external experts from multiple disciplines, including supply chain experts, human rights specialists, and

[37] McDowell, R. M. Mason, and M. Mendoza. 2015. AP Investigation: Slaves may have caught the fish you bought. Associated Press. https://www.ap.org/explore/seafood-from-slaves/ap-investigation-slaves-may-have-caught-the-fish-you-bought.html.

[38] M. Mendoza. 2015. US lets in Thai fish caught by slavers despite law. Associated Press. https://www.ap.org/explore/seafood-from-slaves/us-lets-in-thai-fish-caught-by-slaves-despite-law.html.

[39] The Guardian. 2015. Revealed: Asian slave labor producing prawns for supermarkets in US, UK. https://www.theguardian.com/global-development/2014/jun/10/supermarket-prawns-thailand-produced-slave-labor.

[40] Urbina, I. 2015. The Outlaw Ocean. New York Times. https://www.nytimes.com/interactive/2015/07/24/world/the-outlaw-ocean.html.

sustainable seafood experts from NGOs, universities, the UN, and businesses.

Launched in February 2018 as a six-month pilot project, the prototype (version one of the tool) used a decision tree based on publicly available evidence of forced labor, human trafficking, and hazardous child labor to establish a risk rating. Outside experts praised the proficient analysis and in-depth synthesis of publicly available information. However, because direct evidence of forced labor, human trafficking, or hazardous child labor rarely exists for specific fisheries, the tool initially relied on country-level information to rate fisheries. As a result, many high-risk ratings failed to show the nuances between fisheries. The Monterey Bay Aquarium used these insights to develop this new and improved version of the Seafood Social Risk Tool.

## DATA RICH, BUT INFORMATION POOR

Information relating to documented labor abuse in seafood is paltry, fragmented, and, at best, historical to a snapshot of a specific instance in time. Simple supply chains with a few large suppliers are far more able to audit their supply chain practices than complex ones with extensive upstream suppliers (those nearer to the sourcing end rather than the retail end). Problematically, large sectors of global seafood supply chains are marked by extensive upstream actors. In short, the more convoluted and fragmented the supply chain, the more complex the audit process.

There are efforts to embrace technology, such as artificial intelligence (AI), data visualization, and large dataset analysis (big data). Such technologies are in their infancy. While they may become valuable tools to limit risks, there is no shortcut to knowing the different layers of a supply chain and understanding the contexts (e.g., legal, cultural, economic) needed to mitigate the risk of forced labor, human trafficking, and hazardous child labor. This takes meticulous data collection from multiple sources and analysis in an environment where information may not be easily accessible.

## COMPREHENSIVE APPROACHES AND MULTIPLE ORGANIZATIONS ARE NEEDED

Eliminating forced labor, human trafficking, and hazardous child labor in the seafood industry is complex and requires comprehensive approaches. Forced labor, human trafficking, and hazardous child labor must be understood, prevented, and mitigated in context. This necessitates understanding the socio-economic environment in which seafood is produced. Understanding the socio-economic context requires analysis of the social dynamics and structures of communities, families, and workplaces. It also requires knowledge of the governance structures and cultures in different parts of the world. Additionally, this is about the realization of people's human rights in communities that subsist on seafood and seafood production in general, and the environmental factors that impact people's livelihoods; the working conditions seen as normal; the economic drivers in the industry and in countries and regions; and a range of other, inter-related factors.

No single tool or program can analyze and address all these issues. To comprehensively address the underlying root causes and drivers of exploitation, multiple organizations must develop and implement different

tools, interventions, and other initiatives. National governments, international organizations, NGOs, trade unions, research organizations and think tanks, community-based organizations, and the business community must also play their part within the commonly understood and agreed upon human rights framework.

The Seafood Social Risk Tool contributes to understanding what drives the risk of forced labor, human trafficking, and hazardous child labor in the fishing, farming, and processing of seafood. This enables businesses and other organizations to take action to prevent and mitigate these risks in seafood production that is traded and consumed through global value chains.

The Seafood Social Risk Tool's risk profiles synthesize information from a wide range of sources generated by international, governmental, civil society, and academic organizations. Sources of information used to generate Seafood Social Risk Tool assessments include: UN and government reports, international indices, investigative journalism, reports from seafood certification and rating groups, and non-published and other public information.

The profiles organize, analyze, and simplify available information to identify the highest risk products in the riskiest countries and reflect the wider context as well as specific industry-related information, where available. This information gives seafood businesses the information needed to focus their corporate risk management and due diligence. In addition to corporations, international, government, and civil society actors can use the tool's in-depth research and risk profiles to inform their work and achieve their missions.

## METHODOLOGY

By consolidating both evidence and risk analysis of forced labor, human trafficking, and hazardous child labor into publicly available, system-wide profiles covering fisheries, aquaculture, and seafood processing, the Seafood Social Risk Tool analyzes risks throughout the entire seafood value chain. The risk profiles focus on value chains of importance to markets in Europe and North America, where there is a strong impetus for delivering more sustainably and ethically produced seafood.

The Seafood Social Risk Tool comprises more than 80 indicators (Appendix B) identified through a literature review to help characterize the risk of forced labor, human trafficking, and hazardous child labor. The indicators are factors that can increase or decrease these risks within a seafood production system. Some indicators may be causal, like the push and pull factors described above, while others may be correlated with forced labor, human trafficking, or hazardous child labor (e.g., presence of illegal, unregulated, or unreported fishing). When the knowledge base was deemed too weak to develop and adequately justify an indicator, it was not included in the tool's indicator set. Additional indicators may be added if more evidence becomes available.

Analysts follow a robust process of data collection, analysis, and assessment to produce the seafood risk profiles. The process includes gathering credible, publicly available, and non-public evidence (e.g., social audits, non-published reports) of forced labor, human trafficking, or hazardous child labor in the profile system.

Before release, external experts review the profiles for clarity and accuracy. After the profiles are published, people who use the tool can submit their inputs to the analyst team for consideration. If inputs from users are significant to the assessments in a profile, the team may revise the profile accordingly.

## INDICATOR LEVELS

Risk indicators in the Seafood Social Risk Tool are divided into the following broad categories: country, industry, and product.

### Country indicators

The country indicators provide context about the overall social, economic, and political environment within which fishing, aquaculture, and processing take place. They help determine whether the environment is conducive to allow exploitative practices or whether it is helpful in limiting their existence. These indicators cover issues such as poverty, governance, and regional economic dynamics — issues that are typically outside the direct control of seafood industry operators but are part of the inherent, often systemic risks in any seafood system. The seafood industry may be able to influence performance against these indicators through, for example, collective advocacy efforts.

### Seafood industry indicators

This group of indicators examines seafood industry-specific practices and traits (such as the overall composition of the labor force and specific industry regulations) that tell us something about the risks across the industry in each country, such as working hours, minimum age for employment, or regulation of recruitment agencies. As such, there can be some overlap between industry indicators and product indicators under fishing, aquaculture, and processing (e.g., contracts, recruitment practices, treatment of migrant workers) or country level indicators (e.g., migration regulations, minimum age). Some industry indicators may be relevant to non-seafood industries, but the Seafood Social Risk Tool only assesses the risk of forced labor, human trafficking, and hazardous child labor in the seafood industry.

### Product indicators: fishing, aquaculture, and processing

Indicators for fishing, aquaculture, and processing assess if there are specific practices that may indicate a higher risk of forced labor, human trafficking, or hazardous child labor through a causal relationship. The fishing, aquaculture, and processing parts of a system each have a unique set of indicators, though some are the same or very similar across all parts. For example, the use of transshipment is specific to fishing, but indicators related to the composition of the workforce may be identical or very similar across fishing, aquaculture, and processing.

Moreover, a few indicators at this level are also included at the seafood industry level. However, at this level, the tool evaluates those indicators specifically related to a seafood product (e.g., tropical tuna, farmed shrimp), rather than in the fishing, aquaculture, or seafood processing industries more generally.

All three levels include indicators that are causal (i.e., indicators where the literature establishes an underlying driver of forced labor, human trafficking, or hazardous child labor). Examples of this include attitudes toward

migrant workers or implementation of legislation to protect workers' rights. Indicators where there is clear a correlation between a factor and forced labor, human trafficking, and hazardous child labor — even when it is not possible to determine the detailed nature and direction of correlation — are also included. One such indicator is IUU fishing, which is documented to often co-occur with forced labor and human trafficking but where available evidence does not support conclusions on whether IUU fishing causes forced labor or vice versa.

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# 6 THEORY OF CHANGE

One of the key challenges to addressing human rights abuses in seafood production is a lack of information and transparency on labor practices in seafood supply chains. By providing information to help mitigate the power imbalances that contribute to worker abuse, the tool aims to help businesses take appropriate actions to improve conditions for seafood workers.

The Seafood Social Risk Tool improves transparency and identifies information gaps by aggregating and synthesizing as much information as possible. It is based on the premise that by providing high quality analysis of risk factors and evidence of forced labor, human trafficking, and hazardous child labor in seafood products, seafood businesses will apply this information and improve their practices. Improved practices will entail improved due diligence as well as putting in place measures to prevent, mitigate, and remediate forced labor, human trafficking, and hazardous child labor.

In addition, government and law enforcement agencies can use the information generated by the Seafood Social Risk Tool to inform their own risk assessments and prioritizations, while civil society organizations can use the information for campaigns, consumer education, and research.

The Seafood Social Risk Tool outputs consist of several products that may be useful to different end users and for different purposes. These are described at www.SeafoodWatch.org/our-projects/seafood-social-risk-tool.

The risk profiles are the backbone of the Seafood Social Risk Tool. The information collected against each risk indicator is assessed, evaluated, and summarized into a detailed risk assessment report available as a downloadable document. Providing in-depth information and the detailed evidence needed to make an informed risk assessment, the profiles are particularly helpful to users who are interested in a specific product or country. For a template of a risk profile, including all the risk indicators used to produce a report, see Appendix B.

The risk profiles contain a summary analysis, including a discussion of the base risks in a given country. The base risk assessment provides a contextual risk assessment for a country and includes the risks that shape the general environment for seafood businesses and other businesses alike. The risk profiles also provide an overview of the adjusted risks for the seafood industry and a given seafood product, as well as an assessment of factors that decrease or increase the risk of forced labor, human trafficking, and hazardous child labor for the product being assessed. The summary is an easy entry point for users who need a quick overview to initiate next steps (e.g., research, due diligence, advocacy).

Finally, the Seafood Social Risk Tool identifies tailored due diligence questions for different types of seafood products. Developed based on the findings of the risk assessments, the questions will be useful for businesses undertaking due diligence processes as well as researchers, NGOs, and others seeking to identify areas that need more attention.


# 7 CONCLUSION

The seafood industry provides employment and livelihood security for billions of people. Seafood retailers, producers, and suppliers are responsible for upholding the human rights of those who work in the industry. Information about human rights violations in the seafood industry, especially at the product level, is limited to non-existent. Moreover, complex and opaque seafood supply chains make it difficult for businesses to understand and manage the risk of human rights abuses in their supply chains and can perpetuate these abuses by keeping them hidden.

The Seafood Social Risk Tool provides a comprehensive analysis of the risks of human trafficking, forced labor, and hazardous child labor in seafood supply chains, including fishing, aquaculture, and seafood processing, to help businesses and other seafood stakeholders identify higher risk supply chains, conduct targeted due diligence, and implement measures to prevent and mitigate risks in their supply chain. The Seafood Social Risk Tool does not prescribe action steps to prevent and mitigate forced labor, human trafficking, and hazardous child labor as the action steps must always be context-specific and there is no one-size-fits-all. The tool, however, allows business to comprehensively understand what drives the human rights violations in a supply chain and supports the rigorous due diligence process needed to identify appropriate prevention and mitigation steps. Country-specific risk profiles can be found at www.SeafoodWatch.org/our-projects/seafood-social-risk-tool.

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# APPENDIX A: INTERNATIONAL INSTRUMENTS RELEVANT TO THE ELIMINATION OF FORCED LABOR, HUMAN TRAFFICKING, AND HAZARDOUS CHILD LABOR IN THE GLOBAL SEAFOOD INDUSTRY

This annex contains a non-exhaustive list of human rights instruments relevant to the elimination of forced labor, human trafficking, and hazardous child labor in the global seafood industry.

1. **Selected human rights instruments with provisions related to labor rights:**
   a. Universal Declaration of Human Rights (1948)
   b. International Covenant on Economic, Social and Cultural Rights (1966) (enshrines freedom from economic exploitations)
   c. International Covenant on Civil and Political Rights (1966) (article 1 on economic means)
   d. UN Convention on the Rights of Children (UNCRC) (article 32 on protection from economic exploitation and harmful work)
   e. UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (especially article 11 on employment)
   f. UN Convention on the Rights of People with Disabilities (CRPD) (article 27 on work and employment)
   g. ILO Convention 169 on Indigenous People's Rights
   h. ILO Convention 97 and ILO Convention 143, both concerning migrant workers' rights
   i. ILO Convention 181 on Private Employment Agencies Regulation
   j. ILO Conventions 155 and Protocol 155 both on Occupational Safety and Health

2. **International conventions specifically prohibiting forced labor, human trafficking, and child labor:**
   a. ILO Convention 29 on Forced Labor
   b. ILO Protocol 29 of 2014 on Forced Labor
   c. ILO Convention 105 on the Elimination of Forced Labor
   d. ILO Convention 138 on Minimum Age for Admission to Employment
   e. ILO Convention 182 on the Worst Forms of Child Labor (WFCL)
   f. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (the "Palermo Protocol")

3. **International instrument specifically relevant to working conditions in the seafood industry:**
   a. ILO C188 on Work in Fishing
   b. UN Convention on the Laws of the Sea (UNCLOS)
   c. The International Convention for the Safety of Life at Sea (SOLAS)
   d. The Port State Measures Agreement (PSMA)

4. **Selected guidelines:**
   a. UN Guiding Principles on business and Human Rights (UNGP)
   b. FAO Code of Conduct for Responsible Fishing
   c. FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines)

# APPENDIX B: TEMPLATE FOR SEAFOOD SOCIAL RISK TOOL RISK PROFILES

## Overview

## Base risks of forced labor, human trafficking, and hazardous child labor in the country in general

## Adjusted risks of forced labor, human trafficking, and hazardous child labor in the country's seafood supply chain

## Summary of evidence of forced labor, human trafficking, and hazardous child labor in the seafood supply chain

| Country-level indicators |
|---|
| • Summary of country level evidence |
| **Seafood industry-level indicators** |
| • Summary of seafood industry-level evidence |
| **Fishing/aquaculture indicators** |
| • Summary of fishery/aquaculture evidence |
| **Processing indicators** |
| • Summary of processing evidence |

## Summary of factors that affect the likelihood of forced labor, human trafficking, and hazardous child labor in the seafood supply chain

## Factors that increase the likelihood

| Country-level indicators |
|---|
| • Summary of country level factors |
| **Seafood industry-level indicators** |
| • Summary of industry-level factors |
| **Fishing/aquaculture indicators** |
| • Summary of fishery/aquaculture factors |
| **Processing indicators** |
| • Summary of processing factors |

## Factors that decrease the likelihood

| Country-level indicators |
|---|
| • Summary of country level factors |

| Seafood industry-level indicators |
|---|
| • Summary of industry-level factors |
| **Fishing/aquaculture indicators** |
| • Summary of fishery/aquaculture factors |
| **Processing indicators** |
| • Summary of processing factors |

## Fishing/aquaculture

## Processing and trade

## Due diligence for [species] in [country]

## Important country-specific considerations

- [Background information]

## Suggested due diligence priorities and questions

| |
|---|
| [Specific issue to question]<br><br>[Background related to that issue] |
| 1. [Questions to ask about the issue] |

## [Country]: Country-level indicators

| Indicator | Description | Sources |
|---|---|---|
| Poverty levels in a country | Human Development Index | |
| | Poverty headcount ratio at national poverty line | |
| | Global Hunger Index | |
| Country's position in the regional economic power system | Comparing Human Development Index (HDI) ranking to other countries in the region | |
| | Comparing its recent economic growth to the general economic growth rates in the region | |
| | Migration data | |
| | Regional migration trends and patterns | |
| | Known human trafficking routes | |

| Indicator | Description | Sources |
|---|---|---|
| Governance practices and systems in a country (measured through indexes) | Worldwide Governance Indicators (WGI; year) Percentile rank | |
| | Corruption Perception Index (year) | |
| | Basel Anti-Money Laundering Index (year) | |
| | Global Rights Index (year) | |
| Education and general literacy levels in a country | Adult literacy rates, among the population aged 15 years and older | |
| | Primary school completion rates | |
| | Lower secondary education completion rates | |
| | School enrolment, tertiary | |
| Attitudes toward migrant workers in a country's population | Migrant Acceptance Index | |
| Legislation and regulation to protect migrant workers | Coverage of legal provisions under the labor laws | |
| | Access to social protection, health, and education | |
| | Bilateral MOUs or other agreements specifically designed to protect migrant workers | |
| Ratification of relevant international conventions and domestication of conventions into a national legal framework (Forced labor, human trafficking, and hazardous child labor) | Convention No. 29 | |
| | Convention No. 105 | |
| | Convention No. 138 | |
| | Convention No. 182 | |
| | Protocol 29 | |
| | Palermo Protocol | |
| | Convention No. 188 | |
| | Agreement on Port State Measures (PSMA) | |

| Indicator | Description | Sources |
|---|---|---|
| | Domestication into national legislation | |
| Regulation of recruitment | Country's government-sanctioned oversight mechanisms (regulations, accreditation schemes, inspection, etc.) of recruitment agents | |
| Enforcement of legislation for forced labor, human trafficking, hazardous child labor, migrant worker protections, recruitment, and working conditions | TIP Report | |
| | Child labor laws | |
| | Global Slavery Index | |
| | Documentation from national labor inspection and other law enforcement agencies | |
| | ILO | |
| Evidence of forced labor, human trafficking, and hazardous child labor in the country | General evidence from other sectors | |

*Table 2: [Country] — Country-level indicators*

## [Country]: Seafood industry-level indicators

| Indicator | Description | Sources |
|---|---|---|
| Direct evidence of forced labor, human trafficking, and hazardous child labor | | |
| ILO indicators of forced labor and ILO R190 definition of hazardous child labor | | |
| Fishing, aquaculture, and processing regulations and policies | Labor-related fishing legislation | |

| Indicator | Description | Sources |
|---|---|---|
| Enforcement and implementation of industry-specific regulations and policies | | |
| Access to workplaces for third-party monitors (trade union representatives, on-board observers, etc.) | | |
| Worker access to a functional grievance mechanism | | |
| Access to join a trade union | | |
| Participation in voluntary schemes and implementation of comprehensive corporate policies and strategies to combat forced labor, human trafficking, and hazardous child labor | | |

*Table 3: [Country] — Seafood industry-level indicators*

## [Country]: Fishing indicators

| Indicator | Description | Sources |
|---|---|---|
| Direct evidence of forced labor, human trafficking, and hazardous child labor | | |
| ILO indicators of forced labor and ILO R190 definition of hazardous child labor | | |
| Fishing characteristics | Thirty or more days at sea | |
| | Targeting overexploited stocks | |
| Evidence of correlated practices | IUU fishing | |
| | Transshipment | |
| | Suspect or illegal flagging practices | |

| Indicator | Description | Sources |
|---|---|---|
| | Automatic Identification System (AIS) dark spots to conceal criminal activities | |
| Workforce characteristics | The proportion of fishers that are migrant workers | |
| | A high proportion of fishers from ethnic minority and other marginalized groups | |
| Recruitment and contracts | Use of recruitment agents | |
| | Contract- and compensation-related regulations and practices | |

*Table 4: [Country] — Fishing indicators*

## [Country]: Aquaculture indicators

| Indicator | Description | Sources |
|---|---|---|
| Direct evidence of forced labor, human trafficking, and hazardous child labor | | |
| ILO indicators of forced labor and ILO R190 definition of hazardous child labor | | |
| Labor supply in the domestic market | | |
| Aquaculture characteristics | Isolation of the site | |
| | Child-adult ratio in aquaculture communities | |
| Workforce characteristics | The proportion of low-skilled migrant workers | |
| | Legal presence/regularity of migrant workers | |
| Recruitment and contracts | Use of recruitment agents | |
| | Contract- and compensation-related regulations and practices | |

*Table 5: [Country] — Aquaculture indicators*

## [Country]: Processing indicators

| Indicator | Description | Sources |
|---|---|---|
| Direct evidence of forced labor, human trafficking, and hazardous child labor | | |
| ILO indicators of forced labor and ILO R190 definition of hazardous child labor | | |
| Processing characteristics | Processing stage | |
| | Consolidation and vertical integration | |
| | Domestic versus export | |
| Workforce characteristics | Skilled versus low-skilled | |
| | The proportion of women in the workforce | |
| | The proportion of migrant versus local workers | |
| | The proportion of minority or Indigenous workers | |
| | The proportion of temporary and contract versus permanent workers | |
| | Workers' origins | |
| | Migrant worker language (vs. dominant language in the industry) | |
| | GDP per capita of processing country and main worker source country | |
| | Legal presence (regularity) of migrant workers | |
| | The ability of migrant workers to change jobs | |
| Recruitment and contracts | Use of contractors and recruitment agents | |
| | Compensation method | |

*Table 6: [Country] — Processing indicators*