



AP PHOTO/DITA ALANGARA



# Seafood Slavery

## Human Trafficking in the International Fishing Industry

---

By Trevor Sutton and Avery Siciliano

December 2016

Center for American Progress



# Seafood Slavery

Human Trafficking in the International Fishing Industry

---

By Trevor Sutton and Avery Siciliano

December 2016

# Contents

- 1 Introduction and summary**
- 4 Background: Human trafficking, illegal fishing, and the seafood industry**
- 9 Domestic law enforcement and overseas trafficking**
- 12 International diplomacy and assistance**
- 17 Tools to combat illegal fishing: A missed opportunity for complementarity**
- 24 Policy recommendations**
- 28 Conclusion**
- 30 Endnotes**

# Introduction and summary

The United States imported more than \$34 billion in seafood products in 2015, most of which was supplied by a handful of major seafood exporters: China, Thailand, Vietnam, Indonesia, Canada, and Ecuador.<sup>1</sup> Most of these exporting nations lack the management standards that have made the United States an international leader in sustainable fisheries management.<sup>2</sup> As fish populations become depleted in their nearshore waters, fishermen are forced to travel farther distances for their catch. These extended trips increase industry costs, such as fuel and labor, and incentivize illegal operations as a way to make a profit. Moreover, the global growth in demand for seafood now outpaces population growth. Skyrocketing market demand puts both marine ecosystems and seafood industry workers under pressure, and the resulting environmental and human rights abuses, therefore, must be addressed in tandem.<sup>3</sup>

Until recently, there was little mainstream interest in the manner in which imported seafood is caught and transported to the United States. Unlike the garment sector, which for decades has been dogged by accusations of dangerous working conditions and abusive practices in its overseas supply chains, criticism of labor issues in the food industry has largely focused on the conditions of domestic workers in fields, on farms, and in processing plants. Over the last two years, however, a series of groundbreaking investigations by news organizations and advocacy groups exposed horrific treatment of laborers aboard commercial fishing vessels and at aquaculture sites and seafood processing plants in Southeast Asia.

These reports, which appeared in *The New York Times*, the Associated Press, and *The Guardian*, as well in publications by the Environmental Justice Foundation and other nongovernmental organizations, or NGOs, provided accounts of migrants sold into slavery by unscrupulous labor brokers and human traffickers and forced to work in abysmal conditions without pay or under crushing debt loads. Many victims—some as young as 15 years old—described routine beatings and physical confinement with chains and manacles; others told stories of brutal maiming and even execution inflicted as punishment for attempted mutiny or escape.<sup>4</sup>

These deeply researched accounts generated international attention and earned their authors a range of accolades, including a Pulitzer Prize. They also elevated the issue of labor conditions in the seafood industry and prompted one major seafood importer—Nestlé—to commission an external inquiry into its own supply chains, which found significant labor abuses.<sup>5</sup> Perhaps most significantly, reports of slavery at sea were a major factor behind the U.S. Congress’s decision earlier this year to close a legal loophole that had allowed companies to circumvent a ban on the import of goods whose production involved slave or convict labor.<sup>6</sup>

These developments and increased global awareness of human trafficking in the seafood industry have occurred at the same time that the U.S. government and the international community more broadly have been seeking to address the growing challenge of illegal seafood harvesting practices. The U.S. response to these practices, referred to as illegal, unreported, and unregulated, or IUU, fishing, spans a range of regulatory and foreign assistance initiatives, including the creation of a supply chain traceability mechanism and a trusted trader program designed to enhance enforcement of existing bans on illegally caught seafood.<sup>7</sup> Some within the U.S. government, including Secretary of State John Kerry and Sens. Richard Blumenthal (D-CT), Sherrod Brown (D-OH), Ron Wyden (D-OR), and Robert Portman (R-OH), have explicitly linked the fight against IUU fishing to efforts to eliminate labor abuses in seafood supply chains.<sup>8</sup> As Secretary Kerry stated earlier this year, the mistreatment of workers in the seafood industry “is as much a story about illegal fishing as it is about human slavery, because the illegal boats are most often where this awful treatment is occurring.”<sup>9</sup>

The rising interest in confronting illegal and inhumane practices in the seafood industry—especially through bipartisan congressional measures—provides cause for optimism that the United States and its international partners can cooperate on an effective framework to eliminate labor abuses from seafood supply chains. Measures that improve the sustainability of global fisheries through enhanced accountability and transparency—for example, by establishing a mechanism to trace seafood as it moves through complex and often confusing supply chains—can also strengthen efforts to identify and counter human trafficking at sea. Yet optimism by itself will not end seafood slavery. The complexity of the global trade in seafood products and the diversity of actors participating in the fishing sector mean that only a sustained, coordinated effort across major seafood importing and exporting nations and private industry is likely to produce a lasting solution.

This report examines how the federal government can coordinate more effectively across agencies and with the private sector to address seafood slavery. It finds that current approaches to dealing with the global challenge of human trafficking are ill-equipped to deter and punish the mistreatment of seafood laborers and that only a cross-cutting, interdisciplinary approach that situates seafood slavery in the wider context of lawlessness at sea is likely to make inroads against the problem. It also finds that key laws designed to fight human trafficking and IUU fishing are being enforced in an unnecessarily narrow and compartmentalized way. Ending human rights abuses in the seafood industry will require greater information exchange and cooperation across agencies—particularly between the National Oceanic and Atmospheric Administration, or NOAA, and law enforcement and customs authorities—and partnerships between the U.S. government and the private sector and civil society that leverage technological innovation to strengthen the global response to seafood slavery.

# Background: Human trafficking, illegal fishing, and the seafood industry

Human trafficking is the use of force, fraud, or intimidation to compel individuals to engage in labor against their will. Human trafficking can take many forms, ranging from literal imprisonment using physical restraints and the threat of violence to subtler forms of psychological coercion, including the imposition of onerous debts that trap the debtor in perpetual servitude.<sup>10</sup> Contrary to popular perception, trafficking victims do not always experience smuggling or transportation. Although human trafficking is most commonly associated with the sex trade, it can occur in any industry where deceitful actors stand to profit from low- or zero-wage labor. Trafficking victims come from many backgrounds, but marginalized populations susceptible to false promises of a better life—such as migrants and low-income workers—are especially vulnerable. The International Labor Organization estimates there are currently more than 20 million individuals being subjected to human trafficking and that forced labor generates \$150 billion in illegal profits each year.<sup>11</sup>

High demand for cheap seafood and poor regulation of fishing activities in domestic and international waters have produced ripe conditions for exploitation of workers. According to the U.N. Food and Agricultural Organization, roughly one-third of the world's fisheries are overfished, and 58 percent are fully exploited.<sup>12</sup> Overfishing has serious consequences for local communities and the sustainability of marine resources. As fish populations decline, food and job security are put at risk and the potential for ecosystem collapse increases. In addition, as the demand for seafood continues to increase and the abundance of legal fish diminishes, the incentive to fish illegally is rising. Pew Charitable Trusts estimates that more than 1,800 pounds of wild-caught fish are stolen from global seas every second.<sup>13</sup> While there have been recent notable efforts to combat IUU fishing, including the ratification of the Port State Measures Agreement and the proposed seafood traceability rule, overfishing remains persistent.<sup>14</sup>

Significantly, there is evidence that the depletion of global fish stocks has correlated with the rise in seafood slavery. Unregulated and illegal fishing tends to deplete nearshore fisheries, causing fishing fleets to travel longer distances for their catch, which in turn results in higher fuel and labor costs. Even a small increase in the cost of labor can significantly increase the cost of production, leading some fishing companies to take drastic measures to stay competitive.<sup>15</sup> Without enforcement and oversight, labor costs are the easiest to cut from the equation, creating an incentive for modern slavery. As fleets travel further from regulated waters, moreover, it becomes easier to engage in labor abuses without detection.

Human trafficking related to the seafood sector has been documented in countries and markets as diverse as New Zealand, Thailand, Ghana, Ireland, and—most recently—U.S.-registered fishing vessels docked in Hawaii.<sup>16</sup> These abuses occur aboard vessels in both domestic and international waters, as well as on land at aquaculture sites and seafood processing plants. Furthermore, the complex and opaque nature of seafood supply chains has allowed products tainted by slave labor to reach U.S. consumers via popular retail outlets and brands such as Walmart, Costco, and Nestlé.<sup>17</sup> Verité, an NGO that deals exclusively with labor violations in supply chains, has asserted that human trafficking exists in almost all seafood supply chains.<sup>18</sup>

## The structure and complexity of seafood supply chains

Advances in long-distance transportation and rising consumer demand have transformed the seafood industry into a complex, globe-spanning web of producers, shippers, and importers that bears little resemblance to the iconic yellow-capped fishermen of earlier times. Between catch and consumption, an individual fish can pass through several middlemen and travel thousands of miles. After harvest, fish are returned to port and often commingled with thousands of other fish from different vessels. Next, the fish are placed on ice and trucked to a primary processor, which will fillet, debone, and freeze them. The altered product, now labeled as originating from the country where the processing plant is located, is then exported to a wholesale facility or, at times, to a secondary processor for further refinement into products such as fish sticks and pet food. The wholesale facility,

in turn, sells the product to a wide array of buyers, such as grocery stores and restaurants, or, potentially, a secondary distributor. In some cases, the product is even re-exported.

Popular aquaculture products such as shrimp or salmon are involved in even more complex supply chains. These chains begin not with the consumed product itself but rather the harvest of small fish that are of minimal value commercially but useful as a cheap source of feed for farmed shrimp or fish. Although these small fish—commonly referred to as “trash fish”—are an integral part of the global seafood market, the fact that they are consumed by other fish rather than by humans means that they are often excluded from supply chain monitoring.



FIGURE 1

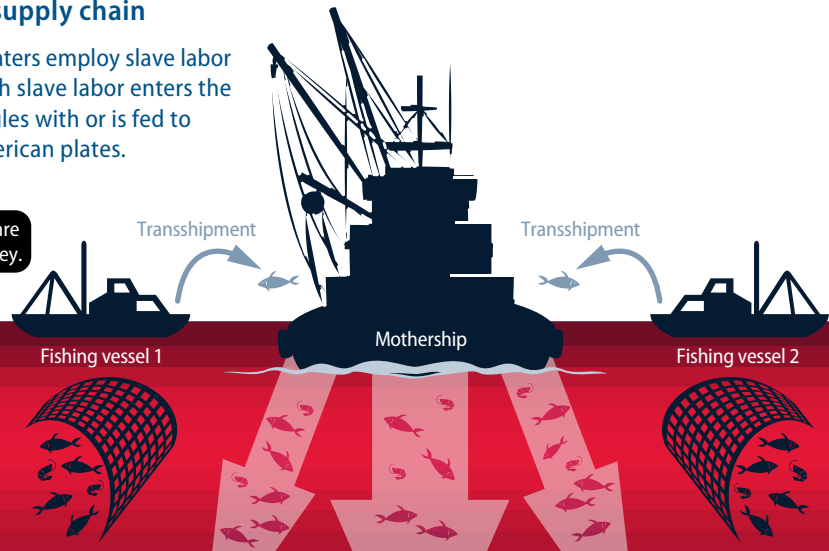
## How slave labor feeds the seafood supply chain

Some fishing vessels operating in foreign waters employ slave labor to artificially reduce costs. A fish caught with slave labor enters the complex global supply chain, where it mingles with or is fed to legal seafood products and ends up on American plates.

Human trafficking and human rights abuse are most prevalent at Steps 1 and 3 of this journey.

### Step 1: Harvest

Fishing vessels operating with slave labor stay at sea for years transshipping their product to larger vessels in exchange for fuel and supplies. By avoiding port they isolate victims onboard.



### Step 2: Transport

The mothership mingles legal and illegal fish and brings a single load to shore.



### Step 3: Processing

Illegally and legally caught fish processed together into fillets, pet food, or fish feed for aquaculture facilities. Forced labor practices have also been uncovered in processing facilities.



### Step 4: Transport

Processed and whole fish are sent across the globe. Approximately 90 percent of the fish Americans consume is processed abroad.



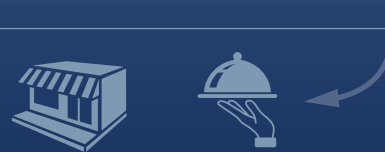
### Step 5: Wholesaler

Different lots of fish are often combined and divided multiple times as they change hands at wholesale facilities and distributed across the country or overseas once more.



### Step 6: Retail

Eventually the processed fish ends up in a store or restaurant.



### Step 7: Dinner

Dinner for your family or pet.



Source: International Labor Office, "Caught at Sea: Forced labour and trafficking in fisheries" (2013), available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_214472.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_214472.pdf).

Victims of seafood-related human trafficking are lured or forced into exploitative situations through deceit and violence. In many cases, recruiters entice vulnerable and impoverished unskilled laborers into crossing borders on the false promise of a well-compensated job outside the seafood industry. Instead of arriving at their expected workplace, however, laborers are forced onto boats where they work for little to no compensation for extended periods—sometimes as long as years. In other cases, trafficking victims voluntarily take up work aboard vessels or processing plants but find themselves saddled with excessive recruitment fees and other debt burdens that trick them into a state of perpetual servitude—a condition referred to as “debt peonage.”<sup>19</sup>

The diversity of participants in the seafood industry and the sophisticated logistics of transporting merchandise across international waters make monitoring for human trafficking especially challenging. For example, the common practice of transshipment—when smaller vessels unload their catch to larger motherships instead of returning to port and in exchange receive fuel and supplies—allows small boats to stay far out at sea and evade the scrutiny of domestic governments—particularly those with small or nonexistent coast guard resources—for far longer than if they regularly returned to port. Furthermore, transshipment means that fish harvested using trafficked labor are commonly commingled with responsibly caught fish prior to arriving at destination markets, posing challenges for public officials and private sector actors seeking to eliminate human trafficking in supply chains.<sup>20</sup>

Although human trafficking in the seafood industry is a distinct challenge from IUU fishing, they share the same main drivers: weak rule of law, limited data on violators, poor coordination among international actors, and rising global demand for seafood products at an affordable price. Furthermore, the two problems are often self-reinforcing and frequently occur simultaneously.

While nearly all of these abuses occur in foreign countries, they remain relevant to U.S. consumers for reasons beyond the moral imperative to combat slavery. American seafood consumers or pet owners have likely eaten or fed their pets seafood provided by slaves. Unlike most other food that Americans eat—the vast quantity of seafood consumed in the United States comes from foreign sources. Of the fish and shellfish that Americans consume each year, only 3 percent is caught or farmed in American territory, according to the U.S. Department of Agriculture.<sup>21</sup> The United States, like much of the developed world, depends overwhelmingly on imports to satisfy domestic demand for seafood products.

The U.S. market for imported seafood is the second largest in the world after Japan.<sup>22</sup> However, in many cases, seafood that is caught in the United States, such as Alaskan salmon, is processed abroad and then sent back to the United States.<sup>23</sup> This action increases the complexity of the seafood supply chain and means that U.S.-caught seafood may be associated with human rights abuse.

Fortunately, the fact that seafood slavery and IUU fishing have common drivers means they share common solutions. Policies and innovations that increase transparency in seafood supply chains make it easier to monitor for unsustainable fishing practices and labor abuses in international waters. The same tools can help prevent seafood harvested illegally from being imported into the United States. In the same vein, initiatives that promote rule of law and protect workers make it harder for double-dealing boat operators to offset the costs of travel to remote protected marine areas by using cheap trafficked labor.

# Domestic law enforcement and overseas trafficking

There is a strong bipartisan consensus among U.S. policymakers and legislators that human trafficking should be prevented and, when possible, punished wherever it occurs. To that end, over the past two decades Congress has enacted a far-reaching legal regime aimed at mobilizing a whole-of-government response to the global challenge of human trafficking. The anchor of this effort is the Trafficking Victims Protection Act of 2000, or TVPA, a landmark piece of legislation that dramatically expanded the role of the federal government in combating human trafficking both domestically and abroad.<sup>24</sup> The TVPA—which was reauthorized and substantially amended with strong bipartisan support in 2003, 2006, 2008, and 2013—created a powerful set of anti-trafficking tools and programs distributed across multiple federal agencies. It also established a cabinet-level task force to coordinate anti-trafficking efforts, currently chaired by the secretary of state.<sup>25</sup>

One pillar of U.S. anti-trafficking efforts has been the introduction of criminal penalties for a wide range of trafficking activities. Most of these penalties relate to domestic trafficking violations—that is, trafficking committed by U.S. citizens or companies or involving victims trafficked inside or into the United States.<sup>26</sup> But U.S. law also authorizes the prosecution of some forms of trafficking that occur abroad. Of these authorizations, the most significant is a provision of the 2008 TVPA reauthorization that bars U.S. citizens and companies from benefiting indirectly from human trafficking by knowingly or recklessly participating in a “venture” that uses or provides trafficked labor.<sup>27</sup> This prohibition on financial benefit from trafficking means that any U.S. firm whose contractors or subcontractors engaged in human trafficking could theoretically be subject to criminal prosecution or civil liability—provided there is adequate evidence that employees of the firm knew about the abuses or looked the other way.

In addition to punishing traffickers and those who benefit from trafficking, federal law also restricts imports of goods produced by trafficked labor. Section 307 of the Smoot-Hawley Tariff Act, passed more than 85 years ago in 1930, provides that “all goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor and/or forced labor . . . shall not be entitled to entry at any of the ports of the United States.”<sup>28</sup>

On its face, this ban is sweeping and of potentially broad impact. But for most of section 307's existence, its effects were blunted by a major caveat: It did not apply to goods that were not produced in sufficient quantities inside the United States to meet domestic consumer demand. A strict reading of this limitation, commonly referred to as the "consumptive demand loophole," could mean that any type of merchandise that reached U.S. consumers primarily through importation rather than being made or grown inside the United States—for example, tropical fruit—could be admitted even if it was the result of slave labor.<sup>29</sup> This loophole applies to most of the goods commonly produced with forced labor, which, along with logistical challenges in investigating labor conditions abroad, resulted in meager enforcement of section 307 in the decades following its enactment. Between 1930 and 2015 the provision was enforced only 38 times, mostly in connection with goods produced by Chinese prisoners.<sup>30</sup>

In February of this year, Congress removed the consumptive demand loophole from section 307, potentially clearing the way for more aggressive enforcement of the Tariff Act's ban on slave-made goods.<sup>31</sup> Revelations about seafood slavery were a major impetus for the removal of the ban. Sen. Sherrod Brown (D-OH), one of the sponsors of the law that closed the loophole, told *The New York Times*, "Most Americans were horrified to learn that the fish in the pet food they give to their cats and dogs was being caught by children forced to work on ships against their will."<sup>32</sup>

In theory, the amended section 307 and the 2008 TVPA reauthorization could serve as powerful deterrents against the use of human trafficking in the seafood industry. In practice, however, their effect has been and will likely continue to be limited. As currently enforced, both of these authorities—and other federal and state laws with potential application to overseas trafficking—require evidence tying a known user of trafficked labor to merchandise destined for or already inside the United States. Yet the complex nature of seafood supply chains, in which a fish changes hands multiple times and is often commingled with catch from other vessels, can frustrate efforts to determine chain of custody from point of production to a U.S. port—let alone to the ultimate consumer.

These challenges in linking abuses to merchandise are a key reason for the U.S. Department of Justice's failure, as of this writing, to bring any criminal case concerning seafood-related labor abuses occurring outside the United States, despite extensive coverage of the issue. The opacity of seafood supply chains also helps explain why Customs and Border Protection, or CBP—the agency within the Department of Homeland Security that administers the Tariff Act—has yet to bring a seafood-related enforcement action under section 307 and is unlikely to do so going forward.

CBP's current enforcement model requires "reasonable but not conclusive" evidence that merchandise from a specific producer was produced with forced labor, a standard that in practice appears to require CBP both to obtain direct evidence of abuses at a production site as well as individualized chain of custody information relating to a specific shipment.<sup>33</sup>

Given the competing institutional priorities at the Department of Justice and the Department of Homeland Security, meaningful law enforcement action against seafood slavery is only likely to occur if leaders at these two agencies agree to prioritize overseas trafficking and secure sufficient resources to investigate forced labor outside the United States. A recent civil suit brought by trafficked Cambodian laborers against major suppliers of seafood to large U.S. retailers, which survived a motion for summary judgment and is now scheduled for trial, could provide an instructive pilot case.<sup>34</sup> If the plaintiffs prevail—or reach a favorable settlement—it will send a strong signal that seafood slavery is not beyond the reach of U.S. law.

Finally, it bears noting that the Department of Justice and CBP are not identically situated with respect to punishing seafood slavery: As an enforcer of criminal statutes, the Department of Justice can only bring a case when it is confident that it can establish beyond a reasonable doubt that a specific person or company is complicit in human trafficking. CBP, by contrast, has considerable discretion in how it chooses to enforce the Tariff Act. Should the agency choose to revise the regulation currently governing enforcement of section 307—which is already outdated following the repeal of the consumptive demand loophole—it could potentially adopt a less restrictive approach to goods produced with slave labor.

# International diplomacy and assistance

Law enforcement and customs are just one strand of the wider U.S. campaign against human trafficking. Foreign assistance is another key line of effort with implications for seafood slavery. Here, the United States has played a constructive and influential role in moving the international community toward a strong anti-trafficking position and in encouraging and enabling foreign governments to address human trafficking within their own borders. These activities have brought greater scrutiny to slavery in the seafood sector, but the scale of the problem demands greater mobilization of resources and more cross-cutting programming.

The most prominent foreign policy initiative relating to human trafficking is the U.S. Department of State's annual Trafficking in Persons Report, or TIP Report, which sorts the world's countries into four tiers based on their efforts to combat human trafficking.<sup>35</sup> Countries that are assigned to the lowest tier—Tier 3—are subject to discretionary sanctions that include withholding of nonhumanitarian and nontrade aid, including advocating against assistance provided through international financial institutions such as the International Monetary Fund and World Bank.<sup>36</sup> But the purpose of the TIP Report and the information collection that supports it is not exclusively—or even primarily—punitive. Rather, it is intended to help address the problem within a designated Tier 3 country by providing an empirical and analytic basis for a range of associated programmatic activities, such as direct state-to-state assistance to support investigation and prosecution of human trafficking and funding for both government and NGO-implemented anti-trafficking initiatives.

Other important initiatives include the U.S. Department of Labor's annual list of goods produced with forced labor or child labor, the development of a classified national intelligence estimate on human trafficking by the U.S. intelligence community, and a spectrum of anti-trafficking programs and projects funded and coordinated by the U.S. Agency for International Development, or USAID, in conjunction with the agency's Counter-Trafficking in Persons Policy. Together these programs contribute to what the State Department has called a “three P paradigm” to stop human trafficking: prevention, protection, and prosecution.<sup>37</sup>

These programs have addressed seafood slavery to varying degrees. For example, the TIP Report has mentioned seafood-related trafficking in 65 countries between 2010 and 2016, 15 of which were assigned a Tier 3 rating at some point during those seven years. The reports identified places such as Thailand, Burma, Indonesia, and Fiji as centers of seafood slavery before they received attention in the mainstream press.<sup>38</sup>

---

## Recent U.S. governmental initiatives

USAID, the Department of State, and the Department of Labor each run notable initiatives to address seafood slavery, which are discussed below.

### U.S. Agency for International Development

USAID's new initiative, "Supply Unchained," focuses on ways to better identify and deter human trafficking in global supply chains through real-time data collection and communication platforms. Using the agency's Development Innovation Accelerator to reach out to potential partners, in 2015, the initiative requested concepts for new ideas on harnessing the power of technology and big data analytics to counter human trafficking at sea.<sup>39</sup> As a result, for example, USAID is now partnering with the Issara Institute in Thailand to address human trafficking on fishing vessels by creating a social media and communications platform designed to shine a spotlight on the issue, educate workers at risk of trafficking, and provide victims with the ability to communicate rights violations and access assistance. The Issara Institute plans to use the data collected to work with Thai companies and global retailers to eliminate human rights abuses from the seafood supply chain.<sup>40</sup>

### U.S. Department of State

The State Department's Office to Monitor and Combat Trafficking in Persons, known as J/TIP, funded 34 projects in 2013 relating to human trafficking at the global scale. Verité, an NGO that provides supply chain risk analysis, was awarded \$1.4 million to identify the countries and industries at greatest risk of human trafficking in global supply chains. A primary part of the project included identifying key players in the fishing industry and working to adapt guidance in executive order 13627, "Strengthening Protections Against Trafficking in Persons



in Federal Contracts,” into the fishing sector.<sup>41</sup> J/TIP also awarded the Labor Rights Promotion Network \$600,000 to support migrant workers in Thailand’s fishing industry. The project goal is to hold traffickers accountable by partnering with enforcement agencies and participating in investigations. Additionally, the project funded advocacy and communications on corporate social responsibility within seafood supply chains and the prevalence of human trafficking in the Thai fishing industry.<sup>42</sup> Advocates for Public Interest Law was also awarded \$400,000 to conduct policy research and initiate dialogue on human trafficking onboard vessels in the Korean fishing industry.<sup>43</sup>

## U.S. Department of Labor

In 2014, the Department of Labor’s Bureau of International Labor Affairs and the International Labor Organization’s Program on the Elimination of Child Labor joined forces to combat child labor and forced labor in Thailand’s shrimp industry. The project conducted research relating to migration, labor protection, social protection, and education in four seafood-producing provinces in Thailand.<sup>44</sup> This research was used to increase inspections of seafood processing facilities, target capacity building for on-the-ground enforcement, and enhance access to education on the risks and rights of workers.<sup>45</sup> The Bureau of International Labor Affairs and the International Labor Organization partnered with Thai research institutes and universities, in addition to Thai seafood associations and NGOs, for the duration of the study.

## Partnership for Freedom

The Partnership for Freedom is a public-private partnership created by President Barack Obama and co-led by the Department of Justice, the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of State, the Department of Labor, and Humanity United. In 2015, the partnership created a competition, “Rethink Supply Chains: The Tech Challenge to Fight Labor Trafficking,” that challenges organizations to find solutions to better address human trafficking in corporate supply chains. The Sustainability Incubator, an advisory firm for seafood supply chains, and Trace Register, a traceability software company, won the second annual competition earlier this year and received \$250,000 to support the development of a Labor Safe Digital Certificate that will use Trace Register’s software analytics to assess the risk of human rights abuse in the seafood supply chain.<sup>46</sup>

---

## The need for more and better data

There are few reliable metrics for assessing the effects of U.S. public diplomacy and foreign assistance on the global challenge of human trafficking. However, even if precise measurement is elusive, there is little question that initiatives such as the TIP Report and the annual list of goods produced by child or forced labor published by the Bureau of International Labor Affairs have elevated awareness of seafood slavery among both the public and the elite decision-makers and intensified pressure on political and business leaders to curb labor abuses that have occurred on their watch. There is evidence, for example, that the TIP Report has already spurred some improvements: According to the authors' conversations with members of the anti-trafficking community, Thailand's assignment to Tier 3 in 2014 and 2015 was a major stimulus for subsequent reform efforts the country has undertaken to address labor abuses aboard fishing vessels and in processing plants. Thailand has enhanced penalties for illegal fishing activity and conducted a nationwide survey of Thai-flagged fishing vessels to create an updated database.<sup>47</sup>

This is not to say that current U.S. foreign policy is perfectly aligned with the challenge of seafood slavery. Most USAID and State Department–funded anti-trafficking projects are focused on discreet challenges inside individual countries, such as improving services to victims, building law enforcement capacity, and raising awareness. Although the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, the State Department, and USAID have all acknowledged supply chain analysis and the seafood industry as priority areas, that rhetoric has not yet translated into sufficient deployment of resources. The value of J/TIP funding for projects specifically focused on the seafood industry or on supply chains between 2013 and 2015 was less than \$5 million, or 3 percent of total J/TIP project expenditures.<sup>48</sup> Although J/TIP has increased spending on seafood to more than \$2 million in 2016, this sum is still a fraction of overall U.S. government spending on human trafficking and a drop in the ocean compared to the value of the seafood export markets of countries where seafood slavery is endemic.<sup>49</sup> In addition, there has been virtually no funding of projects focused on deceitful labor recruitment practices—a key driver of human trafficking in the seafood sector.

Beyond funding limitations, U.S. foreign assistance relating to seafood slavery also suffers from a narrow focus on law enforcement and victim assistance that ignores the ecological dimensions of the problem. Weak fisheries management and unsustainable fishing practices are major drivers of seafood slavery, yet there appears to be limited if any coordination between the J/TIP office and the State Department's

Bureau of Oceans and International Environmental and Scientific Affairs—or, for that matter, between J/TIP and NOAA. USAID’s Supply Unchained initiative is, at the moment, unique in the intersectional approach it takes to understanding the causes of seafood slavery, but there is no reason its analysis and findings could not inform future U.S. foreign assistance activities focused on the seafood sector.

Finally, the TIP Report, which many civil society groups rely on in their advocacy, has recently been undermined by credible news reports that internal pushback within the State Department has in recent years led to certain countries avoiding a downgrade or even being placed in a higher tier category. These reports alleged that political affairs personnel within the department successfully petitioned for Malaysia, China, and Cuba to avoid a Tier 3 ranking in the 2015 TIP Report, and also scuttled proposed downgrades for India, Mexico, and Uzbekistan.<sup>50</sup> In part because of these allegations of politicized reporting, Thailand’s promotion from Tier 3 in the 2016 TIP Report was widely criticized by the anti-trafficking community.<sup>51</sup> These allegations align with other criticisms that the two intermediate tiers—Tier 2 and Tier 2 Watch List—have become a “catch all” for all but the very worst offenders or countries with which the United States has no or unfriendly foreign relations.<sup>52</sup>

# Tools to combat illegal fishing: A missed opportunity for complementarity

Parallel to its efforts to end human trafficking at home and abroad, the federal government has also made a major push over the past five years to respond effectively to the persistent challenge of IUU fishing and seafood fraud. The main driver of this effort has been the Presidential Task Force on Combating IUU Fishing and Seafood Fraud, established by President Obama in 2014. Although the task force's primary objective has been to protect global marine resources and ecosystem integrity, many of the key tools and policies it has proposed could contribute significantly to the fight against seafood slavery. Despite early signs that policymakers intended to incorporate human rights issues into a broader counter-IUU fishing agenda, the implementation of the task force's recommendations has largely ignored labor issues. Although the task force is composed of 14 federal agencies, the majority of responsibility has been designated to NOAA. In its activities and policies aimed at curbing IUU fishing, NOAA has adopted a narrow view of its mandate that focuses only on the ecological aspects of fisheries management and illegal fishing.

---

## Background on U.S. efforts to combat IUU fishing

According to NOAA, the United States imports approximately 90 percent of the seafood it consumes; 20 percent to 32 percent of those wild-caught imports to the United States are estimated to be illegally caught.<sup>53</sup> This represents up to \$2.1 billion in illegal seafood imported to the United States annually.<sup>54</sup> IUU fishing includes a suite of illegal fishing practices, ranging from fishing in no-take zones, using prohibited gear types, and purposely not reporting catches to responsible authorities. This unlawful activity hurts marine ecosystems and global fish populations, as fishery managers are unable to accurately assess viable fish stocks and determine adequate catch limits. IUU fishing also hurts honest seafood industry workers by distorting market prices and preventing overfished populations from rebuilding. Without traceability or transparency within the seafood supply chain, consumers striving to make informed purchasing decisions have no way of knowing if their dinner was illegally caught.<sup>55</sup>

There are two primary approaches to deterring illegal fishing: stopping the illegal practice at the point of harvest and stopping the product from being landed at port. Recognizing the need for international cooperation in the fight against IUU fishing, the 2006 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act, or MSA, currently requires the U.S. Secretary of Commerce to identify countries whose vessels are participating in IUU fishing on the high seas and work with international fishery management organizations to end illegal fishing practices.<sup>56</sup> The United States has also ratified the Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing, or PSMA, by the Food and Agriculture Organization of the United Nations to ensure that vessels participating in illegal practices are unable to land their fish at port. The PSMA allows parties to inspect foreign vessels that are suspected to be engaged in IUU fishing and prohibit their entry into designated ports across the globe.<sup>57</sup> The Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015, introduced by Sen. Lisa Murkowski (R-AK) and Rep. Madeleine Bordallo (D-Guam), allowed the PSMA to be ratified by the United States and the treaty went into force June 5, 2016.<sup>58</sup>

Illegal fishing continues to occur in part because of the lack of enforcement on the high seas and the increasing demand for cheap seafood. The Presidential Task Force on Combating IUU Fishing and Seafood Fraud, composed of 14 different federal agencies, was asked to create an action plan outlining measures the United States could take to amplify efforts in the fight against illegal and fraudulent seafood. In March 2015, the task force finalized 15 recommendations for concrete federal action, including increasing capacity building, maritime domain awareness, information sharing, and enforcement.<sup>59</sup>

---

## Seafood Import Monitoring Program and Trusted Trader Program

Recommendations 14 and 15 of the task force's action plan call for the development of a national seafood traceability program in order to create a more transparent seafood supply chain. The final rule for the seafood traceability mechanism, known as the Seafood Import Monitoring Program, was released on December 9, 2016, and includes provisions to trace 13 at-risk species and species groups from the point of harvest to the first point of sale in the United States. The primary goal of the traceability program is to collect data such as where, when, and how the fish were caught in order to clarify the chain of custody of seafood products to the United States, hold bad actors accountable,

allow agencies to more effectively target illegal vendors, and eliminate illegal products from U.S. markets. The information regarding the catch will be collected and transferred using the electronic international trade data system, and while there is no set timeline, the final rule states that there is an intention to ultimately expand to all species of seafood.<sup>60</sup>

As part of the Seafood Import Monitoring Program, NOAA is in the process of developing a Trusted Trader Program which will include “benefits such as reduced targeting and inspections, and enhanced streamlined entry into U.S. commerce for holders of an International Fisheries Trade Permit that are certified for participation in the Commerce Trusted Trader Program.” Currently, NOAA is seeking comments on the scope of criteria for designating a certain actor as a “trusted trader” and which attributes of the supply chain—for example, harvest, landing, shipment, processing, storage, and import entry—should be considered for these criteria. NOAA is also seeking comments for how permit holders will be evaluated against the criteria and how to verify ongoing compliance with the program.<sup>61</sup>

The Seafood Import Monitoring Program and the Trusted Trader Program could substantially enhance the U.S. response to seafood slavery in at least three ways. First, the centralized data collection procedures established under the traceability program could be expanded to collect information relating to labor conditions, such as crew manifests, suppliers’ past histories of labor law violations, and time spent at sea. Second, chain of custody data collected under the traceability program could assist law enforcement agencies in enforcing anti-trafficking laws against actors in the global seafood industry by providing a documented and reliable mechanism for tracing the movement of slave-produced goods from point of abuse to point of import. Third, incorporating some form of human rights due diligence into the requirements for obtaining Trusted Trader status, or permitting revocation of that status if complicity in labor abuses can be established through credible evidence, would create a strong incentive for major market players to scrutinize their supply chains more closely.

Despite these promising opportunities for collaboration, institutional compartmentalization has created structural obstacles to the development of a joint approach to combat IUU fishing and human trafficking. NOAA has been tasked with the design of the Seafood Import Monitoring Program and the Trusted Trader Program and, to date, has not incorporated any labor or human rights issues into either initiative. The final Seafood Import Monitoring Program and the agency’s preliminary description of how it will implement the Trusted Trader Program did not propose any collection of labor-related data, and its process for determining the 13 at-risk species expressly excluded treatment of laborers.<sup>62</sup>

The majority of shrimp consumed in the United States is associated with human trafficking.

While conversations with NOAA officials suggested that the agency does not feel it has the mandate or expertise to address human rights alongside environmental sustainability, the final rule for the Seafood Import Monitoring Program acknowledges the importance of this issue in the fisheries sector. The rule states that, although data collected under the authority of the MSA are considered confidential, the National Marine Fisheries Service will “provide information regarding entries of seafood product to aid in the investigation or prosecution of labor crimes by one of the U.S. government agencies that has the mandate and authority to do so.” The rule also states that the National Marine Fisheries Service will determine the legal basis to share the information with government agencies. It remains unclear if human rights will factor into verification of Trusted Traders in the upcoming rulemaking of the Trusted Trader Program.<sup>63</sup>

NOAA’s primary responsibilities under the MSA are focused on ecology, and there are few if any experts on human rights and forced labor in its workforce. The agency’s reluctance to address seafood slavery in its implementation of recommendations 14 and 15 of the task force’s action plan is therefore unsurprising. But the institutional disposition of an individual agency should not be the sole determinant of a potentially powerful anti-trafficking tool, especially when there is ample expertise on trafficking issues elsewhere in the executive branch. It is within NOAA’s authority to include data categories in the Trusted Trader Program that could be analyzed by other branches of the U.S. government, even if they do not bear directly on sustainability issues. Furthermore, the provision of the MSA under which NOAA is implementing the traceability and trusted trader programs, which refers to “fish taken, possessed, transported, or sold in violation of any foreign law or regulation,” does not appear to confine NOAA’s rulemaking authority to ecological issues.<sup>64</sup> In fact, the legislative history of the MSA indicates that lawmakers intended for it to be a tool in the fight against human trafficking.<sup>65</sup>

A separate but equally concerning issue is that NOAA has indefinitely delayed the implementation of shrimp in the final Seafood Import Monitoring Program. In 2015, the United States imported 1.3 billion pounds of shrimp, accounting for more than 28 percent of the total value of edible seafood imports.<sup>66</sup> Most of this imported shrimp originated from countries where human trafficking is highly prevalent in shrimp aquaculture and processing. Effective monitoring of shrimp supply chains is therefore a crucial element of the fight against seafood slavery. However, inconsistent reporting requirements for domestic shrimp aquaculture—which are currently set by individual states rather than by the federal government—has raised concerns

that collecting data on foreign shrimp imports would be an anticompetitive practice under the rules of the World Trade Organization. In light of these concerns, NOAA will likely need to implement uniform reporting requirements for domestic shrimp production before engaging in monitoring of foreign shrimp imports.

---

## Targeting slavery at sea through technology

Regulation and policy are not the only tools in the fight against seafood slavery. Technology developed to support counter-IUU fishing efforts could also play an important role in combating human trafficking at sea. While it may be difficult for maritime enforcement institutions worldwide to survey every ship in international waters, tools such as Global Fishing Watch, Project Eyes on the Seas, and FISH-i Africa allow individuals, governments, and NGOs to detect, track, and monitor illicit fishing vessel activity. For example, Global Fishing Watch is a partnership between Oceana, Google, and Skytruth that provides an interactive and public map to analyze data generated by the Automatic Identification System, or AIS, and monitor fishing vessel activity via satellite.<sup>67</sup> The International Labor Rights Forum is currently working with Global Fishing Watch to develop a human rights algorithm that will first identify characteristics associated with human trafficking at sea and then detect these attributes in vessels that exhibit high-risk behavior.<sup>68</sup>

Examples of behavior that may be correlated with human trafficking at sea mirror those of illegal fishing activity in the Global Fishing Watch platform. Gaps in satellite data may signal that a fishing vessel intentionally turned off its AIS signal to avoid disclosing its location, a visible rendezvous with a mothership may signal transshipment at sea to avoid landing at port, and a fishing vessel that remains at sea for extended periods of time may be indicators that a vessel is associated with human rights abuses. Global Fishing Watch can identify these vessels for further investigation and can also be used to search for specific vessels suspected of human trafficking by CBP and NOAA or vessels that are located where these abuses are known to occur. The platform further allows the federal government to identify the location of vessels and analyze past fishing behavior for illegal activity.<sup>69</sup>

Global Fishing Watch has clear application to seafood slavery, but it is not without drawbacks—specifically, vessel operators can turn the AIS system on and off at will and many smaller vessels are not required to use AIS at all. Another satellite system, the Vessel Monitoring System, or VMS, is a potentially stronger tool.



VMS is harder to tamper with and has historically been required at the federal level or by Regional Fisheries Management Organizations to gather information on location and catch. However, unlike AIS data, VMS data are not publically available, and it is a more expensive tool. Still, many countries are realizing the value of requiring both AIS and VMS on all fishing vessels to increase the availability of data and monitoring. Susi Pudjiastuti, Indonesia's minister of maritime affairs and fisheries, recently agreed to open the country's VMS database in order to help combat IUU fishing in Indonesian waters.<sup>70</sup> Minister Pudjiastuti has taken an aggressive approach to illegal fishing in her country, including publicly destroying vessels known to be participating in IUU fishing activity.<sup>71</sup>

---

### Corporate social responsibility and the supply chain: A role for the private sector

As the U.S. government takes strides to eliminate seafood products associated with illegal fishing and human trafficking, the private sector must also demand accountability in seafood supply chains and drive the government's efforts forward. Private companies can influence demand for products by taking additional steps to unveil all the steps behind the production and transportation of those products. On the sustainability side, ecolabeling or certification programs, such as the Marine Stewardship Council certification and the Best Aquaculture Practices certification, have been used to assure consumers that a product is legal and sustainably harvested.<sup>72</sup> Walmart has vowed to purchase only fish that have been certified by the Marine Stewardship Council, which certifies sustainable fisheries and has also stated that "companies successfully prosecuted for forced labor violations shall be ineligible for MSC certification."<sup>73</sup> Other major grocery chains such as Whole Foods and Wegmans use software tools such as Trace Register to fulfil their mission to only source sustainably and legally caught seafood products.<sup>74</sup> In most cases, however, retail outlets have spotty information about their supply chains and the origins of the fish.

Conducting full-chain audits for human rights abuse is one method to better understanding the problem, but in many cases this is not enough. Audits are used to check a box rather than work to find solutions or enforce purchasing power for slave-free products. However, it is possible for companies to conduct more effective and penetrating appraisals of their supply chains: In 2015, Nestlé hired the NGO Verité to investigate labor conditions in its supply chains and publish its findings in a public report. The results of the investigation, which found serious labor abuses in Nestlé's suppliers, made international news.<sup>75</sup>

The public sector has an important role to play in shaping and supporting private actors' self-monitoring and compliance relating to labor abuses. One promising example is the California Transparency in Supply Chains Act of 2010, which requires companies to disclose their efforts to prevent human trafficking and slavery in their supply chains through the use of audits, procurement training, and other measures.<sup>76</sup> The goal of the law is to compile data on how companies combat these abuses in the supply chain in order to better incentivize action on the part of companies. There is evidence that the law has caused retailers to institute more effective anti-trafficking compliance efforts, but it is by no means a panacea: Survivors of forced labor have sued Nestlé and Costco for sourcing Thai seafood produced with trafficked labor. However, both cases were dismissed on the grounds that the law only requires companies to provide technically accurate information about steps they are taking to monitor their supply chains and does not require certification that their products were produced humanely.<sup>77</sup>

# Policy recommendations

Seafood slavery is a complex transnational problem that threatens both human rights and ocean ecosystems. As such, this problem demands an integrated whole-of-government solution. In order to have maximum impact, U.S. policymakers will need to leverage existing tools in new ways and break down silos across agencies and departments. They will also need to identify more opportunities for partnership with the private sector, especially as the deployment of new technologies makes it easier to monitor for human rights abuses at sea. One crucial component of this integrated approach should be diagnosing the main drivers of seafood slavery and how they intersect with IUU fishing—a problem that has already received much greater scrutiny and a far more sophisticated international response than seafood slavery. Below are some recommendations designed to advance these goals.

---

## Strengthen enforcement of anti-trafficking laws for overseas violations

There is currently a misalignment between the extraterritorial reach of anti-trafficking laws and the funding and political commitment needed to enforce them. Congress and the executive branch should consider ways to strengthen the application of existing authorities to deter and punish human trafficking in U.S.-bound supply chains, including seafood. Potential measures include:

- **Greater transparency.** The Department of Justice and CBP should disclose how many investigations they conduct each year pertaining to human trafficking in U.S.-bound supply chains. In addition, CBP should disclose how many petitions it receives each year relating to alleged violations of section 307 of the Tariff Act and the frequency with which these petitions result in an enforcement action.

- **Increased resources.** To date, the Department of Justice has not conducted any prosecutions relating to human trafficking in U.S-bound supply chains. Furthermore, CBP has taken enforcement action under section 307 only four times in the past 15 years, all of which related to items produced in Chinese prisons. Both agencies should examine whether current funding levels are adequate to support investigation and prosecution of human trafficking violations occurring abroad that fall within the scope of the Tariff Act or TVPA.
- **New approaches to enforcement.** CBP will need to revise the current regulation governing application of section 307 in light of the closure of the consumptive demand loophole. This regulatory exercise offers an opportunity to re-examine whether the agency’s existing procedures are flexible enough to account for the complexity of modern supply chains. In particular, CBP should consider whether certain circumstances justify shifting the burden of demonstrating compliance with section 307 to importers—that is, requiring firms seeking to import goods from a high-risk sector, such as Thai seafood, to demonstrate the steps they have taken to ensure they are not sourcing slave-produced merchandise. In addition, CBP should clarify whether section 307 extends to forced labor in the transportation of goods, as distinguished from the conditions of their production.

---

### Leverage existing tools and frameworks designed to combat IUU fishing to enhance anti-trafficking efforts

The United States’ current approach to combating IUU fishing has largely disregarded associated labor abuses. This has resulted in missed opportunities to integrate human rights and sustainability into a common framework for strengthening rule of law at sea. The Presidential Task Force on Combating IUU Fishing and Seafood Fraud should accordingly create a working group focused on incorporating human rights into current counter-IUU fishing efforts, to consider:

- Future rulemaking on seafood traceability that expands the data requirements to include indicators of human rights abuse
- Coordinating interagency agreements, if required, to facilitate transmission of collected data to law enforcement agencies
- Expediting harmonization of domestic reporting requirements for shrimp aquaculture to facilitate monitoring of shrimp imports under the Seafood Import Monitoring Program
- Vetting of trusted traders for human rights compliance

---

## Increase funding for foreign assistance programs aimed at building a regional response to labor trafficking

Recent U.S.-funded or programmed foreign assistance activities aimed at curbing labor abuses in the seafood industry or in U.S.-bound supply chains have achieved meaningful impact on small budgets. However, the size of the seafood industry and the scale of abuse justifies more aggressive intervention. Although there are many manifestations of human trafficking that deserve the attention of U.S. policymakers, few are as ripe for innovative and creative solutions as seafood slavery.

Furthermore, the closure of section 307's consumptive demand loophole indicates that there is bipartisan interest among legislators in addressing seafood slavery. Accordingly, Congress and the executive branch should work together to identify ways to expand the pool of available resources for foreign assistance relating to human trafficking in the seafood industry. Areas for focus include:

- Developing a regional response to deceitful labor recruitment and employment practices in Southeast Asia
- Integrating anti-trafficking training and law enforcement activities into current and future projects aimed at strengthening domestic fisheries oversight and governance
- Identifying new opportunities for innovation and public-private partnerships relating to supply chain transparency and monitoring using the model of the Supply Unchained initiative
- Reproducing, in other countries and seafood products, the approach taken by the Bureau of International Labor Affairs in their project on child labor in the Thai shrimp industry

---

## Bring greater transparency to the decision-making behind the TIP Report

The annual TIP Report has established the United States as a global leader on human trafficking issues and has served as an invaluable tool for advocacy groups seeking to pressure foreign governments to take action against labor abuses, including seafood slavery. However, recent allegations that political considerations have influenced country rankings—in particular, Thailand's upgrade out of Tier 3 despite the persistence of seafood slavery on Thai vessels—threaten to undermine the value of future TIP Reports as an advocacy tool. To ensure that the TIP Report continues

to be regarded as a credible and objective source, the Office of Inspector General of the State Department should review the department's procedures for assigning country rankings in order to determine whether they are consistent with the TVPA and the methodology published in the TIP Report. This guidance should clarify if criteria other than those specified in the TVPA are used to determine a country's tier assignment and, if so, what those criteria are and how they are applied.

---

### Invest in and subsidize technologies that can help public officials and the private sector monitor for labor abuses in seafood supply chains

Technological tools that employ AIS and VMS satellite systems can aid officials in tracking, monitoring, and enforcing regulation of vessels participating in illegal activity, including human rights abuse. Technological advances that increase data collection on the high seas can be used by both governments and the private industry to effectively identify and take action against abuses at sea. Additionally, the U.S. State Department should include human rights abuse at sea in the development of the Safe Ocean Network, an initiative aimed at coordinating technology and internet-based tools relating to IUU fishing.

## Conclusion

Seafood slavery is not a problem that will be solved overnight—nor can one actor alone address its many causes and consequences. Putting an end to human rights abuses in the seafood industry and their ensuing effects on global fisheries will require a broad coalition of governmental, civil society, and private sector actors. The United States, as a global leader in the fight against human trafficking and IUU fishing, can play a catalyzing role in this effort. In order to do so, it must invest broadly in programs and initiatives that target the main drivers of seafood slavery, which in turn requires understanding seafood slavery as both a human trafficking challenge and a fisheries challenge. Advocates of sustainable seafood production and of fair treatment of workers have a shared interest in promoting legal fishing—legal not only with respect to the fish that are caught but also in terms of the workers who catch, process, and transport them.

---

## About the Authors

**Trevor Sutton** is a Senior Fellow with the National Security and International Policy team at the Center for American Progress.

**Avery Siciliano** is a Research Associate on the Ocean Policy team at the Center.

---

## Acknowledgements

Jinny Lee Milani, an intern at the Center, contributed to this report.



---

## Endnotes

- 1 National Oceanic and Atmospheric Administration, *Fisheries of the United States 2015: Current Fishery Statistics No. 2015* (U.S. Department of Commerce, 2015), available at <http://www.st.nmfs.noaa.gov/Assets/commercial/fus/fus15/documents/FUS2015.pdf>.
- 2 Michael Conathan and Avery Siciliano, "America's Blueprint for Sustainable Fisheries: The History and Future of the Magnuson Stevens Fishery Conservation and Management Act" (Washington: Center for American Progress, 2016), available at <https://www.american-progress.org/issues/green/reports/2016/09/14/144126/americas-blueprint-for-sustainable-fisheries>.
- 3 Food and Agriculture Organization of the United Nations, "The State of World Fisheries and Aquaculture 2016: Contributing to Food Security and Nutrition for All" (2016), available at <http://www.fao.org/3/a-i5555e.pdf>.
- 4 Ian Urbina, "The Outlaw Ocean Series," *The New York Times*, July 25, 2015, available at <http://www.nytimes.com/interactive/2015/07/24/world/the-outlaw-ocean.html>; Felicity Lawrence, "Thai Seafood Industry Censured Over Burmese Migrant's Trafficking Ordeal," *The Guardian*, March 4, 2014, available at <http://www.theguardian.com/global-development/2014/mar/04/thai-seafood-industry-burmese-migrant-trafficking-ordeal>; Robin McDowell, Margie Mason, and Martha Mendoza, "AP Investigation: Slaves May Have Caught the Fish You Bought," Associated Press, March 25, 2015, available at <https://www.ap.org/explore/seafood-from-slaves/ap-investigation-slaves-may-have-caught-the-fish-you-bought.html>.
- 5 Verité, "Recruitment Practices and Migrant Labor Conditions in Nestlé's Thai Shrimp Supply Chain" (2015), available at [http://www.verite.org/sites/default/files/images/NestleReport-ThaiShrimp\\_prepared-by-Verite.pdf](http://www.verite.org/sites/default/files/images/NestleReport-ThaiShrimp_prepared-by-Verite.pdf).
- 6 Ian Urbina, "U.S. Closing a Loophole on Products Tied to Slaves," *The New York Times*, February 15, 2016, available at <http://www.nytimes.com/2016/02/16/us/politics/us-closing-a-loophole-on-products-tied-to-slaves.html>.
- 7 National Oceanic and Atmospheric Administration, "Presidential Task Force on Combating Illegal Unreported and Unregulated (IUU) Fishing and Seafood Fraud Action Plan for Implementing Recommendations 14/15; Commerce Trusted Trader Program," Federal Register 81 (83) (2016), available at <https://www.federalregister.gov/articles/2016/04/29/2016-10005/presidential-task-force-oncombating-illegal-unreported-and-unregulated-iuu-fishingand-seafood>.
- 8 Richard Blumenthal, "Blumenthal and Portman Urge Administration to Address Human Trafficking in Fishing Industry," Press release, November 18, 2015, available at <https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-and-portman-urge-administration-to-address-human-trafficking-in-fishing-industry>; Richard Blumenthal, "Blumenthal, Brown Call on Sysco to Ensure No Human Trafficking in Seafood Supply Chain," Press release, May 24, 2016, available at <https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-brown-call-on-sysco-to-ensure-no-human-trafficking-in-seafood-supply-chain>.
- 9 Urbina, "U.S. Closing a Loophole on Products Tied to Slaves."
- 10 International Labour Organization, "The Meanings of Forced Labour," March 10, 2014, available at [http://www.ilo.org/global/topics/forced-labour/news/WCMS\\_237569/lang--en/index.htm](http://www.ilo.org/global/topics/forced-labour/news/WCMS_237569/lang--en/index.htm).
- 11 International Labour Organization, "Forced Labour, Human Trafficking and Slavery," available at <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm> (last accessed December 2016).
- 12 Food and Agriculture Organization of the United Nations, "The State of World Fisheries and Aquaculture 2016."
- 13 Teale N. Phelps Bondaroff, Tuesday Reitano, and Wietse van der Werf, "The Illegal Fishing and Organized Crime Nexus: Illegal Fishing as Transnational Organized Crime" (Geneva; Amsterdam: The Global Initiative Against Transnational Organized Crime; The Black Fish, 2015), available at [http://theblackfish.org/Fishing\\_Crime.pdf](http://theblackfish.org/Fishing_Crime.pdf).
- 14 Food and Agriculture Organization of the United Nations, "Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing" (2016), available at <http://www.fao.org/documents/card/en/c/915655b8-e31c-479c-bf07-30c21ea4b0/>.
- 15 Andrew Crane, "Modern Slavery As a Management Practice: Exploring the Conditions and Capabilities for Human Exploitation," *Academy of Management Review* 38 (1) (2013): 49–69; Elizabeth M. Wheaton, Edward J. Schauer, and Thomas V. Galli, "Economics of Human Trafficking," *International Migration* 48 (4) (2010): 114–141.
- 16 Felicity Lawrence and others, "Revealed: Trafficked Migrant Workers Abused in Irish Fishing Industry," *The Guardian*, November 2, 2015, available at <https://www.theguardian.com/global-development/2015/nov/02/revealed-trafficked-migrant-workers-abused-in-irish-fishing-industry>; Jennifer Ann Devlin, "Modern Day Slavery: Employment Conditions for Foreign Fishing Crews in New Zealand Waters," *Australian & New Zealand Maritime Law Journal* 23 (1) (2009): 82–98, available at <https://ssl.law.uq.edu.au/journals/index.php/maritimejournal/article/view/82>.
- 17 Adam Chandler, "Walmart, Whole Foods, and Slave-Labor Shrimp," *The Atlantic*, December 16, 2015, available at <http://www.theatlantic.com/international/archive/2015/12/slave-labor-shrimp-thailand-walmart-whole-foods/420837>; Erik Larson, "Costco Sued Over Claims Shrimp Harvested With Slave Labor," *Bloomberg*, August 19, 2015, available at <http://www.bloomberg.com/news/articles/2015-08-19/costco-sued-over-claims-shrimp-is-harvested-with-slave-labor>; Annie Kelly, "Nestlé Admits Slavery in Thailand While Fighting Child Labour Lawsuit in Ivory Coast," *The Guardian*, February 1, 2016, available at <https://www.theguardian.com/sustainable-business/2016/feb/01/nestle-slavery-thailand-fighting-child-labour-lawsuit-ivory-coast>.
- 18 Verité, "Fishing and Aquaculture," available at <http://www.verite.org/sites/default/files/images/Fishing%20and%20Aquaculture%20Overview.pdf> (last accessed December 2016); Personal communication with Shawn MacDonald, director of programs and research, Verité, July 15, 2016.
- 19 U.N. Office on Drugs and Crime, "The Role of Recruitment Fees and Abusive and Fraudulent Practices of Recruitment Agencies in Trafficking in Persons" (2015), available at [https://www.unodc.org/documents/human-trafficking/2015/Recruitment\\_Fees\\_Report-Final-22\\_June\\_2015\\_AG\\_Final.pdf](https://www.unodc.org/documents/human-trafficking/2015/Recruitment_Fees_Report-Final-22_June_2015_AG_Final.pdf).
- 20 Verité, "Recruitment Practices and Migrant Labor Conditions in Nestlé's Thai Shrimp Supply Chain" (2015), available at [http://www.verite.org/sites/default/files/images/NestleReport-ThaiShrimp\\_prepared-by-Verite.pdf](http://www.verite.org/sites/default/files/images/NestleReport-ThaiShrimp_prepared-by-Verite.pdf).

- 21 U.S. Department of Agriculture Economic Research Service, "Import Share of Consumption," available at <https://www.ers.usda.gov/topics/international-markets-trade/us-agricultural-trade/import-share-of-consumption.aspx> (last accessed December 2016).
- 22 Food and Agriculture Organization of the United Nations, "The State of World Fisheries and Aquaculture 2016."
- 23 Choy Leng Yeong, "NW Salmon Sent to China Before Reaching U.S. Tables," *The Seattle Times*, July 16, 2005, available at <http://www.seattletimes.com/business/nw-salmon-sent-to-china-before-reaching-us-tables>.
- 24 *Victims of Trafficking and Violence Protection Act of 2000*, Public Law 106-386, 106th Cong. (October 28, 2000), available at <https://www.congress.gov/bill/106th-congress/house-bill/3244/text>.
- 25 U.S. Department of State, "President's Interagency Task Force to Monitor and Combat Trafficking in Persons," available at <http://www.state.gov/j/tip/response/usg> (last accessed November 2016); *Victims of Trafficking and Violence Protection Act of 2000* § 105(c).
- 26 See, for example, *Victims of Trafficking and Violence Protection Act of 2000* § 112.
- 27 *William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008*, Public Law 110-457, 110th Cong. (December 23, 2008), available at <https://www.congress.gov/bill/110th-congress/house-bill/7311/text>, § 1589(b).
- 28 *Tariff Act of 1930* § 307, codified as amended at 19 U.S.C. § 1307.
- 29 Ibid.
- 30 U.S. Customs and Border Protection, "Forced Labor," available at <https://www.cbp.gov/trade/trade-community/programs-outreach/convict-importations> (last accessed December 2016).
- 31 *Trade Facilitation and Trade Enforcement Act of 2015*, Public Law 114-125, 114th Cong. (February 24, 2016), available at <https://www.congress.gov/bill/114th-congress/house-bill/644/text>, § 903.
- 32 Urbina, "U.S. Closing a Loophole on Products Tied to Slaves."
- 33 Law Customs Project, "19 CFR 12.42 Hammer: Battle of Ideas, Exploitation, Elimination of Competition," available at <http://lawcustoms.com/2016/04/12/19-cfr-12-42-hammer-battle-of-ideas-exploitation-elimination-of-competition/> (last accessed December 2016); Personal communication with Thomas Kendrick, Chief, Strategic Enforcement Branch, U.S. Customs and Border Protection, November 11, 2016 2016.
- 34 Undercurrent News, "Cambodians Sue Reported Walmart Shrimp Suppliers Alleging Forced Labor," June 15, 2016, available at <https://www.undercurrentnews.com/2016/06/15/cambodians-sue-reported-walmart-shrimp-suppliers-alleging-forced-labor>.
- 35 U.S. Department of State, "Trafficking in Persons Report 2016" (2016), available at <http://www.state.gov/j/tip/rls/tiprpt/2016/index.htm>.
- 36 *Victims of Trafficking and Violence Protection Act of 2000* § 110(d).
- 37 Office to Monitor and Combat Trafficking in Persons, *The 3Ps: Prevention, Protection, Prosecution* (U.S. Department of State, 2011), available at <http://www.state.gov/documents/organization/167334.pdf>.
- 38 U.S. Department of State, "Trafficking in Persons Report 2016" (2016), available at <http://www.state.gov/j/tip/rls/tiprpt/2016/index.htm>.
- 39 U.S. Agency for International Development, "Countering Trafficking in Persons," available at <https://www.usaid.gov/trafficking> (last accessed December 2016).
- 40 U.S. Agency for International Development, "Remarks by Jonathan M. Stivers, Assistant Administrator, Bureau for Asia at the Council on Foreign Relations," available at <https://www.usaid.gov/news-information/speeches/sep-14-2016-jonathan-stivers-aa-asia-council-foreign-relations> (last accessed December 2016).
- 41 U.S. Department of State, "Office to Monitor and Combat Trafficking in Persons: Projects Funded During Fiscal Year 2013," Press release, October 2, 2013, available at <http://www.state.gov/j/tip/rls/other/2013/215002.htm>.
- 42 U.S. Department of State, "Office to Monitor and Combat Trafficking in Persons: Projects Funded During Fiscal Year 2014," Press release, November 3, 2014, available at <http://www.state.gov/j/tip/rls/other/2014/233654.htm>; Ibid.
- 43 U.S. Department of State, "Office to Monitor and Combat Trafficking in Persons: Projects Funded During Fiscal Year 2014," Press release, November 3, 2014, available at <http://www.state.gov/j/tip/rls/other/2014/233654.htm>.
- 44 International Labour Organization, "Combating the Worst Forms of Child Labour in Shrimp and Seafood Processing Areas in Thailand, ILO-IPEC, ILAB December 2010–December 2014," available at [http://www.ilo.org/global/docs/WCMS\\_163760/lang--en/index.htm](http://www.ilo.org/global/docs/WCMS_163760/lang--en/index.htm) (last accessed December 2016).
- 45 International Labour Organization, "Combating the Worst Forms of Child Labour in Shrimp and Seafood Processing Areas of Thailand" (2014), available at [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/presentation/wcms\\_235293.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/presentation/wcms_235293.pdf).
- 46 Partnership for Freedom, "Meet the Rethink Supply Chains Challenge Winners," May 16, 2016, available at <https://www.partnershipforfreedom.org/meet-the-rethink-supply-chains-challenge-winners>.
- 47 Royal Thai Embassy, "Thailand's Fisheries Reform: Progress and Way Forward in the Fight Against IUU Fishing and Forced Labor," March 14, 2016, available at <http://www.thaiboss.org/warsaw/en/information/65449-Thailands-Fisheries-Reform-Progress.html>; Personal communication with Marina Colby, Senior Counter-Trafficking in Persons Fellow, USAID's Center for Excellence on Democracy, Human Rights and Governance and Julia Anderson, Program Advisor, Department of State on November 16, 2016.
- 48 U.S. Department of State, "Office to Monitor and Combat Trafficking in Persons: Projects Funded During Fiscal Year 2013," available at <http://www.state.gov/j/tip/rls/other/2013/215002.htm> (last accessed December 2016); U.S. Department of State, "Office to Monitor and Combat Trafficking in Persons: Projects Funded During Fiscal Year 2014," available at <http://www.state.gov/j/tip/rls/other/2014/233654.htm> (last accessed December 2016); U.S. Department of State, "Office to Monitor and Combat Trafficking in Persons: Anti-Trafficking Projects Funded During FY 2015," available at <http://www.state.gov/j/tip/rls/other/2015/249071.htm> (last accessed December 2016).
- 49 U.S. Department of State, "Trafficking in Persons Report 2016."

- 50 Jason Szep and Matt Spetalnick, "Special Report: State Department Watered Down Human Trafficking Report," Reuters, August 3, 2015, available at <http://www.reuters.com/article/us-usa-humantrafficking-disputes-special-idUSKCN0Q821Y20150804>; Thomson Reuters, "Disputed Rankings" (2015), available at <http://graphics.thomson-reuters.com/15/07/USA-TRAFFICKING-TIER3.jpg>.
- 51 Kate Hodal and Annie Kelly, "Thailand's Improved Status in US Human Trafficking Report Sparks Fury," *The Guardian*, June 30, 2016, available at <https://www.theguardian.com/global-development/2016/jun/30/thailand-us-trafficking-in-persons-report-2016-fury>.
- 52 Liana Sun Wyler, "Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress" (Washington: Congressional Research Service, 2013), available at <http://www.fas.org/sgp/crs/row/R42497.pdf>.
- 53 Ganapathiraju Pramod and others, "Estimates of Illegal and Unreported Fish in Seafood Imports to the USA," *Marine Policy* 48 (2014): 102–113, available at <http://www.sciencedirect.com/science/article/pii/S0308597X14000918>.
- 54 Ganapathiraju Pramod and others, "Estimates of Illegal and Unreported Fish in Seafood Imports to the USA," *Marine Policy* 48 (2014): 102–113, available at <http://www.sciencedirect.com/science/article/pii/S0308597X14000918>.
- 55 Michael Conathan and Avery Siciliano, "The Future of Seafood Security: The Fight Against Illegal Fishing and Seafood Fraud" (Washington: Center for American Progress, 2016), available at <https://www.american-progress.org/issues/green/reports/2016/06/08/139004/the-future-of-seafood-security-the-fight-against-illegal-fishing-and-seafood-fraud>.
- 56 *Magnuson-Stevens Fishery Conservation and Management Act of 1976*, Public Law 94-265, 94th Cong., 2nd sess. (April 13, 1976), as amended by the *Magnuson-Stevens Fishery Conservation and Management Reauthorization Act*, Public Law 109-479, 109th Cong. (January 12, 2007), available at [http://www.nmfs.noaa.gov/sfa/laws\\_policies/msa/documents/msa\\_amended\\_2007.pdf](http://www.nmfs.noaa.gov/sfa/laws_policies/msa/documents/msa_amended_2007.pdf).
- 57 Food and Agriculture Organization of the United Nations, "Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing" (2016), available at <http://www.fao.org/documents/card/en/c/915655b8-e31c-479c-bf07-30cba21ea4b0>.
- 58 *Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015*, Public Law 114-81, 114th Cong., 1st sess. (November 5, 2015), available at <https://www.congress.gov/bill/114th-congress/house-bill/774/text>.
- 59 Conathan and Siciliano, "The Future of Seafood Security."
- 60 Ibid.
- 61 National Oceanic and Atmospheric Administration, "Presidential Task Force on Combating Illegal Unreported and Unregulated (IUU) Fishing and Seafood Fraud Action Plan for Implementing Recommendations 14/15; Commerce Trusted Trader Program," *Federal Register* 81 (83) (2016): 25646–25648, available at <https://www.federalregister.gov/articles/2016/04/29/2016-10005/presidential-task-force-oncombating-illegal-unreported-and-unregulated-iuu-fishingand-seafood>.
- 62 John Henderschedt, "Proposed Rule for a U.S. Seafood Traceability Program" (Washington: National Ocean Council Committee on IUU Fishing and Seafood Fraud, 2016), available at [http://www.iuufishing.noaa.gov/Portals/33/TraceabilityWebinar\\_Presentation\\_2-24-16\\_v2.pdf](http://www.iuufishing.noaa.gov/Portals/33/TraceabilityWebinar_Presentation_2-24-16_v2.pdf).
- 63 Conversation with John Henderschet, National Oceanic and Atmospheric Administration, June 16, 2016.
- 64 *Magnuson-Stevens Fishery Conservation and Management Act of 1976*.
- 65 Rules of interpretation suggest that slave labor as referenced in the House Report includes all forms of modern-day slavery, including forced labor. House report 114-212 on Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015, 114th Cong., 1st sess. (July 20, 2015), available at <https://www.congress.gov/congressional-report/114th-congress/house-report/212>.
- 66 National Oceanic and Atmospheric Administration, *Fisheries of the United States 2015*.
- 67 Global Fishing Watch, "Frequently Asked Questions," available at <http://globalfishingwatch.org/faq> (last accessed December 2016).
- 68 International Labor Rights Forum, "Stop Trafficking by Sea," Press release, September 14, 2016, available at <http://www.laborrights.org/releases/stop-trafficking-sea>.
- 69 Daniel Hess and Jacqueline Savitz, "Global Fishing Watch" (Washington: Oceana, 2014), available at [http://oceana.org/sites/default/files/global\\_fishing\\_watch\\_report\\_final.pdf](http://oceana.org/sites/default/files/global_fishing_watch_report_final.pdf); Personal communication with Adam Reyer, project director, Global Fishing Watch, September 22, 2016.
- 70 Anisa Menur A. Maulani, "Here's How Google Plan to Help Indonesia Battle Illegal Fishing," e27, May 18, 2016, available at <https://e27.co/heres-how-google-can-help-indonesia-battles-illegal-fishing-20160518>.
- 71 Trefor Moss, "Indonesia Blows Up 23 Foreign Fishing Boats to Send a Message," *The Wall Street Journal*, April 5, 2016, available at <http://www.wsj.com/articles/indonesia-blows-up-23-foreign-fishing-boats-to-send-a-message-1459852007>.
- 72 Best Aquaculture Practices Certification, "Get Certified," available at <http://bap.gaalliance.org/bap-certification/get-certified> (last accessed December 2016); Marine Stewardship Council, "About Us," available at <https://www.msc.org/about-us> (last accessed December 2016).
- 73 Marine Stewardship Council, "MSC Board Announces Clear Policy on Forced Labor," August 1, 2014, available at <https://www.msc.org/newsroom/news/board-statement-ensuring-that-msc-certified-companies-are-free-from-forced-labour>.
- 74 Patrick Mustain and Avery Siciliano, "Fish Stories: Success and Value in Seafood Traceability" (Washington: Oceana, 2016), available at [http://usa.oceana.org/sites/default/files/fish\\_stories\\_report\\_hi-res.pdf](http://usa.oceana.org/sites/default/files/fish_stories_report_hi-res.pdf).
- 75 James Tennent, "Nestlé Admits Forced Labor, Trafficking, and Child Labor in Its Thai Seafood Supply," *International Business Times*, November 24, 2015, available at <http://www.ibtimes.com.uk/nestle-admits-forced-labour-trafficking-child-labour-its-thai-seafood-supply-1530295>.
- 76 Kamala D. Harris, "The California Transparency in Supply Chains Act: A Resource Guide" (Sacramento, CA: California Department of Justice, 2015), available at <https://oag.ca.gov/sites/all/files/agweb/pdfs/sb657/resource-guide.pdf>.
- 77 Michal Addady, "This Is Why Costco's Slavery Lawsuit Was Dismissed," *Fortune*, January 20, 2016, available at <http://fortune.com/2016/01/20/costco-slavery-lawsuit>.

---

## Our Mission

The Center for American Progress is an independent, nonpartisan policy institute that is dedicated to improving the lives of all Americans, through bold, progressive ideas, as well as strong leadership and concerted action. Our aim is not just to change the conversation, but to change the country.

## Our Values

As progressives, we believe America should be a land of boundless opportunity, where people can climb the ladder of economic mobility. We believe we owe it to future generations to protect the planet and promote peace and shared global prosperity.

And we believe an effective government can earn the trust of the American people, champion the common good over narrow self-interest, and harness the strength of our diversity.

## Our Approach

We develop new policy ideas, challenge the media to cover the issues that truly matter, and shape the national debate. With policy teams in major issue areas, American Progress can think creatively at the cross-section of traditional boundaries to develop ideas for policymakers that lead to real change. By employing an extensive communications and outreach effort that we adapt to a rapidly changing media landscape, we move our ideas aggressively in the national policy debate.

