

# Seafood Watch, Liberty Asia & Sustainable Fisheries Partnership: Seafood Slavery Risk Tool

## Fishery Profile Data Analysis

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July 02, 2018

### Profile Names<sup>1</sup> and Risk Ratings

Species <sup>2</sup>	Country <sup>3</sup>	Risk rating
Anchoveta	Peru	HIGH
Anchoveta	Chile	LOW

1. Profile names denote species name and country.
2. The Seafood Slavery Risk Tool uses the [Food and Agriculture Organization's](#) (FAO) species names. For scientific and other species names, please see below.
3. "Country" refers to the flag state of vessels and/or the country where the catch is landed. The Seafood Slavery Risk Tool uses [FAO data](#) as its primary source for determining this information.

### Profile Fishery Information

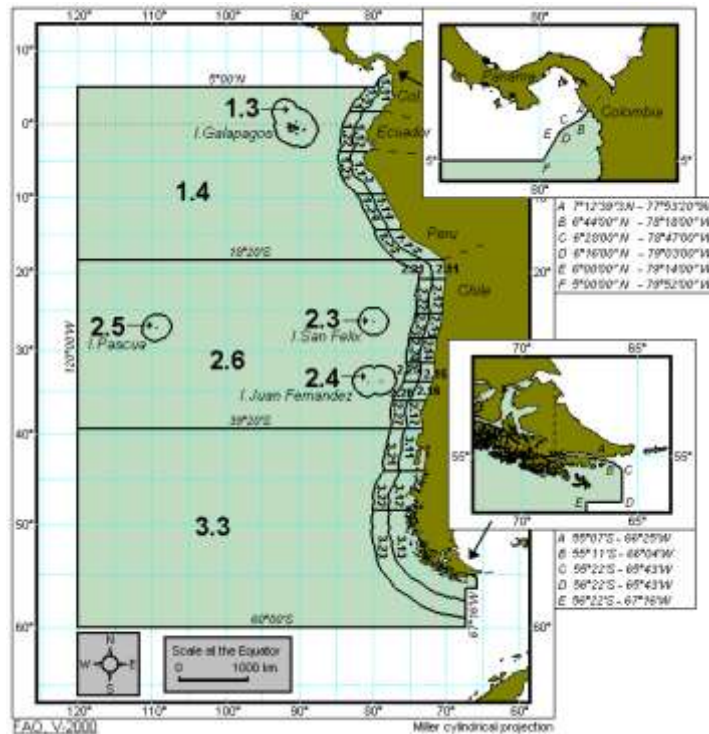
Other species names	Peruvian anchovy, <i>Engraulis ringens</i> ,	
Risk rating	<b>Peru – HIGH RISK</b>	<b>Chile – LOW RISK</b>
Location	Southeast Pacific	

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FAO fishing area(s)

Major Fishing Area 87



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FAO Major Fishing Areas, PACIFIC, SOUTHEAST (Major Fishing Area 87). CWP Data Collection. In: FAO Fisheries and Aquaculture Department [online]. Rome. Updated October 1, 2004. [Cited March 27, 2018].

To view all FAO Major Fishing Areas, see <http://www.fao.org/fishery/area/search/en>.

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Governance	<p>There are three anchoveta stocks:</p> <ol style="list-style-type: none"> <li>1. The Northern-Central Peruvian stock is managed by <b>Peru's</b> Ministry of Production (PRODUCE) and the Vice-Ministry of Fisheries.</li> <li>2. The Central-Southern Chile stock is managed by <b>Chile's</b> Ministry of Economy, Development and Tourism (Ministerio de Economía, Fomento y Turismo, MEFT) and the Undersecretariat of Fisheries and Aquaculture (Subsecretaría de Pesca y Acuicultura, SUBPESCA).</li> <li>3. The Southern Peru/Northern Chile stock is managed jointly by Peru and Chile.</li> </ol> <p><a href="https://www.fishsource.org/stock_page/1383">https://www.fishsource.org/stock_page/1383</a></p>																				
Flag state(s)*	<p>Peru and Chile.</p> <p>The latest FAO landing statistics are for 2016. Only countries that landed more than 5% of the total global catch in 2016 are included in this profile.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #1a5a8a; color: white;"> <th>Land Area</th> <th>Ocean Area</th> <th>Species</th> <th>Scientific name</th> <th>2016</th> </tr> </thead> <tbody> <tr> <td>Chile</td> <td>Marine areas</td> <td>Anchoveta (=Peruvian anchovy)</td> <td><i>Engraulis ringens</i></td> <td>337,436</td> </tr> <tr> <td>Peru</td> <td>Marine areas</td> <td>Anchoveta (=Peruvian anchovy)</td> <td><i>Engraulis ringens</i></td> <td>2,855,040</td> </tr> <tr> <td colspan="4">Grand total</td> <td>3,192,476</td> </tr> </tbody> </table> <p><a href="http://www.fao.org/fishery/statistics/global-capture-production/query/en">http://www.fao.org/fishery/statistics/global-capture-production/query/en</a> (Query run on March 28, 2018).</p>	Land Area	Ocean Area	Species	Scientific name	2016	Chile	Marine areas	Anchoveta (=Peruvian anchovy)	<i>Engraulis ringens</i>	337,436	Peru	Marine areas	Anchoveta (=Peruvian anchovy)	<i>Engraulis ringens</i>	2,855,040	Grand total				3,192,476
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Method	<p>Purse seine</p> <p>For more information, see <a href="#">FAO Fishing Gear Types</a>.</p> <p>The Northern-Central Peruvian fishery is targeted by an artisanal and small-scale fleet and an industrial fleet, all of which use purse seine gear.</p>
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\* As a general rule, only countries that landed more than 5% of the total global catch are assessed.

### Peru - Decision Tree/Evidence

Is there credible evidence of forced labor, human trafficking, or hazardous child labor in the profile fishery? NO

Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?

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Is there credible evidence of forced labor, human trafficking, or hazardous child labor in the fishing industry of the country? YES

Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?
<a href="#">Reuters (2017)</a>	Media: Reuters	2017	The International Labour Organization (ILO)'s coordinator for the program against forced labor in Peru, Teresa Torres, is quoted as saying <b>"We have information that forced labor is also happening in the north of Peru, in other sectors such as the shrimp fishing industry."</b>	This evidence comes from a reputable media source.
<a href="#">U.S. Department of Labor (USDOL) (2016)</a>	Government report: USDOL	2016	<b>Lists 'fish' as a good produced by child labor in Peru.</b>	
<a href="#">USDOL (2016)</a>	Government report: USDOL	2016	Hazardous child labor is reported in fishing, 'including deep sea fishing, organizing tools, throwing fishing lines and nets, unloading ships, harvesting crabs and shrimp eggs, and cleaning shrimp and prawns for packaging'.	Based on evidence from: U.S. Embassy- Lima official. E-mail communication to USDOL official, April 2015; <a href="#">Instituto Nacional de Estadística e Informática (INEI), Perú: Niños, Niñas y Adolescentes que Trabajan, 1993-2008, 2009.</a>

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Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?
<a href="#">INEI (2009)</a>	Government report: INEI	2009	<p>This report indicates that a small percentage of the working population of children under 18 years are involved in <b>Peru's</b> fishing industry:</p> <p>Table 2.1 (pg.35) 0.6% of the working population aged 6 to 17 years are involved in fishing – 2007.</p> <p>Table 2.6 (pg.40) 0.4% of the working population aged 14 to 17 years are employed as fishermen – 2008.</p> <p>Table 4.8 (pg.85) 0.2% of the working population aged 6 to 17 <b>years among 'peasant communities'</b> and 1% of the working population aged 6 to 17 years among 'native Amazonian communities' are involved in fishing – 2007.</p> <p>Table 15 (pg.132) Of those working in fishing aged 14 to 17 years, 0.9% are employed, 53.1% are workers, 30.5% work independently, 1.5% are employers/patrons, and 14% are unpaid family workers – 2007.</p> <p>Table 16 (pg.133) Of those working in fishing aged 6 to 17 years, all are male – 2007.</p>	<p>Although this report is within the 10-year age limit established for evidence used in the SSRT, data cited within the report is more than 10 years old in some cases.</p>

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Is there credible evidence that forced labor, human trafficking or hazardous child labor exists in a related fishery\* OR in unspecified fisheries? YES

Source URL	Source type	Year published	Related fishery: Y/N Summary of findings Fishery name, if available	Any remarks on the credibility of this source?
<a href="#">USDOL (2016)</a>	Government report: USDOL	2016	Child labor is identified in unspecified fisheries. The USDOL lists 'fish' as a good produced by child labor in Peru.	

\* In related fisheries, species are commonly caught together, species occur together in space and time (species assemblages), and/or species are caught in the same area with similar gear.

Does the country meet the Seafood Slavery Risk Tool's country criteria? NO

Criteria	Sources	Description
Is this country ranked Tier 1 or Tier 2 on the U.S. Department of State Trafficking in Persons report?	<a href="#">U.S. Department of State Trafficking in Persons Report (USDOS TIP Report)</a>	Yes, Tier 2.
Has the country ratified the Palermo Protocol (on human trafficking)?	<a href="#">United Nations (UN) Treaty Collections: Protocol to Prevent, Suppress and Punish Trafficking in Persons.</a>	Yes.

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Criteria	Sources	Description
	<a href="#">Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</a>	
Has the country ratified the International Labour Organization's (ILO) conventions on forced and child labor (ILO 29, 105, 138, 182)?	<a href="#">International Labour Organization's (ILO) NORMLEX Database</a>	Yes.
Has the country ratified the Port State Measures Agreement?	<a href="#">FAO: Port State Measures Agreement</a>	Yes.
The country is NOT cited with a yellow or red card for inaction on illegal, unreported, or unregulated fishing by the European Union (EU).	<a href="#">EU Rules to Combat Illegal Fishing (IUU)</a>	Yes.



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Criteria	Sources	Description
Does the country have legislation that criminalizes forced labor and human trafficking and protects children from hazardous child labor?	<a href="#">ILO NATLEX Database</a> <a href="#">USDOS 2018 TIP report</a> <a href="#">El Peruano</a> <a href="#">USDOL 2016 Findings on the Worst Forms of Child Labor</a> <a href="#">UN Human Rights Council</a> <a href="#">Peru Ministry of Production (PRODUCE) December 2017</a> <a href="#">PRODUCE January 2018</a> <a href="#">Undercurrent News January 2018</a>	<p>Yes, with scope for improvement in the protection of adolescents from hazardous work.</p> <p>Peru has legislation in place that criminalizes trafficking in persons and forced labor and sets a minimum age for work and hazardous work. The ILO NATLEX database lists 7 laws and regulations prohibiting forced labor and human trafficking, 39 laws and regulations for the elimination of child labor, protection of children and young persons, and 39 laws and regulations relating to fishers. <a href="#">ILO NATLEX Database</a></p> <p><b>"Article 153 of the penal code criminalized sex and labor trafficking, prescribing penalties of eight to 15 years imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The law defined trafficking broadly to include all forms of labor exploitation. Article 168-B of Legislative Decree No.1232 prescribed a six-year minimum sentence for forced labor, which increased to a minimum of 12 years if the victim was 14-18 years old, or a 15-year minimum if the victim was younger than 14."</b> <a href="#">USDOS TIP report 2018</a> (p. 347) (Emphasis added)</p> <p>Specifically, Articles 153-C and 168-B of Legislative Decree No. 1323, published in January 2017, criminalize slavery and forced labor, and outline the circumstances for prescribing minimum and maximum penalties for imprisonment. <a href="#">El Peruano</a></p>

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Criteria	Sources	Description
		<p>Per the USDOL, "Articles 2 and 23 of the Constitution; Article 4 of the Child and Adolescent Code; Articles 128, 129, 153, 168, and 182 of the Penal Code" is the legal framework prohibiting forced labor.  <a href="#">USDOL 2016 Findings on the Worst Forms of Child Labor</a></p> <p>The Child and Adolescent Code sets the minimum age for work at 14 years and the minimum age for hazardous work at 18 years. However, according to the USDOL, the minimum age for work in industrial fishing is 17 years. <a href="#">USDOL 2016 Findings on the Worst Forms of Child Labor</a></p> <p>At the policy level, Peru has established a new National Plan to Combat Trafficking in Persons (2017-2021). <a href="#">UN Human Rights Council</a></p> <p>Peru has also established a Second National Plan to Combat Forced Labor (2013–2017), a National Strategy for the Prevention and Eradication of Child Labor for 2012–2021, and a National Action Plan for Children and Adolescents (2012–2021).  <a href="#">USDOL 2016 Findings on the Worst Forms of Child Labor</a></p> <p>Finally, while evidence of a link between illegal, unreported and unregulated (IUU) fishing and serious labor violations in fishing in Peru has not been identified, the Government of Peru has implemented several programs intended to reduce illegal fishing and strengthen the artisanal fishing sector.</p>

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Criteria	Sources	Description
		These programs could indirectly contribute to a reduced risk of labor concerns in Peru's fisheries if they include labor-related inspections and improvements. The programs include the implementation of the <a href="#">Artisanal Fish Formalization System (SIFORPA) in February 2017</a> and the provision of <a href="#">training on IUU fishing</a> to inspectors from the PRODUCE and the National Port Authority. In addition, a <a href="#">media report</a> from January 2018 states that a working table has been established by PRODUCE with the intention of proposing a bill for industrial fishermen that will regulate aspects related to the labor regime, social benefits and health of said workers. However, no further information about the anticipated bill was identified.
If the country has not ratified any of the ILO conventions listed above, the Palermo Protocol, and/or the PSMA, has equivalent national legislation been enacted and put into force for all non-ratified instruments?*	<a href="#">ILO NORMLEX Database: Committee of Experts on the Application of Conventions and Recommendations (CEACR)</a>  <a href="#">USDOS TIP Report</a>  <a href="#">The Global Slavery Index 2016</a>	Not applicable.
Is there credible evidence of effective enforcement of	<a href="#">USDOS 2018 TIP report</a>	No.

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Criteria	Sources	Description
national legislation and obligations under international conventions?***	<p><a href="#">UN Human Rights Council</a> (p.8)</p> <p><a href="#">Capital Humano y Social</a></p> <p><a href="#">USDOS Peru 2016 Human Rights Report</a></p> <p><a href="#">USDOL 2016 Findings on the Worst Forms of Child Labor</a></p> <p><a href="#">The Global Slavery Index 2016</a></p>	<p>Reliable evidence indicates that enforcement of anti-trafficking, forced labor and child labor laws within Peru is not effective.</p> <p>Although the Peruvian Government increased its prosecution efforts in 2017, effective enforcement of anti-trafficking law is hampered by several issues including poor interagency coordination, inadequate financial support, and <b>corruption within Peru’s law enforcement and judicial systems.</b></p> <p>According to the USDOS, the Peruvian government increased its prosecution efforts, but <b>“Peru’s overlapping legal framework on human trafficking and related crimes sometimes caused confusion for police, prosecutors, and judges in determining the appropriate charges,</b> particularly in cases of alleged sex trafficking.”<a href="#">USDOS TIP report 2018</a> (p. 347) (emphasis added) Furthermore, <b>“poor communication and coordination between police and prosecutors sometimes compromised efforts to identify and assist victims and investigate cases,</b> especially during law enforcement operations. NGOs and regional officials reported regional police often did not involve the national anti-trafficking police or public ministry in their cases and did not share investigative information with prosecutors. Inadequate budgets for personnel and logistical support, combined with inconsistent regional and local government capacity, hindered law enforcement efforts” <a href="#">USDOS TIP report 2018</a> (p. 348) (Emphasis added)</p> <p>In addition, <b>“corruption and official complicity in trafficking crimes</b></p>

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Criteria	Sources	Description
		<p>remained significant concerns, inhibiting law enforcement action during the year. NGOs and government officials reported widespread corruption in Peruvian law enforcement and judicial systems severely hampered antitrafficking law enforcement efforts." <a href="#">USDOS TIP report 2018</a> (p. 348) (Emphasis added)</p> <p>According to a 2017 national report by the UN Human Rights Council, regarding the new National Plan to Combat Trafficking in Persons (2017-2021), "Plans have also been made to strengthen this process and set up more <b>special prosecutors' offices at the national level, at least in the most heavily affected areas.</b> In addition, an intersectoral protocol for the prevention and prosecution of the crime and for the protection, care and reintegration of victims was adopted, as was a handbook on the establishment of protocols for the identification and/or referral of at-risk users of social programmes. The budget for the Plan increased significantly – by 1,600 per cent – between 2012 and 2017, but it is meagre in comparison with the magnitude of the <b>problem.</b>" <a href="#">UN Human Rights Council</a> (p. 8)</p> <p>In spite of the recognition above that <b>Peru's</b> budget for implementing the National Plan to Combat Trafficking in Persons is insufficient; the budget was projected to decrease by nearly 50% from 2017 to 2018. <a href="#">Capital Humano y Social</a> (Figure 2, p. 16)</p> <p>Insufficient budgetary resources and a shortage of trained labor inspectors</p>

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Criteria	Sources	Description
		<p>has also prevented the effective enforcement of forced labor and child labor laws and policies. According to critics, the implementation of the 2013-2017 National Plan to Combat Forced Labor has been hindered by the lack of a dedicated national budget. <a href="#">USDOS Peru 2016 Human Rights Report</a> (p. 31) And <b>Peru's</b> Ministry of Labor and the National Superintendency of Labor Inspection (SUNAFIL) does not have sufficient resources to conduct the necessary inspections for child labor. <a href="#">USDOS Peru 2016 Human Rights Report</a> (p. 32)</p> <p><b>“Labor law enforcement agencies in Peru lack sufficient training and inspectors to adequately combat child labor.”</b> And <b>“The number of labor inspectors is insufficient for the size of Peru's workforce, which includes over 17 million workers. According to the ILO's recommendation of 1 inspector for every 15,000 workers in developing economies, Peru should employ roughly 1,141 inspectors. (69-71) Many regional labor inspectorates are understaffed and underfunded, and the Government continued to report an insufficient number of labor inspectors throughout the country.”</b> <a href="#">USDOL 2016 Findings on the Worst Forms of Child Labor</a> (Emphasis added)</p> <p>Nevertheless, there is some evidence to suggest that the Peruvian government is working to tackle capacity issues: the USDOS reports <b>“The government opened four new regional labor inspection offices in 2017”</b>. <a href="#">USDOS TIP report 2018</a> (p. 349)</p> <p>With regards to victim protections, the second National Plan to Combat</p>

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Criteria	Sources	Description
		<p>Forced Labour (2013-2017) is reported to have “provided for a system of comprehensive care for rescued victims and created the conditions to prevent the resurgence of forced labour”. <a href="#">UN Human Rights Council</a> (p. 8)</p> <p>But, trafficking victim protection efforts are described as ‘weak’ by the USDOS: “The government maintained weak victim protection efforts. Most victims continued to lack access to specialized services... Most victims did not receive sufficient protective services, leaving them at high risk of re-trafficking.” <a href="#">USDOS TIP report 2018</a> (p. 348) (Emphasis added)</p> <p>Reflecting the issues described above, the 2016 Global Slavery Index (GSI) rates the Peruvian Government’s Response to Modern Slavery as B. According to the GSI methodology, this indicates that: “The government has introduced a response to modern slavery, with limited victim support services, a criminal justice framework that criminalises some forms of modern slavery (or has recently amended inadequate legislation and policies), a body or mechanisms that coordinate the response, and has policies that provide some protection for those vulnerable to modern slavery. There is evidence that some government policies and practices may criminalise and/or deport victims and/ or facilitate slavery. Services may be provided by International Organisations (IOs)/NGOs with international funding, sometimes with government monetary or in-kind support.” <a href="#">Global Slavery Index 2016</a></p>

\* It may be acceptable where a State has not ratified any of the convention(s) listed above, that a State has passed and brought into effect wholly and fully legislation and relevant accompanying regulation, where needed to implement legislation, that is at least materially identical in substance, intent, effect and spirit to the provisions of the

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relevant convention(s). It is expected that relevant legislation and regulation will include provisions that are suitably onerous and comprehensive in nature and intent to provide for its full and proper enforcement. Where this is the case, the country may be assessed as fulfilling the country criteria, despite the non-ratification(s).

\*\* The assessment of a country's enforcement relies primarily on comments by the Committee of Experts on the Application of Conventions and Recommendations, which supervise the application of ILO conventions, and the U.S. Department of State's Trafficking in Persons Report. Both sources are credible, global in scope, and publicly available. Additional, credible sources may also be used. This assessment does not constitute a full and complete analysis of law enforcement in any country.

Is there credible evidence of forced labor, human trafficking, or hazardous child labor in seafood processing, agriculture, forestry, or aquaculture in the country?\* N/A

Source URL	Source type	Year published	Sector / Industry	Summary of findings	Any remarks on the credibility of this source?

\* Evidence of forced labor, human trafficking, or hazardous child labor in a country's seafood processing, forestry, agriculture, and aquaculture industries may be examined as *indicators* of risk for the at sea portion of a fishery. See the Seafood Slavery Risk Tool's conceptual model to view which pathways trigger an examination of related or similar renewable resource industries.

## Summary of Risk Rating

The Peru anchoveta fishery is rated HIGH RISK. There is reliable evidence documenting hazardous child labor in unspecified fisheries in Peru and the country **does not fully meet the Seafood Slavery Risk Tool's country criteria. A lack of capacity within Peru's labor inspectorate hinders** the enforcement of trafficking, forced and child labor laws. Furthermore, effective enforcement of anti-trafficking legislation is said to be hampered by widespread corruption in Peruvian law enforcement and judicial systems. Nonetheless, the Government of Peru is making visible efforts to meet the minimum standards for eliminating trafficking. The Peru anchoveta fishery comprises three components; steel industrial



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fishing vessels, and wooden semi-industrial vessels that target anchoveta for fish meal and fish oil, and small- and medium-scale wooden vessels that target anchovy for human consumption. However, there is insufficient evidence to distinguish differences in the risk of modern slavery in the industrial fleet or the artisanal and small-scale fleets, therefore the risk rating assigned covers the Peru anchoveta fishery as a whole. But, it should be noted that given the differences in fleet composition, regulation, vessel ownership, and the end-use of the catch, there may be variances in risk between these fleets.

### Conceptual Model Path

<p><b>High Risk: Path 3</b></p>	<ol style="list-style-type: none"> <li>1. There is NO credible evidence of human rights abuses in the FISHERY - BUT -</li> <li>2. There IS credible evidence of human rights abuses in FISHERIES of the country - AND -</li> <li>3. There IS credible evidence of human rights abuses in a RELATED FISHERY or UNSPECIFIED fisheries - AND -</li> <li>4. The country criteria have NOT been met</li> </ol>	<pre> graph TD     A[Slavery in fishery?] -- N --&gt; B[Slavery in fishing industry in country?]     B -- Y --&gt; C[Slavery either in a related fishery OR in unspecified fisheries?]     C -- Y --&gt; D[Meet Country Criteria?]     D -- N --&gt; E[HIGH]     </pre>
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### Chile - Decision Tree/Evidence

Is there credible evidence of forced labor, human trafficking, or hazardous child labor in the profile fishery? NO

Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?

Is there credible evidence of forced labor, human trafficking, or hazardous child labor in the fishing industry of the country? NO\*

Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?

\* The US Department of Labor (USDOL)'s [2016 Findings on the Worst Forms of Child Labor](#) indicates that children work in unknown activities in fishing in Chile. In addition to unpublished communications with the Government of Chile in 2013, the USDOL report cites a [2013 International Labour Organization \(ILO\)-Government of Chile report](#). This report, which presents the results of **Chile's** 2012 National Survey on Activities of Children and Adolescents (Encuesta de Actividades de Niños, Niñas y Adolescentes), states that over 20% of working children sampled were employed in the **generalized category 'agriculture, hunting, forestry and fishing'**. Hence, it is not possible to determine whether children work in fishing, or potentially, only in agriculture and forestry. Nor is it possible to determine the types of activities they

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may be involved in. Therefore, these findings are *not* used as evidence of hazardous child labor in the fishing industry. Nonetheless, the **absence of further evidence does not mean that child labor is not a risk in Chile’s anchoveta fishery**. Indeed, data on child labor in Chile is limited and information about the anchoveta fishery’s workforce is not readily available. Furthermore, users should note that USDOL reports are considered highly credible sources.

Is there credible evidence that forced labor, human trafficking or hazardous child labor exists in a related fishery\* OR in unspecified fisheries? N/A

Source URL	Source type	Year published	Related fishery: Y/N Summary of findings Fishery name, if available	Any remarks on the credibility of this source?

\* In related fisheries, species are commonly caught together, species occur together in space and time (species assemblages), and/or species are caught in the same area with similar gear.

Does the country **meet the Seafood Slavery Risk Tool’s country criteria?** YES

Criteria	Sources	Description
Is this country ranked Tier 1 or Tier 2 on the U.S. Department of State Trafficking in Persons report?	<a href="#">U.S. Department of State Trafficking in Persons Report (USDOS TIP Report)</a>	Yes, Tier 1.

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Criteria	Sources	Description
Has the country ratified the Palermo Protocol (on human trafficking)?	<a href="#">United Nations (UN) Treaty Collections: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</a>	Yes.
Has the country ratified the International Labour Organization's (ILO) conventions on forced and child labor (ILO 29, 105, 138, 182)?	<a href="#">International Labour Organization's (ILO) NORMLEX Database</a>	Yes.
Has the country ratified the Port State Measures Agreement?	<a href="#">FAO: Port State Measures Agreement</a>	Yes.
The country is NOT cited with a yellow or red card for inaction on illegal, unreported, or unregulated	<a href="#">EU Rules to Combat Illegal Fishing (IUU)</a>	Yes.

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fishing by the European Union (EU).		
Does the country have legislation that criminalizes forced labor and human trafficking and protects children from hazardous child labor?	<a href="#">USDOS 2018 TIP report</a> <a href="#">Global Slavery Index 2016</a> <a href="#">USDOL 2016 Findings on the Worst Forms of Child Labor</a> <a href="#">ILO NATLEX Database</a> <a href="#">FAO Development Law Service Newsletter - Issue #1 of 2017</a>	<p>Yes.</p> <p>Chile has legislation in place to criminalize human trafficking and forced labor, and to protect children from hazardous labor:</p> <p>According to the USDOS, “The Government of Chile fully meets the minimum standards for the elimination of trafficking... <b>Article 411 of the penal code criminalized sex and labor trafficking, prescribing penalties ranging from five years and one day to 15 years imprisonment, plus fines ranging from \$4,000 to \$8,000.</b> These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape.” <a href="#">USDOS TIP report 2018</a> (p. 137) (Emphasis added)</p> <p>The 2016 Global Slavery Index (GSI) rates the Chilean <b>Government’s Response to Modern Slavery as B</b>. This is reflective of a situation where the basic legal framework is in place, a national action plan is under implementation and significant steps are taken, but where more can be done to identify and protect victims. <a href="#">Global Slavery Index 2016</a></p> <p>Both the USDOS TIP report and the GSI stress that gaps relate mainly to the identification of victims and the uneven provision of services and protection. There is nothing to indicate major gaps in the legislative framework.</p>

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Criteria	Sources	Description
		<p>The Labor Code sets the minimum age for work at 15 years and the minimum age for hazardous work at 18 years. <a href="#">USDOL 2016 Findings on the Worst Forms of Child Labor</a></p> <p>The ILO NATLEX database lists 3 laws and regulations prohibiting forced labor and human trafficking, 15 laws and regulations for the elimination of child labor, protection of children and young persons, and 20 laws and regulations relating to fishers. <a href="#">ILO NATLEX Database</a></p> <p>In 2015/16, the FAO undertook a review of the fisheries and agriculture act in Chile and found that provisions around social security and labor conditions for fishers could be strengthened, though overall the law is in accordance with international standards. <a href="#">FAO Development Law Service Newsletter - Issue #1 of 2017</a></p>
<p>If the country has not ratified any of the ILO conventions listed above, the Palermo Protocol, and/or the PSMA, has equivalent national legislation been enacted and put into force for all non-ratified instruments?*</p>	<p><a href="#">ILO NORMLEX Database: Committee of Experts on the Application of Conventions and Recommendations (CEACR)</a></p> <p><a href="#">USDOS TIP Report</a></p> <p><a href="#">The Global Slavery Index 2016</a></p>	<p>Not applicable.</p>

# Seafood Watch, Liberty Asia & Sustainable Fisheries Partnership: Seafood Slavery Risk Tool

## Fishery Profile Data Analysis

Criteria	Sources	Description
<p>Is there credible evidence of effective enforcement of national legislation and obligations under international conventions?***</p>	<p><a href="#">USDOS 2018 TIP report</a></p> <p><a href="#">ILO NORMLEX Database: Committee of Experts on the Application of Conventions and Recommendations (CEACR)</a></p> <p><a href="#">UN Office of the High Commissioner</a></p> <p><a href="#">The Global Slavery Index 2016</a></p> <p><a href="#">CONCEPT</a></p> <p><a href="#">USDOL 2016 Findings on the Worst Forms of Child Labor</a></p>	<p>Yes.</p> <p>There is evidence that anti-trafficking legislation in Chile is well enforced in general terms, but that victim identification and protection could be strengthened, especially for victims of trafficking for commercial sexual exploitation. None of the evidence found indicates weak enforcement related to fishing and seafood specifically. Rather, it largely revolves around sexual exploitation and exploitation of children for illicit activities such as drug trafficking (but not IUU fishing).</p> <p><b>“The Government of Chile fully meets the minimum standards for the elimination of trafficking.</b> The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Chile remained on Tier 1... <b>Although the government meets the minimum standards, weak sentences for trafficking convictions continued to hamper efforts to deter and hold traffickers accountable.”</b></p> <p><a href="#">USDOS TIP report 2018</a> (p. 137) (Emphasis added)</p> <p>There are no ILO CEACR observations on human trafficking, forced labor or child labor after 2007.</p> <p>The UN Human Rights Committee, in 2014, noted the following regarding <b>implementation of legislation against human trafficking</b>: “The State party should step up its efforts to put a stop to trafficking in persons, including</p>

# Seafood Watch, Liberty Asia & Sustainable Fisheries Partnership: Seafood Slavery Risk Tool

## Fishery Profile Data Analysis

Criteria	Sources	Description
		<p>internal trafficking in persons. The State party should ensure that the existing legal framework is used effectively at all levels of the State to combat trafficking in and smuggling of persons. It should continue to train police and immigration officers and should provide protection, rehabilitation and reparation to victims. The State should, furthermore, ensure that allegations concerning these practices are investigated and that the perpetrators are brought to justice and given appropriate penalties.” <a href="#">UN Office of the High Commissioner</a></p> <p>As noted above, the 2016 Global Slavery Index (GSI) rates the Chilean <b>Government’s Response to Modern Slavery as B</b>. According to the GSI methodology, this indicates that: “The government has introduced a response to modern slavery, with limited victim support services, a criminal justice framework that criminalises some forms of modern slavery (or has recently amended inadequate legislation and policies), a body or mechanisms that coordinate the response, and has policies that provide some protection for those vulnerable to modern slavery. There is evidence that some government policies and practices may criminalise and/or deport victims and/ or facilitate slavery. Services may be provided by International Organisations (IOs)/NGOs with international funding, sometimes with government monetary or in-kind support.” It is not clear what factors exactly cause the “B” rating for Chile. None of the evidence points to fishery. Concerns appear to be related mostly to victims of human trafficking for forced sexual exploitation. <a href="#">Global Slavery Index 2016</a></p>



# Seafood Watch, Liberty Asia & Sustainable Fisheries Partnership: Seafood Slavery Risk Tool

## Fishery Profile Data Analysis

Criteria	Sources	Description
		<p>A 2016 comparative study of human trafficking for forced labor in Bolivia, Chile and Peru (Mouer, DK 2016) asserts that: <b>“Chile is a country that employs enough labor inspectors and performs enough inspections to be considered effective at labor law enforcement.</b> (40) The Ministry of Labor and Social Prevision supplied its 72041 inspectors with resources to perform their jobs, including 112 vehicles to travel to job sites. The inspectors performed a total of 115,272 inspection visits. (42)”</p> <p><b>However, this is contradicted by evidence within the same study:</b> “Although Chile is effective, enforcement of labor could be improved. For example, <b>the Ministry of Labor commented that they have a need for more inspectors and that the financial penalties in place did not deter companies from violating their workers’ labor rights.</b> (43) The Chilean government partnered with NGOs to institute specialized training on human trafficking to around 400 government officials, which included labor inspectors. (44) <b>However, some NGOs stated that more training was needed for labor inspectors.</b> (45)” <a href="#">CONCEPT</a> 2016, Vol 39 (page 9) (Emphasis added) Further supported by the <a href="#">USDOL 2016 Findings on the Worst Forms of Child Labor</a>, which asserts that there is an insufficient number of labor inspectors in Chile to fully enforce legislation.</p>

# Seafood Watch, Liberty Asia & Sustainable Fisheries Partnership: Seafood Slavery Risk Tool

## Fishery Profile Data Analysis

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\* It may be acceptable where a State has not ratified any of the convention(s) listed above, that a State has passed and brought into effect wholly and fully legislation and relevant accompanying regulation, where needed to implement legislation, that is at least materially identical in substance, intent, effect and spirit to the provisions of the relevant convention(s). It is expected that relevant legislation and regulation will include provisions that are suitably onerous and comprehensive in nature and intent to provide for its full and proper enforcement. Where this is the case, the country may be assessed as fulfilling the country criteria, despite the non-ratification(s).

\*\* The assessment of a country's enforcement relies primarily on comments by the Committee of Experts on the Application of Conventions and Recommendations, which supervise the application of ILO conventions, and the U.S. Department of State's Trafficking in Persons Report. Both sources are credible, global in scope, and publicly available. Additional, credible sources may also be used. This assessment does not constitute a full and complete analysis of law enforcement in any country.

Is there credible evidence of forced labor, human trafficking, or hazardous child labor in seafood processing, agriculture, forestry, or aquaculture in the country?\* N/A

Source URL	Source type	Year published	Sector / Industry	Summary of findings	Any remarks on the credibility of this source?

\* Evidence of forced labor, human trafficking, or hazardous child labor in a country's seafood processing, forestry, agriculture, and aquaculture industries may be examined as *indicators* of risk for the at sea portion of a fishery. See the Seafood Slavery Risk Tool's conceptual model to view which pathways trigger an examination of related or similar renewable resource industries.


# Seafood Watch, Liberty Asia & Sustainable Fisheries Partnership: Seafood Slavery Risk Tool

## Fishery Profile Data Analysis

### Summary of Risk Rating

The Chile anchoveta fishery is rated LOW RISK. There is no credible evidence of forced labor, hazardous child labor or human trafficking in the anchoveta fishery or in other fisheries in the country. Chile has up-to-date and comprehensive legislation to prohibit child labor, criminalize modern slavery, and protect workers. The [USDOS TIP report 2018](#) states that the Government of Chile fully meets the minimum standards for the elimination of trafficking. Although forced labor, trafficking, and hazardous child labor continue to occur in Chile, there is no indication that enforcement of legislation suffers major, systemic gaps, with evidence suggesting that there are relatively strong enforcement mechanisms and practices in Chile. But there are indications that the identification of victims of human trafficking and the provision of services to victims need strengthening. Furthermore, more labor inspectors and additional training are still required to improve enforcement. Overall, the available evidence indicates that there is a low risk of forced labor, human trafficking, and hazardous child labor in the Chilean anchoveta fishery.

### Conceptual Model Path

<p><b>Low Risk: Path 1</b></p>	<ol style="list-style-type: none"> <li>1. There is NO credible evidence of human rights abuses in the FISHERY - AND -</li> <li>2. There is NO credible evidence of human rights abuses in FISHERIES of the country - AND -</li> <li>3. The country criteria have been met</li> </ol>	 <pre> graph LR     A[Slavery in fishery?] -- N --&gt; B[Slavery in fishing industry in country?]     B -- N --&gt; C[Meet Country Criteria?]     C -- Y --&gt; D[LOW]     </pre>
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