

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

Fishery Profile Data Analysis

January 24, 2018

Revised February 28, 2018 – The **Seafood Slavery Risk Tool's country criteria** has been revised. The revision does not change the risk rating for this fishery.

Profile Name(s)¹ and Risk Rating(s)

Species ²	Country ³	Risk rating
Fishmeal, Multiple Species	Thailand	CRITICAL

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	Biomass, "trash fish," feed fish
Risk rating	CRITICAL
Ocean(s), water body(ies)	Multiple Exclusive Economic Zones (EEZs)/territorial waters, including Thai, Indonesia, Mauritius, Papua New Guinea (PNG) EEZs; High Seas

Fishmeal, Multiple Species, Thailand

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FAO fishing area(s)

Major Fishing Area 71 includes the Gulf of Thailand, Indonesian waters, Malaysian waters, and the Dog Leg Bank.



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FAO Major Fishing Areas. PACIFIC, WESTERN CENTRAL (Major Fishing Area 71). CWP Data Collection. In: FAO Fisheries and Aquaculture Department [online]. Rome. Updated October 1, 2004. [Cited January 23, 2018].

Major Fishing Area 57 includes, among others, the Andaman Sea and Eastern Indian Ocean.

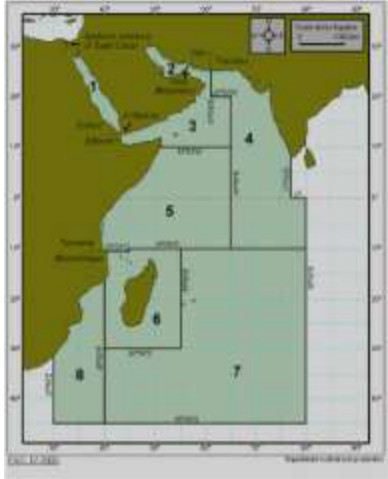


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FAO Major Fishing Areas. INDIAN OCEAN, EASTERN (Major Fishing Area 57). CWP Data Collection. In: FAO Fisheries and Aquaculture Department [online]. Rome. Updated October 1, 2004. [Cited January 23, 2018].

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	<p>Major Fishing Area 51 includes Saya de Malha Bank.</p>  <p>© FAO 1990-2018.</p> <p>FAO Major Fishing Areas. INDIAN OCEAN, WESTERN (Major Fishing Area 51). CWP Data Collection. In: FAO Fisheries and Aquaculture Department [online]. Rome. Updated October 1, 2004. [Cited January 23, 2018].</p>
	<p>To view all FAO Major Fishing Areas, see http://www.fao.org/fishery/area/search/en.</p>
Governance of water bodies (e.g., country and regional management bodies)	<p>RFMOs include:</p> <p>Asia Pacific Fisheries Commission (APFIC) http://www.fao.org/figis/geoserver/factsheets/rfbs.html</p> <p>Commission for the Conservation of Southern Bluefin Tuna (CCSBT) http://www.fao.org/figis/geoserver/factsheets/rfbs.html</p> <p>Southern Indian Ocean Fisheries Agreement (SIOFA) http://www.fao.org/figis/geoserver/factsheets/rfbs.html</p> <p>The Thai fleet targeting multiple species for fishmeal is mobile and may operate in more EEZs and RFMO areas than listed here. Of the listed RFMOs, Thailand is party to the APFIC and SIOFA.</p>

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Flag state(s) (As a general rule, only countries that landed more than 5% of the total global catch are assessed.)	Thailand Vessels under flags other than Thai may also supply inputs to the fishmeal production in Thailand. This profile focused on Thai flagged vessels.*
Gear type(s)	Single and twin trawl, purse seine For more information, see FAO Fishing Gear Types .

* There are reports of “ghost ships” in the Thai fleet, which are vessels with no flags or multiple vessels with the same name. For example, see: <https://www.theguardian.com/global-development/2016/dec/15/thai-fishing-industry-human-rights-abuses-continue-in-unpoliced-waters-greenpeace-claims>

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Decision Tree/Evidence

Is there credible evidence of forced labor, human trafficking, or hazardous child labor in the profile fishery?

YES

Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?
Guardian (2014)	Media: The Guardian	2014	<p>"Base article" from an extensive Guardian investigative series on slavery on board Thai vessels. (For a summary of the series, please refer to the 2016 summary article in the following table.)</p> <p>The article is based on the journalists' 6-month investigation. It documents specific cases of Myanmar slaves on board Thai vessels that land "trash fish" in Thai ports for processing into fishmeal in Thai factories.</p>	The Guardian is internationally recognized for high-quality investigative journalism.
EJF (2015)	NGO report: Environmental Justice Foundation	2015	This report documents the use of forced labor on board vessels from Kantang that fish for "trash fish" for fishmeal production.	In-depth field research, which includes documented cases that directly link forced labor to fishing for "trash fish" used in Thai fishmeal.
Verité (2015)	NGO report: Verité	2015	This report documents cases of forced labor on board Thai vessels supplying to fishmeal facilities in Thailand.	Verité report commissioned by Nestlé, based on field research in selected ports and facilities in Thailand. Thoroughly researched

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Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?
				report with the methodology described in the report.

The Thai fishmeal fishery is assessed as critical risk based on the above-listed evidence. The following is included for information.

INTERPOL has issued a Purple Notice on [Human trafficking and modern slavery in the fisheries sector in Southeast Asia and the Pacific Islands](#). "INTERPOL Notices are international requests for cooperation or alerts allowing police in member countries to share critical crime-related information." Purple Notices "seek or provide information on modus operandi, objects, devices and concealment methods used by criminals." The notice states:

"The crimes of human trafficking and modern slavery in the fisheries sector are facilitated by a unique combination of economic, labour, trade, legislative, regulatory and enforcement conditions, occurring within the context of complex and lucrative global supply chains. This Purple Notice describes some of the structures and methods used by criminal networks to enable, protect and prolong their activities within this environment, and makes recommendations to assist law enforcement agencies to identify and disrupt these activities. While this notice focuses on Southeast Asia and the Pacific Islands, it is likely (but unconfirmed) that the modus operandi described here also occurs in other parts of the world."

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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?
Guardian (2014)	Media: The Guardian	2014	The Guardian's "Modern-day slavery in focus" series, which includes multiple articles documenting slavery on board Thai fishing vessels (some of which are also cited separately in this profile).	
AP (2015)	Media: Associated Press (AP)	2015	One of multiple, extensive articles by the AP, based on substantial investigative journalism. Very thorough documentation of slavery/forced labor/human trafficking on board Thai vessels docking in Indonesia.	Part of an award-winning investigative journalism series.
HRW (2018)	NGO report: Human Rights Watch (HRW)	2018	"Hidden Chains Rights Abuses and Forced Labor in Thailand's Fishing Industry" documents persistent abuse and exploitation in Thailand's fishing industry, including pervasive forced labor and human trafficking, despite reforms.	HRW interviewed 246 fishermen between 2016 and 2018, including 95 individuals who were identified by Thai authorities as victims of forced labor for the report.
IJM and II (2017)	NGO report: International Justice Mission and Issara Institute	2017	<p>"Not In The Same Boat: Prevalence and Patterns of Labour Abuse across Thailand's Diverse Fishing Industry." This study documents the experiences of Burmese and Cambodian fishermen living in Thailand and finds extensive exploitation, including overwork and underpay. In addition:</p> <ul style="list-style-type: none"> "18.1% of fishermen interviewed reported experiencing physical 	The research team interviewed 260 fishermen to find out if they have been trafficked, abused or witness to abuse, or experienced debt bondage by employers, brokers, or supervisors.

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Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?
			<p>violence while working on the fishing vessels; this abuse was three times more likely to occur on boats that transshipped catch at sea; further, 100% of fishermen on boats that transshipped crew suffered physical abuse;</p> <ul style="list-style-type: none"> • 76% of fishermen interviewed had been in debt bondage; • 37.9% of fishermen interviewed were clearly trafficked, while an additional 49.2% were possibly trafficked; 12.9% of the sample reported fair labour conditions at sea and experiencing no exploitative recruitment;" 	
ILO (2017)	International organization: International Labour Organization (ILO)	2017	<p>In 2016, the International Transport Workers' Federation (ITF) complained to the ILO's supervisory mechanism that the Thai Government's efforts to protect fishermen from forced labor and trafficking are insufficient and that forced labor and human trafficking is still rampant.</p> <p>In March 2017, the ILO's Committee of Experts concluded that the Government has taken important steps, but that more action is required to fully protect fishermen, acknowledging that forced labor and trafficking still occurs on Thai fishing vessels.</p>	Official report of the Committee of Experts on Application of Standards.
ILO (2013)	International organization: ILO	2013	In-depth research on working conditions among migrant fishermen in the Thai fishing fleet. This report documents abusive and exploitative conditions, including forced labor, on board Thai vessels in detail.	Rigorous research methodology described in the report.

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Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?
2016 USDOL TVPRA	Government report: US Department of Labor (USDOL)	2016	The 2016 USDOL TVPRA list cites Thailand for forced labor in fish and forced labor and child labor in shrimp.	
DOS (2017)	Government report: US Department of State (USDOS)	2017	The 2017 USDOS Trafficking in Persons (TIP) Report cites Thailand for human trafficking in fishing as a significant concern.	
RTG (2015)	Government report: Government of Thailand	2015	A 2015 Government of Thailand report on counter-trafficking initiatives that documents the continued existence of human trafficking and forced labor in fishing and describes efforts to curb it.	
Greenpeace (2016)	NGO report: Greenpeace	2016	Thorough documentation of forced labor and human trafficking in the Thai long-distance fleet, targeting tuna and species used to produce Surimi documented. Also, the report maps supply chains and documents the link between “trash fish” and Thai fishmeal, though the report does not include specific cases from vessels targeting mixed species trash fish. The report does present evidence of continued widespread abuse in the fishing industry in general and also links the “trash fish” to fishing for high value species.	The report is based on systematic and rigorous research.
UNODC (2017)	International Organization: UN Office on Drugs and Crime (UNODC)	2017	Report on trafficking in persons from Cambodia, Lao PDR, and Myanmar to Thailand with information on the nature of trafficking in persons within the fishery, fishery-related and seafood sector in Thailand (<i>e.g.</i> , estimates on number of victims, working conditions, salaries, and wage deductions).	UNODC’s Regional Office for Southeast Asia and the Pacific has a mandate to monitor implementation according to the Palermo Protocol, and the Thailand

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Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?
				Institute of Justice produced this report as part of their project to improve evidence-based knowledge on trafficking in the region.

A substantial amount of evidence is available. The above is NOT an exhaustive list of sources.

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?
Greenpeace (2016)	NGO report: Greenpeace	2016	Yes, high-value species, tuna, Surimi.	
Refer to the table above on evidence of human trafficking and forced labor in the Thai fishing industry.				

* 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.

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

Note: When a critical risk has been determined, adherence to Seafood Slavery Risk Tool's country criteria is not factored in the fishery rating. The following is provided for information.

Criteria	Sources	Description
Is this country ranked Tier 1 or Tier 2 on the U.S. Department of State Trafficking in Persons report?	U.S. Department of State Trafficking in Persons Report (USDOS TIP Report)	No. Tier 2 watchlist (2017)
Has the country ratified the Palermo Protocol (on human trafficking)?	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	Yes.
Has the country ratified the International Labour Organization's (ILO) conventions on forced and child labor (ILO 29, 105, 138, 182)?	International Labour Organization's (ILO) NORMLEX Database	Yes.
Has the country ratified the Port State Measures Agreement?	FAO: Port State Measures Agreement	Yes.

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Criteria	Sources	Description
The country is NOT cited with a yellow or red card for inaction on illegal, unreported, or unregulated fishing by the European Union (EU).	EU Rules to Combat Illegal Fishing (IUU)	No.
Does the country have legislation that criminalizes forced labor, slavery, human trafficking; and protects children from hazardous child labor?	<p>ILO NATLEX Database</p> <p>USDOS TIP Report</p> <p>Additional sources can be added.</p> <p>http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_549113.pdf</p> <p>http://ccpl.mol.go.th/ewt_dl_link.php?nid=86&filename=index</p> <p>http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_474896.pdf</p>	<p>Yes.</p> <p>Thailand has significantly changed and improved its legislation and enforcement regimes since 2014. See the following sources for details on legislative amendments and improved enforcement:</p> <p>The Government of Thailand 2015 http://ccpl.mol.go.th/ewt_dl_link.php?nid=86&filename=index</p> <p>ILO 2016 http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_474896.pdf</p> <p>ILO Committee of Experts 2017 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_549113.pdf</p> <p>There is some evidence, however, that the legislation is still not sufficiently developed to fully protect fishermen. See, for example:</p> <p>Greenpeace 2016 http://www.greenpeace.org/seasia/PageFiles/745330/Turn-The-Tide.pdf</p>

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Criteria	Sources	Description
	http://www.iotc.org/sites/default/files/documents/2016/11/IOTC-2016-WPDCS12-15_-_THA.pdf	<p>ILO Committee of Experts 2017 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_549113.pdf</p> <p>But overall, forced labor and human trafficking is criminalized and child labor is prohibited, including work on board ocean going vessels by anyone below the age of 18 years.</p> <p>http://www.ilo.org/dyn/natlex/natlex4.countrySubjects?p_lang=en&p_country=THA</p> <p>The December 2015 changes to Ministerial Regulation Number 10 (under the Employment Act) prohibits work on vessels below 18 years, determines rest periods, stipulates written contracts, requires reporting to Ministry of Labor by employers and other measures to protect fishermen and on board observers. See:</p> <p>ILO 2016 http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_474896.pdf</p> <p>IOTC 2016 http://www.iotc.org/sites/default/files/documents/2016/11/IOTC-2016-WPDCS12-15_-_THA.pdf</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>ILO NORMLEX Database: Committee of Experts on the Application of Conventions and Recommendations (CEACR)</p> <p>USDOS TIP Report</p>	Not applicable.

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Criteria	Sources	Description
	The Global Slavery Index 2016 Additional sources (e.g. national legislative publications/ databases) may be added.	
Is there credible evidence of effective enforcement of national legislation and obligations under international conventions?**	ILO NORMLEX Database: Committee of Experts on the Application of Conventions and Recommendations (CEACR) UN Office of the High Commissioner USDOS TIP Report The Global Slavery Index 2016 Additional sources can be added. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_549113.pdf	<p>No.</p> <p>Thailand has significantly changed and improved its legislation and enforcement regimes since 2014 http://ccpl.mol.go.th/ewt_dl_link.php?nid=86&filename=index? See above.</p> <p>Enforcement of legislation on forced labor, human trafficking, and hazardous child labor is improving in Thailand, with the country's first conviction of a business owner for forced labor in fishing being handed down in 2017. https://www.nytimes.com/2017/07/19/world/asia/thailand-human-trafficking-case.html?mcubz=0%20and%20see%20the%202017%20TIP%20report%20for%20evidence%20of%20first%20conviction%20for%20forced%20labour%20in%20fishing.</p> <p>However, there is substantial evidence that anti-trafficking laws and laws and regulations enacted to protect fishermen from forced labor and human trafficking still are not adequately enforced and corruption continues to block improvement efforts. The gaps in enforcement (even with recognition of the significant efforts over the past couple of years) also are part of the rationale for the USDOS to maintain Thailand's Tier 2 watchlist ranking in 2017.</p> <p>A 2018 Human Rights Watch report, Hidden Chains: Rights Abuses and Forced Labour</p>

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Criteria	Sources	Description
		<p>in Thailand’s Fishing Industry, documents persistent abuse and exploitation and links it with inadequate enforcement of regulations:</p> <p>“This report documents forced labor and other human rights abuses in the Thai fishing sector. It identifies poor working conditions, recruitment processes, terms of employment, and industry practices that put already vulnerable migrant workers into abusive situations—and often keep them there. It assesses government efforts to address labor rights violations and other mistreatment of migrant fishers. It also highlights improvements and shortcomings in Thai law and the operational practice of frontline agencies that allow victims of forced labor to fall through gaps in existing prevention and protection frameworks.</p> <p>“...These reforms have focused primarily on establishing control over fishing operations and tackling IUU fishing. Yet they have had little effect on human rights abuses that workers face at the hands of ship owners, senior crew, brokers, and police officers. Meanwhile, the impact of stronger regulatory controls on improving conditions of work at sea has been limited as a result of poor implementation and enforcement.</p> <p>In some respects, the situation has gotten worse. For instance, the government’s “pink card” registration scheme, introduced in 2014 in an effort to reduce the number of undocumented migrants working in Thailand, has tied fishers’ legal status to specific locations and employers whose permission they need to change jobs, creating an environment ripe for abuse. The pink card scheme, as well as practices where migrant workers are not informed about or provided copies of required employment contracts, has become means through which unscrupulous actors conceal coercion and deception behind a</p>

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Criteria	Sources	Description
		<p>veneer of compliance. In this way, routine rights abuses go unchecked as officials are content to rely on paper records submitted by fishing companies and the government employs labor inspection frameworks that fail to closely examine actual labor practices at sea.”</p> <p>https://www.hrw.org/report/2018/01/23/hidden-chains/rights-abuses-and-forced-labor-thailands-fishing-industry</p> <p>A 2017 International Justice Mission study, Not in the Same Boat: Prevalence & Patterns of Labour Abuse Across Thailand’s Diverse Fishing Industry, also documents that enforcement of the legislation is still challenging and that overwork, underpayment, debt bonding, violence, etc. are still common experiences among migrant fishermen on Thai vessels.</p> <p>http://www.ijm.org/sites/default/files/studies/IJM-Not-In-The-Same-Boat.pdf</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 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.

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

Source URL	Source type	Year published	Sector / Industry	Summary of findings	Any remarks on the credibility of this source?
Not applicable when the profile fishery is rated critical risk.					

* 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 Thai fishmeal fishery is rated CRITICAL RISK based on multiple sources documenting a direct link between the use of forced labor on board Thai flagged vessels off-loading “trash fish” in Thai ports that is then used in the production of fishmeal (for feed) at Thai fishmeal facilities. There is also substantial evidence that forced labor and human trafficking are pervasive on a systemic scale in the Thai fishing industry. Forced labor and human trafficking are associated, in particular, with long-distance, deep-sea vessels, often using transshipment. Some of these vessels have been documented to fish for “trash fish” (mixed species) for fishmeal production in Thailand. Other evidence relates to higher value species or “fishing” in general. While Thailand is making significant progress to address gaps in legislation, enforcement of regulations still presents a challenge as evidenced in Thailand’s “Tier 2 watch-list” placement in the 2017 US Department of State’s Trafficking in Persons Report and the European Union’s (EU) renewal of a yellow card for inaction on illegal fishing. Thailand was first cited with the EU yellow card in 2015.

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Conceptual Model Path

Critical Risk	There is credible evidence of human rights abuses in the profile fishery	 <pre>graph TD; A[Slavery in fishery?] --> B((Y)); B --> C[CRITICAL];</pre>
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