

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

Fishery Profile Data Analysis

July 1, 2018

Profile Names¹ and Risk Ratings

Species ²	Country ³	Risk rating
Lane Snapper	Brazil	HIGH
Southern Red Snapper	Brazil	HIGH
Yellowtail Snapper	Brazil	HIGH
Snapper (All Other Species)	Brazil	HIGH

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	Lane snapper, <i>Lutjanus synagris</i> Southern red snapper, <i>Lutjanus purpureus</i> Yellowtail snapper, <i>Ocyurus chrysurus</i> Snapper, unspecified species, <i>Lutjanidae spp.</i>
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Land Area	Ocean Area	Species	Scientific name	2016
Brazil	Atlantic, Southwest	Lane snapper	<i>Lutjanus synagris</i>	1,840 <i>F</i>
		Snappers, jobfishes nei	<i>Lutjanidae spp.</i>	6,760 <i>F</i>
		Southern red snapper	<i>Lutjanus purpureus</i>	5,900 <i>F</i>
		Yellowtail snapper	<i>Ocyurus chrysurus</i>	4,700 <i>F</i>
	<i>Sub-total Atlantic, Southwest</i>			19,200 <i>F</i>
Grand total (mt)				19,200 <i>F</i>

F = FAO estimate (Data estimated from available source of information or calculation based on specific assumptions.)
 (Queried on April 30, 2018, <http://www.fao.org/fishery/statistics/global-capture-production/query/en>)

Risk rating

HIGH

Location

[Brazil's Exclusive Economic Zone](#)

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	 <p>Source: Flanders Marine Institute (2018). Maritime Boundaries Geodatabase: Maritime Boundaries and Exclusive Economic Zones (200NM). http://www.marineregions.org/eezdetails.php?mrgid=8464</p>
FAO fishing area(s)	Atlantic, Southwest (Major Fishing Area 41) To view all FAO Major Fishing Areas, see http://www.fao.org/fishery/area/search/en .
Governance	Brazil's Ministry of Fisheries and Aquaculture (Ministério da Pesca e Aquicultura, MPA) ¹ and the Brazilian Institute of Environment and Renewable Natural Resources (Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis , IBAMA). For more information, see the FAO's Fishery and Aquaculture Profile for Brazil.

¹ The URL for MPA, <http://www.mpa.gov.br>, was failing to load as of July 1, 2018.

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Flag state	Brazil
Method	Handlines and hand-operated pole-and-lines, Pots For more information, see FAO Fishing Gear Types .

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?

Legal Disclaimer: The profiles and ratings(s) provided in the Seafood Slavery Risk Tool are for information purposes only and do not constitute business, legal, market, financial, or investment advice. Users of the Risk Tool, the profiles, and the ratings must seek separate advice and guidance.

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Is there credible evidence of forced labor, human trafficking, or hazardous child labor in the fishing industry of the country? YES²

Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?
O Globo (2016)	Media: O Globo	2016	This source reports that the Ministry of Labor and Employment (MTE) found 11 fishermen working in a “similar situation to slavery” (including debt bondage) after two commercial vessels landed on Conceição Island, near Rio de Janeiro in the Baía de Guanabara.	Information about this particular inspection operation could not be located on the MTE’s website. O Globo is one of Brazil’s largest newspapers,

² The sources cited in this profile use phrases that are unique to Brazil. For example, a translated source could state “a situation to that of slaves” or “a situation analogous to slavery.” According to an ILO report on forced labor in Brazil, “In order to differentiate slave labour from colonial or traditional slavery, other expressions are used, such as *trabalho escravo contemporâneo* (modern-day slave labour) or *trabalho escravo por dívida* (debt slavery), as well as the word ‘analogous’ used in legal terminology when referring to the practice of ‘reducing someone to a condition analogous to slavery’.” (See Patrícia Trindade Maranhão Costa. 2009. “Fighting Forced Labour: The Example of Brazil.” International Labour Office Special Action Programme to Combat Forced Labour, p. 13. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_111297.pdf.)

According to the NGO [Focus on Labour Exploitation](#), “Article 149 provides the definition of the Brazilian concept of ‘labour analogous to slavery’ by criminalizing the various practices which cause workers to work in degrading conditions, excessive working hours, in conditions of forced labour or in situations whereby their freedom is restricted through debt, isolation, the confiscation of their personal documents, or by maintaining manifest surveillance. Under this definition of slave labour, it is sufficient for one of these elements to be present for the crime of using slave labour to be fulfilled. ...The Brazilian concept of slavery-like labour goes further than the international definition of ‘forced labour’ as set out in the ILO Conventions.” (See Focus on Labour Exploitation. n.d. “Article 149.” Labour Exploitation Accountability Hub. Accessed April 17, 2018. <http://accountabilityhub.org/provision/brazilian-criminal-code-article-149/>.)

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			<p>"At sea, fishermen face a workday of up to 22 hours a day in unsanitary conditions of hygiene and work in a debt bondage scheme, in which they also share expenses with fishing gear, gasoline, food and ice. On return, half of the profits from the sale of the fish remain with the owners of the vessel and the other half is divided among fishermen according to their hierarchy - the master gets the bulk and the deck workers earn the least.</p> <p>Conditions are precarious, we feel constrained, but we need to work - says Antonio da Silva, who had been fishing for six years in one of the supervised boats. In his testimony, he said that fishermen even owe money when the fishing trip is not profitable.</p> <p>...Six other fishermen had already been rescued in the first operation of the MTE in Niterói in 2014, when a vessel was assessed when unloading on the quay of the Fishing Development Company (Codepe), in the island of Caju."</p>	and is deemed a credible source. ³

³ Bárbara Sacchitiello. 2015. "Circulation of the five major newspapers grows." Media & Message, May 26, 2015.
<http://www.meioemensagem.com.br/home/midia/2015/05/26/circulacao-dos-cinco-grandes-jornais.html>

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Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?
			The article also reports that since 2012, MTE has found 85 fishermen in similar conditions in the states of Amapá, Pará, Ceará and Rio. (Translation by Google Translate)	
Ministry of Labor and Employment (2014)	Government: Ministry of Labor and Employment	2014	<p>MTE reports that inspectors rescued 11 fishermen who were in a situation analogous to slavery about 50 miles off the State of Ceará, a coastal state in western Brazil. The operation was conducted with the Special Group on Mobile Inspection of Port and Waterway Work.</p> <p>“The Ministry of Labor and Employment (MTE) rescued 11 fishermen, found in an analogous situation to slavery about 50 miles off the coast of Ceará. The operation was carried out by the Special Group on Mobile Inspection of Port and Waterway Work in partnership with the Special Group on Mobile Surveillance of Slave Labor. In the operation, the MTE relied on the partnership of the Brazilian Navy, through the Grajaú Patrol Ship and a LAEP Launch, which enabled actions by land and sea. While an inspection team of the MTE inspected vessels moored in the municipalities of Beberibe, Fortim and Aracati, another group approached fishing boats in the sea, intercepting the boats in full activity.</p>	Based on the translated description of conditions, it's unclear if the fishermen were in a situation of forced labor. However, the MTE considers the conditions to be “analogous to slavery.” The report notes that inspections were carried out at sea.

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			<p>...Rescue was performed based on the observed degradation conditions, such as the absence of toilets, poor housing conditions, inadequate kitchens, lack of first aid materials, lack of personal protective equipment and irregularities in payments, among others serious infringements.</p> <p>The workers made their needs at sea and had to hang on the stern (the back of the boat), holding onto the boat with one hand, while taking off their clothes with the other. In order to clean themselves, they wore one hand as they held each other in the boat. This procedure, in addition to attacking the dignity of the human person, is highly dangerous, with great risk of falling into the sea. Such risk is compounded by the natural agitation of the boat in the waves and by being carried out with the boat sailing. If the worker falls into the sea during this procedure, there is a risk that his absence will only be noticed a long time later, making it difficult or even impossible to recover, especially during the night shift or adverse weather conditions." (Translation by Google Translate)</p>	
RBA (2013)	Media: Rede	2013	This article reports that MTE rescued 23 fishermen, including	Information about this

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Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?
	Brazil Atual (RBA)		<p>four minors, about 70km from the mouth of the Oiapoque River in Amapá. "The fishermen were located in the Brazilian territorial sea, near the border with French Guiana. They had been in the sea for more than 90 days."</p> <p>"The operation was carried out by the Special Task Force on Mobile Inspection of Port and Waterway Work, with four auditors from different regions, including personnel with experience of rescue in rural areas. They had the support of the Chico Mendes Institute for Biodiversity Conservation, the Federal Police and the National Force. According to the MTE, 35 fishermen were rescued in eight months, all in the North." (Translation by Google Translate)</p>	particular inspection operation could not be located on the MTE's website. RBA is a São Paulo-based news and media website, and is deemed a credible source.
Ministry of Labor and Employment (2013)	Government: Ministry of Labor and Employment	2013	<p>MTE reports that inspectors found 14 workers, working on two fishing boats, in a situation analogous to slavery at Marajó Bay, state of Pará.</p> <p>"The Special Task Force on Mobile Oversight of Port and Waterway Work in partnership with the Regional Superintendence of Labor and Employment in Pará (SRTE / PA) and with the support of the Federal Police and the Environmental Police Battalion carried out a prosecution in Marajó Bay, state of Pará. The operation, carried out from</p>	<p>Based on the translated description of conditions, it's unclear if the fishermen were in a situation of forced labor. However, the MTE considers the conditions to be "analogous to slavery."</p> <p>Marajó Bay flows into the Atlantic Ocean. Given the</p>

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Source URL	Source type	Year published	Summary of findings	Any remarks on the credibility of this source?
			<p>November 4 to 8, showed 14 workers in a situation analogous to slavery.</p> <p>The group was in two fishing boats, sleeping in the engine houses of the boats, beside the engines, space also used as kitchen and tool storage, groceries, electric batteries and equipment in general.</p> <p>Workers were exposed to smoke and other emanations from the engine, such as heat, noise and vibrations, as well as diesel oil vapors, with danger of intoxication and occupational diseases such as hearing loss and respiratory problems. In addition, fishing boats had no toilets.</p> <p>None of the employees were registered, qualified to pilot the vessel, or trained to practice professional fishermen, regarding firefighting, use of life-saving and survival means, proper use of fishing gear, as required by Regulatory Norm No. 30." (Translation by Google Translate)</p>	location, fishing was occurring in the Marajó Bay and/or at sea, but the article does not state explicitly where fishing occurred.

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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, unspecified fisheries

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?
O Globo (2016)	Media: O Globo	2016	This source reports that the Ministry of Labor and Employment (MTE) found 11 fishermen working in a “similar situation to slavery” (including debt bondage) after two commercial vessels landed on Conceição Island, near Rio de Janeiro in the Baía de Guanabara. See citation in previous section for more detail.	Information about this particular inspection operation could not be located on the MTE’s website. O Globo is one of Brazil’s largest newspapers, and is deemed a credible source.
Ministry of Labor and Employment (2014)	Government: Ministry of Labor and Employment	2014	MTE reports that inspectors rescued 11 fishermen who were in a situation analogous to slavery about 50 miles off the State of Ceará, a coastal state in western Brazil. The operation was conducted with the Special Group on Mobile Inspection of Port and Waterway Work. See citation in previous section for more detail.	Based on the translated description of conditions, it’s unclear if the fishermen were in a situation of forced labor. However, the MTE considers the conditions to be “analogous to slavery.” The report notes that inspections were carried out at sea.

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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?
RBA (2013)	Media: Rede Brazil Atual (RBA)	2013	This article reports that MTE rescued 23 fishermen, including four minors, about 70km from the mouth of the Oiapoque river in Amapá. "The fishermen were located in the Brazilian territorial sea, near the border with French Guiana. They had been in the sea for more than 90 days." See citation in previous section for more detail.	Information about this particular inspection operation could not be located on the MTE's website. RBA is a São Paulo-based news and media website, and is deemed a credible source.
Ministry of Labor and Employment (2013)	Government: Ministry of Labor and Employment	2013	MTE reports that inspectors found 14 workers, working on two fishing boats, in a situation analogous to slavery at Marajó Bay, state of Pará. See citation in previous section for more detail.	Based on the translated description of conditions, it's unclear if the fishermen were in a situation of forced labor. However, the MTE considers the conditions to be "analogous to slavery." Marajó Bay flows into the Atlantic Ocean. Given the location, fishing was occurring in the Marajó Bay and/or at sea, but the

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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?
				article does not to state explicitly where fishing occurred.

* 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?	U.S. Department of State Trafficking in Persons Report (USDOS TIP Report)	Yes. Tier 2 (2018). (See pp. 108-110)
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	Yes.

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Criteria	Sources	Description
	against Transnational Organized Crime	
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	No. Brazil signed the PSMA in November 2009, but the Government has not ratified it, per the FAO's status update, May 21, 2018 .
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)	Yes.
Does the country have legislation that criminalizes	ILO NATLEX Database	Yes.

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Criteria	Sources	Description
forced labor and human trafficking and protects children from hazardous child labor?	USDOS TIP Report USDOL's Findings on the Worst Forms of Child Labor Government of Brazil USDOS Country Reports on Human Rights Practices for 2017	<p>According to the 2018 USDOS TIP Report:</p> <p>"Article 149a of law 13.344 criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of four to eight years imprisonment and a fine, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. ...Article 149 of law 13.344 prohibited <i>trabalho escravo</i>, or reducing a person to a condition analogous to slavery, defining forced labor to include degrading work conditions and exhausting work hours, going beyond situations in which people are held in service through force, fraud, or coercion."</p> <p>Also, "The anti-trafficking inter-ministerial group was in the third of six stages of planning the 2018-2022 third national action plan at the end of the reporting period."</p> <p>Article 403 of the Labor Code⁴ states that 16 is the minimum age for work and 18 for hazardous work. Article 2 of the Hazardous Work List⁵ includes a listing of fishing activities designated as hazardous.</p>

⁴ Government of Brazil. 1943. Consolidation of Labor Laws. Decree Law No. 5.452. http://www.planalto.gov.br/ccivil_03/decreto-lei/Del5452.htm.

⁵ Government of Brazil. 2008. Decree Law No. 6.481. http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Decreto/D6481.htm.

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Criteria	Sources	Description
		<p>Brazil has multiple mechanisms and programs to address child labor, including hazardous child labor. See Tables 8 and 10 in "Findings on the Worst Forms of Child Labor - Brazil."</p> <p>In addition, Brazil has a strong legal framework for labor inspections in the maritime industry. See the following report for detailed information:</p> <p>International Labour Organization and Secretariat of Labor Inspection/Ministry of Labour and Employment. 2010. "The Good Practices of Labour Inspection in Brazil: The Maritime Sector." Brasilia: International Labour Office in Brazil. http://www.oitbrasil.org.br/sites/default/files/topic/labour_inspection/pub/maritimo_inspecao_282.pdf.</p> <p>Brazil's Dirty List: "In March 2017, the [Ministry of Labor] resumed publication of the <i>lista suja</i>, or dirty list, after a nearly three-year legal dispute over its release..⁶ Per the 2018 TIP Report, "The MTE published a new version of the <i>lista suja</i>... The list identified individuals and businesses responsible for</p>

⁶ "Trafficking in Persons Report 2017." 2017. U.S. Department of State, Office of the Under Secretary for Civilian Security, Democracy, and Human Rights.
<https://www.state.gov/j/tip/rls/tiprpt/2017/>.

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Criteria	Sources	Description
		<p><i>trabalho escravo</i> and listed businesses could not access credit by public and private financial institutions."</p> <p>In October 2017, Brazil's Labor Ministry issued a decree (Portaria No. 1129/2017) that would have significantly weakened the definition of slave labor. "Before the new decree, four conditions were used to categorise 'slave-like labour' – being forced to work; being obliged to work to pay off debts; degrading conditions that put workers' health or dignity at risk; an excessive workload that threatened workers' health. Now the last two conditions only apply if workers are also forcibly kept in place – and inspections will also need a completed police report to be accepted as evidence."⁷ In December, the government reversed course after widespread criticism and the Supreme Court's suspension of the decree.^{8, 9, 10, 11}</p>

⁷ Phillips, Dom. 2017. "'Fewer People Will Be Freed': Brazil Accused of Easing Anti-Slavery Rules." The Guardian, October 17, 2017.

<http://www.theguardian.com/global-development/2017/oct/17/fewer-people-will-be-freed-brazil-accused-of-easing-anti-slavery-rules>.

⁸ Karla Mendes. 2017. "Brazil's Fight against Slavery Seen at Risk with New Labor Rules." Reuters, October 19, 2017. <https://www.reuters.com/article/us-brazil-slavery/brazils-fight-against-slavery-seen-at-risk-with-new-labor-rules-idUSKBNICO2PW>.

⁹ Sue Branford and Maurício Torres. 2017. "Temer Guts Brazil's Slavery Law, to the Applause of Elite Ruralists." Mongabay News, October 23, 2017. <https://news.mongabay.com/2017/10/temer-guts-brazils-slavery-law-to-the-applause-of-elite-ruralists/>.

¹⁰ Pedro Fonseca and Jake Spring. 2017. "Brazil Government Backs off Weakening Slave Labor Laws." Reuters, December 29, 2017. <https://www.reuters.com/article/us-brazil-slavery/brazil-government-backs-off-weakening-slave-labor-laws-idUSKBN1EN185>.

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Criteria	Sources	Description
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?*	Ministry of Environment (IBAMA) Pew Environment Group Report of the First Meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2017) FAO Workshop on Implementing the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported And Unregulated Fishing (2014)	<p>Yes. Brazil appears to have equivalent port state measures in place.</p> <p>The Ministry of Environment (IBAMA) carries out fisheries surveillance and vessel monitoring. Per the IBAMA website:</p> <p>“Fisheries inspection aims to curb environmental infractions related to fishing activity at all levels of the exploitation chain. Thus, IBAMA carries out inspection actions directed at the exploitation and exploitation, cultivation, conservation, processing, transportation and commercialization of animals and vegetable hydrocarbons.</p> <p>The tracking of fishing vessels by satellite (PREPS) is an important instrument for the remote monitoring of fishing in a prohibited place or period. There are also approaches to vessels at sea and in the port checking documentation, equipment, characteristics of the fish, as well as place and period in which fishing occurs. Greater attention is given to special protection periods.</p> <p>Supervision is one of the stages of fisheries management, whose main</p>

¹¹ U.S. Department of State, Bureau of Democracy, Human Rights and Labor. 2016. “Country Reports on Human Rights Practices for 2016: Brazil.” <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265568>.

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		<p>objective is the sustainability of the fishing activity through the preservation of the aquatic environment.”¹² (Translation by Google Translate, emphasis added)</p> <p>Furthermore, as a Contracting Party to the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) and the International Commission for the Conservation of Atlantic Tunas (ICCAT), Brazil must deny entry to their ports of vessels on the CCAMLR and ICCAT IUU vessel lists.¹³</p> <p>It is also noted that Brazil is engaging on PSMA implementation, as demonstrated by its participation in the FAO’s Workshop on Implementing the PSMA in Norway¹⁴ (May 2017) and also in Uruguay¹⁵ (September-October 2014).</p>

¹² “What Is Environmental Monitoring.” 2017. Ministry of Environment. May 18, 2017. <http://www.ibama.gov.br/fiscalizacao-ambiental/fiscalizacao-ambiental-da-pesca>.

¹³ Kristin von Kistowski, et. al. 2010. “Port State Performance: Putting Illegal, Unreported and Unregulated Fishing on the Radar.” The Pew Environment Group. [http://www.pewtrusts.org/~/media/post-launch-images/2015/04/2015_april_pew_port-state-performance--putting-iuu-on-radar\(1\).pdf](http://www.pewtrusts.org/~/media/post-launch-images/2015/04/2015_april_pew_port-state-performance--putting-iuu-on-radar(1).pdf).

¹⁴ FAO. 2017. Report of the First Meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Oslo, Norway, 29-31 May 2017. FAO Fisheries and Aquaculture Report (FAO), No. 1211. Rome: FAO. www.fao.org/3/a-i7909e.pdf.

¹⁵ FAO. 2014. FAO Workshop on Implementing the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported And Unregulated Fishing. Uruguay: FAO. <http://www.fao.org/3/a-i5698b.pdf>.

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Criteria	Sources	Description
		<p>A 2014 white paper prepared for the Packard Foundation by California Environmental Associates notes:</p> <p>“Brazil recently launched a national plan to eradicate illegal fishing with an investment of \$16.8 million, aiming to guarantee the sustainability of its domestic fishing sector. The initiative includes meetings with fishing communities to raise awareness of illegal fishing, as well as incentives to owners of vessels who use legal practices. Relevant ministerial agencies are expected to improve cooperation and to commit a total of 1,000 public servants to efforts combating IUU fishing. IUU fishing by foreign vessels will be affected by the plan, but the primary focus is the one million or so Brazilians involved in the artisanal and industrial fishing economy. Ultimately, the plan targets thousands of near shore fishing vessels without licenses, using forbidden gears, or operating during closed seasons.”¹⁶ (Emphasis added)</p> <p>Pew’s PSMA monitoring website indicates that Brazil has started the ratification process. However, this assertion could not be corroborated with another credible, publicly available source.</p>

¹⁶ Bernd Cordes and California Environmental Associates. 2015. “Illegal, Unreported and Unregulated (IUU) Fishing: A Whitepaper Prepared for the Packard Foundation.” <https://www.packard.org/wp-content/uploads/2016/03/Packard-White-Paper-on-IUU-for-Packard-website.pdf>.

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Criteria	Sources	Description
		FAO Database on Port State Measures does not provide any information for Brazil as of April 8, 2018.
Is there credible evidence of effective enforcement of national legislation and obligations under international conventions?*	Please see below.	Yes. Please see below.

* 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 effective enforcement of national legislation and obligations under international conventions?

Yes, with room for improvement on inspection capacity and providing adequate care for trafficking victims. Multiple governmental sources have recognized Brazil's significant progress in combatting forced labor, human trafficking, and hazardous child labor. For example, according to the United Nations Human Rights Council's 2017 Universal Periodic Review, Brazil is an example to follow when it comes to combating modern slavery. Brazil's Special Mobile Inspection Group has released approximately 52,000 workers¹⁷ from slavery since May 1995, and the Government's strong labor inspection practices in the maritime industry are well-documented. Also, Brazil has drastically decreased the number of child laborers in the country. The following sources were referenced to make the enforcement determination:

1. The ILO Committee of Experts' (CEACR) most recent observation concerning ILO Conventions 29 relating to forced labor include:

[Observation \(CEACR\) - adopted 2015, published 105th ILC session \(2016\) Forced Labour Convention, 1930 \(No. 29\)](#) calls on the Government of Brazil to ensure the Special Mobile Inspection Group (GEFM) is provided with sufficient human and financial resources.

"(b) Strengthening of the labour inspectorate. The Committee notes that the GEFM has released nearly 50,000 workers from situations of slave labour since its first inspections in May 1995. In 2014, a total of 170 inspections were conducted in 284 workplaces, enabling the release of 1,674 workers. The Government indicates that 2013 was the first year when the number of workers identified in situations of slave labour in urban areas exceeded the number identified in rural areas. In 2014, civil construction topped the list of sectors where the labour inspectorate had identified the largest number of workers in situations of slave labour, followed by agriculture and livestock farming. In recent years, the states with the highest incidence of slave labour include Minas Gerais, Espírito Santo and São Paulo. The Committee recalls that the GEFM has demonstrated, as a result of its

¹⁷ "Brazil's New Slave Labor Rules Take Country Back to the 19th Century." 2017. The Brazilian Report (blog). October 19, 2017. <https://brazilian.report/2017/10/19/modern-slave-labor-brazil-michel-temer-decree/>.

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inter institutional composition (labour inspectors and representatives of the Labour Prosecution Service, Federal Police and Federal Prosecution Service), that it is a vital link in the fight against slave labour, since its inspections enable it not only to release workers from situations of forced labour and secure compensation for them, but also to provide evidence for the civil and criminal prosecution of the perpetrators. The Committee notes that, according to the information supplied by the Government, the GEFM currently has only four teams responsible for the issue of slave labour, compared with eight in 2009 and five in 2010. *The Committee trusts that the Government will not fail to take all the necessary steps to provide the GEFM with sufficient human and financial resources to be able to fulfil its mission throughout the country, especially as it currently comprises only four teams to intervene in all sectors affected by the scourge of forced labour."*

The most recent observation relating to Convention 105 was in 1998. The Risk Tool only considers sources that are no more than 10-years old.

2. The CEACR has observed concerning ILO Conventions 138 relating to child labor:

[Observation \(CEACR\) - adopted 2015, published 105th ILC session \(2016\) Minimum Age Convention, 1973 \(No. 138\)](#) states:

"The Committee notes the Government's information that the fight against child labour in Brazil, through regular inspections and specific programmes for the eradication of child labour, comprises both the formal and informal sectors, including family enterprises. In this regard, the Committee refers to its observation of 2013 under the Labour Inspection Convention, 1947 (No. 81), that a significant proportion of young persons between 5 and 14 years of age who work do so in private households, and this situation restricts intervention by inspectors, on account of the principle of inviolability of the home, apart from the fact that the application of legal enforcement instruments is restricted to employment relationships. The Committee further notes from the ILO report of 2013 *Decent Work Country Profile – A sub-national perspective in Brazil*, that of the estimated 910,000 children under the age of 14 years working in agricultural establishments, 85.6 per cent of them work in family agriculture. *The Committee accordingly requests the Government to take the necessary measures to adapt and strengthen the capacity and reach of the*

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labour inspectorate services so as to better identify instances of child labour in the informal economy and to guarantee the protection afforded by the Convention to children under the age of 16 years who are self-employed or working in family agriculture. The Committee requests the Government to provide information on the measures taken in this regard and on the results achieved."

3. The CEACR has observed concerning ILO Conventions 182 on the worst forms of child labor:

[Observation \(CEACR\) - adopted 2015, published 105th ILC session \(2016\) Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#) describes a number of steps the Government has taken to intensify its efforts to combat trafficking of children for labor and sexual exploitation, including launching the Second National Plan to Combat Trafficking of Persons (NAP 2013–16) and the Blue Heart Campaign, which is a joint initiative with the United Nations Office on Drugs and Crime.

4. The [UN Human Rights Council's Universal Periodic Review](#) conducted in 2017 notes in Paragraph 25, "ILO has considered Brazil to be an example to be followed in the fight against modern slavery." In addition, Paragraph 115 states, "Between 1992 and 2015, the number of children and adolescents working has decreased from 5.4 million to 1.1 million, according to data from the National Household Sample Survey (PNAD), which represents a decline of 80%."

- Paragraphs 25-29 for additional information on Brazil's efforts to combat slave labor.
- Paragraphs 67-68 on fighting human trafficking.
- Paragraphs 108-114 on children and adolescents.

5. The U.S. Department of State's (USDOS) [2018 Trafficking in Persons Report](#) rates Brazil as a Tier 2 country, and that it maintained prosecution, prevention and protection efforts compared to the previous reporting period. The report does not state that fishing is as an activity where forced labor, human trafficking or the worst forms of child labor occurs in Brazil.

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6. The U.S. Department of Labor's (USDOL) [Findings on the Worst Forms of Child Labor](#) states:

"In 2016, Brazil made a significant advancement in efforts to eliminate the worst forms of child labor. The Government approved a new anti-trafficking in persons law that criminalizes child trafficking for labor and sexual exploitation; adopted a Federal Pact for the Eradication of Forced Labor to strengthen the implementation of forced labor policies at the state level and increase information sharing and interagency coordination; and established a national coordination body to collect data on forced labor and human trafficking cases. Criminal law enforcement officials initiated 950 cyber investigations on the commercial sexual exploitation of children. In addition, the Government developed a monitoring system for the National Program to Eradicate Child Labor, allowing state and municipal governments to track program targets. However, children are engaged in the worst forms of child labor, including in the production of coffee and in commercial sexual exploitation. There are not enough labor inspectors to provide sufficient coverage of the workforce, and there is a lack of specialized shelters for child victims of commercial sexual exploitation.

...During the reporting period, the labor inspectorate had a budget of \$186,911 for child labor inspections [and 2,525 inspectors]. The number of labor inspectors is insufficient for the size of Brazil's workforce, which includes over 110 million workers. According to the ILO's recommendation of 1 inspector for every 15,000 workers in industrializing economies, Brazil should employ roughly 7,360 labor inspectors."¹⁸

Note that the USDOL's findings do not state that fishing is as an activity where the worst forms of child labor occurs in Brazil.

7. The [2016 Global Slavery Index](#) (GSI) rates the Brazil government's response as BB, indicating that the "government has introduced a response to modern slavery, which includes short-term victim support services, a criminal justice framework that criminalises some forms

¹⁸ U.S. Department of Labor, Bureau of International Labor Affairs. 2016. "Findings on the Worst Forms of Child Labor - Brazil." <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/brazil>.

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of modern slavery, a body to coordinate the response, and protection for those vulnerable to modern slavery. There may be evidence that some government policies and practices may criminalise and/or cause victims to be deported and/or facilitate slavery.” The GSI also notes, “When correlated against GDP(PPP), countries which have a relatively strong response despite fewer resources are the Philippines, **Brazil**, Georgia, Jamaica, Croatia, Montenegro, Macedonia, Moldova, Albania and Serbia.” (Emphasis added) The GSI estimate 161,000 or 0.078% of people are in modern slavery in Brazil.

8. The Ministry of Labor and Employment is responsible for eradicating “slave and degrading work, through fiscal actions coordinated by the Secretariat of Labor Inspection.” See [Combating Work in Conditions Similar to Slave Conditions](#). The [Special Task Force on Mobile Surveillance](#) (Grupo Especial de Fiscalização Móvel) is one of the Government’s main instruments for repressing slave labor.” [Portal No. 418 of February 6, 2014](#), established the [Special Group on Mobile Inspection of Port and Waterway Work](#) (Institui o Grupo Especial de Fiscalização Móvel do Trabalho Portuário e Aquaviário, GMPA) to inspect ports and waterways.¹⁹ According to the [Secretariat of Labor Inspection’s](#) website:

“The theme of port and waterway work is very broad and includes activities in port facilities, passenger vessels, merchant and fishing, offshore platforms, diving operations and shipbuilding and repair industry.

Due to the peculiarities of the services performed and the work environments, these activities expose the workers to the most varied risks of accidents and occupational diseases, deserving, therefore, a specialized and continuous performance of the inspection.

¹⁹ Ministry of Labor and Employment, Secretariat of Labor Inspection. n.d. “Portal No. 418 of February 6, 2014 establishing the Special Group on Mobile Inspection of Port and Waterway Work.” Accessed April 16, 2018.
http://www.lex.com.br/legis_25272891_PORTARIA_N_418_DE_6_DE_FEVEREIRO_DE_2014.aspx.

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- The Audit and Labor Inspection Division (DFTPA) was established by the Auditors. It is the responsibility of the division, among other actions, to collaborate with the proposal of guidelines for the actions of the port and waterway labor inspectorate, to propose exchanges with other organs of the Public Power and actions articulated with other institutions at national level, to supervise the activities of the 14 Regional Coordination the Port and Waterway Labor Inspection (CORITPA) and the coordination and organization of operations of the Special Group on Mobile Inspection of Port and Waterway Work (GMPA).” (Translation by Google Translate, emphasis added)
9. Reuter’s article, “[More than 300 Brazilian companies busted for modern-day slavery – campaigners](#),” reports that 340 companies have been fined for using slave labor.²⁰

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

Source URL	Source type	Year published	Sector / Industry	Summary of findings	Any remarks on the credibility of this source?
There are numerous, credible academic, government, NGO, and media reports on forced labor and hazardous child labor in Brazil's agriculture and forestry industries. Evidence in seafood processing or aquaculture was not found. The following are a few examples.					

²⁰ Anastasia Moloney. 2016. “More than 300 Brazilian Companies Busted for Modern-Day Slavery - Campaigners.” Reuters, February 15, 2016. <https://www.reuters.com/article/brazil-slavery/more-than-300-brazilian-companies-busted-for-modern-day-slavery-campaigners-idUSL8N15U3CD>.

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Source URL	Source type	Year published	Sector / Industry	Summary of findings	Any remarks on the credibility of this source?
Folha de São Paulo (2017)	Media: Folha de São Paulo	2017	Agriculture	<p>"Child Labor Affected 1.8 million children and adolescents in Brazil last year - and 998,000 of those were working illegally. Data disclosed on Wednesday, November 29, by the IBGE, the Institute of Geography and Statistics, showed that in 2016, of the 1,8 million children identified, 30,000 were children between ages 5 and 9 were working and 160,000 between 10 and 13 were in the same condition.</p> <p>In the group between 5 and 13, 74% did not receive any type of income from the work they did, which shows that money might not have been the main cause.</p> <p>The conclusions of the Pnad Continua (Continuous National Household Sample Survey) show a worse scenario in the country's North region. In the North, the number of children between ages 5 and 13 working reaches 1.5%. Most of them are boys (65.3%), black or mulattos (64.1%), who sometimes work on average 25.3 hours per week.</p> <p>The Brazilian legislation rules that the minimum age for</p>	Folha de São Paulo, or "Folha," is a reputable daily that publishes an English language version.

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Source URL	Source type	Year published	Sector / Industry	Summary of findings	Any remarks on the credibility of this source?
				<p>a person to start working is 16. At the age of 14 or 15 they are allowed to work only as apprentices. All types of work between ages 5 and 13 is considered illegal.</p> <p>Among children up to 13 years old working, the most common area is agriculture, which, according to specialists, includes work under the supervision of parents, the teaching of techniques as well as traditions. Older teenagers, between 14 and 17, are more frequently found working in retail stores and repair shops."</p>	
UDOS (2017)	Government report: USDOS TIP Report	2018	Agriculture, Forestry	<p>"As reported over the past five years, Brazil is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. ...Brazilian men, and to a lesser extent women and children, are subjected to <i>trabalho escravo</i> and debt bondage in rural areas (including in ranching, agriculture, charcoal production, logging, and mining) and cities (construction, factories, restaurants and hospitality)." (Emphasis added)</p>	
USDOL (2016)	Government	2016	Agriculture,	The USDOL reports that agriculture and forestry are	

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Source URL	Source type	Year published	Sector / Industry	Summary of findings	Any remarks on the credibility of this source?
	report: USDOL		Forestry	among the industries where the worst forms of child labor exist in Brazil.	
Reuters (2016)	Media: Thomson Reuters Foundation	2016	Agriculture	<p>"Brazil's ministry of labour has fined 340 Brazilian companies for using slave labour, including forced labour and people working in degrading conditions for little or no pay in rural and urban areas, a leading anti-slavery group has said.</p> <p>A "dirty list" published by the rights group Reporter Brazil this month revealed that 340 Brazilian companies from May 2013 to May 2015 employed people working in slave-like conditions, including in sweatshops producing clothes, in farms, cattle ranches, timber companies, construction and charcoal production.</p> <p>Leonardo Sakamoto, head of Sao Paulo-based Reporter Brazil, said his organisation, which works to expose slave labour, used the Freedom of Information Act to uncover the names of companies and individuals that were found to have slave labour by federal labour inspectors in Brazil."</p>	Reuters is internationally recognized for high-quality journalism.

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* 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 Brazil snapper fishery is rated HIGH RISK. Inspections carried out by Brazil's Ministry of Labor and Employment have found fishermen working in situations that are "analogous to slavery" in unspecified marine fisheries. Because there is evidence in Brazil's fisheries, evidence in seafood processing, forestry, agriculture, and aquaculture industries was examined as an *indicator* of high or moderate risk for the profile fishery. In this regard, forced and hazardous child labor in the country's agriculture and forestry industries has been widely reported, resulting in a high risk rating for the Brazil snapper fishery. It should be noted that multiple governmental sources and international bodies report on the country's significant progress in combatting forced labor, human trafficking, and hazardous child labor. For example, according to the United Nations Human Rights Council's 2017 Universal Periodic Review, Brazil is an example to follow when it comes to combating modern slavery. Brazil's Special Mobile Inspection Group has released approximately 52,000 workers from slavery since May 1995, and the Government's strong labor inspection practices in the maritime industry are well-documented. Indeed, all evidence cited in unspecified marine fisheries comes from the Ministry of Labor and Employment's reporting on inspection findings. Also, Brazil has drastically decreased the number of child laborers in the country. Several sources note that labor inspection capacity needs strengthening, but there is no indication that enforcement of forced labor, human trafficking, and hazardous child labor legislation suffers major, systemic gaps. While it is beyond the capacity and scope of the Risk Tool to draw conclusions on why forced labor and hazardous child labor persists in Brazil, this may reflect a situation where the right responses are in place, but the scale of the problem is very large or deep-rooted and more time is required to see the full effect of efforts. The Risk Tool team will continue to monitor enforcement evidence from Brazil and encourages Risk Tool users to evaluate current information when conducting their due diligence.

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Conceptual Model Path

<div> <div>High Risk:</div> <div>Path 4</div> </div>	<div> <div>1. There is NO credible evidence of human right abuses in the FISHERY</div> <div>- BUT -</div> <div>2. There is credible evidence of human rights abuses in FISHERIES of the country</div> <div>- AND -</div> <div>3. There IS credible evidence of human rights abuses in a RELATED FISHERY or UNSPECIFIED fisheries</div> <div>- AND -</div> <div>4. The country criteria have been met</div> <div>- BUT -</div> <div>5. There IS credible evidence of human rights abuses in seafood processing, agriculture, forestry, and/or aquaculture</div> </div>	<div> <pre> graph TD A[Slavery in fishery?] -- N --> B[Slavery in fishing industry in country?] B -- Y --> C[Slavery either in a related fishery OR in unspecified fisheries?] C -- Y --> D[Meet Country Criteria?] D -- Y --> E[Slavery in Seafood Processing/Forestry/Agriculture/Aquaculture?] E -- Y --> F[HIGH] </pre> </div>
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