

Report to Congress
Human Trafficking in the Seafood Supply Chain
Section 3563 of the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116-92)

The Maritime SAFE Act, part of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92, Title XXXV, Subtitle C, § 3563), directed the Departments of Commerce and State to draft a report to Congress (1) listing countries with fisheries at risk for human trafficking,¹ within their supply chain and assessment of such risk for each listed country, (2) a description of the quantity and economic value of seafood imports from countries on the list to the United States (3) detailing what, if any, traceability programs those countries have in place, (4) outlining U.S. enforcement programs to address human trafficking, including forced labor, in the seafood supply chain, and (5) recommending steps that the Department of State and the National Oceanic and Atmospheric Administration (NOAA) can consider to deter human trafficking in the catching and processing of seafood products outside of United States waters.

Combating human trafficking, including forced labor, in all its forms, is particularly challenging to address within the seafood industry, which can range from small aquaculture farms in the coastal zones to large fish-processing trawlers that travel the high seas for months. Traffickers may subject victims to physical, mental, and sexual abuse; debt bondage; withholding of wages; excessive overtime; abusive working and living conditions; isolation for extended periods of time; and deception about working condition and wages. Human trafficking, including forced labor, is not only devastating for the victims and their families, but it, and other illegal fishery practices, also can contribute to destabilization of maritime security.

Several agencies have a mandate to detect and deter human trafficking including the Departments of Commerce, Homeland Security, Justice, Labor, State, and Treasury. In response to the Congressional request in P.L. 116-92, this report will specifically focus on the roles of the Department of State and NOAA.

Risk Factors for Human Trafficking in the Seafood Supply Chain

Several factors increase the vulnerability of the fishing sector, including both the harvesting and processing sectors, to human trafficking, including forced labor. While not all of these factors

¹ Human trafficking, including forced labor, is defined in U.S. Code: human trafficking (22 U.S.C. § 7102(9)); and forced labor ((18 U.S. Code § 1589) and (19 USC § 1307)). For purposes of this report, *human trafficking* is defined by the Trafficking Victims Protection Act (TVPA) of 2000, which includes the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (22 U.S.C. § 7102(9)). *Forced labor* is defined in two separate sections of the U.S. Code. The criminal section of the TVPA (18 U.S. Code § 1589) characterizes forced labor as the range of activities – recruiting, harboring, transporting, providing, or obtaining – involved when a person uses force or physical threats; psychological coercion; abuse of the legal process; a scheme, plan, or pattern intended to hold a person in fear of serious harm; or other coercive means to compel someone to work. Once a person’s labor is obtained by such means, the person’s previous consent or effort to obtain employment with the trafficker does not preclude the person from being considered a victim, or the government from prosecuting the offender. In the customs-related statute of Title 19 (19 USC § 1307), which implements the Tariff Act of 1930, forced labor is defined as all work or service that is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

are necessarily illegal, they create a power imbalance, limiting the ability of workers to claim and assert their rights and support an environment where illegal activities thrive.

Illegal or unjust employment and recruitment practices. Traffickers often deceive fishers with false promises of high wages. Traffickers then require their victims to pay high recruitment fees that they are never able to pay off, which become the basis for debt manipulation schemes, forcing victims to remain with the vessel or firm. Globally, a large portion of fishers are migrants who may be unfamiliar with local languages and rights, have limited access to legal and administrative systems, and may be dependent on their job and employer for support with migration-related issues.

Dependency on distant water fisheries. As a result of depleted coastal fish stocks caused by illegal, unreported, and unregulated (IUU) fishing or unsustainable fishing practices, vessels venture further out to sea to access profitable fisheries. These distant water fisheries, particularly beyond the territorial sea and Exclusive Economic Zone (EEZ) of any country, are inherently isolating and provide workers limited means to escape or report abuse. Vessels that engage in at-sea transshipment, resupplying, and refueling can stay at sea for months to years, inhibiting victims' access to resources, and delaying at-port inspections that might identify labor violations and abuses, as well as human trafficking, including forced labor.

Weak Regulatory and Governance Programs. Labor abuses can flourish under weak and ineffective management regimes. For example, vessels may operate under a “flag of convenience,” registered to a country with limited interest or ability to enforce fishing or labor-related laws. These conditions are exacerbated when workers are unable to escape or to report their conditions without fear of retribution, either from legal authorities or from criminal enterprises.

Other factors may put a country at further risk for human trafficking, including forced labor, in fishing and other sectors, such as weak legal protections for civil liberties and workers' rights, corruption, high levels of crime and violence, political instability, poverty, and immigration policies that limit employment options or movement.² Additionally, enforcement of even effective regulations is inherently more difficult in fisheries on the high seas.

List of Countries and Territories Most at Risk for Human Trafficking within their Seafood Supply Chains

The countries or territories listed below have fisheries or related seafood industries that are at particular risk for human trafficking, including forced labor, reflecting the vulnerabilities described above. The list is derived from seminal reports on human trafficking, including forced labor, across all sectors: the Department of State's 2020 Trafficking in Persons' (TIP) Report³

² Verité. Strengthening Protections Against Trafficking in Persons in Federal and Corporate Supply Chains: Research on Risk in 43 Commodities Worldwide. 2017; <https://www.verite.org/wp-content/uploads/2017/04/EO-and-Commodity-Reports-Combined-FINAL-2017.pdf>.

³ U.S. Department of State. Trafficking in Persons Report – 2020. Washington, DC; June 2020; <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

and the Department of Labor’s 2020 List of Goods Produced by Child Labor or Forced Labor.⁴

The countries or territories most at risk for human trafficking, including forced labor, in their seafood sector are: Bangladesh, Burma, Cambodia, Cameroon, Ecuador, Fiji, Gabon, Ghana, Guinea, Honduras, Indonesia, Ireland, Kenya, Madagascar, Mauritania, North Korea, Pakistan, Papua New Guinea, the People’s Republic of China, Philippines, Seychelles, Sierra Leone, South Africa, South Korea, Taiwan, Tanzania, Thailand, Vanuatu, and Vietnam.

Description of human trafficking and associated risk factors for each listed country or territory can be found in Annex 1. Additionally, the quantity and economic value of all seafood imports from the listed countries to the United States is captured in Annex 2.

Traceability Programs within the Listed Countries and Territories

Methods to trace and account for the manner in which seafood is caught and subsequently moved along the value chain, generally termed “traceability programs” or “traceability systems,” vary widely in type, purpose, governing body, and level of implementation, reflecting the inherent variability of seafood harvest methods and supply chains. Many traceability systems focus on food safety as the primary issue, with legal harvest – at most – a secondary concern. The consequence is that some seafood products meeting the objectives of a given traceability program could still be derived from IUU fishing operations. Conversely, seafood that is not part of a traceability system is not inherently a product of IUU fishing.

Information collected from public sources, sorted below by region, indicates limited progress to-date to establish traceability programs by the countries listed as at risk of human trafficking within their seafood supply chains. According to available sources, none of the listed nations’ traceability systems specifically include consideration of labor regulations.

Africa: There are very few seafood traceability programs across African countries, aside from a private initiative in South Africa, and a few select exporters who individually meet traceability requirements for import of food products to the EU. Mauritania has recognized the value of traceability to countering IUU fishing and has expressed interest in U.S. government support for the creation of a traceability program.

Asia: Across Asia, some countries and territories are making efforts towards seafood traceability programs. USAID partnered with the Southeast Asian Fisheries Development Center (SEAFDEC) to implement a five-year program to expand electronic seafood traceability throughout Southeast Asia with a focus on labor issues.⁵ Fiji is partnering with a

⁴ U.S. Department of Labor. List of Goods Produced by Child Labor or Forced Labor – 2020. Washington, DC; October 2020.

⁵ SEAFDEC and USAID. 2020. *The Oceans and Fisheries Partnership: A collaboration between the U.S. Agency for International Development and SEAFDEC*. Accessed December 2, 2020. <https://seafdec-oceanspartnership.org/>.

variety of NGOs, private companies, and foreign governments to develop a traceability program for its tuna fleet. South Korea has a voluntary traceability system. Taiwan has been implementing a barcode-based system. The PRC has an import traceability program for fish products, and is piloting a more detailed barcode-based system for cold chain products, including seafood. However, most of these efforts have not been fully implemented, and there are concerns regarding enforcement and implementation.

Central and South America: Both listed countries in Central and South America have made efforts towards traceability. Honduras has started developing, but has not yet completed, nor implemented, an official standard for seafood traceability. Ecuador's fishing fleet meets traceability requirements for internationally recognized codes of conduct and is working to implement a barcode-based traceability program, starting primarily with their large artisanal fleet.

Europe: Ireland, the only listed European country, complies with the EU's food traceability program.

Across each region, select exporters individually meet traceability requirements for import of food products to the EU.

Enforcement Mechanisms to Address Human Trafficking in Seafood Supply Chain

The Departments of Commerce and State, in partnership with the Department of Homeland Security, utilize various enforcement mechanisms to detect and deter human trafficking, including forced labor, on foreign fishing vessels and to support efforts to prevent products caught or processed using forced labor from entering U.S. markets.

For foreign fishing vessels entering the U.S. EEZ or foreign caught seafood entering U.S. markets, NOAA partners with U.S. Coast Guard (USCG), Homeland Security Investigations (HSI), and Customs and Border Protection (CBP) to board vessels in port or at sea if suspected of violating U.S. fishing laws or regulations (14 U.S.C. § 89), issue Withhold Release Orders (WRO), and engage in trade-related actions (see Annex 3 for a more detailed explanation on each mechanism). Through these mechanisms, NOAA, Department of State, and USCG can also sometimes detect evidence of, and deter, human trafficking, including forced labor. Should NOAA or USCG find indicators of human trafficking, including forced labor, they refer that information to HSI, the primary U.S. government agency responsible for investigating human trafficking.

NOAA and the Department of State coordinate with the Department of Homeland Security, in particular CBP, to assist in its efforts, under the Tariff Act of 1930, to prevent goods made with forced labor entering the U.S. market. CBP has recently issued WROs on three vessels carrying seafood which include the Taiwan-owned Vanuatu-flagged vessel Tunago No. 61 in 2019, the Taiwan-owned and -flagged vessel Yu Long No. 2, and Taiwan-owned, Vanuatu-flagged vessel Da Wang in 2020.

Outside the U.S. EEZ, the USCG can board and inspect foreign-flagged vessels if the flag-state consents or under certain international agreements and pursuant to high seas boarding and inspection measures adopted by regional fisheries management organizations (RFMO) to which

the United States is a party. Additionally, USCG's bilateral enforcement agreements, known as "shiprider agreements," allow USCG to support other countries' efforts to combat illicit transnational maritime activity associated with IUU fishing by allowing foreign enforcement personnel on U.S. vessels or USCG personnel on their vessels.

Further details on enforcement are included in Annex 3.

Recommendations

The recommendations below, and further elaborated in Annex 4, are grouped into four areas:

- developing a whole of government response to combating human trafficking in the seafood supply chain, both domestically and internationally;
- promoting and supporting efforts to combat human trafficking in the listed countries and territories;
- promoting and supporting global traceability efforts; and engaging with stakeholders, including industry and NGOs.
- These recommendations serve to build upon and strengthen Department of State's and NOAA's existing efforts to address human trafficking in the seafood supply chain.

Develop a whole-of-government approach to combating human trafficking, including forced labor, in the seafood supply chain

1. Establish a subsidiary working group under the Maritime SAFE Act IUU Fishing Working Group with a focus on combating human trafficking, including forced labor, in the seafood industry.
2. Develop an integrated global governance response through strengthening the Food and Agriculture Organization (FAO), International Maritime Organization (IMO), and International Labor Organization (ILO) Joint Working Group on IUU Fishing and Other Related Matters.
3. Promote measures to combat human trafficking, including forced labor, in RFMOs.
4. Support development of FAO guidance for fish value chain actors on labor in fishing.

Promote and support efforts to address human trafficking in listed countries and territories

5. Engage diplomatically with listed countries and territories.
6. Provide technical and capacity building assistance.

Promote and support global traceability efforts

7. Promote the FAO Global Record and support flag States' efforts to require IMO numbers on their vessels.

8. Strengthen existing efforts between NOAA and DHS/CBP to support CBP's efforts to block products caught or processed using forced labor from reaching U.S. markets.
9. Examine the implications of human trafficking, including forced labor, as a possible risk factor if, and when, additional species are considered for Seafood Import Monitoring Program (SIMP) list.

Engage industry and NGO partners

10. Work with industry, NGOs, and other stakeholders to develop and advance best practices along the supply chain and explore public-private partnership opportunities to combat human trafficking.

These recommendations should be considered in concert with other Administration priorities to address and deter human trafficking in the seafood sector.

The detailed recommendations can be found in Annex 4.

Annex 1: Countries and Territories Most at Risk for Human Trafficking, Including Forced Labor, in Their Seafood Sector

The country and territory narratives, including descriptions of human trafficking, including forced labor, in the seafood sector and associated risk factors, is derived from the Department of State's 2020 Trafficking in Person's Report, the 2020 Department of Labor's List of Goods Produced by Child Labor or Forced Labor, unless otherwise cited below as from supplemental publicly available information.

Bangladesh

Traffickers force both adults and children into labor in the fishing, shrimp, and dried fish industries. Rohingya refugees from Burma are at particular risk. Bangladesh hosts more than one million Rohingya in refugee camps and host communities. Rohingya boys and girls are recruited from the camps to work as fishers. Bangladeshi fishers may use debt-based coercion to force Rohingya men into forced labor. The dried fish sector has become an important part of the fishing economy in Bangladesh and has gained attention because of its use of forced child labor. Poverty and cycles of indebtedness drive parents, especially single mothers, to put their children to work. Once children arrive at the dry fish factories they are subjected to dangerous working conditions, long hours, little rest, lower pay than adults for the same work, and verbal and physical abuse as well as sexual harassment.

Burma

Traffickers force men to work in fishing both domestically and abroad. NGOs continue to report instances of Burmese men transiting Thailand en route to Indonesia and Malaysia, where traffickers subject them to forced labor, primarily in fishing and other labor-intensive industries. Recruitment agencies in Burma frequently lure fishers with promises of high wages, charge fees to assign them fake identity and labor permit documents, and then send them to fish long hours in remote waters on vessels operating under complex multinational flagging and ownership arrangements. Senior crew aboard Thai and Taiwan-flagged fishing vessels subject Burmese men to forced labor through debt-based coercion, passport confiscation, contract switching, wage garnishing and withholding, threats of physical or financial harm, or fraudulent recruitment. They also subject some to physical abuse and force them to remain aboard vessels on the high seas years at a time without coming to shore. Informal brokers also lure Burmese men onto offshore fishing and shrimping rafts in Burmese waters, where traffickers confine and physically abuse them to retain their labor for months at a time. In previous years, Burmese fishers had no formal channels through which to seek employment in the Thai fishing industry, and relied exclusively on unregulated brokerage networks, exacerbating their vulnerability to coercion at sea. To address this issue, Burma signed a memorandum of understanding (MOU) with Thailand to facilitate labor recruitment into the Thai fishing sector through a formalized, government-to-government hiring process. However, the MOU did not standardize or clarify the two countries' disparate laws and policies on eligible recruitment fees and minimum wages, constraining meaningful implementation. Most vessel owners were unaware of the new hiring system and continued to staff their crew through unregulated intermediaries. Some Burmese recruitment agencies avoided the hiring system altogether due to distrust of labor conditions in the Thai fishing sector and doubts concerning the capacity of the Thai authorities to enforce the MOU.

The Burmese government also partnered with an international organization to conduct an interagency training on fisheries crime focusing on corruption, document fraud, and other crimes that could be generative of or connected to forced labor. Approximately one-quarter of the population in Burma does not have access to citizenship or identification documents, generating human trafficking vulnerabilities that disproportionately affect ethnic minority groups. Longstanding conflict between the military and ethnic minority groups, particularly the internally displaced Rohingya, Rakhine, Shan, and Kachin communities, also increases their risk of forced labor. In some jurisdictions, government policies exist that limit freedom of movement, which hinders access to employment and education for some communities, particularly in internally displaced persons camps, further placing them at risk for forced labor.

Cambodia

Cambodian adults and children migrate to other countries within the region for work, and many are forced to work on fishing vessels. There is particular risk in the Thai fishing sector. A significant number of Cambodian men and boys are recruited and exploited in forced labor on Thai-owned and -operated fishing vessels that operate on the high sea. Cambodian victims escaping from their traffickers have been found in Malaysia, Indonesia, Mauritius, Fiji, Senegal, South Africa, and Papua New Guinea. Cambodian men working on Thai-owned and -operated fishing vessels report deceptive recruitment tactics, physical abuse, underpayment or nonpayment of wages, restricted access to medical care, and confinement at sea for years at a time without permission to come ashore. Traffickers also exploit children as young as 13 in domestic servitude and labor and labor on riparian and oceanic fishing boats to pay off family debts accrued through this system. Although authorities reportedly increased overall attention to the fishing industry, service provider NGOs noted an acute lack of reintegration services and cultural stigma surrounding the experience of forced labor at sea catalyzed re-trafficking among fishers returning home after escaping their abuses. Cambodian diplomatic missions overseas continued to lack adequate funding and capacity to provide basic assistance or repatriate victims, despite government action in prior years to train diplomats on migrant worker protections. Victims identified in countries without Cambodian diplomatic representation had access to even less support. Corruption continued to impede anti-trafficking law enforcement operations, criminal proceedings, and victim service provision.

Cameroon

The majority of marine catch in Cameroon is supplied by artisanal fishers along the coast, however a small industrial fleet of primarily shrimp trawlers has also emerged, which are often operate in joint venture with distant fishing countries, including the PRC.⁶ Industrial fishing is carried out entirely by foreign trawlers predominantly from the PRC and Nigeria, in partnership with Cameroon fish entrepreneurs. The majority of the artisanal fishers are immigrants from Nigeria, Ghana, Benin, and Togo. Adults and children are illegally recruited into the fishing sector at times via the use of fraudulent documents and identities. Some managers subject

⁶ Food and Agriculture Organization Fisheries Division. Fishery and Aquaculture Country Profiles: The Republic of Cameroon. March 2017; <http://www.fao.org/fishery/facp/CMR/en>.

workers to abuse and poor living conditions.⁷ Community members exploit some children in artisanal fishing. High levels of poverty have led to increased risk for exploitation in fishing, and corruption in the government has allowed for complicity in forced labor crimes.

Ecuador

Limited and anecdotal reports suggest that traffickers exploit men, women, and children in fishing and shrimp farming within Ecuador. Migrant and refugee children from Colombia and Venezuela are vulnerable to exploitative labor practices in some parts of the fishing sector in the coastal region.⁸ The identification and response to forced labor in the fishing sector in Ecuador is insufficient. The confluence of the Venezuelan migration crisis and the unforeseen impact of the COVID-19 pandemic exacerbate the risks of forced labor in Ecuador.

Fiji

Recruitment agencies, vessel owners, and other crew subject migrant fishers from Southeast Asian countries, especially Indonesia, to forced labor on Fiji-flagged vessels or foreign flagged fishing vessels transiting Fijian ports and waters. Victims of forced labor experience threats of violence, passport confiscation, debt-based coercion, excessive working hours, and abusive living and working conditions. Fijians have also been reported as crew members subjected to forced labor aboard foreign vessels, including PRC, Korean, and Taiwan-flagged vessels. The government continues to lack guidelines for victim identification and did not train labor, customs, or immigration officials on trafficking. The government has not adequately investigated labor violations for indicators of human trafficking or provided adequate support to victims. There are some reports that suggest officials are complicit in impeding anti-trafficking efforts. The Fiji police has a human trafficking unit, but it has been shown to lack adequate resources to effectively conduct investigations.

Gabon

Limited reporting suggests that foreign fishing trawlers may force boys to labor, but the full extent of the problem is unknown.⁹ Without assistance, Gabon does not have the capacity to monitor or patrol their waters and intercept illegally present vessels or enforce labor standards.

Ghana

Ghana has one of the largest domestic-flagged industrial trawl fleets in West Africa. However, the majority of these trawlers are beneficially owned by Chinese corporations despite being flagged to Ghana.¹⁰ Chinese corporations set up opaque corporate structures to gain access to Ghana's fisheries on local licenses in order to circumvent Ghanaian law that prohibits foreign interests in engaging in Ghana's industrial sector by way of joint ventures. These vessels are

⁷ Beseng, Maurice. "Cameroon can't afford to continue ignoring crime in fisheries sector." *The Conversation* [online]. October 6, 2019 [cited October 29, 2020]; <https://theconversation.com/cameroon-cant-afford-to-continue-ignoring-crime-in-fisheries-sector-124519>.

⁸ Department of Labor. 2019. "2019 Findings on the Worst Forms of Child Labor: Ecuador." <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/ecuador>.

⁹ Embassy Libreville report, 2020

¹⁰ Environmental Justice Foundation. 2020. "Fear, Hunger, and Violence: Human rights in Ghana's industrial trawl fleet." London.

registered to multiple local “front” companies, but they retain strong links to the PRC.¹¹ A recent NGO report cited concerns regarding workers on these vessels and physical abuse, threats of violence, lack of contracts, delayed or low wages, poor living conditions, poor quality food and water, long hours with little to no rest, lack of medical care, and fear of retribution for expressing grievances.¹²

Guinea

The Guinean fishing sector includes both an artisanal and industrial fleet. Reports indicate that traffickers exploit boys and adults in forced labor in fishing.

Honduras

Children, including from indigenous and Afro-descendant communities, particularly Mosquito boys, are at risk for forced labor in the fishing industry. Children and adults are at risk for exploitation in the deep sea lobster industry. The Moskititia region is highly isolated, with a lack of road networks connecting to the rest of the country which significantly restricts their employment opportunities, subsequently leading to increased vulnerability to human trafficking, including forced labor. The economy is based mainly on subsistence-agriculture, artisanal fishing, and diving in industrial lobster fishing. Most of the population are directly or indirectly dependent on lobster fishing.¹³ Reports indicate that lobster fishers lack access to appropriate safety equipment have faulty equipment, and lack air and depth gauges. They also do not wear buoyancy vests. Fishers make more dives per day than they should and rise to the surface too quickly, resulting in decompression sickness, paralysis, and death. People from the Moskititia region continue to perform this diving despite the risks and even after having recovered from a diving related injury because they feel that it is their only economic option.¹⁴

Indonesia

Indonesia is the largest archipelago country in the world and has the second largest coastline. Not surprisingly, fishing is an important part of the Indonesian economy, and forced labor is a significant issue in their fishing industry.¹⁵ Men, women, and children are exploited in forced labor in both the catching and processing of fish. Indonesians are forced to work on Chinese, Korean, Vanuatuan, Taiwan, Thai, Malaysian, and Philippines-flagged and/or owned fishing vessels in Indonesian, Thai, Sri Lankan, Mauritian, and Indian waters. Dozens of recruitment agencies in Burma, Indonesia, and Thailand lure fishers with promises of high wages, charge fees and curtailment deposits to assign them fake identity and labor permit documents, and then send them to fish long hours in waters on vessels operating under complex multinational flagging and ownership arrangements. Some fishers are unaware their recruitment agencies continue to

¹¹ Environmental Justice Foundation. 2018. “China’s Hidden Fleet in West Africa: A spotlight on illegal practices within Ghana’s industrial trawl sector.” London.

¹² Environmental Justice Foundation. 2020. “Fear, Hunger, and Violence: Human rights in Ghana’s industrial trawl fleet.” London.

¹³ Centro de Estudios Marinos. 2012. “Censo de buzos de Gracias a Dios, Honduras.” Utila, Honduras.

¹⁴ VOA. December 26, 2018. *Lobster Divers Risk Injury, Death in Honduras*. Accessed October 29 2020, 2020. <https://www.voanews.com/americas/lobster-divers-risk-injury-death-honduras#:~:text=Thousands%20of%20men%20across%20the,Some%20are%20killed>.

¹⁵ Indonesian Ministry of Marine Affairs and Fisheries, et al. 2016. *Report on Human Trafficking, Forced Labour, and Fisheries Crime in the Indonesian Fishing Industry*. Jakarta: International Organization of Migration.

withhold or withdraw funds from their salary for years. The laborers report low or underpayment of wages, document retention, threats of violence, restricted communication, poor living and working conditions, and severe sexual and physical abuse. Fishers are prevented from leaving their vessels or reporting abuses through threats of exposing their fake identities to authorities and blacklisting from future fishing employment. Fishers have been detained on land in makeshift prisons.

Many Indonesian fishers work aboard vessels operating in Taiwan's distant water fleet and South Korea's distant water fleet. Some crews are forced to stay aboard vessels for months or even years without returning to shore, compounding their invisibility. In Indonesian waters and elsewhere, some senior vessel crew force fishers to engage in illegal fishing, poaching, smuggling, and illegal entry into national territories, making them vulnerable to criminalization. The Ministry of Marine Affairs and Fisheries reportedly continues to implement regulations on human rights certifications in fisheries, including the requirement that Indonesian fishery business comply with international human rights standards to obtain a permit for fish capture. However, NGOs comment that the government did not effectively implement these guidelines. Civil society groups note that many Indonesian and migrant fishers were unaware of their rights and responsibilities and unprepared for the work. In response to report of abuse of Indonesian fishers, in August 2020, the Ministry of Manpower issued regulations restricting the deployment of Indonesian fishers aboard some foreign vessels, including prohibiting Indonesian fishers from working on PRC flagged vessels or those owned by PRC companies, as well as a moratorium on placements on South Korean or Taiwan vessels that operate outside of their EEZ.

Ireland

Undocumented workers in the fishing industry in Ireland are vulnerable to trafficking. Foreign trafficking victims identified in Ireland are from Africa, Asia, Eastern Europe, and South America. In 2016, the Irish government launched the Atypical Working Scheme (AWS) for sea fishers, in response to allegations of trafficking in persons and severe forms of labor exploitation against migrant fishers, though the scheme had the opposite effect. Under the scheme, however, employers were required to apply for visas, which then tied migrants to their employers, consequently leaving them vulnerable to trafficking. The scheme led four UN rapporteurs to jointly issue a rare rebuke to the Irish government asserting that the scheme increased vulnerability to forced labor on Irish vessels for non-European Economic Area (EEA) migrants.¹⁶ In 2019, following a legal settlement with an NGO, the government amended the atypical working scheme for sea fishers to reduce their vulnerability to labor trafficking. NGOs allege that within the fishing industry inspectors have failed to follow basic international convention and failed to protect vulnerable workers despite evidence of exploitation. The Government said most Irish fishing vessels were inspected by police and Workplace Relations Commission authorities multiple times. Government investigators reported finding labor code violations, but not evidence of trafficking.

¹⁶Lawrence, Felicity and Ella McSweeney. UN experts condemn Ireland's migrant fishing workers scheme. *The Guardian*. February 19, 2019; <https://www.theguardian.com/world/2019/feb/19/un-experts-condemn-irelands-migrant-fishing-workers-scheme>.

Kenya

Traffickers exploit children through forced labor in fishing in Kenya. Kenya is a source state for human trafficking victims in fishing and Kenya-flagged vessels have been reported with indicators of forced labor. NGOs reported that internally displaced persons, particularly those who live close to a major highway or local trading center, are more vulnerable to trafficking in many sectors than persons in settled communities. Migrant workers from Uganda, Rwanda,¹⁷ and Tanzania¹⁸ face risks of forced labor in artisanal fishing and other informal sectors.

Madagascar

Traffickers exploit Malagasy children, mostly from rural and coastal regions and from impoverished families in forced labor in fishing and deep sea diving, including for lobster and shrimp. Children must dive underwater with no protection or breathing devices.¹⁹ There have been reports of officials being complicit in trafficking across many sectors in Madagascar, but over the past year, none of these reports of complicity were investigated.

Mauritania

Adults and children from traditional slave castes in the Haratine and Afro-Mauritanian communities are subjected to hereditary slavery practices rooted in ancestral master-slave relationships. Although reliable data on forced labor and hereditary slavery does not exist, local and international experts agree hereditary slavery continues to affect a small, but not insignificant portion of the country's population in both rural and urban settings. Many former slaves and their descendants remain in dependent relationships with the family of their former slaveholders due in part to cultural traditions as well as lack of skills and alternate economic opportunities. Educational quality is reported to be poor in Mauritania, and the Haratines disproportionately suffer from a lack of educational opportunities.²⁰ Children of Haratine and Afro-Mauritanian descent working in the fisheries sector are vulnerable to forced labor. In 2019, a local NGO reported that the government investigated one case involving 90 Senegalese children smuggled into Mauritania for exploitation, including in fishing.²¹

North Korea

Within North Korea, forced labor is part of an established system of political repression and a pillar of the economic system. The government has sent North Korean workers to work abroad and face conditions of forced labor in fishing and seafood processing, among other industries. Workers face threats of government reprisals against them or their relatives in North Korea if they attempt to escape or complain. Workers' salaries are appropriated and often deposited into accounts controlled by the North Korean government. Workers receive only a fraction of the money paid to the North Korean government for their work and face punishment if they fail to meet production or work targets.

¹⁷ Ergon Associates, Ltd. New data in detecting forced labor in agriculture, Literature Review: Forced Labour in Guatemala, India, and Kenya. London; January 5, 2018.

¹⁸ Embassy Nairobi report 2020.

¹⁹ Department of Labor. 2019. "2019 Findings on the Worst Form of Labor: Madagascar." <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/madagascar>.

²⁰ Verité, Inc. n.d. "Trafficking Risks in Sub-Saharan African Supply Chains: Mauritania." <https://www.verite.org/africa/explore-by-country/mauritania/>

²¹ Department of Labor. 2019. "2019 Findings on the Worst Form of Labor: Mauritania." <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/mauritania>.

Pakistan

Traffickers force men, women, and children to work to pay off exaggerated debts in fisheries. In the Gwadar district, subsistence fishing has been replaced with commercial fishing, changing the fishing landscape from small boats with simple nets to large vessels and trawlers with large wired nets and increasing the time at sea. These fishing launches include boys as young as seven to nine years old. The child crew members are on board without any parental supervision and are at risk of being subjected to physical, emotional, and sexual abuse.²²

Papua New Guinea

Human trafficking, including forced labor, in the fishing sector in Papua New Guinea is significant. Human traffickers exploit domestic and foreign victims in Papua New Guinea, and they exploit victims from Papua New Guinea to trafficking abroad. Traffickers use Papua New Guinea as a transit point to exploit foreign individuals in other countries. Burmese, Cambodian, Chinese, Malaysian, Vietnamese, and local men and boys seeking work on fishing vessels go into debt to pay recruitment fees, which vessel owners and senior crew leverage to compel them to continue working indefinitely through debt bondage. These fishers face little to no pay, contract switching, wage garnishing or withholding, harsh working or living conditions, restricted communication, and threats of physical violence. Often with direct government support, companies reportedly compel these workers to carry out illegal fishing activities, making them vulnerable to arrest. Government officials reportedly facilitate trafficking by accepting bribes to allow undocumented migrants to enter the country or ignore trafficking situations. Enforcement agencies and most government offices are weak as a result of underfunding, political instability, corruption, cronyism, lack of accountability, and a promotion system based on patronage.

The People's Republic of China

The PRC is a significant offender in the use of forced labor in their fishing sector, with numerous reports known on Chinese-flagged and -owned vessels throughout the world. China has the largest fishing fleet in the world and contains a wide variety of vessels that operate on the high seas and in foreign countries' EEZs throughout the world. The majority of the crews on board are migrant workers from Indonesia and the Philippines but have also been noted from Africa and other Asian countries. According to the media, governmental and non-governmental reports, there have been numerous incidents of forced labor reported on Chinese fishing vessels. Workers report excessive working hours, poor living conditions, isolation at sea for months to years, verbal and physical abuse, nonpayment of wages, document, and debt bondage. Deaths have occurred as the result of abuse on these vessels. Workers are sometimes recruited by agencies that use deceptive tactics regarding their wages and contracts, and they are often required to pay recruitment fees and sign debt contracts. The Chinese fishing fleet is a major player in global IUU fishing; crewmembers forced to engage in IUU activities on board these vessels are also at high risk of undue penalization. Fishing observers report insufficient oversight of the PRC's fishing industry, which leaves fishers at increased risk of forced labor.

²² United Nations Office on Drugs and Crimes. 2011. *Transnational Organized Crime in the Fishing Industry, Focus on: Trafficking in Persons, Smuggling of Migrants, Illicit Drugs Trafficking*. Vienna: United Nations. https://www.unodc.org/documents/human-trafficking/Issue_Paper_-_TOC_in_the_Fishing_Industry.pdf.

Philippines

Traffickers are known to exploit Filipino migrant fishers in industrial fishing.²³ In General Santos City, Philippines, the tuna sector is the primary economic driver in the area. Workers onboard tuna vessels report debt coercion and underpayment of wages. Workers fear airing grievances for fear of loss of job and being blacklisted from the fishing industry, leaving them with little options in employment.²⁴ A similar situation has been noted in the tuna canning industry in the Philippines. The industry is increasingly using a more casual workforce and hiring through labor brokers, which allows the employer more flexibility. With decreasing catches due to overfishing, workers are at increased concern for job loss, and are further afraid to raise concerns about poor working conditions for fear of becoming blacklisted.²⁵ In General Santos City, a significant amount of workers in the tuna industry are migrants from other regions of the Philippines that are facing political instability and violence. This heightens their vulnerability because they are more likely to take exploitative jobs due to lack of alternative livelihoods, and the undesirable option of returning to the regions they left behind. Fishers involved in IUU fishing reportedly target children in poor communities and use them as divers, crew, and to clean and process their catches. These communities are poorly connected to resources, making the crimes difficult to monitor. Given lack of economic alternatives, children's families may not be motivated to cooperate with investigations.²⁶ Some corrupt officials allegedly accept bribes to facilitate illegal departures for overseas workers, facilitate production of fraudulent identity documents, or overlook illegal labor recruiters.

Seychelles

Artisanal, semi-industrial, and industrial fishing operations are active in Seychelles' fisheries. There is also an on-shore fish processing sector, including canning for the export market. In 2019, nearly 19,000 migrant workers made up approximately 20 percent of the working population in Seychelles and were primarily employed in construction and fishing. Reports indicate traffickers subject migrant workers to forced labor in fishing and fish processing. Workers on foreign vessels experience non-payment of wages and physical abuse. As indicated in a 2016 report, serious abuses of workers from Southeast Asian countries have been documented on Thai vessels operating in Indian Ocean waters between Mauritius and the Seychelles. There is a reported lack of government control in the waters and use of trans-shipment, increasing risks of forced labor.²⁷ Labor recruitment agents based in Seychelles exploit migrant workers in labor trafficking, sometimes with the assistance of a local Seychellois accomplice. Migrant workers sometimes sign their employment contracts upon arrival in the Seychelles and frequently cannot read the language, which traffickers exploit in fraudulent recruitment tactics. There are reports of employers retaining migrant workers' passports to

²³ Greenpeace and SBMI. 2019. "Seabound: The Journey to Modern Slavery on the High Seas."

²⁴ Verité, Inc. n.d. "Research on Indicators of Forced Labor in the Supply Chain of Tuna in the Philippines." https://www.verite.org/wp-content/uploads/2016/11/Research-on-Indicators-of-Forced-Labor-in-the-Philippines-Tuna-Sector_9.16.pdf.

²⁵ Verité, Inc. 2017. "Strengthening Protections Against Trafficking in Persons in Federal and Corporate Supply Chains."

²⁶ Embassy Manila Report, 2020.

²⁷ Verité, Inc. n.d. "Trafficking Risk in Sub-Saharan Africa Supply Chains: Seychelles Country Overview." <https://www.verite.org/africa/explore-by-country/seychelles/>.

prevent them from changing jobs prior to the expiration of their two-year contracts, increasing their vulnerability to forced labor.

Sierra Leone

Traffickers exploit victims in forced labor in fishing. The fishing sector in Sierra Leone has high rates of foreign fishing, some of which is illegal, and there is reportedly corruption that allows illegal fishing to flourish.²⁸ While there are robust laws in place, enforcement is weak due to a lack of funding and difficulties inherent in monitoring labor conditions in the informal sector.

South Africa

Traffickers exploit foreign males aboard fishing vessels in South Africa's territorial waters. NGOs estimated 10-15 victims of labor trafficking disembark each month in South Africa. The exploitation of fishers off South Africa's shores has been described as "rife and rampant" by NGO workers. Many cite the lack of regulatory oversight and the weight of the multi-billion-dollar fishing industry as reason for the widespread abuse of workers.²⁹ Corruption and official complicity among law enforcement and immigration officials remains a significant obstacle in combating trafficking in South Africa.

South Korea

Both the local population, including physically or intellectually disabled men, and migrants are forced to work in the South Korean commercial fishing and aquaculture industries. Unscrupulous labor recruiters contribute to the forced labor of migrant workers, especially those from Vietnam, the Philippines, PRC, and Indonesia, through debt-based coercion. Boat owners, captains, and job brokers are known to exploit workers on fishing vessels registered and operated by South Koreans. South Korea is also a transit point for Southeast Asian fishers subjected to forced labor on fishing ships bound for Fiji and other ports in the Pacific. Traffickers reportedly have occasionally utilized partnerships with corrupt law enforcement authorities to threaten victims with penalization and deportation. The government has made efforts to combat forced labor in the fishing sector, but efforts have been insufficient. In 2019, the Ministry of Oceans and Fisheries and the Ministry of Employment and Labor mainly conducted inspections with companies that own vessels but inspectors rarely actually boarded vessels to speak with workers. An NGO reported that when the government did interview workers, it was usually with preannounced visits and in places such as labor union offices, where they did not feel comfortable speaking openly. There is a lack of enforcement of the Seafarers Law, which prohibits recruitment fees, allowing recruiters to charge high fees that perpetuate debt bondage.

Taiwan

Taiwan has a significant problem with forced labor in its fishing fleet, which is the second largest fishing fleet in the world. An estimated 35,000 migrant workers work on Taiwan's fishing fleet, most of whom are hired in their home countries through recruitment agencies and brokers, including some in Taiwan. There are reports of forced labor on Taiwan boats

²⁸ Verité, Inc. n.d. "Trafficking Risk in Sub-Saharan Africa Supply Chains: Sierra Leone Country Overview." <https://www.verite.org/africa/explore-by-country/sierra-leone/>.

²⁹ Verité, Inc. n.d. "Trafficking Risk in Sub-Saharan Africa Supply Chains: South Africa Country Overview." <https://www.verite.org/africa/explore-by-country/south-africa/>.

throughout the world. Documented and undocumented PRC, Indonesian, Filipino, and Vietnamese fishers working on Taiwan-owned and -flagged fishing vessels experience non- or under-payment of wages, long working hours, physical abuse, lack of food or medical care, retention of identity documents, denial of sleep and substandard safety equipment, and poor living conditions. Workers have died as a result of the abuses that occur onboard. The abuses are particularly prevalent in Taiwan's distant water fleet. Migrant workers are forced to illegally fish for threatened, endangered, and protected species, placing them at higher risk for criminal repercussions. Many ships remain at sea for years at a time. Foreign workers who leave their contracted positions are at particularly high risk of human trafficking because they lose their immigration status and access to formal sector employment. Migrant workers that are recruited in Taiwan are protected by the Labor Standards Act, National Health Insurance Act, and Labor Insurance Act, among others which falls under the responsibility of the Ministry of Labor. However, workers that are recruited from overseas receive only basic protections from a separate set of weaker regulations under the Fisheries Agency. Insufficient staffing and inspection protocols also continue to impede efforts to combat forced labor in Taiwan's fleet.

Tanzania

Tanzania is both a source and transit country for forced labor. Both adults and children have been subjected to forced labor in maritime fishing. NGOs reported in 2017 foreign trafficking victims aboard a Malaysian-flagged fishing vessel and in 2018 Tanzanian trafficking victims aboard a PRC flagged fishing vessel, both in Tanzanian waters. Tanzanian children have been reported to be subjected to forced labor in vessels on the high seas. Associated illegal activity, such as drug trafficking, poaching and smuggling, is also widely known in Tanzania's waters.³⁰ The vessels that engage in these illicit activities are more likely to engage in human trafficking, including forced labor.

Thailand

Thailand has a significant problem with forced labor in its fishing sector, in both the catching and processing of fish, although NGOs reported instances of forced labor in the fishing industry had decreased compared to previous years due, in part, to increased government efforts in that sector. Various research articles published in 2019 and 2020 found that between 14 and 18 percent of migrant fishers were exploited in forced labor in the Thai fishing industry, indicating traffickers exploited thousands of workers on fishing vessels. Thailand's increase in economic prosperity over the past few decades has been a major driver for this issue. As the economy improved, the majority of Thai workers turned away from low-skilled, labor-intense work, such as fishing. This has resulted in a labor shortage in the fishing industry and caused the Thai fishing sector to increasingly rely on migrant laborers who are highly vulnerable to forced labor.³¹ Labor traffickers, including vessel owners, brokers, and senior vessel crew exploit Thai and migrant workers in commercial fishing and related industries on both Thai and foreign-owned boats. Members of ethnic minorities, highland persons, and stateless persons in Thailand are at increased risk of trafficking. Some are paid little or irregularly, incur debts from brokers

³⁰ Charlie de Rivaz, Cathy Haenlein, Alexandria Reid. 2019. *Turning the Tide? Learning From Responses to Large-Scale Illegal, Unreported, and Unregulated Fishing in Five Countries*. London: Royal United Services Institute for Defence and Security Studies.

³¹ Environmental Justice Foundation. 2013. "Sold to the Sea - Human Trafficking in Thailand's Fishing Industry." London.

and employers, work as much as 18 to 20 hours per day for seven days a week, and without adequate food, water or medical supplies. Some boat captains threaten, beat, and drug fishers to work longer. Corruption and complicity continue to facilitate human trafficking in Thailand. Some officials protect fishing vessels from raids, inspections, and prosecutions and collude with traffickers. While the government has established 32 port-in-port-out (PIPO) centers to increase oversight of fishing vessels, including by performing labor inspections, the government has never reported identifying traffickers as a result of PIPO labor inspections.

Vanuatu

Traffickers target low-skilled foreign workers in the fishing sector among other sectors. Foreign fishers working on board Vanuatu-flagged and -owned vessels have experienced indicators of forced labor, including deceptive recruitment practices, abuse of vulnerability, excessive overtime, withholding of wages, physical and sexual violence, and abusive living and working conditions on board. In February 2019 and August 2020, the U.S. Customs and Border Protection issued WROs against two Vanuatu-flagged Taiwan-owned vessels, citing indications that the tuna they were carrying were caught using forced labor. One of the vessels was the same vessel that, in 2016, six Indonesian crew members admitted to murdering the captain of the ship because of their poor treatment.³² Natural disasters and climate-induced displacement significantly increases Vanuatuan's vulnerability to trafficking. As many as 11,000 Vanuatuan's evacuated from active volcanic areas in 2018 and are at higher risk of trafficking due to the economic hardships ensuing from their ongoing displacement.

Vietnam

Vietnamese fishers are subjected to forced labor in fishing abroad and forced labor occurs on Vietnamese vessels. Vietnam has one of the largest and fastest expanding overseas fishing fleets in the world, with well over 105,000 vessels. These Vietnamese vessels are often relatively small and therefore not legally required to carry on-board satellite or mobile tracking devices, which allows them to fish with little oversight. In 2017, the EU issued Vietnam a "yellow card", which remains in effect, for continued IUU fishing and failure to oversee its distant water fleets. This lack of oversight could put the crews at increased risk of forced labor. Crew on some of these boats have described long working hours, restricted access to food and water, and only receiving pay if the catch was good.

³² Bittenbender, Steve. February 7, 2019. "US Customs claims Vanuatu tuna vessel used forced labor." *Seafood Source*. <https://www.seafoodsource.com/news/supply-trade/us-customs-claims-vanuatu-tuna-vessel-used-forced-labor>.

Annex 2. Import Quantities and Values of Seafood Products by Country and Territory

Section 3563 of Public Law 116-92 also requires this report to include “a description of the quantity and economic value of seafood products imported into the United States from the countries on the list”, which is detailed below for each nation.³³ The data is from 2018, the last full year that data is available, for imports of all seafood based on relevant sections of the Harmonized Tariff Schedule of the United States. The import value is the customs value: the price actually paid or payable for merchandise when sold for export to the United States, excluding U.S. import duties, freight, insurance, and other charges incurred in bringing the merchandise to the United States. These data are produced by the U.S. Census Bureau, as part of their Foreign Trade Data Series that covers all Merchandise Trade (FT900) and can be found at NOAA Fisheries’ Commercial Landings website (<https://www.fisheries.noaa.gov/national/sustainable-fisheries/commercial-fisheries-landings>).

It is imperative to note that these figures are for the total import value of seafood products from each nation and territory. *Therefore, they do not represent the import quantity or value of the specific fisheries at risk for human trafficking, including forced labor.* Furthermore, this import trade data may include a substantial amount of U.S. domestic fishery catch that was exported for further processing and returned to the United States as an import in a processed form.

| Country Name | Volume (kg) | Value (USD) |
|----------------------------|-------------|---------------|
| Bangladesh | 2,559,847 | 24,999,627 |
| Burma | 5,619,962 | 35,738,525 |
| Cambodia | 1,800 | 15,960 |
| Cameroon | 132,933 | 1,046,506 |
| Ecuador | 122,326,299 | 814,566,262 |
| Fiji | 12,416,522 | 78,260,346 |
| Gabon | 0 | 0 |
| Ghana | 223,994 | 824,831 |
| Guinea | 438,416 | 1,123,645 |
| Honduras | 19,506,492 | 158,179,048 |
| Indonesia | 200,435,760 | 1,950,736,245 |
| Ireland | 544,259 | 4,441,269 |
| Kenya | 124,106 | 942,566 |
| Madagascar | 314,119 | 2,058,796 |
| Mauritania | 109,586 | 1,810,541 |
| North Korea | 0 | 0 |
| Pakistan | 817,872 | 7,191,880 |
| Papua New Guinea | 18,915 | 922,007 |
| People's Republic of China | 593,899,575 | 2,966,293,695 |
| Philippines | 35,548,299 | 285,627,142 |

³³ NOAA Fisheries Office of Science and Technology, Commercial Landings Query, Available at: <https://foss.nmfs.noaa.gov/apexfoss/f?p=215:200>; Accessed 11/10/2020.

| | | |
|--------------|--------------|---------------|
| Seychelles | 298,775 | 3,126,937 |
| Sierra Leone | 265,027 | 766,793 |
| South Africa | 2,049,988 | 38,663,297 |
| South Korea | 20,339,331 | 166,961,606 |
| Taiwan | 35,153,985 | 154,912,595 |
| Tanzania | 3,364,050 | 2,387,872 |
| Thailand | 192, 337,543 | 1,232,944,533 |
| Vanuatu | 341,302 | 1,376,974 |
| Vietnam | 238,408,823 | 1,581,771,027 |

Annex 3: U.S. Enforcement Efforts to Combat Human Trafficking, Including Forced Labor, in the Seafood Supply Chain

The United States utilizes the following enforcement mechanisms in its efforts to combat human trafficking in the seafood supply chain:

Foreign Vessels Whose Catch Enters U.S. Markets or the ship has entered the U.S. EEZ

- Vessel boarding in port: NOAA’s Office of Law Enforcement (OLE) can board fishing vessels in U.S. ports, and by permission from foreign coastal states when in foreign ports to enforce Federal marine resource laws and regulations. Once OLE has boarded a vessel and observes indicators of human trafficking, they document and submit referrals to the appropriate agency with primary jurisdiction over these offenses, such as U.S. Immigration and Customs Enforcement (ICE)’s Homeland Security Investigations (HSI). NOAA can assist and provide subject-matter expertise regarding the fishing industry.
- Vessel boarding at sea: The U.S. Coast Guard can board a foreign flagged vessel for suspected violations related to the management and conservation of marine resources when a foreign flagged vessel is in the U.S. EEZ. The United States can also board if a ship is stateless, i.e. without nationality. When a foreign flagged vessel is in U.S. territorial waters, the U.S. Coast Guard can board regardless of consent from the flag State unless the vessel is engaged in “innocent passage.”
- WRO: U.S. Customs and Border Protection (CBP) may issue a WRO, i.e., a detention order on the specified merchandise at all U.S. ports of entry, when there is information that “reasonably but not conclusively indicates” that goods were mined, produced, or manufactured wholly or in part by forced labor and are being, or are likely to be, imported into the United States. To date, three WROs have been issued for foreign fishing vessels. One has been revoked and two are active.
 - NOAA supports CBP by providing information about allegations of human trafficking, including forced labor, and subject matter expertise on the fishing industry and its operations. Additionally, NOAA offers expertise on how to target enforcement and access relevant data in the seafood monitoring programs to identify vessels suspected of human trafficking. This support can contribute to identification of vessels for CBP to conduct a forced labor investigation.
 - The U.S. Department of Labor’s Bureau of International Labor Affairs maintains the List of Goods Produced by Child Labor or Forced Labor (as mandated under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 and subsequent reauthorizations); and the List of Products Produced by Forced or Indentured Child Labor (pursuant to Executive Order 13126). The Bureau of International Labor Affairs shares these lists with interagency partners including CBP.

- Trade-related measures to prohibit fisheries products obtained through human trafficking, including forced labor, from entering the United States:
 - Beginning in 2001, all U.S. bilateral Free Trade Agreements (FTA) have included labor provisions. Many of these agreements include commitments to adopt and maintain core labor standards identified in the 1998 ILO Declaration on Fundamental Principles and Rights at Work, including the elimination of all forms of compulsory or forced labor. Some of these commitments are enforceable, in that the United States can use dispute settlement procedures to compel the trading partner to honor its obligation, provided the failure to respect the obligation is “in a manner affecting trade.” Of U.S. FTA partners, only Honduras and South Korea are listed in this report as countries at risk for human trafficking, including forced labor, in their seafood sectors.
 - In accordance with the United States-Mexico-Canada Agreement (USMCA) Implementation Act, an Executive Order 13923 was signed in May 2020 to establish the Forced Labor Enforcement Task Force to monitor U.S. enforcement of the prohibition of imports produced wholly or in part by convict labor, forced labor, or/and indentured labor under penal sanctions. On July 1, 2020, the USMCA entered into force. As noted below, in addition to including commitments to adopt, maintain, and enforce statutes and regulations to eliminate forced labor, the agreement’s labor chapter requires all Parties to monitor and prohibit the importation of goods produced by forced labor.

Foreign Vessels whose catch neither enters the United States nor the U.S. EEZ

Due to limitations of U.S. authorities outside of U.S. territorial waters, there are fewer opportunities to deter human trafficking on fishing vessels whose catch never enters U.S. markets and where there is no specific U.S. nexus. The best opportunity to address human trafficking results from partnerships with other countries or international organizations.

- Bilateral Maritime Law Agreements: The United States becomes party to bilateral maritime law enforcement agreements to help support the work of coastal countries to combat IUU fishing.
 - These “shiprider” agreements support countries’ capacity and capability by placing their enforcement personnel on U.S. vessels or U.S. Coast Guard personnel on their vessels, where they may exercise their law enforcement authorities during enforcement operations. During the course of a boarding the U.S. Coast Guard is in a position to identify a possible instance of human trafficking, including forced labor, and notify the flag State for their action.
 - There is work underway to expand existing maritime law enforcement agreements to include IUU fishing and to create fisheries enforcement cooperation agreements with new partner countries. By assisting coastal and flag States in enforcing domestic laws, the United States strengthens governance and supports the development of partner countries’ capabilities.

- RFMO High Seas Boarding and Inspection Schemes (HSBI): HSBI allow authorized officials of one RFMO Member to board and inspect fishing vessels flagged to another Member or Cooperating Non-Member participating in a fishery managed by the RFMO to determine compliance with the RFMO's conservation and management measures. When boarding a vessel under an RFMO HSBI scheme in order to monitor compliance with RFMO measures, the U.S. Coast Guard may observe human trafficking indicators that could lead to referral for an investigation by an enforcement agency such as ICE HSI or referral to the vessel's flag State.
- Bilateral and multilateral diplomatic efforts, including those related to the U.S. Department of State's annual TIP Report, raise awareness, and encourage other foreign governments to strengthen their efforts to combat human trafficking, including forced labor, in the seafood sector through prevention, prosecution of the traffickers, and protection of the victims. These TIP Report country assessments and recommendations provide details of the ongoing challenges and targeted areas requiring government action, upon which the Department of State bases routine engagement and programming.
- The negotiation and implementation of treaties, international agreements, as well as binding and non-binding measures within treaty bodies;
 - The Western and Central Pacific Fisheries Commission (WCPFC) passed a non-binding resolution on labor standards for crew in 2018: Western and Central Pacific Fisheries Commission Resolution on Labour Standards for Crew on Fishing Vessels (see recommendations)
- Trade-related measures to combat human trafficking even when unconnected to fish traded with the United States; technical assistance; and foreign assistance programs.
 - As part of the United States-Mexico-Canada Agreement, all three parties agreed to prohibit the import of goods produced with forced labor. This was the first time such a provision has been included in a U.S. bilateral or regional trade agreement.
 - The United States provides duty-free treatment for goods from eligible developing countries under the Generalized System of Preferences (GSP) program. One of the eligibility criteria for GSP is that countries must have taken or be taking steps to afford internationally recognized worker rights, including a prohibition on the use of any form of forced or compulsory labor. Failure to meet GSP eligibility criteria can result in the suspension of tariff benefits under the program.
 - The African Growth and Opportunity Act (AGOA) provides eligible sub-Saharan African countries with duty-free access to the U.S. market for over 1,800 products (including fish and other marine products), in addition to the more than 5,000 products that are eligible for duty-free access under the Generalized System of Preferences program. A sub-Saharan African country may be designated as eligible for AGOA if the President determines, or is making continuing progress toward establishing, that

the country has established, among other things, a prohibition on the use of any form of forced or compulsory labor. Thirty-eight countries are eligible for AGOA benefits in 2020. Of these 38, eight are listed in this report: Gabon, Ghana, Guinea, Kenya, Madagascar, Sierra Leone, South Africa, and Tanzania.

These tools are used to raise awareness among all stakeholders of human trafficking risks associated with a flag State's ocean-going vessels and support enforcement.

Annex 4: Recommendations to Deter Human Trafficking in the Catching and Processing of Seafood Products Outside of United States Waters

These recommendations serve to build upon and strengthen Department of State's and NOAA's existing efforts to address human trafficking in international fisheries. They should be considered in concert with other Administration priorities to address and deter human trafficking in the seafood sector.

The recommendations are grouped into four areas: developing a whole of government response to combatting human trafficking, both domestically and internationally; promoting and supporting efforts to combat human trafficking in the listed countries and territories; promoting and supporting global traceability efforts; and engaging with stakeholders.

Develop a whole-of-government approach to combating human trafficking, including forced labor, in the seafood supply chain

As noted above, combating human trafficking, including forced labor, is a priority across the U.S. Government, and in response, agencies with the mandate to address human trafficking and those managing fisheries have strengthened their coordination and cooperation. However, no single agency has the mandate to address both fisheries management and combating human trafficking, including forced labor. This set of recommendations is to focus on identifying areas of convergence that build upon – and respect – individual agencies' mandates and responsibilities.

- 1. Establish a subsidiary working group under the Maritime SAFE Act Interagency Working Group on IUU Fishing with a focus on combating human trafficking, including forced labor, in the seafood industry.*

The Maritime SAFE Act (Public Law 116-92) calls upon the Administration to strengthen programs to combat IUU fishing and increase maritime safety, as well as establishes an interagency working group to facilitate these efforts. Congress tasked the Administration, as part of this work, to strengthen efforts to combat human trafficking, including forced labor, in the seafood industry. This recommendation calls for the working group co-Chairs to formally convene a sub-working group, with the mandate to develop and facilitate an integrated approach across the U.S. Government to combat human trafficking within the seafood supply chain, and to include that work in the group's five-year strategic plan. This subsidiary working group should include relevant human trafficking experts and labor inspectors.

- 2. Develop an integrated global governance response through strengthening the FAO, IMO, and ILO Joint Working Group on IUU Fishing and Other Related Matters.*

The FAO, IMO, and ILO are United Nations bodies responsible for fisheries governance, vessel and maritime safety, and labor issues, respectively. Members of these three organizations acknowledged the need to work collectively through the Joint Working Group to combat human trafficking, however efforts have stalled due to organizational roadblocks. To overcome these

issues, the United States will lead an international effort to update and strengthen the Joint Working Group's mandate by its next meeting scheduled for 2023, and subsequently promote initiatives to combat human trafficking that can be leveraged across each of the three organizations.

3. Promote measures to combat human trafficking, including forced labor, in RFMOs.

RFMOs have not traditionally addressed human trafficking, with many members considering the work to be beyond their organizational mandates. Only one RFMO, the Western and Central Pacific Fisheries Commission, has adopted a non-binding resolution to address labor standards. However, other countries have demonstrated an interest and intent in putting forward proposals to address crew labor standards at RFMOs. Building upon this momentum, the U.S. will explore opportunities at RFMOs and under maritime law enforcement agreements, to strengthen prohibitions against human trafficking, including forced labor, on fishing vessels and improve enforcement of any such prohibitions, including improving protections for potential human trafficking victims among crew of fishing vessels.

4. Support development of FAO guidance for fish value chain actors on labor in fishing.

FAO Members have recognized the importance of social responsibility in the fisheries and aquaculture sectors and, in 2018, requested FAO to develop guidance on social sustainability to assist fish value chain actors in implementing relevant instruments, criteria, and measures covering responsible business conduct, human rights, and international labor standards. The Department of State and NOAA will continue engaging on this issue at FAO to ensure the guidance is fisheries-sector specific, technical, addresses trafficking in persons and forced labor practices on fishing vessels, and developed in cooperation with relevant international organizations and stakeholders.

Promote and support efforts to address human trafficking in listed countries and territories

5. Engage diplomatically with listed countries and territories.

The Department of State and NOAA will diplomatically engage, as necessary, with the listed countries and territories to underscore the importance of combating human trafficking in their fisheries, as well as to offer technical assistance, where appropriate and possible. Department of State officials will continue to capitalize on existing assessments, recommendations, and targeted engagement opportunities stemming from the annual TIP Report.

6. Provide technical and capacity building assistance.

The Department of State and NOAA will work with the listed countries and territories, as well as other regional and global capacity building initiatives, to support efforts to combat human trafficking in fisheries. Subject to the availability of funding, these activities could include:

- Programs that train/enable fisheries observers to detect and report indicators of human trafficking;

- Efforts to develop best practices, including Catch Documentation Schemes, to support regional and national traceability programs; and
- Inclusion of methods to detect potential signs of human trafficking, including forced labor, within counter-IUU fishing workshops, as appropriate.

The Department of State and NOAA's efforts will collaborate with other existing U.S. government programs, such as Department of Labor's SAFE Seas and USAID's Seafood Alliance for Legality and Traceability, as well as relevant non-governmental initiatives.

Promote and support global traceability efforts

7. *Promote the FAO Global Record and support flag States' efforts to require IMO numbers on their vessels.*

Being able to identify vessels regardless of owner or flag is fundamental to accurately tracking their activities and punishing bad actors. The IMO numbering scheme assigns a unique vessel identifier to a vessel throughout its life span. The Global Record of Fishing Vessels, Refrigerated Transport Vessels, and Supply Vessels then uses those numbers as part of a larger suite of information that enables countries to identify possible IUU fishing operations. NOAA and the Department of State will continue to support the FAO's efforts to maintain the Global Record as well as encourage countries to require IMO numbers for their vessels and to provide that data to the Global Record.

8. *Strengthen existing efforts between NOAA and DHS/CBP to support CBP's efforts to block products caught or processed using forced labor from reaching U.S. markets.*

NOAA, the Department of State, and CBP will collaborate to determine what, if any, efforts are necessary to better support the WRO process, including identifying additional information and resources, with the goal of ensuring that seafood products caught or processed using forced labor do not enter U.S. markets.

9. *Examine the implications of including human trafficking, including forced labor, as a possible risk factor if and when additional species are considered for Seafood Import Monitoring Program (SIMP) list.*

The Seafood Import Monitoring Program (SIMP) is a risk-based traceability program requiring the U.S. importer of record to provide and report key data from the point of harvest to the point of entry into U.S. commerce on certain species of imported fish and fish products. The selection of the first thirteen species reflects their relative vulnerability to seafood fraud and IUU fishing. If the number of species is expanded, NOAA could consider the possibility, as appropriate, to include the risk of human trafficking, including forced labor, when evaluating for new species.

Engage industry and NGO partners

- 10. Work with industry, NGOs, and other stakeholders to develop and advance best practices along the supply chain and explore public-private partnership opportunities to combat human trafficking in the seafood sector.*

Recognizing the importance of stakeholder-led and -engaged initiatives to address and deter human trafficking, the Department of State and NOAA will build upon earlier engagements with civil society and the private sector and establish regular contact among government and stakeholders, including industry and NGOs. Such engagement will explore potential public/private partnerships to combat human trafficking in the seafood industry and initiatives to strengthen traceability of seafood products.