

GREENPEACE

IN COLLABORATION WITH



SBMI



**FORCED
LABOUR
AT SEA:**
The case of
Indonesian
Migrant Fishers

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SPECIAL THANKS TO SBMI



Established on February 25, 2003, Serikat Buruh Migran Indonesia (also known as the Indonesian Migrant Workers Union or "SBMI") is an organisation operated by former, present, or aspiring Indonesian migrant workers and their families. The organisation aims to bolster the welfare and rights of Indonesian migrant workers through advocacy work, client support, education, and economic empowerment. SBMI was later recognised as a Trade Union in 2006.



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EXECUTIVE SUMMARY

From September 2014 - July 2020 a total of 338 complaints of forced labour at sea were reported to Serikat Buruh Migran Indonesia (SBMI)¹ - the Indonesian Migrant Workers Union, a non-profit organisation that seeks to bolster the welfare and rights of Indonesian migrant fishers. In 2020, 104 complaints were submitted – the highest number received to date – an increase from 86 complaints received in 2019.



In this report, a follow up to "Seabound: The Journey to Modern Slavery on the High Seas" (2019)², Greenpeace Southeast Asia analysed complaints from Indonesian migrant fishers over a 13 month period to show how forced labour indicators have increased. Through examination of documents, interviews with the complainants, and cross referencing with relevant media reports, Greenpeace Southeast Asia identified the top forced labour indicators to include withholding of wages (87%), abusive working and living conditions (82%), deception (80%), and abuse of vulnerability (67%).

The complaints came from 62 Indonesian migrant fishers on 41 fishing vessels and four refrigerated transport vessels known as reefers all suspected to have been involved in the forced labour activities. The suspected vessels include 14 purse seiners with 55 complaints, 11 handliners / squid jiggers with 16 complaints, 10 longliners with 11 complaints, six vessels of unknown fishing gears with

16 complaints, and four reefers with 20 complaints. Twenty Indonesian manning agencies and 26 vessel owners were also allegedly involved in forced labour.

In order to protect the rights of migrant fishers and stop forced labour at sea, Greenpeace recommends a priority list of action points as follow:

1. Governments in the fisheries supply chain should ratify and implement ILO C-188³ and ILO fundamental conventions⁴;
2. Governments should ratify and implement the FAO Port State Measures Agreement⁵;
3. Governments should ratify and implement the IMO Cape Town Agreement⁶;
4. Governments of origin of the migrant fishers should establish and implement policies that protect labour rights, including but not limited to:
 - a. Recruitment of workers through formalised channels; and
 - b. Zero recruitment fees;

Purse Seine Fishing Operation

An underwater view of a skipjack tuna purse seine fishery operation underway .

5. Fishing companies that recruit migrant fishers should ensure that all fishers receive no less than 10 hours rest in any 24-hour period;
6. Fishing companies, traders, processors, and brands should ensure that workers have access to secure, anonymous, confidential, and independent complaint mechanisms with strong protections against retaliation;
7. Fishing companies, traders, processors, brands, end-buyers, and investors should uphold the corporate responsibility to respect human rights as defined by the UN Guiding Principles on Business and Human Rights (UNGPs)⁷;
8. Buyers should only source from vessels that spend a maximum of three months at sea before going to a port and allow crew unfettered access to port services for a minimum of 10 days;
9. Buyers should prioritise sourcing from vessels subject to port state labour inspections and shown to be compliant with C-188³ and the ILO fundamental conventions⁹; and
10. Fishing companies, traders, processors, brands, end-buyers, and investors should publicly disclose information on the entire supply chain including vessel owner, vessel name, fishing gear, and species caught.

These undertakings, coupled by meaningful intergovernmental collaboration and sharing of information among key governments and non-government actors – such as labour and fisheries administrations, the private sector, migrant fishers and their organisations, among others – intends to pressure all involved governments to establish immediate measures to end modern slavery at sea and strengthen the fight against illegal, unreported and unregulated (IUU) fishing. 🐟

INTRODUCTION

Decades of overfishing activity has caused industrial vessels to venture further into the high seas in order to find a profitable catch. This practice of distant-water fishing (DWF) happens way beyond the exclusive-economic zone (EEZ) of a nation, meaning that vessels may be able to get away with committing illegal activities away from the jurisdiction and prying eyes of coastal nations. Using transshipment, in which a secondary vessel helps transfer fish and necessary supplies back and forth from port, enables the primary vessel to stay at sea for months, or sometimes even years, to reduce fuel costs and increase fishing time at sea.



In addition, low-paid labour in some instances is also taken advantage of. Migrant fishers who make up the majority of the crew and often from Southeast Asian nations, are kept at sea for this extended period, in some instances have their salary payments delayed, and with nowhere to escape, are reportedly subjected to forced labour and harsh working conditions. This falls under forced labour as defined by the International Labour Organization's (ILO) Forced Labour Convention 1930 (No. 29)¹⁰, and is an issue that is becoming more pronounced, especially as media and other organisations bring to light stories of the victims.

Pinpointing the responsible parties behind forced labour is as long and complex as the seafood supply chain, and in many cases justice has been hard to convict. However with more organisations conducting research, victims speaking out, and the use of technology, there is increasing awareness of some fishing industries known to be associated with forced labour more than others.


According to the Global Slavery Index¹¹ there are 20 fishing powers, which

combined provide over 80 percent of the world's fish catch. China Mainland, Taiwan, Japan, Russia, Spain, South Korea, and Thailand are considered to be at high risk of modern slavery in their fishing industry. Ports and port states where vessels often frequent, also offers a clue as to where forced labour cases are most prevalent. In a documentation of over 160 port calls related to 59 cases of forced labour, the Center For Advanced Defense Studies (C4ADS) has pointed to China Mainland, Taiwan, Singapore, and South Africa as the port states for the greatest number of cases and with the greatest total number of individual port calls by vessels using forced labour¹².

Out on the high seas, the choice of vessel can provide an insight to potential suspicious activity. McDonald *et al.* (2021) found that "...fishing vessels using forced labor behave differently than the rest of the global fishing fleet. Longliners and trawlers using forced labor travel further from port and shore, fish more hours per day than other vessels, and have fewer voyages and longer voyage durations.¹³" In their study, they estimated some 57,000 and 100,000 individuals worked on these

vessels, many of whom may have been forced labour victims.

Whilst illegal fishing activity and human rights abuse is often seen as an issue too difficult to regulate due to the nature of working at sea, there are some circumstances that point to how this behaviour is almost encouraged, and ways in which the fishing industry continues to operate with disregard to the environment and its workers. In "The economics of fishing in the high seas" by Sala *et al.* (2018), it suggests that fishing at the current scale is enabled by large government subsidies and the world's largest fishing fleets would largely be unprofitable without subsidies and low labour costs. On the consumer side, policies to protect workers in its supply chains is remiss. The Business and Human Rights Resource Centre in its survey of 35 canned tuna companies and supermarkets representing 80 of the world's largest retail canned tuna brands found that: two thirds (24 companies) have a public human rights policy, half (18/35) report having a human rights due diligence process, and three out of 35 companies are generally failing to enforce their human rights standards in their supply chains¹⁴.



According to 21-year-old worker, he was forced to work on a fishing boat with no way to return to his homeland. The forced labour and trafficking survivors interviewed by Greenpeace Southeast Asia detailed beatings and food deprivation for anyone who tried to escape. The tuna fishermen on their vessels were forced to work 20-22 hour days for little to no pay, often deprived of basic necessities like showers.

Luckily, exposes by media and in-depth reports from various organisations including Greenpeace, are slowly placing pressure on companies, the industry, and governments to combat modern slavery at sea. In 2020, the report to the United States Congress on Human Trafficking in the Seafood Supply Chain¹⁵ described several countries or territories allegedly most at risk for human trafficking, including forced labour, in their seafood sector. These include: Bangladesh, Burma, Cambodia, Cameroon, Ecuador, Fiji, Gabon, Ghana, Guinea, Honduras, Indonesia, Ireland, Kenya, Madagascar, Mauritania, North Korea, Pakistan, Papua New Guinea, China Mainland, Taiwan, Philippines, Seychelles, Sierra Leone, South Africa, South Korea, Tanzania, Thailand, Vanuatu, and Vietnam. The list was derived from two seminal reports on human trafficking across all sectors: the Department of State's 2020 Trafficking in Persons' (TIP) Report¹⁶, and the Department of Labor's 2020 List of Goods Produced by Child Labor or Forced Labor¹⁷.

The US Natural Resources Defense Council (NRDC) has also compiled its list by pointing out 30 nations with forced labour and human rights risks in their seafood supply chains, including the US, and its recommended administrative action to the US State Department and the National Oceanic Atmospheric Administration's (NOAA)¹⁸, among other US government agencies. In its compilation, the NRDC list took onboard NGO and media reports, UN

and other multilateral organisation reports, and numerous indicators of IUU fishing and/or forced labour risks.

In Indonesia, where most migrant fishers come from and which also makes up the case studies in this report, government officials have made targeted statements to highlight the rampant abuse happening to its citizens. Benny Rhamdani, head of the Indonesian National Board for the Placement and Protection of Indonesian Overseas Workers (BP2MI) has said that nearly one-third of the complaints his agency has received have come from Indonesian fishers employed on Taiwanese ships¹⁹. Taiwan, which has one of the largest distant water fishing industries in the world, has come under much scrutiny over its flouting of human rights abuse and treatment of migrant fishers from Southeast Asian nations. In the second half of 2020, the United States' Customs and Border Patrol issued Withhold Release Orders (WRO)^{20,21} to two Taiwanese owned vessels for its alleged involvement in forced labour, thus prohibiting seafood harvested from the vessels and making its way to the US supply chain.

But despite some of these developments that have the power to force major players of the fishing industry to reform, any work on board fishing vessels is not without its risks. According to the Food and Agriculture Organization of the United Nations (FAO) fishing is one of the most dangerous occupations in the world

with conservative estimates placing the annual fatality rate in the fishing sector to 80 lives lost per 100,000 fishers²². As such, the International Maritime Organization (IMO), the International Labour Organization (ILO) and the FAO have developed and adopted a range of international instruments that provide a strong legal framework for responsible fisheries, the safety of fishing vessels and fishers, and decent working and living conditions in fisheries²³. Ratification of these instruments and its effective implementation is important in addressing modern slavery.

Ultimately, *all* agents along the supply chain are responsible to a certain extent for the proliferation of forced labour. Governments, manning agencies, the vessel itself and its owners, the buyers and processors including retailers are all part of a broken system that has to be reformed if forced labour is to be addressed as a whole.

Measures to address forced labour at sea is gaining attention and traction, but we are still far away from preventing, protecting, and prosecuting those involved. This report, a sequel to "Seabound: The Journey to Modern Slavery on the High Seas"²⁴ from 2019 suggests that forced labour involving Indonesian migrant fishers on distant water fishing fleets has not yet been effectively addressed and a systemic shift from business as usual is needed to avert more cases of human rights abuse. 🐟



FORCED LABOUR

The International Labour Organization's (ILO) Forced Labour Convention 1930 (No. 29) defines forced or compulsory labour as: "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."²⁵⁷



Purse Seine Fishing Vessel

Tuna is transhipped from a purse seine fishing vessel onto a reefer, or cold storage vessel, on the high seas.



Photo Credit: © Alex Hofford

FORCED LABOUR INDICATORS²⁶

1. Abuse of vulnerability



People who lack knowledge of the local language or laws, have few livelihood options, belong to a minority religious or ethnic group, have a disability or have other characteristics that set them apart from the majority of the population are especially vulnerable to abuse and more often found in forced labour.

2. Deception



Victims of forced labour are often recruited with promises of decent, well-paid jobs. But once they begin working, the promised conditions of work do not materialise, and workers find themselves trapped in abusive conditions without the ability to escape.

3. Restriction of movement



If workers are not free to enter and exit the work premises, subject to certain restrictions which are considered reasonable, this represents a strong indicator of forced labour.

4. Isolation



Workers may not know where they are, the worksite may be far from habitation and there may be no means of transportation available. But equally, workers may be isolated even within populated areas, by being kept behind closed doors or having their mobile phones or other means of communication confiscated, to prevent them from having contact with their families and seeking help.

5. Physical and sexual violence



Forced labourers, their family members and close associates may be subjected to actual physical or sexual violence. Violence can include forcing workers to take drugs or alcohol so as to have greater control over them. Violence can also be used to force a worker to undertake tasks that were not part of the initial agreement, such as to have sex with the employer or a family member or, less extreme, to undertake obligatory domestic work in addition to their "normal" tasks. Physical abduction or kidnapping is an extreme form of violence which can be used to take a person captive and then force them to work.

6. Intimidation and threats



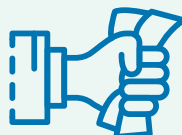
In addition to threats of physical violence, other common threats used against workers include denunciation to the immigration authorities, loss of wages or access to housing or land, sacking of family members, further worsening of working conditions or withdrawal of "privileges" such as the right to leave the workplace. Constantly insulting and undermining workers also constitutes a form of psychological coercion, designed to increase their sense of vulnerability.

7. Retention of identity documents



The retention by the employer of identity documents or other valuable personal possessions is an element of forced labour if workers are unable to access these items on demand and if they feel that they cannot leave the job without risking their loss.

8. Withholding of wages



When wages are systematically and deliberately withheld as a means to compel the worker to remain, and deny him or her the opportunity to change employer, this points to forced labour.

9. Debt bondage



Forced labourers are often working in an attempt to pay off an incurred or sometimes even inherited debt. The debt can arise from wage advances or loans to cover recruitment or transport costs or from daily living or emergency expenses, such as medical costs.

10. Abusive working and living conditions



Forced labour victims are likely to endure living and working conditions that workers would never freely accept. Work may be performed under conditions that are degrading (humiliating or dirty) or hazardous (difficult or dangerous without adequate protective gear), and in severe breach of labour law.

11. Excessive overtime



Forced labourers may be obliged to work excessive hours or days beyond the limits prescribed by national law or collective agreement. They can be denied breaks and days off, having to take over the shifts and working hours of colleagues who are absent, or by being on call 24 hours a day, seven days a week.

According to the ILO, all indicators of forced labour fall under the “menace of penalty” element except deception, abusive working and living conditions, and excessive overtime, which fall under the “involuntariness” element. A combination of both elements (menace of penalty and involuntariness) needs to be present in order to deduce forced labour exists. One element alone is considered a forced labour risk, not conclusive forced labour.





METHODOLOGY

Greenpeace Southeast Asia reviewed complaints from Indonesian migrant fishers filed with SBMI from May 2019 to June 2020 (13 months). The power of attorney, letter of complaint, letter of chronology, contracts, letter of guarantee, salary schedules, plane ticket, and passport of the migrant fisher formed the basis for evaluating forced labour indicators. From the 118 cases filed from May 2019 to June 2020, only 62 cases with complete complaint documentation were included in this report.



To identify forced labour patterns, all documents were carefully reviewed and categorised according to the definition of each ILO indicator. Greenpeace Southeast Asia analysts deliberated and agreed by consensus as to the forced labour indicators for alleged in the complaints for each vessel.

All companies associated with the fishing vessels mentioned in this report were given an opportunity to comment (see Page 38) on the alleged forced labour cases via email or letters by courier. In cases where contact details were not available, Greenpeace Southeast Asia also informed the Regional Fisheries Management Organizations (RFMO) where the fishing vessels in question were registered and requested disclosure of contact details of the said suspected vessels involved in the complaint. However, there were no responses from RFMOs.



Photo Credit: © Tommy Trenchard

Transshipment
Frozen tuna are transferred from a longliner to a reefer in the middle of the Atlantic Ocean.



ALLEGED VESSEL INDICATORS

PURSE SEINER



14 PURSE SEINERS

Most skipjack tuna is caught by purse seine vessels, many of which employ fish aggregating devices, or FADs—floating objects that attract far more than just skipjack.

8 **INDONESIAN MANNING AGENCIES ACCORDING TO COMPLAINTS**

Anugerah Atlantik Nusantara. PT, Baruna Jaya Sentosa. PT, Mandiri Tunggal Bahari. PT, Puncak Jaya Samudra. PT, Rimba Ciptaan Indah. PT, Satria Karya Panjarwala. PT, Setya Jaya Samudra. PT, Shafar Abadi Indonesia. PT

5 **FOREIGN VESSEL OWNERS**

Ocean Star Fujian Pelagic Fish, Shandong Lanyue Sea-Fishing, Zhangzhou Wushui Ocean Fishing, Zhejiang Hairong Ocean, Zhoushan Xinhai Fishery Co. Ltd.

LOGLINER



10 **LOGLINERS**

Albacore, bigeye, and yellowfin tuna are generally caught on longlines: thick plastic ropes attached to thousands of individual hooks in series. Conventional longlines can stretch for several kilometers.

8 **INDONESIAN MANNING AGENCIES ACCORDING TO COMPLAINTS**

Alfira Perdana Jaya. PT, Anugerah Bahari Pasifik, PT, Gemilang Pancar Lautan, PT, Jangkar Jaya Samudera, PT, Marizkha Bahari Indonesia. PT, Puncak Jaya Samudra. PT, Putri Ocean Abadi, PT, Shafar Abadi Indonesia. PT

9 **FOREIGN VESSEL OWNERS**

Bertrand Peche Export, CNFC Overseas Fishery, Dalian Ocean Fishing Co. Ltd, Jiln Horng Marine Products Co. Ltd., Lee Tsang Fishery Co., Ltd. Shandong Lidao Oceanic, Shandong Shawodao Ocean Fishery Co., Ltd, Tching Ye Fishery Co. Ltd., Yong Feng Fishery Co., Ltd,

HANDLINER / SQUID JIGGER



11 HANDLINERS / SQUID JIGGER

This fishing gear is similar to longline operations but the target species is not tuna but squid. Fishing vessels not targeting tunas are classified as handline or squid jigger.

7 INDONESIAN MANNING AGENCIES ACCORDING TO COMPLAINTS

Bahari Kru Manajemen. PT, Baruna Jaya Sentosa. PT, Marizkha Bahari Indonesia. PT, Puncak Jaya Samudra. PT, Setia Putra Nelayan. PT, Shafar Abadi Indonesia. PT, Siemen Jaya Pratama. PT

9 FOREIGN VESSEL OWNERS

China Aquatic Products, Fujian Pingtan County Ocean, Guandong Zhanhai Pelagic, Go Raizing Sakhalin, Haimen Changtai Pelagic, Rizhao Jingchang Fishery, Zhoushan Hongrun Ocean, Zhoushan Mingxiang Marine Fish, Zhoushan Ningtai Ocean Fish

REEFERS / CARGO / CARRIER



4 REEFERS / CARGO VESSEL / CARRIER

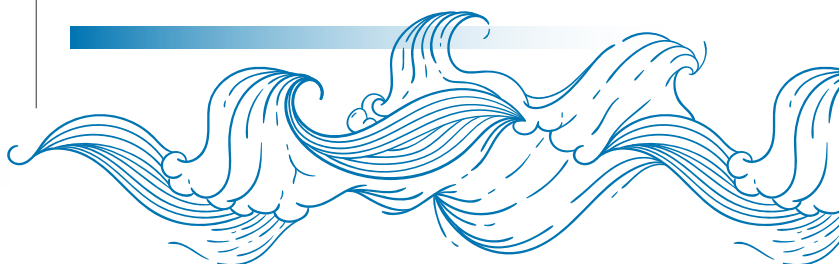
Much of the pirate fishing activity within the tuna sector is hidden by transshipping – vessels at sea transferring fish from one to another, often without any sort of observer coverage. This practice compounds the opacity of the seafood chain of custody and makes tracing a product to its source extremely difficult. Progressive companies are abandoning transshipping in favor of more defensible and transparent protocols that allow them to stand behind their product.

9 INDONESIAN MANNING AGENCIES ACCORDING TO COMPLAINTS





















































































Anugerah Atlantik Nusantara. PT, Baruna Jaya Sentosa. PT, Hegauli International. PT, Lowali Mahkota Internasional. PT, Mandiri Tunggal Bahari. PT, Puncak Jaya Samudra. PT, Rimba Ciptaan Indah. PT, Satria Karya Panjarwala. PT, Shafar Abadi Indonesia. PT

4 FOREIGN VESSEL OWNERS

Gangxin Shipping Co. Ltd - HKG, Hong Kong Hoi Shun Import, Scandi Navigation PTE LTD, Zhejiang Hairong Ocean




































PURSE SEINER

No	Vessel Name	Complaints	ILO forced labour indicators were categorised based on complaints.							
										
TOTAL COMPLAINTS		55	1	2	3	4	5	6	7	8
1.	Fu Yuan Yu 056	9								
2.	Fu Yuan Yu 054	8								
3.	Fu Yuan Yu 059	7								
4.	Fu Yuan Yu 057	5								
5.	Fu Yuan Yu 058	5								
6.	Fu Yuan Yu 060	5								
7.	Fu Yuan Yu 691/8999	4								
8.	Hanrong 363	4								
9.	Hanrong 358	3								
10.	Hanrong 356	1								
11.	Hanrong 368	1								
12.	Hanrong 365	1								
13.	Lu Rong Yuan Yu 118	1								
14.	Xin Hai 1225*	1								

* See reply of Xin Hai 1225 on page 38
































 Menace of penalty

 Involuntariness

  			Alleged Indonesian Manning Agencies according to complaints	Vessel Company
9	10	11		
			Puncak Jaya Samudra. PT Satria Karya Panjarwala. PT Setya Jaya Samudera. PT	Ocean Star Fujian Pelagic Fish (CN) **
			Setya Jaya Samudera. PT Mandiri Tunggal Bahari. PT Shafar Abadi Indonesia. PT"	Ocean Star Fujian Pelagic Fish (CN)
			Puncak Jaya Samudra. PT Mandiri Tunggal Bahari. PT Shafar Abadi Indonesia. PT	Ocean Star Fujian Pelagic Fish (CN)
			Puncak Jaya Samudra. PT	Ocean Star Fujian Pelagic Fish (CN)
			Shafar Abadi Indonesia. PT Setya Jaya Samudera. PT Rimba Ciptaan Indah. PT	Ocean Star Fujian Pelagic Fish (CN)
			Puncak Jaya Samudera. PT Rimba Ciptaan Indah. PT	Ocean Star Fujian Pelagic Fish (CN)
			Puncak Jaya Samudra. PT	Zhangzhou Wushui Ocean Fishing (CN)
			Baruna Jaya Sentosa. PT Puncak Jaya Samudra. PT	Zhejiang Hairong Ocean (CN)
			Satria Karya Panjarwala. PT	Zhejiang Hairong Ocean (CN)
			Anugerah Atlantik Nusantara. PT	Zhejiang Hairong Ocean (CN)
			Puncak Jaya Samudra. PT	Zhejiang Hairong Ocean (CN)
			Anugerah Atlantik Nusantara. PT	Zhejiang Hairong Ocean (CN)
			Shafar Abadi Indonesia. PT	Shandong Lanyue Sea-Fishing (CN)
			Shafar Abadi Indonesia. PT	Zhoushan Xinhai Fishery Co. Ltd. (CN)

** China Mainland

LONGLINER















No	Vessel Name	Complaints	ILO forced labour indicators were categorised based on complaints.							
										
TOTAL COMPLAINTS			1	2	3	4	5	6	7	8
11										
1.	Ming Wang	2								
2.	Chun I 217	1								
3.	Da Wang*	1								
4.	Yu Feng 67	1								
5.	Yu Feng 202	1								
6.	Harvest 346	1								
7.	Long Xing 629	1								
8.	Long Xing 635	1								
9.	Lu Rong Yuan Yu 139	1								
10.	Lu Rong Yuan Yu 559	1								

* See reply of Da Wang on page 38

 Menace of penalty

 Involuntariness


























































  			Alleged Indonesian Manning Agencies according to complaints	Vessel Company
9	10	11		

			Shafar Abadi Indonesia. PT	CNFC Overseas Fishery (CN)
			Marizkha Bahari Indonesia. PT	Tching Ye Fishery Co. Ltd. (TW) **
			Anugerah Bahari Pasifik, PT	Yong Feng Fishery Co., Ltd (TW)
			Putri Ocean Abadi, PT	Lee Tsang Fishery Co. Ltd (TW)
			Putri Ocean Abadi, PT	Jiln Horng Marine Products Co., Ltd. (TW)
			Gemilang Pancar Lautan, PT	Bertrand Peche Export (CI) ***
			Alfira Perdana Jaya. PT	Dalian Ocean Fishing Co., Ltd (CN)
			Puncak Jaya Samudra. PT	Dalian Ocean Fishing Co., Ltd (CN)
			Puncak Jaya Samudra. PT	Shandong Lidao Oceanic (CN)
			Jangkar Jaya Samudera, PT	Shandong Shawodao Ocean Fishery Co., Ltd (CN)

** Taiwan

*** Cote d'Ivoire

HANDLINER/ SQUID JIGGER

No	Vessel Name	Complaints	ILO forced labour indicators were categorised based on complaints.							
										
TOTAL COMPLAINTS		16	1	2	3	4	5	6	7	8
1.	Zhou Yu 905	4								
2.	Hong Run 6	2								
3.	Fu Yuan Yu 7886	2								
4.	Chang Tai 802	1								
5.	Fu Xin	1								
6.	Ming Xiang 828	1								
7.	Ning Tai 52*	1								
8.	Solar 101	1								
9.	Zhan Hai 002	1								
10.	Zhou Yu 901	1								
11.	Fu Yuan Yu 7887	1								

* See reply of Ning Tai 52 on page 38




















 Menace of penalty

 Involuntariness


  			Alleged Indonesian Manning Agencies according to complaints	Vessel Company
9	10	11		

			Marizkha Bahari Indonesia. PT Shafar Abadi Indonesia. PT"	China Aquatic Products (CN)
			Siemen Jaya Pratama. PT Setia Putra Nelayan. PT	Zhoushan Hongrun Ocean (CN)
			Bahari Kru Manajamen. PT	Fujian Pingtan County Ocean (CN)
			Baruna Jaya Sentosa. PT	Haimen Changtai Pelagic (CN)
			Shafar Abadi Indonesia. PT	Rizhao Jingchang Fishery (CN)
			Puncak Jaya Samudra. PT	Zhoushan Mingxiang Marine Fish (CN)
			Setia Putra Nelayan. PT	Zhoushan Ningtai Ocean Fish (CN)
			Puncak Jaya Samudra. PT	Go Raizing Sakhalin
			Puncak Jaya Samudra. PT	Guangdong Zhanhai Pelagic (CN)
			Shafar Abadi Indonesia. PT	China Aquatic Products (CN)
			Bahari Kru Manajamen. PT	Fujian Pingtan County Ocean (CN)

REEFER

No	Vessel Name	Complaints	ILO forced labour indicators were categorised based on complaints.								
											
TOTAL COMPLAINTS			20	1	2	3	4	5	6	7	8
1.	Ocean Star 88	13									
2.	Ocean Star 86	3									
3.	Hanrong 51	2									
4.	Ocean Star 96	2									

 Menace of penalty

 Involuntariness




























  			Alleged Indonesian Manning Agencies according to complaints	Vessel Company
9	10	11		


			Anugerah Atlantik Nusantara. PT Baruna Jaya Sentosa. PT Hegauli International. PT Mandiri Tunggal Bahari. PT Puncak Jaya Samudra. PT Satria Karya Panjarwala. PT Shafar Abadi Indonesia. PT	Hong Kong Hoi Shun Import (HK) *
			Hegauli International. PT Lowali Mahkota Internasional. PT	Gangxin Shipping Co. Ltd (HK)
			Hegauli International. PT Lowali Mahkota Internasional. PT	Zhejiang Hairong Ocean (CN)
			Rimba Ciptaan Indah. PT Mandiri Tunggal Bahari. PT	Scandi Navigation PTE LTD (NR) **

* Hong Kong

** Nauru

UNKNOWN FISHING GEAR

No	Vessel Name	Complaints	ILO forced labour indicators were categorised based on complaints.							
										
TOTAL COMPLAINTS			1	2	3	4	5	6	7	8
16										
1.	Fu Yuan Yu	7								
2.	Famous Qeshm	4								
3.	Famous Qeshm 12	2								
4.	Famous Qeshm 3	1								
5.	Famous Qeshm 11	1								
6.	Hanrong 108	1								

 Menace of penalty

 Involuntariness

  			Alleged Indonesian Manning Agencies according to complaints	Vessel Company
9	10	11		

			Hegauli International. PT Lowali Mahkota Internasional. PT Sakti Banyu Abadi. PT Shafar Abadi Indonesia. PT	No information
			Hegauli International. PT Lowali Mahkota Internasional. PT	No information
			Hegauli International. PT	Zhejiang Hairong Ocean (CN)
			Sakti Banyu Abadi. PT	Zhejiang Hairong Ocean (CN)
			Sakti Banyu Abadi. PT	Zhejiang Hairong Ocean (CN)
			Hegauli International. PT	No information

SUMMARY OF ALLEGATIONS

45

suspected fishing vessels belonged to 26 fishing companies from China Mainland, Hong Kong, Taiwan, Cote d'Ivoire, and Nauru. These include:

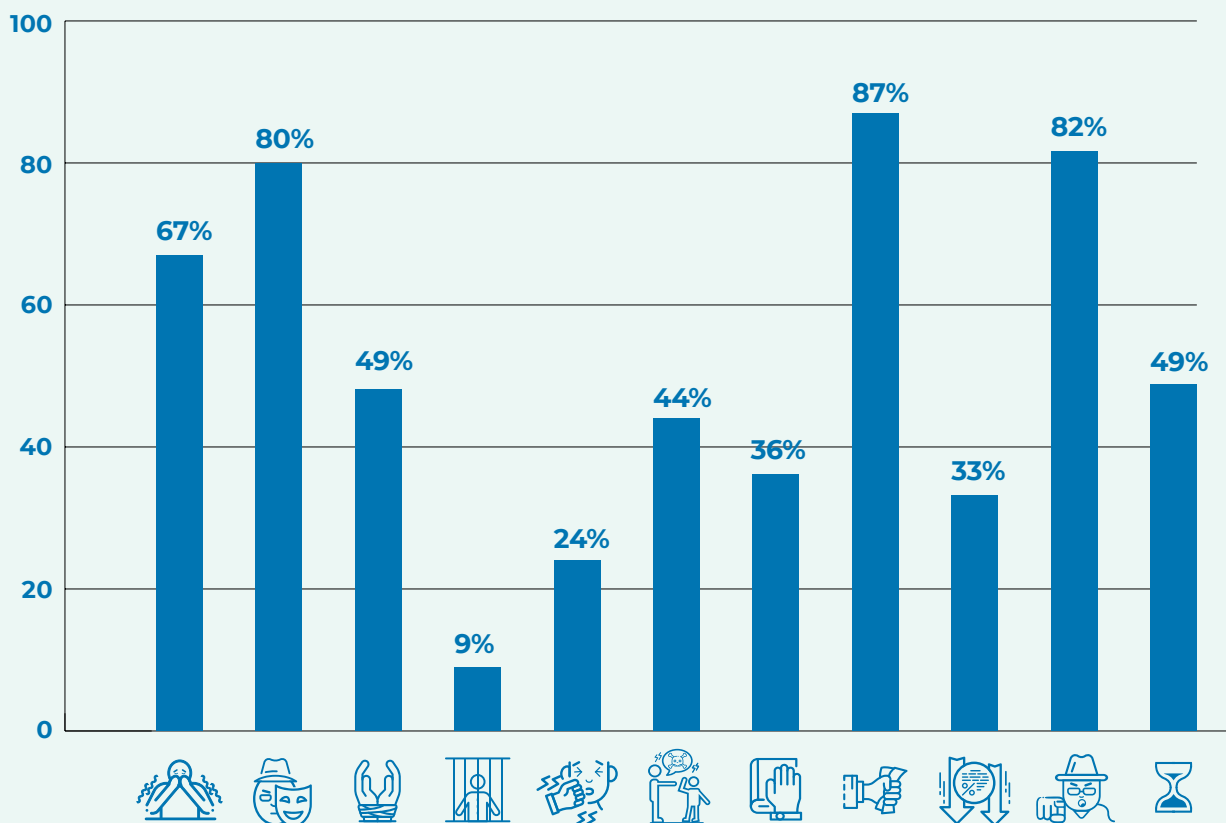
- 14 purse seiners
- 10 longliners
- 11 handliners / squid jiggers
- 6 vessels of unknown gear
- 4 reefers / cargo / refrigerated vessels

In the majority of the 45 suspected vessels, common forced labour indicators include withholding of wages (87%), abusive working and living conditions (82%), deception (80%) and abuse of vulnerability (67%) **See Fig. 1**

62

migrant fishers filed complaints against 20 manning agencies. As far as the indicator of withholding of wages is concerned, responsibility is on the manning agencies to ensure wages are transferred to the migrant fishers after receiving payment from fishing companies.

Fig. 1. Summary of Forced Labor Complaints



23

vessels are registered at the [North Pacific Fisheries Commission](#)

3

vessels are registered at the [South Pacific Fisheries Management Organization](#)

4

vessels are registered at the [Western and Central Pacific Fisheries Commission](#)

1

vessel is registered at the [Indian Ocean Tuna Commission](#)

2

vessels are registered at [International Commission for the Conservation of Atlantic Tunas](#)

12

vessels with unknown RFMO registration

The forced labour indicators alleged in the cases reviewed

1. Abuse of vulnerability	Migrant fishers were forced to sign documents in foreign language which they cannot understand.	
2. Deception	Migrant fisher were transferred from one vessel to another, promised a particular salary but received lower pay. There were also complaints of working on vessels which are different from the contract.	
3. Restriction of movement	Migrant fishers are not allowed to leave or disembark from ship when docked at port.	
4. Isolation	Migrant fishers stay for months at sea, some endure sea life for more than a year. They lack communication with family and relatives.	
5. Physical and sexual violence	There were reports of violence on board. Some were not even given immediate medical attention leading to deaths in some instances. Some were physically abused either by hand or hard object.	
6. Intimidation and threats	Migrant fishers have been threatened verbally using foreign words.	
7. Retention of identity documents	Their passports and seaman's book are either kept by the captain or manning agency.	
8. Withholding of wages	There were instances where monthly salaries have been delayed and allowances were not given on board.	
9. Debt bondage	Guarantee payments have been deducted from migrant fishers on claims that it will be returned after finishing two-year contract.	
10. Abusive working and living conditions	They live in cramped quarters where sleeping space is not enough to stretch body. Drinking water is below safe standards. Lack of protective gears such as personal floating devices are common. Food and access to medical supplies is inadequate. Some succumb to medical conditions that require immediate attention.	
11. Excessive overtime	Work duration is usually not less than 20 hours daily.	

“ QUOTES FROM MIGRANT FISHERS

MR. B (CHANG TAI 802)

Complaint regarding intimidation and threats against crew members

"We met the captain, the ship boss, and the foreman. The boss of the ship wanted to issue a ticket: 'If you don't sign it, then you will be homeless here. So, you're trapped in Peru!' 'Finally, there was no more choice, even though I was sick. Due to lack of clean water, my kidneys were sick ... so okay, it's okay ... I finally signed. 'If you don't sign then you won't be taken home,' they said.'"

MR. H (FU YUAN YU 056)

Complaint regarding harsh working conditions

"If there is a strong storm, it doesn't matter, the crew have to keep working. Even though many people fall, or someone has a bleeding arm hit by a fishing rod, we have to keep working."

MR. F (FU YUAN YU 691)

Complaint regarding intimidation and threats related to the work contract

"The captain informs that the Fu Yuan Yu 691 and [three vessels] wants to return to China Mainland. First, the captain promised that those on a one year contract would be sent home on a 'finish contract' status. A few hours later, that was changed. Those who return are required to sign a resignation statement. If the one year contract has the status of "Not Finished" they will not receive their guarantee payment*. It's useless! I work out in the sea to pay for my marriage!"

**This is an amount of \$1,000 USD if they complete their contract after two years.*

MR. R (HANRONG 365)

Complaint that migrant fisher worked on a vessel different from what was stated on their contract

"After boarding the speedboat, we headed out to sea and moved to the Han Rong 365 ship according to the contract. It turned out that we were only entrusted with the Han Rong 365 ship. Meanwhile, we arrived in the middle of the sea and were transferred to the Fu Yuan Yu 057 ship with the Chinese flag. After that, I waited another half a month to transfer to the Han Rong 356 ship."

MR. A (HANRONG 363)

Complaint that ship never returned to port. Shark fishing and transshipment was involved

“ We had already been fishing. Tonnes were stored in the hold and the freezer. We want to move the fish to the collecting vessel, so that the boat is empty. We never went ashore at all, not even for fuel oil. All transactions took place in the middle of the sea. For the shark fins that were dried out, some were taken to the collecting vessel. Not packed, but already dried, tied with ropes and then thrown in the collecting vessel.”

MR. M (ZHOU YU 905)

Complaint that salary received was not in accordance with the work contract.
An element of intimidation was made against the families of the crew

"After I worked for 11 months, the ship finally landed in Latin America (Lima). I immediately contacted my family and it turned out that my salary had just arrived at IDR 8,800,000... with an element of coercion. The person who received the money was my wife and she had to sign it with a contract that I had signed, because the salary that I signed in my sea work agreement book did not match what was signed by my wife."

MR. FS (LONG XING 635)

Complaint regarding shark catching

“They are aiming for tuna, but for sharks we get it very often. If the shark has its fins removed, they are thrown away. Almost every day - sharks. If there is no tuna, then there is at least a shark, one or two. If there is a dolphin, its teeth is removed. For a whale, we take its head with its teeth intact. Rarely it's a whale but almost every day it's a shark."

MR. E (ZHAN HAI 002)

Complaint regarding harsh working conditions

"After the ship docked at the port, I asked to go home because I was sick. I had a fall, which caused pain in my hip bone. Initially, my request for treatment was refused but later, I was taken to the hospital escorted by the Chinese and Indonesian crew members on a bus at their own expense. I was treated for one day, given an intravenous line, X-rays, and therapy. After the medical check-up results came out, I was allowed to return to Indonesia."

MR. AK (FU YUAN YU 058)

Complaint regarding return of crew members

"On our previous ship, an agency originating from China Mainland informed the captain that we would return in October 2019. We asked the captain about our return. The captain often gave us false hopes about our return, and the date of return was often pushed until January 2020."

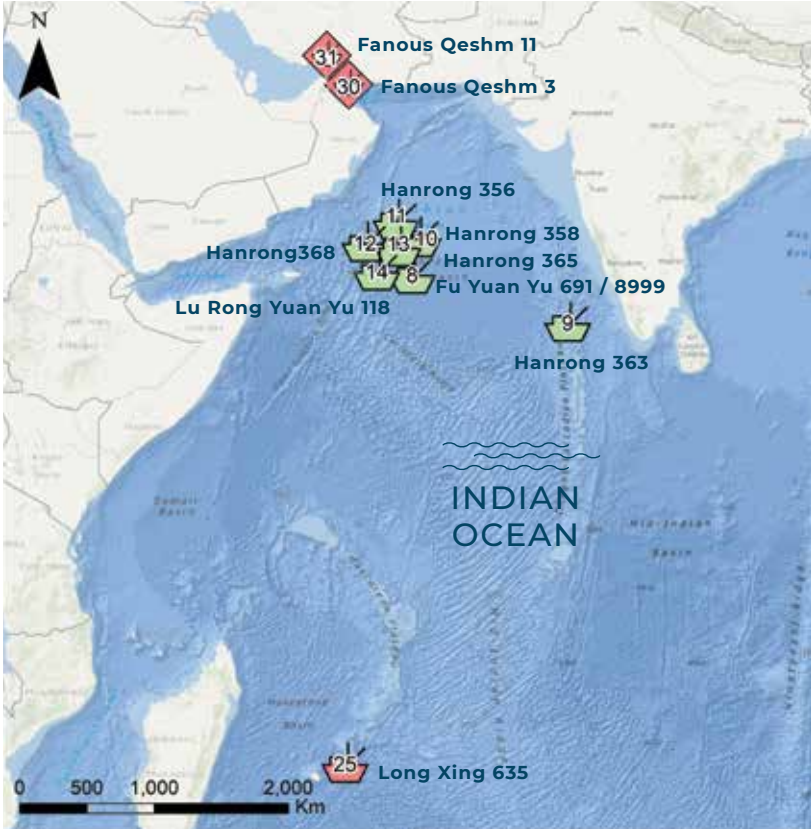
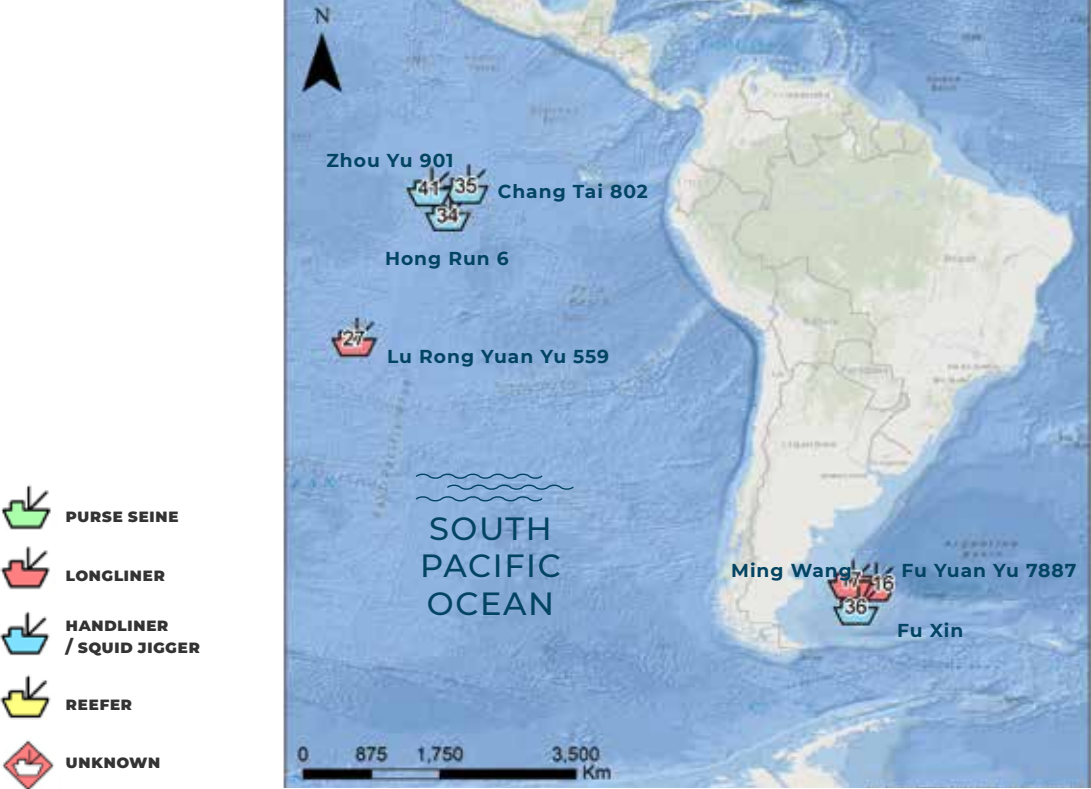
MR. L (FU YUAN YU 059)

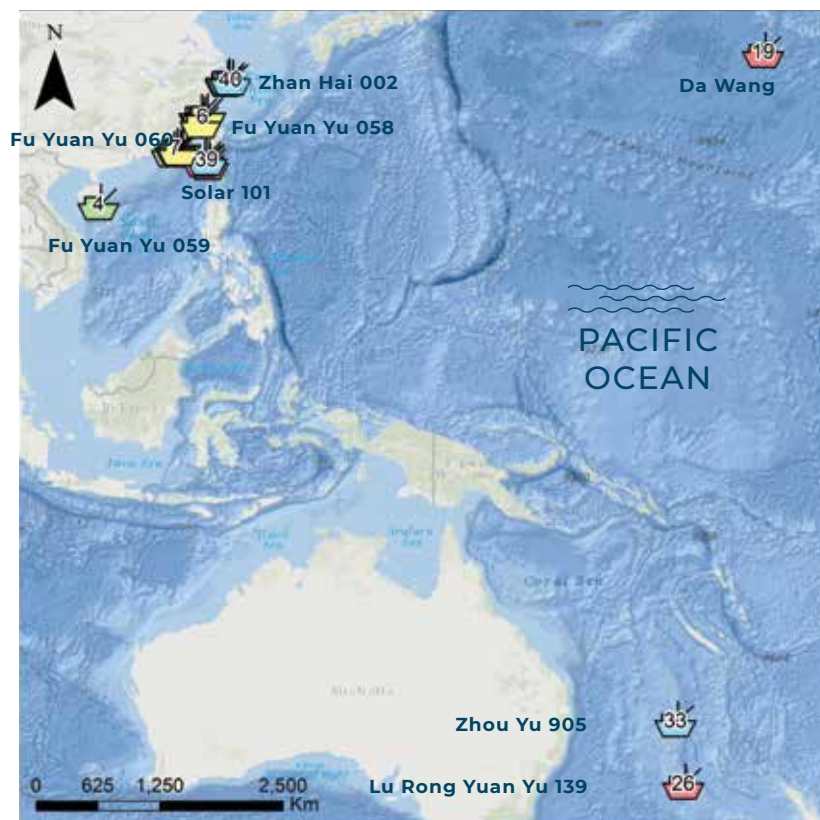
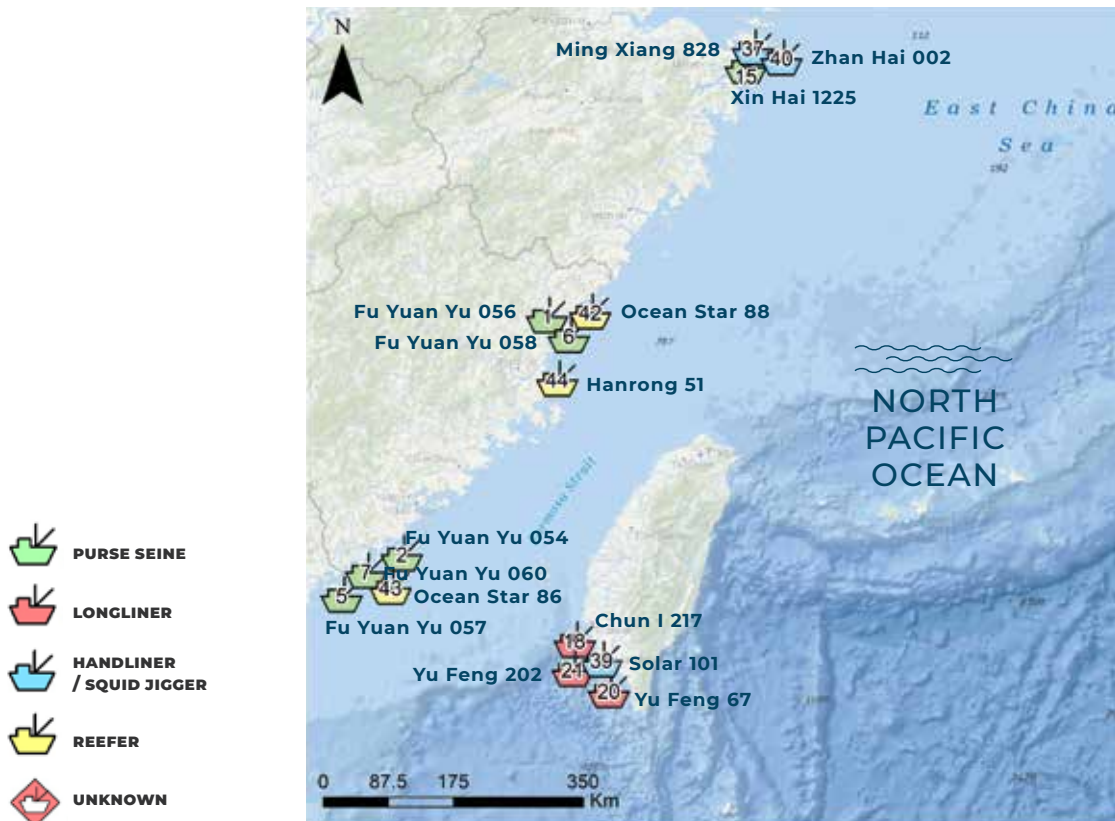
Complaint regarding excessive overtime

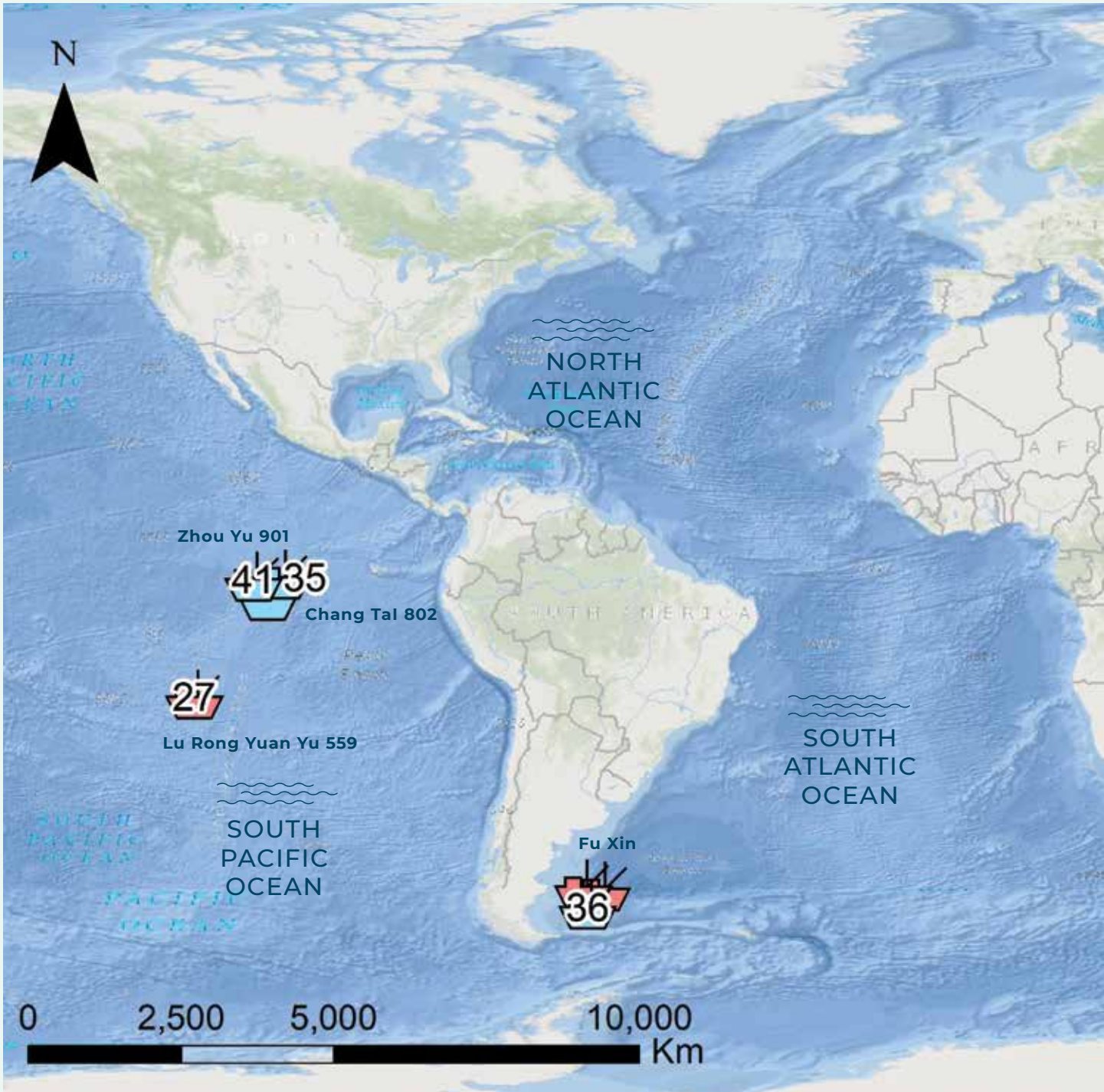
"I can rest depending on how fast or slow I work. If the work is finished fast, I can take a break to sleep but if the work is not finished quickly, I cannot rest. Sleep and rest time depends on the amount of fish. If there is more fish, I am given a short nap, even up to 2 days. With no sleep, I'm only given 2 hours of rest. If there's only a little bit in the fishnets, I can rest for about three hours. It's getting harder and there is no time to rest".

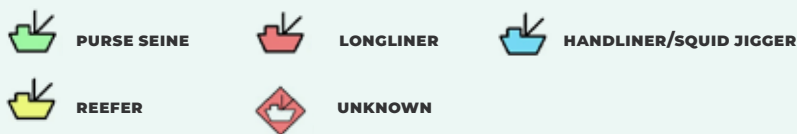
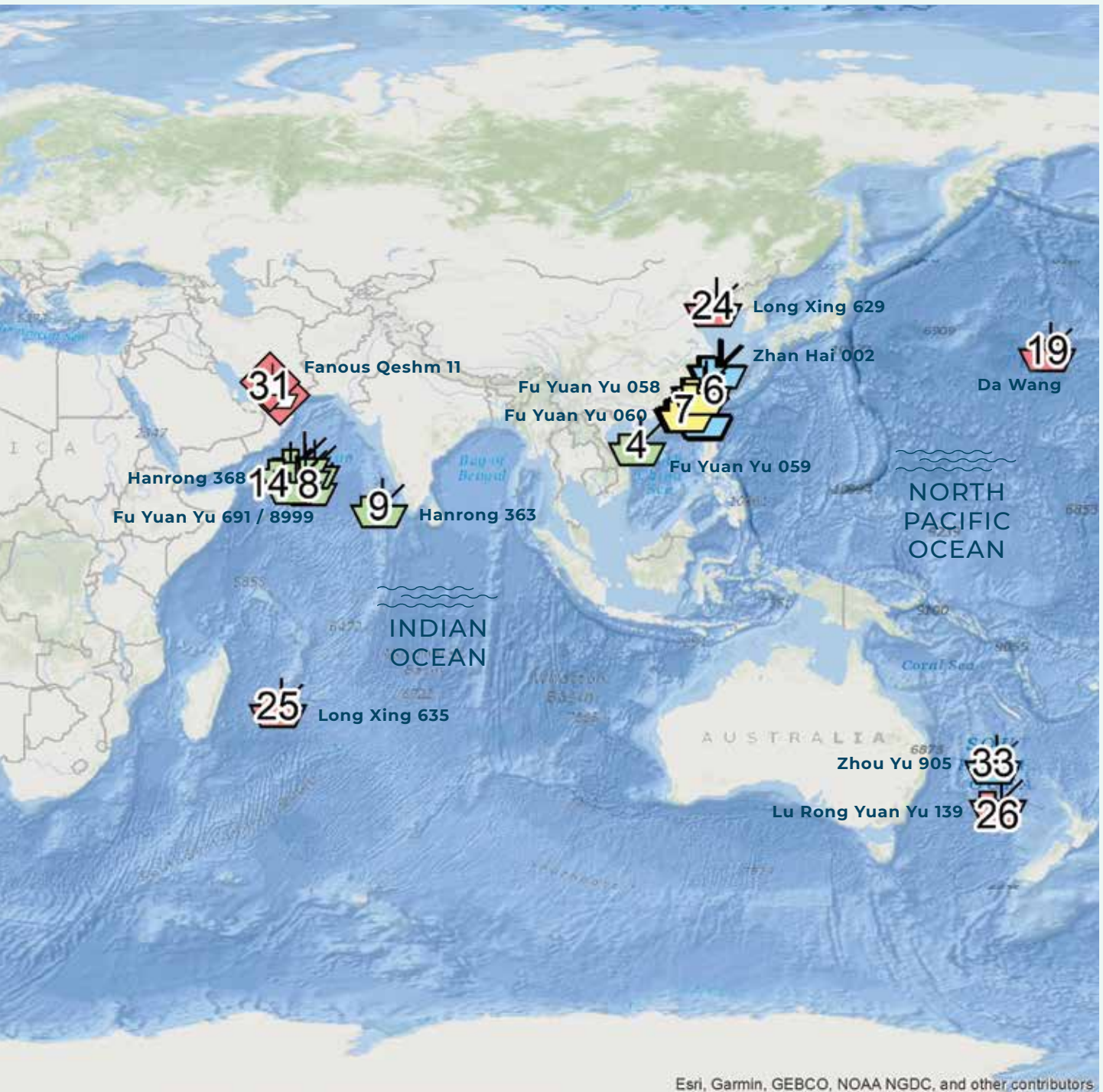
VESSEL LOCATIONS

as of February 2021, AIS based on Marine Traffic









CONCLUSION

Greenpeace Southeast Asia compared complaints with complete documentation from Seabound and found that for this report there were more reported cases of forced labour at 62 (13 months, May 2019 - June 2020) compared to 34 (eight months, December 2018 - July 2019). None of the complaints from Seabound overlap with this report.



Similarly, the number of vessels of interest are more at 45 compared to 13. In addition, there is an overall increase in the frequency of forced labour indicators: deception, withholding of wages, and excessive overtime consistently appear in the top five indicators in both Seabound and this report. Other forced labour indicators of interest are abuse of vulnerability, and abusive working and living conditions where more than half of the vessels are allegedly involved.

Whether through increased awareness by migrant fishers to report, or indeed, more prevalent cases of forced labour, these numbers suggest vulnerable migrant fishers being taken advantage of.

Time bound and immediate steps and measures to prevent, protect, and prosecute such forced labour must be dealt with at every segment of the supply chain from the manning agencies, fishing vessels, processors, buyers and traders.





Photo Credit: © Oscar Siagian

Handline Fishing on Buru Island

Fisherman pulls the string while handline fishing at Buru Sea, Maluku Province, Indonesia. People in Wamlana village have used the handline fishing method since the 16th century. The handline fishing method is a selective and more sustainable way to catch tuna.

RECOMMENDATIONS

In order to address both labour issues and IUU fishing, governments need to strengthen their national legislation and ensure coordination among different departments.

Governments should:

1. Ratify ILO C-188²⁷ and fundamental ILO conventions²⁸:
 - a. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
 - b. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
 - c. Forced Labour Convention, 1930 (No. 29), include the 2014 Protocol to the ILO Forced Labour Convention (No. 29)
 - d. Abolition of Forced Labour Convention, 1957 (No. 105)
 - e. Minimum Age Convention, 1973 (No. 138)
 - f. Worst Forms of Child Labour Convention, 1999 (No. 182)
 - g. Equal Remuneration Convention, 1951 (No. 100)
 - h. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
2. Ratify and implement the IMO Cape Town Agreement²⁹; and
3. Ratify and implement the FAO Port State Measures Agreement³⁰;

For migrant fishers, governments should establish and implement policies on:

Fair Recruitment

4. Recruit workers through formalised avenues (e.g. government-approved labour brokers or manning agencies where they exist, government-to-government channels, or direct hire channels); and
5. Any costs incurred for recruiting workers should be borne by the employer, not the worker.

They also need to invest in control and inspection, ensure the presence of labour inspectors at ports of interest, and improve transparency on documentation and conditions of migrant fishers working on all distant water fishing fleets.

Specific recommendations are listed below.

Grievance Mechanism

6. Governments should ensure that workers have access to secure, anonymous, confidential, and independent complaints mechanisms with strong protections against retaliation.
7. While an effective grievance mechanism must be in place at the level of the enterprise or fishing company, a means must also exist by which workers or their representatives can take a complaint up to the level of the buyer, if not resolved by the fishing company.

Governments governing the fishing companies which recruits migrant fishers should establish and implement policies which:³¹

8. Harmonise the overseas employment scheme for migrant fishers. Wages must be paid in full, and there must be no illegal deductions. In addition, insurance compensation must be paid fully and swiftly to family members of victims of forced labour. The government must be fully in charge of governing migrant fishers;
9. Establish a clear timeline for swift and full domestication and implementation of the ILO Work in Fishing Convention (C188);
10. Increase the frequency and reliability of port inspections (both fishery and labour) for all vessels, especially DWF vessels; and
11. Increase transparency in the fishery sector by requiring disclosure of vessel position (i.e. publishing Vessel Monitoring System (VMS) or Automatic Identification System (AIS)), and punishing vessels for turning either off, 100% observer coverage (independent human or effective electronic catch monitoring such as camera and remote sensor), and ensuring the safety of all observers on all fishing vessels.

Fishing companies, buyers, processors, traders, investors, other supply chain actors should:³²

1. Deliver a fully traceable, third-party verified, chain of custody from ship to point of sale (including vessels, traders, wholesalers, canneries, and processors);
2. At the point of sale, provide clear and accurate information to customers on labels and online;
3. Ensure that workers have access to secure, anonymous, confidential, and independent complaints mechanisms with strong protections against retaliation;
4. Uphold the corporate responsibility to respect human rights as defined by the UN Guiding Principles on Business and Human Rights (UNGPs)³³. Such responsibility requires a human rights policy based on international standards; human rights due diligence (identify, prevent, mitigate, and account for adverse human rights impacts); and effective remediation of all adverse human rights impacts caused, contributed, or to which the company is directly linked through its business relationships. Cascade these requirements through the value chain;
5. Only source from vessels that spend a maximum of three months at sea before going to a port and allow crew unfettered access to port services for a minimum of 10 days; and
6. Preferentially source from vessels that go to port States, which have ratified and implemented the ILO Work in Fishing Convention, and effectively conduct labour inspections according to the ILO Guidelines for port State inspections under the Convention.
7. Where possible, ensure vessel owners obtain the necessary documents and permission for crew to temporarily enter the port State with lawfully admitted status for the entire time they are given shore leave.

Vessel Owners or Operators should provide the following:

Rest Hours

1. Ensure all fishers receive no less than 10 hours rest in any 24-hour period;
2. Offer fishers who are performing a certain number of hours of night work, regular medical examinations that test their fitness and identify stresses related to this work; and
3. Offer crew who have serious health issues that are related to night or shift work, to change their rest hours policies and practices.

These undertakings, coupled by meaningful intergovernmental collaboration and sharing of information among key government and non-government actors – such as labour and fisheries administrations, the private sector, migrant fishers and their organisations, among others – intends to pressure all relevant governments to establish immediate measures to end modern slavery at sea and strengthen the fight against illegal, unreported and unregulated (IUU) fishing. 🐟

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DETAILS OF VESSELS ALLEGED, NAMED IN COMPLAINTS

1. Chang Tai 802 <https://www.npfc.int/vessels/1537>
2. Chun I 217
3. Da Wang <https://www.wcpfc.int/node/15625>
4. Fanous Qeshm
5. Fanous Qeshm 3
6. Fanous Qeshm 11
7. Fanous Qeshm 12
8. Fu Xin <https://www.npfc.int/vessels/441>
9. Fu Yuan Yu
10. Fu Yuan Yu 054 <https://www.npfc.int/vessels/476>
11. Fu Yuan Yu 056 <https://www.npfc.int/vessels/478>
12. Fu Yuan Yu 057 <https://www.npfc.int/vessels/479>
13. Fu Yuan Yu 058 <https://www.npfc.int/vessels/480>
14. Fu Yuan Yu 059 <https://www.npfc.int/vessels/481>
15. Fu Yuan Yu 060 <https://www.npfc.int/vessels/482>
16. Fu Yuan Yu 691 <https://www.npfc.int/vessels/702>
17. Fu Yuan Yu 7886 <https://www.sprfmo.int/assets/2020-Annual-Meeting/CTC7-2020/Docs/CTC7-Doc08-rev1-Commission-Record-of-Vessels-Implementation-Report-b.pdf>
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19. Han Rong 51
20. Han Rong 108
21. Han Rong 356
22. Hanrong 358 <https://www.npfc.int/vessels/1404>
23. Hanrong 363 <https://www.npfc.int/vessels/1406>
24. Hanrong 368 <https://www.npfc.int/vessels/1408>
25. Hanrong 365 <https://www.npfc.int/vessels/1407>
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28. Long Xing 629 <https://www.wcpfc.int/node/15812>
29. Long Xing 635 <https://www.iotc.org/vessels/history/101983/15220>
30. Lu Rong Yuan Yu 118 <https://www.npfc.int/vessels/524>
31. Lu Rong Yuan Yu 139 <https://www.wcpfc.int/node/18324>
32. Lu Rong Yuan Yu 559 <https://www.wcpfc.int/node/30276>
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34. Ming Xiang 828 <https://www.npfc.int/vessels/1528>
35. Ning Tai 52 <https://www.npfc.int/vessels/1521>
36. Ocean Star 86 <https://www.npfc.int/vessels/1177>
37. Ocean Star 88
38. Ocean Star 96
39. Solar 101 <https://www.npfc.int/vessels/9>
40. Xin Hai 1225 <https://www.npfc.int/vessels/547>
41. Yu Feng 67
42. Yu Feng 202 <https://www.iccat.int/en/VesselsRecordDet.asp?id=2593>
43. Zhan Hai 002 <https://www.npfc.int/vessels/1302>
44. Zhou Yu 901 <https://www.npfc.int/vessels/795>
45. Zhou Yu 905 <https://www.npfc.int/vessels/413>

A fisherman at Buru Sea,

Maluku Province, Indonesia. People in Wamlana village have used the handline fishing method since the 16th century. The handline fishing method is a selective and more sustainable way to catch tuna.



“ COMPANIES' RESPONSE

ZHOUSHAN NINGTAI OCEAN FISHERIES CO., LTD. NING TAI 52

“We are somewhat perplexed to be receiving this kind of complaint as we've paid more attention to the concerns of the Indonesian crew than the Chinese crew. We assure you that no such thing as forced labor has occurred.”

“We were informed by the local Indonesian agent that he had no more objections regarding the salary complaint. We've contacted the previous captain and the chief engineer ... They told us no such thing as intimidation, violence or coercion had occurred. Sometimes due to work assignments, it would be possible to ask them to help clean up but they were also compensated for the free items they eat and use.”

On 5 March 2021, Zhoushan Ningtai Ocean Fisheries Co., LTD. sent proof of transfer of payment to the manning agency Setya Putra Nelayan, PT.

ZHOUSHAN XINHAI FISHERY CO. LTD. XINHAI 1225

“After verification by the company, all the Indonesian crew on board Xin Hai 1225 from 2018 to 2020 did not have the name and passport you sent.” The company requested Greenpeace Southeast Asia specific date and place of embarkation and disembarkation, as well as the labor dispatch company in Indonesia and China.

As requested, additional information was sent e.g. visa stamp of Xin Hai 1225 on passport of migrant fisher dated 22 September 2018. To date, Xin Hai 1225 has not yet responded.

YONG FENG FISHERY CO. LTD. DA WANG

“Company always believes that providing fishers with good working conditions is an important part of sustainable development. It also strives to provide good working environment and working conditions. However, fishing vessel officials and fishermen may misunderstand the work content or language and we felt regret.”

“We take the relevant incidents seriously. In order to avoid similar misunderstandings or any unfortunate incidents from happening again, we are actively promoting Fisheries

Improvement Projects (FIP). We formulate work specifications based on the ILO C188 convention and invite third-party units to refer to the FIP social responsibility policy.”

“After the company's fishing boats enter the port in the near future, the company will also seize the opportunity to inspect the operating conditions of the fishing boats on the spot and gradually implement improvement suggestions, hoping to comply with international trends in the protection of labour human rights and related management regulations.”

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