

August 22, 2016

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

**Re: The National Ocean Council Committee on IUU Fishing and Seafood Fraud's
Proposed Seafood Import Monitoring Program**

Dear President Obama:

We would like to thank you for your commitment to addressing important issues related to illegal, unreported and unregulated (IUU) fishing and seafood fraud. The proposed Seafood Import Monitoring Program is a good first step in requiring documentation to show that seafood products were legally caught, but falls short in ensuring that the products do not violate labor and human rights laws, including the treaties to which the United States is a party — the Palermo Protocol, the 1926 Slavery Convention, and the 1956 Supplementary Convention on the Abolition of Slavery. Seafood fraud and illegal fishing are serious problems, but they are compounded when combined with horrific practices and treatment of workers at sea and on shore. Human trafficking and forced labor are prohibited under international law, but are both common on fishing vessels and in the seafood industry. Our organizations are joining today to ask you to ensure that the Seafood Import Monitoring Program be expanded to ensure that any seafood sold in the U.S. is not only legally caught and honestly labeled, but is not produced using forced labor or in violation of any human rights laws.

The President's Task Force on Combating IUU Fishing and Seafood Fraud was established in 2014 to develop measures to prevent illegally caught or fraudulently labeled seafood from entering the U.S. market. While the Task Force was not explicitly formed to address human rights issues, the legislative history of the 2015 amendment of the Magnuson-Stevens Fishery Conservation and Management Act suggests that Congress intended the Seafood Import Monitoring Program to address the myriad national security risks associated with IUU fishing, most notably human trafficking and slave labor. It would thus be a serious oversight if the Task Force neglects to address forced labor and human trafficking in the final regulations. In addition, it is in the United States' best interest to ensure data collected by the Monitoring Program assists in enforcement of all U.S. laws, including the Tariff Act of 1930. Your administration took a bold, important step in the fight against modern-day slavery when it signed into law the Trade Facilitation and Trade Enforcement Act of 2015, closing the Tariff's Act consumptive demand loophole to make the prohibition on importing goods produced with forced labor absolute. Broadening the scope of data collection required under the Monitoring Program would provide critical information Customs and Border Protection needs to implement this new mandate.

This information is particularly important in high-risk sectors like seafood. Secretary of State John Kerry noted the pervasive problem of human trafficking in his remarks at the release of the 2016 *Trafficking in Persons (TIP) Report*, and made explicit the link between IUU fishing and human trafficking. The 2016 *TIP Report* identified 51 countries that either have trafficking in their fishing industries, are transit countries for trafficking for forced labor on fishing vessels in other jurisdictions, or have a high risk of trafficking in their fishing industries. Recent newspaper articles have documented horror stories at sea. The *New York Times* series "Outlaw Ocean" details labor abuses on fishing vessels including forced labor, and dangerous labor conditions including

shackling to prevent workers from escaping. The *Associated Press* revealed shocking stories of human trafficking and slave labor associated with the fishing industry. And a 2009 survey by the United Nations Inter-Agency Project on Human Trafficking found that 59 percent of migrant workers trafficked aboard Thai fishing vessels reported witnessing the murder of a fellow worker.

Given that 91 percent of seafood consumed in the U.S. is imported, the U.S. government has a vital role in eradicating forced labor and human trafficking in the seafood industry by ensuring that the purchases made by Americans are not furthering the inhumane treatment of workers around the world. Murder, forced labor, slavery, beatings, and human trafficking should never be part of a job description. As a leader worldwide, the United States government should incorporate human rights, including the emerging provisions and use of the UN endorsed Guiding Principles on Business and Human Rights, into the mandate of the Task Force on Combating IUU Fishing and Seafood Fraud and ensure it is part of the discussion at prominent events like the annual Our Ocean conference hosted by the U.S. this year. Under U.S. and international law, it is illegal to use forced labor and slavery to produce goods. The seafood industry should be no exception.

As you finalize the Seafood Import Monitoring Program, our coalition of organizations strongly urge you to include documentation on labor practices as part of the traceability program and expand the program to include all seafood. In addition to the necessary information listed in the proposed rule such as name and identifying details of the vessel and/or farm or aquaculture facility, location of point of harvest, and records regarding chain of custody, we encourage collection of additional data related to conditions of employment, including ownership information, records of previous labor law violations, and, where possible, employment contracts, pay stubs, and crew manifests. Collection of such data would help the U.S. government and seafood buyers reduce the risk that American purchases are supporting illegal labor practices worldwide.

Sincerely,



Anti-Slavery International



The Child Labor Coalition



Concordia



Environmental Justice Foundation



Ethical Trading Initiative



Fairfood International



Fortify Rights



Green America



Greenpeace



Human Rights at Sea



Human Rights Watch



Humanity United



International Justice Mission



International Labor Rights Forum



International Pole & Line Foundation



International Union of Food Workers



Migrant Worker Rights Network



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