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## Valuing Victims Voices

A Participatory Action  
Research Project with  
Victims of 'Seafood Slavery'  
for Effective Counter-  
Trafficking Communication

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# LIST OF ACRONYMS

BST	Basic Safety Training
DW	Distant Waters (referring to fishing activity)
FFV	Foreign Flagged Vessel
NGO	Non-Governmental Organisation
PPE	Personal Protective Equipment
SBMI	Serikat Buruh Migran Indonesia
TIP	Trafficking in Persons
VoT	Victim of Trafficking



## EXECUTIVE SUMMARY

### BACKGROUND

The exploitation of men working as fishing crew in distant water (DW) fisheries is attracting increasing attention from the international community as an urgent contemporary human and labour rights problem. However, the voices of victims are often drawn on in a highly selective and limited manner. We propose an alternative approach and methodology to include victims in ways that aim to help address these problems. The project has three aims:

- 1. to provide a platform through which victims of labour exploitation in the DW fisheries sector can articulate their experiences, concerns and problems according to their priorities and frames of reference.**
- 2. to build the capacity of (local) NGOs to undertake ethical and reflexive research to enhance the organisation's work in supporting victims.**
- 3. to advance knowledge and understanding of labour exploitation and precarious work in the DW fisheries sector through a wider consideration of issues faced by victims.**

### METHODOLOGY & PARTICIPANTS

This study was undertaken in Fiji and Indonesia to understand the experiences of exploitation in DW fisheries from the survivors' perspective. Sixteen participants from Fiji and ten from Indonesia wrote or recorded narratives about their experiences. They were guided through the process of narrative construction by partner NGOs; the Human Dignity Group in Fiji and Serikat Buruh Migran Indonesia (SBMI) in Indonesia. The narrative production process allowed the participants to discuss their experiences according to their frames of reference and priorities. The partner NGOs played a facilitating and guiding role.



## KEY FINDINGS

### 1. Financial Problems

Many of the participants experienced early termination of their contracts, resulting in salary loss— between three and 12 months. The fishers themselves sometimes initiated early termination and at other times by the captain. For the Indonesian crew, employment contracts often contain a clause that the crew will forfeit all salary should they withdraw before the entire contract period is completed.

### 2. Direct Experiences or Witnessing of Violence, Inquiry and Illness

The men's narratives revealed how violence was experienced differently according to nationality. Indonesian crew were far more likely to be victims of physical abuse than the Fijian fishers who were of larger stature. Physical abuse was usually the result of three key reasons. First, the inability of foreign crew to correctly perform work tasks at the required pace. This could also be because of communication problems. Second, Chinese crew on Chinese vessels were given lighter duties leading to conflicts between the crew. Third, inhumane treatment based on nationality or racial discrimination. Work-related injuries were also common on the vessels, with some fishers experiencing longer-term incapacity and diminished health. Osteoporosis and arthritis were articulated in several of the Fijian participants' narratives.

### 3. Lack of Remedy

Their experience of exploitation rarely resulted in justice according to the victims' own needs and priorities. The participants lamented the lack of avenues to pursue justice. Lack of remedy was experienced in two ways: no complaints or claims were made (most commonly for the Fijian participants), or complaints and claims were made but with no favourable outcome (most commonly for the Indonesian participants). Other issues which could potentially have been forwarded through the complaints process included: damages for physical abuse and psychological harm by senior officers; damages for incapacity resulting from injuries from work; damages for fraudulent recruitment and contract substitution practices.

## DISCUSSION & CONCLUSION

Ongoing vulnerabilities mean men will accept dubious job opportunities on foreign-flagged vessels (FFV). They find it difficult to find land-based employment and thus sign up again to work on FFV. The Covid-19 pandemic may exacerbate this. In the current environment, unregulated labour recruitment and brokerage may be harder to control and address. The voices of victims matter. Much more needs to be done here to ensure they have safe working conditions and are correctly paid, and have access to remedy.

## RECOMMENDATIONS

### Methodology & Approach

1. Project teams should consider the different situations and needs of each participant, as factors such as education level, type of post-labour/ trafficking situation and so on will impact the narrative construction process.
2. Participants should be encouraged to construct their stories in ways that reflect their key concerns and not those of the researcher(s) or organisations they represent.
3. Opportunities for storytellers to co-produce knowledge about forced labour/ human trafficking should constitute a major component of a research team's project design and planning.

### Capacity-Building of Partners

4. Researchers should devote considerable time to enabling local partners, assistants and project team members to understand the principles and philosophy of participatory action research.
5. Regular meetings between project researchers reflecting on challenges, constraints and strengths of the storytelling process should be built into the timeframe of the project.
6. The research team should create a final reflection opportunity to document ways forward (forward failures).

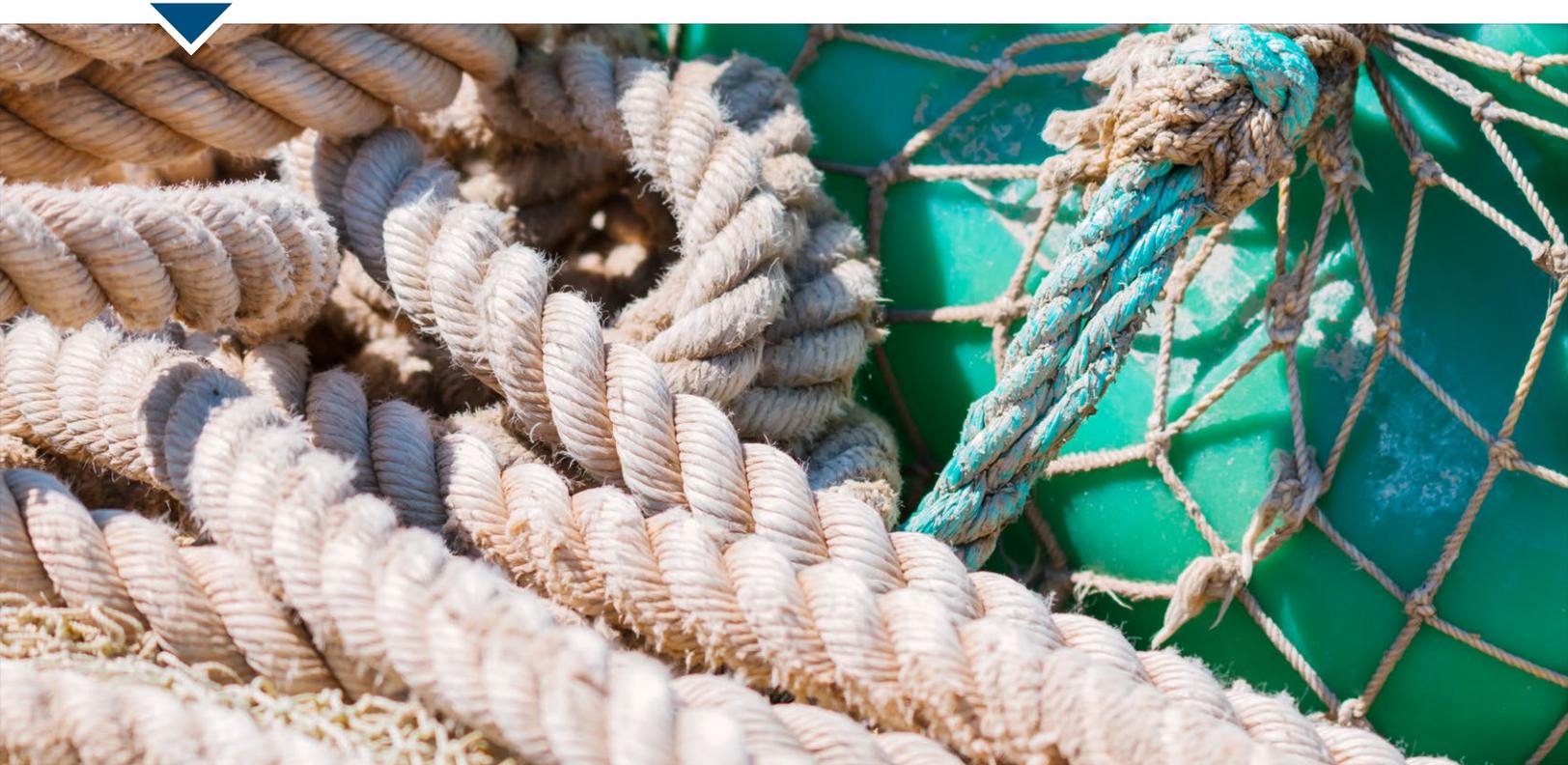
### Exploitation in the DW Fishing Industry

#### *Recommendations – From the Storytellers*

7. Government authorities of both source countries of fishers (in this case Fiji and Indonesia), as well as fleet states (in this case Taiwan and China) need to take fuller responsibility for regulating the offshore fishing industry, including adhering to regulations in three key areas: recruitment, qualifications and contracts; occupational health and safety and; vessel inspections for breaches of contract stipulations regarding working and living conditions.
8. Appropriate government agencies should create a formal, legal mechanism to assess claims for unpaid salary and other labour issues.
9. The implementation of effective and targeted awareness of employment rights training for fishers is essential.

#### *Recommendations – From the Project Team*

10. Ensure relevant jurisdictions adhere to agree to, or abide by international conventions and standards regarding working conditions in DW fishing.
11. Recognise that fishers involved in precarious labour on board distant waters fishing vessels face a range of problems. A full consideration of a spectrum of exploitative experiences would assist in reducing the potential to focus on certain (extreme) experiences of violence and exploitation at the exclusion of experiences considered less severe.
12. Facilitate opportunities for victims of human trafficking and forced labour to obtain justice.



## INTRODUCTION

### Background

The exploitation of men working as fishing crew in distant water (DW) fisheries, commonly dubbed 'seafood slavery', is attracting increasing attention from the international community as an urgent contemporary human and labour rights problem. This attention has resulted from increasing emphasis by international organisations and governments on both labour trafficking and trafficking of men and boys, as a corrective to the previous focus on women and girls in the sex industry as the most widespread and severe form of human trafficking (Molland 2019). The resulting attention has led to numerous reports from international organisations and several important media exposé. Initially, attention concentrated on the Thai fishing sector (Associated Press 2015; Environmental Justice Foundation 2015; Hodal & Kelly 2014). However, more recently, reports on the Thai sector have been supplemented with the documentation of modern-day slavery-like conditions on Taiwanese, South Korean and Chinese flagged and/or owned fishing vessels (Environmental Justice Foundation 2017; 2019; 2020; Stringer et al. 2014; 2016).

In the collective, this documentation has revealed severe human and labour rights abuses on board the vessels (see especially Environmental Justice Foun-

ation 2019; 2020; Stringer et al. 2016), widespread instances of fraudulent and deceptive recruitment (Yea 2021) and large gaps in both victim identification and support including justice (for example, Singlee & Witbooi 2018). The attention has also resulted in much-needed scrutiny of the supply chains in the wild-catch seafood industry (for a recent assessment of the tuna industry, see Business & Human Rights Resource Centre 2021). The most far-reaching interventions to address the problem of seafood slavery are probably to be found in measures to ensure supply chain transparency (Nakamura et al. 2018) and trade restrictions for companies and countries that are unable to prove their operations are slave free. In 2021, the United States Customs and Border Protection agency issued a Withhold Release Order against the Fijian-flagged Hanton No. 112 vessel, meaning that all catch from the vessel would be confiscated at any US port of entry (United States Customs and Border Protection 2021). Several years earlier, the European Union initiated a 'yellow card' system for illegal fishing practices whereby source countries for major seafood imports were subject to supply chain scrutiny, with seafood imports from Thailand subsequently being banned from EU entry (Fischman 2017).

### The Issue

Whilst the last few years have generated a wealth of information about seafood slavery and some important responses to address its prevalence, the voices of victims are often drawn on in a highly selective

and limited manner. This often happens in ways that act to reinforce and validate the advocacy agendas of various organisations, including governments. This tendency in research and advocacy on human trafficking and related forms of exploitation has been critically discussed in several scholarly publications in the past few years (for example, Andrijasevic & Mai 2016; Kinney 2015). In the collective, these studies suggest that the way human trafficking and modern-day slavery are represented in media, film, awareness-raising and advocacy campaigns and so on can (inadvertently):

Reproduce relations of disempowerment experienced during exploitation in the context of relations between anti-traffickers and victims, resulting in the sense of powerlessness and lack of agency for the latter.

Privilege certain experiences of exploitation and unfreedom, whilst diminishing others.

Frame exploitation through particular gendered, ethicised, sectoral and locational frames.

Justify interventions that perpetuate existing agendas by states (such as anti-immigration agendas), faith-based groups (such as abolitionism) and so on.

Divert attention away from structural issues embedded in labour/ migration governance.

This project draws on these critical concerns to propose an alternative approach and methodology to include victims in research in ways that aim to help address, rather than accentuate, these problems. In this sense, the project is not only, or even primarily, about 'the problem' of seafood slavery but, rather, about advancing an approach that progresses different ways of knowing and relating to victims. In the process, some insights into the characterisation of seafood slavery emerge and are taken up in Part 3 of this report.

## The Project Aims & Intended Outcomes

The project has three key **aims**. **First**, to provide a platform through which victims of labour exploitation in the DW fisheries sector can articulate their experiences, concerns and problems according to their frames of reference. This was achieved by enabling and supporting survivors to tell stories about their experiences and the impact of these experiences on their post-trafficking lives. They did so in ways

that departed from the institutional strictures and agendas on anti-trafficking stakeholders. The stories that emerged from this process confirmed some already identified issues, such as wage theft, fraudulent recruitment and the removal of freedom, as well as some issues that have not, to date, figured significantly in existing accounts of 'seafood slavery', such as the prevalence of violence, injury and illness on the vessels (some exceptions being Environmental Justice Foundation 2019; 2020; Stringer et al. 2014). Key concerns that emerged from the men's stories include a lack of justice and ongoing health and financial problems. The narratives also revealed some novel insights into this issue, including the involvement of Fijian men as victims of forced labour on foreign fishing vessels (FFVs). All these issues are discussed in further detail in Part 3 of this report. The **second** aim is to build the capacity of (local) NGOs to undertake ethical and reflexive research to enhance the organisation's work in supporting victims. This capacity-building also aimed to improve the understanding for NGOs about matters relating to ethics and power relations when researching with victims of labour exploitation, forced labour and human trafficking. This aim is considered important because NGOs are often asked to provide information to external stakeholders – researchers, the media, and inter-governmental organizations. This type of extractive process can replicate many of the same issues as victims face when anti-trafficking stakeholders seek information about their experiences; in short, they lose control over the ability to articulate information themselves. Yea (2013, p. 223) has identified this potential in previous research in the ASEAN region:

*some of the failings of anti-trafficking policy and practice in the GMS (Greater Mekong Sub-Region) lies in large part in the operation of power relations between different stakeholders in the anti-trafficking industry, principally between governmental and international NGOs on the one hand and local NGOs and trafficked persons themselves on the other.... Some of the most prominent of these [effects of skewed power relations] include what amounts to the consigning of local NGOs to roles as 'subcontractor' for the implementation of larger international organisations and NGO agendas and policies (including in research) and the use of local NGOs to access trafficked persons and populations identified as vulnerable to trafficking.*

The **third** aim of the project is to give space to advance knowledge and understanding of labour

exploitation and precarious work in the DW fisheries sector through a wider consideration of issues faced by victims and of the experiences and perspectives of victims who might, in some existing accounts, be marginalised or excluded. Part 3 of the report teases out some of the key issues that emerged through the research in further detail.

**Intended Outcomes** – Based on the above three aims, the project advances three key intended outcomes. These are:

An increased role for victims and survivors of human trafficking, forced labour and labour exploitation to narrate their own experiences in their own terms;

Heightened awareness amongst anti-trafficking stakeholders and the general public about the trafficking of fishers, including details that disrupt the sensationalism of many currently circulated accounts;

Improved capacity of partner NGOs to undertake social research and analysis and to undertake evidence-based advocacy work on modern day slavery and labour exploitation on DW fishing vessels.

## Terminology

The men who participated in this project shared some basic similarities; they were all deployed as crew on FFVs and had direct experiences of either labour problems, injury, or both. Beyond this, their recruitment circumstances, situations on fishing vessels and issues faced upon return home showed some marked variations. For this reason, it is important to avoid characterisations of all the participants as victims of trafficking (VoTs) or victims of forced labour. Including participants who had a range of negative experiences and are coping with the ongoing impacts of these experiences, even where they are not officially identified as VoTs, is crucial. This is because such a wider focus redresses the tendency in much research and advocacy on this issue to choose and emphasise the most extreme experiences of exploitation and abuse, leaving others effectively excluded in such discursive constructions. Surtees and Bruvoskis (2016) label this tendency, “selection effects” of research on human trafficking. Several scholarly accounts have called for a “continuum approach” to studies of various forms of labour exploitation (for example, Strauss and McGrath 2017; Lerche 2011). Adopting such an approach enables broader reflections on the complexity of individual

experiences and the ways different experiences of exploitation can be understood as not always easily fitting into neat categories. It is useful to reflect on Skrivankova’s (2010: 16 ) critical discussion of neat, linear classifications here:

*the process of determining a single reality is complicated not only by the dynamic nature of the problem, but also by complex external and individual circumstances. The complexities include legal framework, labour market functions and failures, crime, migration, individual agency and status. While there might be some commonalities in people’s experiences of exploitation, single experiences of workers tend to differ and it is difficult to simply compare individual realities and consider them as binary values: either forced labour or not forced labour, with nothing in between. The plethora of realities of exploitation that exist means that the issue we are dealing with is a complex social phenomenon. Hence, the responses need to be sophisticated.*

Internationally accepted definitions of TIP, forced labour, labour exploitation and precarious work are given here. Bearing in mind the difficulty in classifying participants exclusively in one or other of these categories, the report identifies considerable overlap in participants’ experiences. For example, all the participants experienced conditions of precarious work. Further, several participants fell into the category of VoT, although none were formally identified as such.

- **Trafficking in Persons:** “Trafficking in persons means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Article 3.a).
- **Forced Labour:** According to the ILO Forced Labour Convention, 1930 (No. 29), forced or compulsory labour is: “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.” (Article 2(1)). The ILO identified 11 indicators of forced labour: (1) abuse of vulnerability; (2) deception;

(3) restriction of movement; (4) isolation; (5) physical and sexual violence; (6) intimidation and threats; (7) retention of identity documents; (8) withholding of wages; (9) debt; (10) abusive working and living conditions; and (11) excessive overtime. The presence of just one indicator may indicate that forced labour is occurring, or at other times, it is the combination of several indicators that indicates that an individual is a victim of forced labour.

- **Labour Exploitation:** “[t]he condition of a person (the victim) who provides labour or services if, because of the use of coercion, threat or deception, a reasonable person in the position of the victim would not consider himself or herself to be free: (a) to cease providing the labour or services; or (b) to leave the place or

area where the victim provides the labour or services” (Australian Criminal Code Act 1995 (Cth), s 270.6).

- **Precarious Work:** “While there is no legal definition, the term precarious work is used to refer to a type of work which is poorly paid, unprotected, and insecure. In practice this captures situations where workers are not aware of their employment status, lack employment contracts, and have no access to basic employment rights such as paid leave or breaks. This also includes workers who are paid cash in hand, below the national minimum wage, and who may inadvertently be working on the black market” (Work Rights Centre n.d.).

In the next part of the report, we discuss how we undertook the research.





## METHODOLOGY & PARTICIPANTS

This project draws on detailed narratives of 26 men working as crew in DW fisheries: 16 Fijian and 10 Indonesians. The participants wrote or voice-recorded their narratives over a period of approximately one month. The research team edited the narratives, selecting nine for audio narration and inclusion in a series of podcasts<sup>1</sup> and returned them to selected participants for their comments and approval for final audio production. We draw on all narratives in this report to inform the findings.

### Methodology & Approach

The methodology for the project is qualitative and participatory. This is in line with the project's primary

aim, namely, to develop detailed narratives that reflect the priorities and understandings of the participants themselves about their experiences. This aim is based on our critical reflection on the very narrow ways victims/survivors' experiences of human trafficking are often elicited and framed in research on the subject.

This approach grew from a critical engagement with power imbalances between development subjects and stakeholders, advanced by both scholars and practitioners such as Robert Chambers. The approach questions the validity and ethics of research where the researcher(s) frame the research process and where participants share information and knowledge in highly constrained ways and, often, according to institutional agendas outside their control. Jason et al. (2004: 1) explain the key principles guiding participatory approaches in the following way:

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<sup>1</sup> As of the time of publication, these podcasts are under the production stage

*Unlike the traditional approaches to research in which researchers generate the ideas for projects, define the methods, and interpret the outcomes, the approaches of participatory research empower community populations to shape the research agenda. Their participation often results in generating greater socio-political awareness and effecting systemic change in the community.*

Constraining the ways communities and groups participate in research is a real problem in traditional approaches to international development research and praxis. The same tendencies are seen in anti-human trafficking research and action. This is because victims of trafficking and forced labour are commonly perceived as powerless and lacking agency. Some scholars and NGOs have recently promoted the value of creating space for victims' voices to produce knowledge about trafficking and shape anti-trafficking responses (Powers & Paul 2018, Twis & Preble 2020). Twis and Preble (2020) advance an intersectional standpoint methodology (ISM) for research on human trafficking involving victims. Their approach has greatly influenced this project. As they state:

*At its foundation, the proposed qualitative methodology [ISM] maintains that (a) the individual's standpoint is critical to understanding oppression, (b) structural obstacles in political and social systems lead to further oppression, (c) oppressed persons' storytelling and lived experiences are critical, and (d) any knowledge about oppressed groups obtained through qualitative inquiry ought to be applied to macro systems to create change. (p. 10).*

Creating such space also has the potential to unsettle the notion of 'expertise' in anti-trafficking knowledge production, including advocacy around the circulation of evidence and in what is considered legitimate evidence itself.

We introduced the value of storytelling in participatory research with victims and survivors to the partner NGOs' research teams in the following way. Storytelling can:

- address some of the limitations of current ways of relating the experiences of trafficked persons and other precarious migrants.
- enable victims to regain a sense of control over the narrating of their experiences.

- build victims' confidence in articulating information about their experiences to various audiences.

Following this, the key aims of ethical storytelling in anti-trafficking research and practices are to:

- disrupt unhelpful stereotypes of/ about trafficked persons.
- provide trafficked persons with some degree of agency and voice in stories about human trafficking.
- provide a more comprehensive and nuanced picture of the experience of human trafficking.

We introduced the partner NGOs to examples of storytelling as a methodology in research with vulnerable migrants and VoTs ('Telling Joy's Story' and 'The Wait'). We also shared several good practice examples of storytelling as a methodology in research on human trafficking and modern-day slavery (Freedom Story on Ethical Storytelling, USAID's Seminar on Ethical Storytelling in Anti-Trafficking Programming, and Shakti Vahini's Digital Storytelling Project on Anti-Human Trafficking).

The storyteller participants were given several options for narrating their story, both in terms of content and mode of narrating, to impose as few parameters as possible on the process and provide guidance and support to the participants. We presented the participants with options to complete their narrative through:

1. Writing in a journal/ diary as a recount;
2. Oral narrating in a voice recording device;
3. Visualise stories through drawings/ art and photographs.

Because the process extended for most of the participants (the narratives were constructed over several weeks), we developed a cycle of story narrating-support-feedback steps.

The methodology is illustrated in Figure 1. It is hoped that the methodology will provide a guide to others who wish to advance a participatory approach to the inclusion of victims/ survivors in research with victims of human trafficking and the organisations that support them.

**Figure 1 – The Steps of the Storytelling Process**



## Ethics

This project received ethics consent from La Trobe University's Ethics Committee for research with human subjects. Formal ethics processes required a commitment on the part of the research team to ensure the following:

- No identifying information was included in any project outputs, and participants narratives were anonymised.
- Participation was voluntary and based on the provision of complete information about the project's objectives and what participation involves.
- Possible risks arising from participation are fully explained to participants and strategies identified by the research team to anticipate and address these potential risks.
- The participants have the opportunity to withdraw from the study post-participation.
- The participant has the opportunity to review and comment on project outputs.
- The participant has the opportunity to receive outputs.

In addition to these considerations, the team adhered to additional ethics considerations specific to trafficking in persons, which have been advanced in several recent sets of guidelines (including UNIAP 2008; WHO 2003; Surtees & Bruvoskis 2016; Duong 2015; Yea 2016).

## Participants

The Fijian participants ranged in age from 26 to 53. They had all worked on FFVs (Taiwanese, Chinese, South Korean) and had boarded the vessels at the main port in Suva. Some of the men were known to the Human Dignity Group, whilst others were recruited for the project through snowballing. The inclusion criteria for the Fijian participants was that they had experienced one or several of the eleven key indicators for forced labour as identified by the ILO. None of the participants were clients of the Human Dignity Group or another NGO, and none was classified as VoTs or as victims of forced labour. Nor did any pursue legal cases for claims related to their exploitation on the fishing vessels. This strongly indicates a lack of recognition of Fijian men as possible victims of human trafficking and forced labour in the DW fishing industry.

The Indonesian participants ranged in age from 30 to 44. They were all clients of SBMI, having lodged a complaint upon their return to Indonesia after leaving their employment on FFVs abroad, or recruited through snowballing. The exclusion criteria for the Indonesian participants was the same as for the Fijian men. Although all of the Indonesian participants had experienced forced labour on the fishing vessels, and 8 met the definition for VoTs, none were formally classified or supported as victims at the time of writing. Figure 2 provides a brief description of some of the Fijian and Indonesian participants.

**Figure 2 – Sketch of some of the Participants**

Fijian Participants
Aporosa left school after completing grade 8. After holding various other jobs in Fiji, he started working on fishing vessels in 2013 when he was 30 years old. He is married and has three children.
After graduating high school, Sanaila enrolled in a Marine Engineering degree at university at the behest of his father. He dropped out after a year and decided to join his friends in working on longline fishing vessels. As his first wife passed away, he re-married and has a new family.
Temo grew up on a farm with a strict father. He graduated high school in 1997, and as soon as he had finished his exams, he signed up for work on a fishing vessel. He enrolled in the Maritime Academy in 1998 as a deck apprentice.
Maxwell grew up with four siblings in a small town outside Suva. He left high school after form 5 as his parents could not afford to send him to university. After holding various jobs, he began working on a longliner in 2005, as there were many fishing boat captains and crew in the surrounding areas where he lived.
Sairusi has a Class 5 certificate from the Fiji Maritime School. After working for several years as a Chief Officer on fishing vessels, he became a manning agent. He recruited Fijians – targeting school leavers and dropouts – to work on foreign fishing vessels. Due to ill health, Sairusi is now retired from the fishing industry.
Indonesian Participants
Bagus is the seventh of nine children and comes from an impoverished background. He joined a fishing vessel crew when he finished high school, as he could not afford to attend college. One of his older brothers also worked in the fishing industry. Because he spoke out to the captain about poor conditions on the vessel and salary problems, he was sent home to Indonesia early and was not paid any of his salary.
When Ajj registered to work as a fishing crew, he lived with his parents in North Sumatra. He had no experience working as a fisherman. After the death of a crew member on board the fishing vessel, Ajj asked that the body be taken to port, the captain terminated his contract. He was sent home and did not receive any of his owed salary. When he complained to the agency, Ajj was told he wouldn't receive any salary because he did not complete his contract.
Dumadi comes from Central Java. He studied Korean in the hope of getting a job in Korea to earn enough money to improve his family's financial situation. He was offered a job as a factory worker in Korea, but when he left Indonesia, he was instead transferred to a fishing vessel off the coast of Singapore. Dumadi and his companions were eventually rescued in South Korean waters, but he never received any salary for his seven months of working on the fishing boat.
Farrel is from Tegal province in Central Java. He left his wife at home to accept promised work as a fisherman on a Korean-flagged vessel, but when he arrived in Korea, he was sent to a Chinese-flagged vessel. Despite working for 22 months on the boat and never docking once during this time, Farrel was not paid any salary.
Ramelan was born to a poor family and is the youngest of three children. He obtained a two-year contract working on a Chinese vessel in the Middle East. Ramelan was excited to be able to help his family. Once he arrived in the Middle East, he was transferred between several Chinese vessels. A year into his contract, the Chinese vessel was no longer fishing in the Middle East, and Ramelan was sent home. He has not been paid the salary owed to him.

## Forward Failures

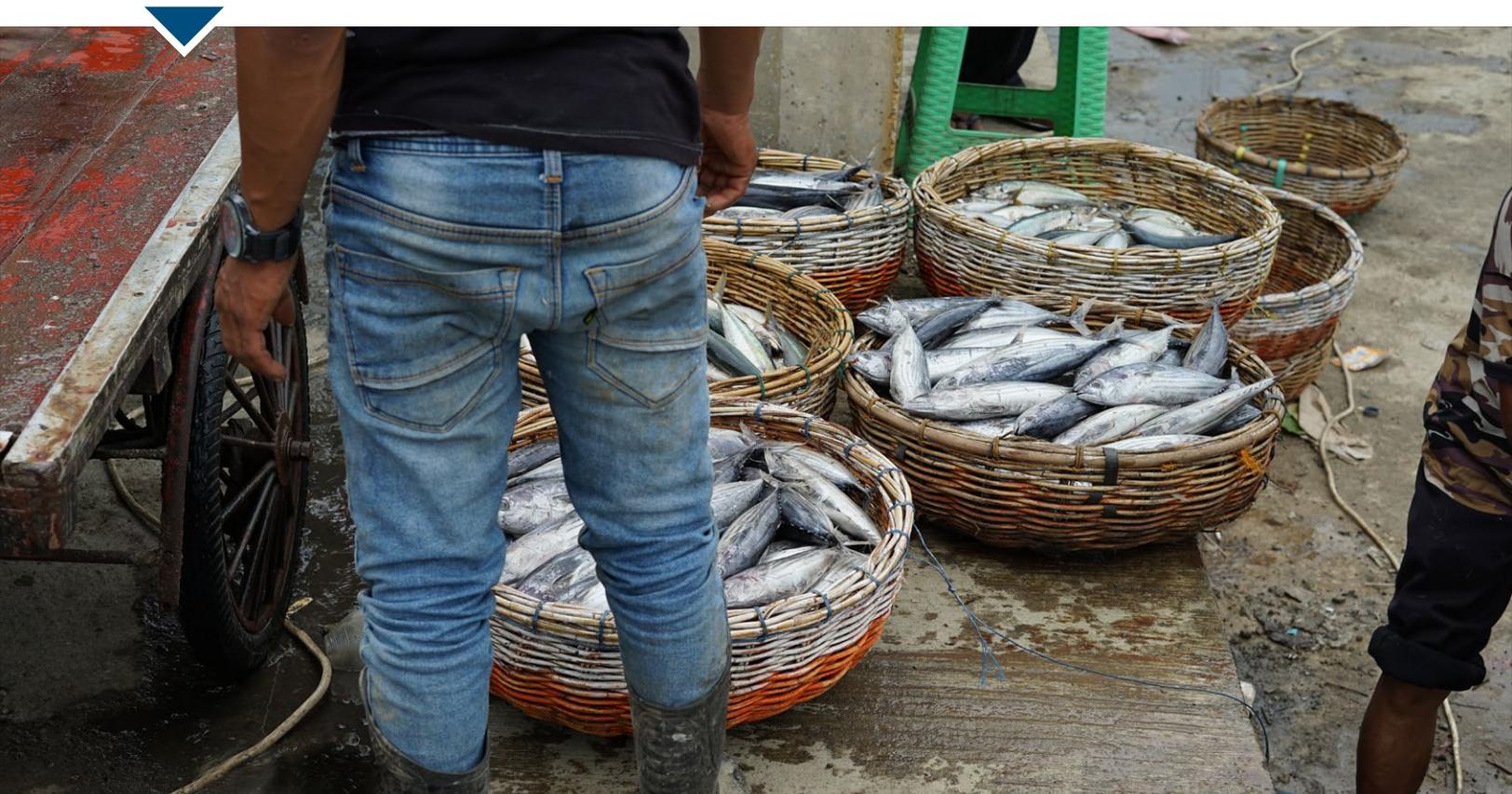
Reflections on the unfolding of the project are important in guiding the continual improvement of the methodology on which it is based. Here, the team reflected on three issues that emerged during the fieldwork: logistics during ongoing COVID-19 restrictions; guidance for storytellers, and; podcast production.

Several issues emerged, which were broadly similar in both contexts:

1. The local teams struggled with the logistical challenges of the current pandemic, which meant that regular face-to-face visits with participants to discuss their narratives were limited. Online meetings substituted for face-to-face discussions in some instances. Where the teams travelled to meet participants face-

to-face, there were challenges of community suspicion (also pandemic related). Time allowances had to be rethought as these additional issues emerged, requiring greater time commitment from the assistants.

2. Community engagement was also critical. For Fiji in particular, it was important that the local teams inform community leaders of their research plans and seek permission to enter the communities. Although this principle is important in any participatory work with communities, it took on additional significance because of the current COVID-19 pandemic.
3. Approximately two-thirds of the participants had less than middle school formal education. This led to some challenges in the narrative completion process. Additional time needed to be spent with many of the participants to help them complete their narratives.



## KEY FINDINGS

Three issues repeatedly emerged from the men's narratives which we elaborate on in this section. These are:

- Financial problems associated with not receiving their salary;
- Direct experiences or witnessing of violence, injury or illness associated with the work performed on the fishing vessels;
- Lack of remedy.

### Financial Problems

One of the main ways the DW fishing operators can maintain profits in the face of declining fish stocks and rising costs, such as for fuel, is through a reduction of core operating costs. As labour is one of the main operating costs associated with DW fishing, reducing labour costs, for many fishing companies, has become an essential means by which to maintain competitiveness. This business model resulted in reduced or no remuneration for work performed for the men who participated in this research.

According to the men's explanations, a reduction in salary was achieved through two main mechanisms. First, altering details relating to remuneration in contract documents and other agreements; second, underpaying men and threatening dismissal if they complained.

Many of the participants experienced early termination of their contracts, resulting in non-payment of any salary of between 3 and 12 months. Early termination was experienced in a range of ways, sometimes initiated by the fishers and other times by the captain. For example, Ajj, one of the Indonesian participants, narrated his experience of being sent home when the fishing vessel he was deployed on docked in Fiji to offload the body of a deceased crew member. He and fellow crew members had requested that the captain return the body to port. The captain initially refused and became angry with the crew when they persisted. He subsequently sent some of the crew home. Ajj's recruitment agent accused him of breaching his employment contract as he did not complete his two-year contract. Hence Ajj did not receive any salary despite working for three months. Before departing

the vessel, the captain required Ajj and others to sign a document, which they were not allowed to read. It was only later that Ajj discovered that the document stated that they wanted to go home. For Indonesian crew, employment contracts almost always contain a clause to the effect that the crew will forfeit all salary should they withdraw before the full contract period is completed (see also Stringer et al. 2014; 2016). This practice has been documented in relation to other nationalities of fishers, including Filipino crew (Yea & TWC2 2013).

### **NARRATIVE EXCERPTS: SALARY PROBLEMS**

“According to my contract, I was entitled to an on-boat salary every six months, in addition to the other salary that was supposed to be sent directly to my family. I was furious to learn that I was the only one of the six Indonesian crew members who had not received my on-boat salary. I attempted to bargain with the captain at first, but he became enraged and told me to contact the Indonesian agency. When I inquired about this with the Indonesian agency, they claimed that I did not complete the contract, which was a ridiculous excuse. Then I threatened the agency that if they did not comply with my demands, I would stay and report to the Indonesian Embassy in Mauritius. When they persisted with their ridiculous excuse, they didn’t give me a choice, so I was forced to file a report.” (Vikal, Indonesian fisherman).

“After a year of sea service, we arrived back in Suva only to learn that the \$US 432/month was actually \$Fiji 432/month<sup>2</sup>, with the company giving the excuse that the contract we had signed was a fax copy from the mother company in Korea and that they hadn’t edited anything as all dealings were supposed to be in Fijian. The worst part of that company was that we could not receive our wages at the end of the one year contract even though we had fulfilled our contract conditions. Instead, the company would pay us month by month over the next year.” (Temo, Fijian fisherman)

“The Captain told us that we would be going out fishing for one month and then we will get our pay. Within one month, we had our storeroom full, so we went and offloaded on land. When we demanded our pay, however, we were told again to make another trip then he would pay us. We had completed three months without any pay and were getting frustrated because of the working conditions, and the living conditions were so pathetic and just unbearable. To top it all off, the captain kept on giving excuses about why he wouldn’t pay us; again, he said that if we worked for another trip, then he would pay us for the four months we had worked for him.” (Maxwell, Fijian fisherman)

Apart from issues related to salary, the men’s narratives revealed another mechanism by which vessels maintained profitability as a result of salary reductions, namely the substitution of salaries paid by the manning agency through bank deposits for arbitrary cash payments onboard the vessel. These arbitrary payments are drawn from the profits made by selling the catch of threatened species through informal and illicit channels (see Yea and Stringer 2021). In the absence of an actual salary, these ‘stop-gap’ payments enabled the vessel captains to avoid possible workplace attrition by the crew.

### **NARRATIVE EXCERPTS: PAYMENTS FROM ILLEGAL ACTIVITIES**

“On that first trip, my pay was F\$13/day; the shark fin bonus was a share of the total amount [to the crew] of F\$100. Or sometimes a carton of beer.” (Sanaila, Fijian fisherman)

“We also caught about a hundred sharks on the voyage. We would only cut off the fins and then throw the carcass back into the sea; later we received a bonus to our pay based on the amount of sharks fin that we collected.” (Viliame, Fijian fisherman)

“Wages were for \$10 a day with the shark fins to share as a bonus (sometimes we do not touch our wages for a whole year because we can live off our share from the shark fins to take home for our food and bills).” (Maxwell, Fijian fisherman)

2 The difference in currency meant the crew were earning less than half of what they expected.

## Direct Experiences or Witnessing of Violence, Injury and Illness

The prevalence of violence, injury and illness on board FFV have been well-documented in extant research on seafood slavery (see Environmental Justice Foundation 2013; Stringer et al. 2014; 2016). The men's narratives revealed how these problems might be experienced differently by the crew, often according to nationality.

Whilst witnessing deaths on vessels was common to both Fijian and Indonesian participants narratives, Indonesian crew were far more likely to be victims of **physical abuse and violence**. Physical abuse was most commonly inflicted by the captain or senior officers, such as the bosun (the senior deckhand). These incidents were, according to the narratives, usually the result of three key reasons.

First, perceived poor work performance by the foreign crew. This could be because of their inability to perform work tasks correctly or at the required pace or due to communication problems (failure to understand instructions given). For example, the officers would assault Indonesian fishers for minor infractions, such as reporting a few minutes late for their shift. Some were assaulted because they were not catching enough fish, a factor beyond their control. "Pressure from the captain because of the relatively small number of fish caught made the bosun use physical violence more and more often against the crew" (Ajj). The crews' inability to perform tasks at the pace required was underpinned by their long shifts and lack of breaks. During heavy fishing, they were only allowed a couple of hours of rest a night. A Fijian fisher reflected, "The Indonesians on the fishing vessels are ill-treated by the captain, and they cannot cope with the rate of work we [Fijians] usually do" (Sekove).

Second, uneven distribution of work. On-board some vessels, the Chinese crew were given lighter duties than their Fijian or Indonesian counterparts. After three months at sea, a fight broke out with "five Indonesians on one side and five Chinese on the other side started punching and kicking each other. I went and hid all the knives and spikes so that they couldn't use them on each other. They fought for about half an hour, and the rest of us didn't intervene to stop them as we were all angry about how the work was distributed" (Viliane).

Third, discrimination. According to Temo, a Fijian fisher, "inhumane racial treatment is a usual occurrence on Chinese fishing vessels". Vikal reflected that the abusive treatment was far worse on the Chinese vessels than on Taiwanese vessels. The Indonesian participant reported much higher rates of violence than the Fijian men. Because the Fijian fishers are generally of larger stature, they may not have been seen as easy targets for physical abuse and discrimination.

Aside from the above incident, there were also other incidents of fighting amongst the crew. Sometimes in-crew fighting only occurred when their trip had finished as the migrant fishers did not feel safe in retaliating while on board the vessel. On one vessel, the Chinese cook mixed soap powder in the breakfast of the Fijian crew. This upset the Fijians greatly. They waited until the vessel had docked in Fiji and they received their bonuses before attacking the Chinese crew. The cook and chief officer were admitted to hospital (Temo).

### NARRATIVE EXCERPTS: VIOLENCE AND DEATH

"The tragic incident of the death of one of the crew members because of violence by the foreman occurred about two and a half months after we left port... He was beaten by the foreman across the back of his left ear about 12.30 in the morning. I worked in the same group as him. The bosun thought he was too slow working. The bosun had received demands from the ship's captain that the crew quickly master the work on board. After finishing work at 02.30 AM, we went to our respective cabins to rest. At 06.30 AM, when the bell for breakfast rang, it was discovered that the crew member who had been beaten by the foreman, had died in bed with his left hand covering his left ear, his right hand holding his right thigh and his head slightly tilted." (Ajj, Indonesian fisher)

"It was beyond my count how many fish slid from the fishing line because of the [old and broken line]. And, whenever this happened, I had to take the outburst of the captain or foreman. They used to scold me to the point where I could feel their spit on my face. Regularly the captain hit me when I unintentionally cut the line. ... the load on the net was often so excessive and it was not my fault that the equipment was too old to use. The violence was upsetting to me. As a result of those beatings, I frequently got bruises. My friend was once severely beaten by the captain, and as a result, his nose and temples bled." (Vikal, Indonesian fisher)

**Work-related injuries** were also highly prevalent on the vessels. The most common injury cited in the narratives were cuts from fishhooks (more common on long liner tuna fishing vessels) when pulling in the fishing lines. Injuries were also commonly sustained from fish handling, exposure due to faulty protective gear and equipment, and accidents on deck, for example, slipping on deck due to spilled fish blood. The fishers commented on the lack of adequate first aid kits on the vessels. Often those in pain were made to continue to work, thus aggravating their injuries. Whilst recovery was relatively quick from some injuries; others experienced longer-term incapacity and diminished health. Through many of the Fijian participants' narratives, struggles with the longer-term consequences of work on the fishing vessels emerged as important preoccupations. Osteoporosis and arthritis were articulated in several of the Fijian participants' narratives.

Some of the work-related injuries can be attributed to a poor occupational health and safety culture. In addition, there were activities, which have not yet led to work-related injuries or deaths – at least in our narratives - but have the potential to do so. Aporosa, a Fijian fisher reflected on his experience on board a Chinese vessel and offloading catch to a mothership:

*the vessels are positioned 50 meters apart and about 50 fish are loaded on the raft at one time; the raft is made by tying three forty-four gallon drums to a flat piece of timber and we would have to stand on the raft, with the fish, as it was pulled between the two vessels. We sometimes made five or six trips to offload. I hated this job because sharks were always around us while we were transferring the fish because of the fresh fish blood dripping into the sea.*

#### **NARRATIVE EXCERPTS: ACCIDENTS, INJURIES AND DIMINISHED HEALTH**

“A fatal incident occurred when the mainline struck the neck of a 50-year-old Chinese deckhand and threw him about 10 metres. This happened when he was pulling in the fishing lines. They had to cut off the line, as the hook was stuck in the man’s neck. The captain treated the wound by putting medicine on the cut and then ordered the deckhand to continue working. When the fishing vessel arrived at the Suva wharf, a private doctor who was Chinese attended to the man while we rested for two days after the three-month journey. When we re-boarded he was on board having had his neck stitched by the private doctor. The captain made him work hard (no rest, no sleep) even though we pleaded with the captain to let him rest. Within one month out at sea, he died due to an infection in his neck. We cleaned him, dressed him in his new clothes, and placed his body in the freezer. After fishing for two more months, the vessel returned to port.” (Mosese, Fijian fisherman)

“One evening, after dinner, one of my Chinese friends was standing on the deck and hauling in the mainline. While pulling in the line, he didn’t realize that he was standing on the line he was pulling in. When the tuna is about to reach the surface near the boat, it pulls back very hard and dives down to the bottom of the ocean. My Chinese friend was taken off-guard by the sudden pull, and the mainline he was standing on got tangled around his legs, taking him overboard. We had to quickly add a ‘fighting line’ to lengthen the mainline so we could follow the fish as it was pulling. After a while, the fish stopped pulling, and we were able to pull it in. But by that time we pulled in the line, my Chinese friend was dead: his tongue was hanging out from his mouth and his chest was bulging out because speed of our pulling had pushed all of his internal organs into his chest. We wrapped my friend’s body in a sheet, placed it in a body bag and stored it in the fish hold. A report was lodged to the mainland, and we continued fishing.” (Temo, Fijian fisherman)

“Now at 37 years of age, I am starting to feel the effects of working long hours in the cold — like arthritis, back pain, joint pain, bad migraines and other illnesses associated with the cold. I personally wouldn’t recommend this job to anyone unless some changes are made to monitor these vessels. It has been 18 years since I joined my first longline fishing vessel, and yet it seems that nothing has been done to improve conditions on board. Lot of lives has been lost to these longline fishing vessels: from accidents, being sick, and mainly from fights because of lack of sleep. When you don’t have enough sleep, small things get you going; make you angry, and that leads to fights and assaults. There is a need for major changes to improve the lives of fishermen on longline fishing vessels.” (Sanaila, Fijian fisherman)

## Lack of Remedy

Despite the problems the participants experienced on the vessels and with the manning agencies, remedy and justice were not forthcoming for most of the participants. Lack of remedy was experienced in two ways: no complaints or claims were made (most commonly for the Fijian participants), or complaints and claims were made but with no favourable outcome (most commonly for the Indonesian participants).

Despite injuries and salary problems experienced by the Fijian participants, none lodged unpaid salary claims. Some asked for compensation from the vessel captains, who denied their request. They also had the option of lodging a formal request for compensation due to injury (rather than unpaid salary), wherein a doctor at the hospital in Fiji would decide the amount of compensation. Some did this; however, there was no mechanism to ensure they received the amount advised by the doctor. Aporosa recalled going to the “Colonial War Memorial hospital where a doctor examined me and gave me a letter to give it to the company advising them that I should be paid \$1,000 as compensation for the injury I sustained whilst working on the fishing vessel. The company only gave me \$500”.

Several of the Indonesian participants lodged complaints for unpaid salaries and other damages through supporting NGOs, such as SBMI. Some also filed police reports. For the claimants, cases were all ongoing at the time of writing, with the highest length of time since lodgement of claim/ complaint being 24 months. Most of the Indonesian participants sought unpaid salary, although their narratives that other elements of forced labour on the fishing vessels have not been adequately addressed through claims for unpaid salary. Other issues which could potentially have been forwarded through the complaints process included:

- Damages as victims of physical abuse/ assault as a result of beatings by senior officers and vessel captains
- Damages as victims of psychological harm as a result of threats and coercive practices
- Damages for permanent incapacity resulting from injury or illness sustained whilst working
- Damages for fraudulent recruitment and contract substitution, including deceptive recruitment practices.

### NARRATIVE EXCERPTS: LACK OF REMEDY

“In 2018, a Chinese agent on Hong Yang 88 recruited me and my friend from Kalekana to board the fishing vessel for an eight-month fishing trip to Samoa. On this trip, the plan was to fish for four months from Fiji to Samoa, offload the fish there, and take four months to come back, fishing, to Fiji. There was no contract signed, and we were paid \$25 a day. The captain, chief mate, chief engineer, 2nd engineer, cook, and three deck men were all Chinese, three Indonesians, and two Fijians. When we were about to reach Samoa, we had to transfer the frozen fish from the top deck to the bottom deck. I was tasked to stand on the bottom deck, and a Chinese crewman was on the top deck, transferring the frozen fish to me to be arranged on the bottom deck. Because of the language barrier, communication was difficult: the Chinese crewman was supposed to wait for my call to drop the fish, but he kept dropping the fish in his own time, and some of the frozen fish landed on my shoulder. I was wearing thin gloves, and as the transfer of the frozen fish continued, I could feel my whole body growing cold; it became difficult for me to move my hands, and my legs were shivering. So when we reached the port of Apia in Samoa, the captain told me that I was to get off the boat because I was unable to work; he said that I had to catch a flight from Samoa back to Fiji. When I arrived in Fiji, I was admitted to the CWM hospital, where I spent three months where the physio helped me regain my walking abilities. The fishing company would not compensate me for my injuries.” (Emosi, Fijian fisherman)

“I am now living with a condition called Osteoporosis Arthritis caused by wearing out of my backbone due to heavy workload. Heavy lifting and continuous manual work in the cold on a swaying platform exacerbated by lack of sleep and insufficient and not nutritious food. As for now, I will not and would not want to encourage anyone to try out longline fishing because I would not want to see anyone limp around like me.” (Temo, Fijian fisherman)

“After being sent home at the beginning of July 2019, I tried to fight for justice. In August 2019, I complained to SBMI about my treatment. Unfortunately, until now only my documents have been returned by the recruiting company, while my salary for the three months work has still not been paid ... SBMI has reported my case to the Criminal Investigation Unit of the National Police Headquarters, the Manpower Office/ Ministry of Manpower, and BP2MI; but since writing this story, my case has not been resolved.” (Ajij, Indonesian Fisher)

## DISCUSSION & CONCLUSIONS

Forced labour, human trafficking, and precarious work in the DW fisheries sector have recently been the focus of much attention by anti-trafficking organisations, the media, and researchers. Despite this, research is piecemeal, and several important aspects of the fishers' experiences remain poorly understood. While extreme stories of violence and slavery at sea draw attention to the problem of 'seafood slavery', this report, and the project on which it is based, aimed to disclose some of the less well-understood and less researched issues associated with labour exploitation in the DW fisheries sector. We did this through narratives written by Fijian and Indonesian fishers about their experiences working on board foreign fishing vessels.

Applying the ILO indicators of forced labour to a lived experience can be difficult to demarcate. Workers can move between a continuum of exploitation wherein they experience conditions of forced labour, exploitative labour and free labour in their working career. In evaluating the narratives, several ILO indicators of forced labour were present, and some more than others, specially: physical and sexual violence (especially physical violence towards the Indonesian fishers, see Ajj and Vikal's narratives above); intimidation and threats; withholding of wages (see Ajj, Maxwell, Temo and Vikal's narratives); deception (see Ajj, Maxwell and Temo's narratives, also Dumadi); abusive working and living conditions (see Vikal's narrative); and excessive overtime. As noted in Part 1, the presence of one indicator by itself does not necessarily mean that forced labour is present. Notwithstanding, the ILO states that "violence is not acceptable as a disciplinary measure under any circumstances, it is a very strong indicator of forced labour" (ILO 2012: 13).

Some of the Fijian fishers had worked on several foreign fishing vessels; on some vessels, they were not subjected to forced labour practices, while on others, they experienced overlapping forms of exploitation and at the extreme forced labour. The Indonesian fishermen were less likely to have worked on as many vessels as the Fijian fishers. As noted in the narratives, Chinese and Taiwanese officers treated the Indonesian fishers in an exploitative and degrading manner. This coupled with them being underpaid or not receiving any wages, meant that some of the Indonesian fishers in this study were less likely to

seek further work in the DW fishing industry actively. This was not always the case; as some, they had no choice because of economic coercion. For example, Vikal had worked on two different FFV – Taiwanese and Chinese, respectively. He felt there was no other option for him but to sign up again, as his skills were not transferable and faced with the need to support his family. While he hoped it would be better this time, this was not the case. "I did not expect the same terrible working conditions for a second time. This time, it was even worse."

For the Indonesian fishers, forced labour conditions began at the recruitment stage; thus, where several were subject to debt-bondage. Recognising the role of unscrupulous labour recruiters, in October 2021, the Taiwanese government announced that from early-to-mid-2022 migrant workers will be able to apply online for working visas, thus bypassing fraudulent recruitment fees (Chau 2021). It is, however, too early to say what effect this will have.

Within communities, many returned fishers struggle to regain a sense of dignity and worth. In this context, achieving some kind of remedial justice (such as compensation) becomes very important. Several barriers exist, though. The returned fishers lack access to financial and psychological support and training as well as legal assistance. Further, due to economic necessity, they need to find work and hence do not have the time to pursue restitution. While NGOs like SBMI and Human Dignity Group work hard on behalf of exploited fishers, they face several constraints. The NGOs do not have legal standing and hence often slip into the role of mediators without a lot of power. They also lack financial resources to support victims in their search for justice.

The ongoing vulnerability leads men to accept dubious job opportunities as fishing crew on foreign-flagged vessels remain in place and may be exacerbated by the Covid-19 pandemic as Fijian and Indonesian former fishers cannot find land-based employment. To support their families, they sign up again on FFV "thinking of my next trip gives me a lot of stress" (Vikal). Thus in the current environment, unregulated labour recruitment and brokerage may be harder to control and address.

The voices of victims matter. Much more needs to be done here to ensure migrant fishers have safe working conditions, are correctly paid, and have access to remedy.

# RECOMMENDATIONS

Based on the key findings and discussion, the following recommendations are proposed. In keeping with the project's objectives to centre the voices, insights and perspectives of both the fisher participants and our NGO partners, we have included selective recommendations advanced by the fisher participants and NGO partners themselves. Three types of recommendations are focused on: 1) those relating to the methodology and approach we introduced; 2) those relating to the capacity-building aims of the project and; 3) those relating to the labour issues faced by precarious migrant fishers. In the third group of recommendations, the inputs from the fisher participants and NGO partners appear.

## Methodology & Approach

**Summary** – This report has introduced a methodology to conduct research with precarious and exploited workers, including trafficked persons and forced labourers, through an approach that centres the voices, priorities and frames of reference of victims themselves. The approach is based on the principles of participatory action research, which involves the unsettling of existing power dynamics between researcher and researched. Building on the momentum of some recent studies adopting this approach in researching with victims of human trafficking and forced labour, this project introduced a methodology for the articulation of experiences, perspectives, knowledge and recommendations about these urgent problems authored by victims themselves. As outlined in Part 2 of this report, this methodology is based on the narrating (either through written or verbal mediums) of in-depth, unstructured narratives. There were some challenges in enacting this narrative construction process, including those presented by the 2020-21 pandemic. However, rather than viewing these challenges as limitations, we embraced them as forward failures; enabling us to consider ways to further develop and refine the methodology. We believe there is much value in the approach and methodology introduced in this report and our key recommendations aim to provide suggestions for others interested in adopting this approach.

### Key Recommendations

1. Researchers should consider the different situations and needs of each participant, as factors such as education level, type of post-labour/ trafficking situation and so on will impact the narrative construction process.

*Commentary:* The story writers in the project were distinguished by nationality, age, education levels, and personal circumstances and often had quite distinct experiences of recruitment and work on the fishing vessels. One of the project's key aims was to draw out these individual nuances in the participants' experiences and value these in ways that eschewed a 'typical profile' narrative. The project managed to achieve this to some degree. However, some story writers needed more elaborate guidance in narrating their story, which led to the research assistants needing to suggest topics for narration. Project teams should avoid a one-size-fits-all model.

2. Storytellers should be able to produce their stories through a variety of different mediums, according to the participants' preferences and taking into account project logistics. Participants should be encouraged to construct their stories in ways that reflect their key concerns and not those of researchers or advocacy and support organisations.

*Commentary:* All of the participants in this project chose to write their stories, and this was largely because it was seen as the most straightforward way to undertake storytelling, particularly amid pandemic conditions. In hindsight, more could have been done to introduce the other modes of storytelling to the participants. In the final project reflection, the team and partners felt a follow-up project phase could productively involve visual storytelling, particularly since many of the participants had: a) relatively low formal education levels, and; b) extensive photographic and documentary resources that could be brought to bear on a visual story telling process.

3. Opportunities for storytellers to co-produce knowledge about forced labour/ human trafficking should constitute a major component of research design and planning.

*Commentary:* Three key registers through which this participation may be sought beyond the writing process include scripting and recording podcasts from narratives, developing recommendations, and dissemination strategies for project outputs (primarily narratives and recommendations). These opportunities and processes by which to facilitate these should be considered in the project timeframe.

## Capacity-Building of Partners

**Summary** – The project sought to build the capacity of local NGOs in project countries (Fiji and Indonesia) to conduct qualitative social research in human trafficking and forced labour, through the application of participatory principles. The project thus involved capacity-building workshops (recorded and online due to pandemic-related restrictions) with local staff/ teams within the partner organisations and regular check-ins with the local teams to discuss any challenges they faced during the research process. The objective was to enable partner organisations to build their capacity to enable them to continue designing and carrying out such research projects in the future.

### Key Recommendations

4. Researchers should devote considerable time to enabling local partners, assistants and project team members to understand the principles and philosophy of participatory action research. In-depth workshoping of the approach and the development and sharing of detailed resources and examples of good practice will enhance the likelihood that those involved in carrying out the project will understand and adhere to the principles.

*Commentary:* The project allowed a lead time of over a month to develop the necessary understanding of these principles and philosophy. Although resources and learning tools were provided to the partners and assistants, an additional period of time in which to share reflections, raise questions and clarify understandings before the story writing process commenced could have benefitted the project. Language barriers, preconceptions about participants (as victims to be acted on, rather than agents in their own change) can prove difficult to overcome in short timeframes.

5. Regular meetings between researchers reflecting on challenges, constraints and strengths of the storytelling process should be built into the timeframe of the project.

*Commentary:* The project team held regular meetings with the Fijian and Indonesian NGO partners and the research assistants to identify and discuss any barriers or concerns during the process of story writing by the participants. These proved critical for the project because several unanticipated setbacks emerged. This included physical restrictions on movement by the research assistants to meet with the story writers, limited formal education of some story writers leading to the need for greater guidance during the storytelling process, and the emotional challenges some story writers faced in recounting some aspects of their experiences.

6. The research team should create a final reflection opportunity to document ways forward (forward failures). To the extent possible, this reflection opportunity should involve storyteller participants.

*Commentary:* Apart from the regular meetings with the research partners and teams, an end-of-project reflection enables the team to brainstorm challenges and pathways to refine and further develop the methodology proposed for the project. Additionally, a final reflection also enables the team and partners and the participant storytellers themselves to identify opportunities to extend the project in new directions.

## Exploitation in the DW Fishing Industry

**Summary** – Several key findings have been elaborated in Section 3 of this report, drawing on the overriding themes emerging from the narratives of the storyteller participants. These were: financial problems associated with failure to receive a salary; direct experiences or witnessing of violence, injury or illness associated with the work performed on the fishing vessels; lack of remedy. Several of the participants also offered recommendations as part of their narratives. In this report, we offer these recommendations, as well as recommendations from the project team.

### Recommendations – From the Storytellers

7. Government stakeholders of both source countries of fishers (in this case Fiji and Indonesia), as well as fleet states (in this case Taiwan and China) need to take fuller responsibility for regulating the offshore fishing industry. This includes adhering to regulations in three key areas: recruitment, qualifications and contracts; occupational health and safety, and; vessel inspections for breaches of contract stipulations regarding working and living conditions.

*Commentary:* Increased oversight of the recruitment sectors in key labour supply countries is needed in order to ensure a transparent system. Local recruitment agents should be licensed. Regulations about how they conduct business (for example, relevant to their target crew, the information they convey to them, and the fee they charge recruits) should be developed and/or strengthened. Recruitment agencies and later vessel captains/ senior personnel should not be permitted to retain personal documents of fishers, including passports, certificates and other forms of identification. Specific to Fiji, there should be a limit on the number of local recruiting agents who should be licensed and overseen by the government (or the Fishing Industry Association). Standard crew contracts should be developed for fisheries operating within the region (Pacific Islands Forum Fisheries Agency).

Compensation for workplace injuries suffered, wrongful deaths, and long-term diminished health effects of work on the fishing vessels should be systematically assessed. Dedicated compensations schemes should be developed in all source countries of fishers and fleets to ensure this is actioned. Fishers should be informed of their entitlements to compensation. Multi-agency teams should be involved in vessels inspections at the same time. This would provide for comprehensive inspections, and also minimise opportunities for kickbacks. Action should be taken against any vessel and company where there is evidence of human rights abuse - such as being banned from the fishery for set periods of time. A whistleblowing system should be in place for fishers to report working conditions. Those using the system need to be anonymous to avoid those using the service from being blacklisted.

8. Appropriate government stakeholders should create a formal, legal mechanism to assess claims for unpaid salary and other labour issues.

*Commentary:* There is the need for fishers to have a mechanism to claim for unpaid salary, unlawful and unreasonable deductions, and as an avenue to seek redress (see also recommendations 11 and 12). Such a mechanism should operate cross-jurisdictionally, as fishers with claims are often not in/ from the same jurisdiction as vessel owners or recruitment agencies. This is crucial as often, when petitioning for unpaid salary, the response is that it is the responsibility of a party in another jurisdiction.

9. The implementation of effective and targeted awareness of employment rights training for fishers is essential.

*Commentary:* During the recruitment stage, fishers should be educated as to their employment rights. This training could be implemented through an online tool, which is operated independently from recruitment agents. Fishers should be provided with the opportunity to join a reputable trade union to ensure they understand their rights and that these rights are protected. Information about unions could also be provided in the online tool. Further, cross-cultural awareness and basic language training should be part of the online tool to reduce the likelihood of conflict and misunderstanding.

## Recommendations – From the Project Team

10. Ensure relevant jurisdictions adhere to, or abide by international conventions and standards regarding working conditions in DW fishing.

*Commentary:* It is widely recognised that the commercial fishing industry is a hazardous occupation. To ensure decent working conditions for fishers and protect workers' rights, the International Labour Organization adopted the Work in Fishing Convention (188) in 2007. The Convention states that it is the responsibility of the skipper to 1. respect "safety and health, including prevention of fatigue" (Article 8 (b)) and 2. to facilitate on-board occupational safety and health awareness training" (Article 8 (c)). However, only 19 countries have ratified Convention 188, and the Convention is currently only in force in 18 of these countries. It is the responsibility of flag states to ensure vessels that fly their flag comply with the requirements of the Convention. Under Article 43, port states can exercise jurisdiction if a vessel is not conforming with the Convention. Notwithstanding, none of the flag states at the centre of the narratives (China and South Korea) or port state (Fiji) has ratified the Convention. As Taiwan is not a member of the United Nations, it is not permitted to sign Convention 188.

Other relevant international conventions applying to the fishing sector include the International Maritime Organization's 1) International Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessels Personnel 1995 (STCW-F Convention) (entered into force 2012); and 2) the Cape Town Agreement of 2012. The Cape Town Agreement, which sets safety standards for fishing vessels, is not yet in force.

11. Recognise that fishers involved in precarious labour on board distant waters fishing vessels face a range of problems. A full consideration of a spectrum of exploitative experiences should be facilitated by researchers. This would assist in reducing the potential to focus on certain (extreme) experiences of violence and exploitation at the exclusion of experiences considered less severe.

*Commentary:* Figuring prominently in the men's narratives were recounts of experiences of violence and conflict on the fishing vessels and the high incidence of injury and illness. These experiences, like the financial consequences of exploitative labour relations on the fishing vessels, also have long term, largely unacknowledged effects on the survivors. The relational and emotional difficulties men experience upon returning home were also a major theme in many of their narratives, including the impacts of their experiences on marriages and family security. Several of the participants, whether from Fiji or Indonesia, recommended against working on a DW fishing vessel for others, although many of the men undertook repeated stints on the vessels themselves. They often did so because the vulnerabilities that led to their initial recruitment remained and were intensified after their initial stints on the vessels.

12. Facilitate opportunities for victims of human trafficking and forced labour to obtain justice through legal remedy, both in countries of origin and destination.

*Commentary:* From their stories, we learned that the experience of labour exploitation on fishing vessels rarely results in justice according to victims' own needs and priorities. Although stolen wages, contract substitution, impositions of new conditions, fines and deductions were commonplace, the participants lamented the lack of avenues to pursue justice post-trafficking.

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