

# CANNED BRUTALITY

Human rights abuses  
in the tuna industry





# TABLE OF CONTENTS

**Executive Summary: the Human Rights Abuses Behind a Tuna Can .....3**

**Introduction .....4**

**Documented Human Rights Abuses in the Tuna Industry .....5**

    Exploitation of vulnerable worker populations in fishing ..... 3

    Abusive working conditions while fishing .....6

    From the ocean to the can: abuses on land mirror those on the high seas ..... 8

    Blue ticks tainted red: the inefficacy of seafood certificates.....9

**From Tropical Waters to European Tables: the Long Journey of Tuna..... 10**

**Falling Short of International Standards.....12**

**The EU Carding System: Failing to Flag for Human Rights ..... 14**

**Tepid Corporate Responses to Reports of Abuses.....15**

**Conclusion ..... 16**

**Our 'TunaGate' Series .....17**

---

The International Human Rights Clinic at Harvard Law School provided research, analysis, and drafting assistance for this report. Bloom would like to thank Harvard Law School students Logan Campbell, JD '24, Caroline Chen, JD '24, Austin Fullmer, JD '24, Gillian Hannahs, JD '23, Ariq Hatibie, JD '24, Reem Hussein, JD '23, Joan Josiah, JD '23, Julia Lee, JD '24, Nikki Santos, JD '24, Zoe Shamis, JD '24, and clinical supervisors Aminta Ossom and Susan Farbstein.

# EXECUTIVE SUMMARY: THE HUMAN RIGHTS ABUSES BEHIND A TUNA CAN

- The nature of the tuna fishing sector leaves workers at a high risk of human rights abuses. Fishers are often isolated at sea for long periods of time, which creates an environment where abuse can occur with impunity. **As tuna stocks have been depleted and commercial tuna fishers have been forced to cut costs and travel further out to sea, labour conditions have only deteriorated.**
- Human rights abuses are widespread in Indian and Pacific Oceans fisheries: **human trafficking, beatings, verbal abuses, salary retention and inhuman working hours have been documented multiple times by several independent sources.**
- A process called transshipment, whereby ships transfer their catch to and from other vessels, allows fishing boats to remain at sea for years at a time.<sup>1</sup> **Transshipment also causes the mixing of fish caught by different vessels, making the tracking of tuna origin extremely opaque.**
- These kinds of abuses are not limited to the fishing stage, since they have been widely documented also in the processing and canning stages. **Workers, largely women, often suffer physical and sexual abuses, underpayment, and slavery-like conditions. In some regions, child-labour issues also taint the tuna processing industry.**
- In the US, Bumble Bee Foods, the largest American brand of canned tuna, has been condemned for deceiving consumers by claiming that it sourced its tuna through a “fair and safe supply chain.” It relies on fish supplied by Fong Chun Formosa Fishery Company, Ltd. (FCF).<sup>2, 3</sup> **FCF is a Taiwan-based company linked to human rights abuses in its supply chain and even to suspicious deaths of both workers and fishery observers. FCF is also one of the main suppliers for tuna brands operating and selling their products in Europe.**<sup>4</sup>
- Certificates for so-called “sustainable” fishing insufficiently take human rights issues into account. Most of them totally exclude these issues from their certification process, giving consumers no protection against the risk of consuming seafood associated with human rights violations.<sup>5</sup> **The Marine Stewardship Council (MSC) certification scheme, the most widespread among these certificates, is one of the worst performing when it comes to human rights accountability.**
- The EU implemented a carding system to monitor illegal and unregulated fishing and prevent the importation of products coming from it.<sup>6</sup> This system is based on awarding yellow and red cards to countries that do not ensure proper monitoring and repression of illegal fishing. Still, this system is highly ineffective in mitigating the human rights risks since it fails to take into consideration instances of human rights abuses in its evaluation process.
- Despite the amount of evidence proving the abuses that permeate the tuna supply chain, **industries fail to respond with meaningful action to end and prevent such abuses.** The mapping of the supply chain is extremely patchy for most tuna retailers in Europe and the rest of the world, as it is for the surveillance and prevention of human and environmental abuses. When present, these processes are opaque and difficult to access for consumers and independent observers and organisations.
- **Large tuna producers and retailers** must, under the UN Guiding Principles on Business and Human Rights, respect human rights across their value chain. They also **bear responsibility towards their consumers, the workers who feed their supply chains from the bottom up, and towards the environment.** Right now, these great responsibilities are not matched by actions that are up to the challenge.

<sup>1</sup> Greenpeace (2021): [https://www.greenpeace.org/static/planet4-southeastasia-stateless/2021/05/ef65b-fe1-greenpeace-2021-forced-labour-at-sea-digital\\_final.pdf](https://www.greenpeace.org/static/planet4-southeastasia-stateless/2021/05/ef65b-fe1-greenpeace-2021-forced-labour-at-sea-digital_final.pdf), page 4.

<sup>2</sup> ILRF (2021): <https://laborrights.org/releases/global-labor-justice-international-labor-rights-forum-sues-global-tuna-giant-bumble-bee>

<sup>3</sup> IntraFish (2023): <https://www.intrafish.com/legal/canned-tuna-giant-bumble-bee-removes-claims-it-has-a-fair-and-safe-supply-chain-from-website-as-part-of-lawsuit-settlement/2-1-1425833>

<sup>4</sup> Greenpeace (2020): <https://www.greenpeace.org/usa/wp-content/uploads/2020/03/b87c6229-2020-choppy-waters-en.pdf>

<sup>5</sup> Human Rights at Sea (2023): <https://www.human-rightsatsea.org/what-we-do/lw-reform-and-policy/hras-seafood-fisheries-and-aquaculture-certification-standards-and>

<sup>6</sup> EJF, OCEANA, PEW Trust & WWF (2016): [https://www.iuuwatch.eu/wp-content/uploads/2015/06/3rdCountryCardingGuidelinesReport\\_FINAL.LOW\\_.pdf](https://www.iuuwatch.eu/wp-content/uploads/2015/06/3rdCountryCardingGuidelinesReport_FINAL.LOW_.pdf)

# INTRODUCTION

There is a history of human brutality behind tuna cans. Before making its way to some of the world's biggest retailers, tuna is fished and canned by workers who are subjected to financial manipulation, callous mistreatment, and violence.

For many years, human rights and labour rights organizations have documented widespread abuses in the tuna industry. The tuna sector largely relies on the work of migrant workers, particularly vulnerable to such maltreatments due to communication and cultural barriers. The remote and isolated location of vessels at sea and complex supply chains that lack transparency only make the whole situation more opaque. **This combination of factors fuels harms ranging from hazardous working conditions, wage withholding, and denial of food and medical care to human trafficking, forced labour, torture, debt bondage, and slavery.** In our previous report, we showed how industrial tuna fisheries are detrimental for the environment and marine life.<sup>7</sup> Here, we will show the unbearable human cost that comes with it.

International human rights law prohibits the types of maltreatment and exploitation inflicted on workers in the tuna sector. Publicly available reporting by a variety of credible organizations and media outlets, as well as public advocacy campaigns, have put tuna producers and retailers on notice

regarding the human rights abuses in their supply chains. **Tuna caught on vessels and processed in plants where such abuses have been documented lands on consumers' plates across the European Union, including in France. Yet the industry continues to flout internationally accepted standards by failing to take meaningful action to combat the abuse.** Profit made from modern slavery and the devastation of marine habitats is simply unacceptable, yet it continues to be the norm for retailing companies and their supply chains.

This report draws on extensive documentation compiled by environmental, labour rights, and human rights organizations covering abuses in the tuna supply chain. It offers an overview of the types of abuses that continue to occur with startling regularity and explains the relevant legal frameworks. It also demonstrates how the EU card system is ineffective at identifying and mitigating the risks of human rights abuses in the fishing industry.

This report is based on existing research, which itself focuses primarily on the tuna sector in the Pacific and Indian Oceans, specifically Taiwan, the Philippines, and Thailand. Although it does not provide a comprehensive review of the worldwide tuna industry, many of the key risk factors present in these countries, such as transshipment, are found across the global tuna sector. The scale of abuses documented in these regions indicates a heightened risk of human rights abuses across the tuna industry, of which tuna producers and retailers have long been on notice.

<sup>7</sup> See previous BLOOM reports, page 17.

# DOCUMENTED HUMAN RIGHTS ABUSES IN THE TUNA INDUSTRY

Human rights, labour rights, and environmental organizations have repeatedly documented human rights abuses in the tuna industry. Sadly, such unacceptable violations of the most basic human decency are not uncommon, with exploitative labour practices and poor working conditions prevalent in the seafood industry more broadly. Workers in the tuna industry face brutality at two key stages of the supply chain: when tuna is fished, and when it is processed.<sup>8</sup> At the fishing stage, workers are subjected to deceptive recruiting practices and then to exploitation on vessels, leading to egregious human rights abuses on board. At the “canning” stage, trafficking and abusive working conditions are key concerns.

## Exploitation of vulnerable worker populations in fishing

In the Pacific and Indian Ocean, the backbreaking work of tuna fishing is largely undertaken by migrant workers. NGOs like Greenpeace, the Environmental Justice Foundation and Verité have cast a light on this alarming situation. **Workers are subjected to human rights abuses at every turn, in a context that can be easily defined as modern slavery.** Brokers and recruitment agencies recruit migrant workers from places like Thailand, Cambodia, Myanmar, the Philippines, and Indonesia to work at sea with false promises of decent jobs and good pay.<sup>9</sup> However, once workers are under the oversight of fishing vessel owners and vessel captains, supervisors cheat the labourers out of their fair wages. For example, **senior crew members employ debt bondage to maintain control over workers.**

**Debt bondage is a practice where workers are compelled to work excessively or for an ever-fluctuating period of time under the notion of repaying exorbitant recruitment fees.** In other instances, vessel owners and captains force labourers to work without employment contracts or pay transparency.<sup>10</sup>

Some migrant workers arrive to fishing after being trafficked across borders. In other cases, labour brokers or boat captains confiscate workers’ official documentation, which restricts their movement and freedom.<sup>11</sup> The profound communication and cultural barriers that migrant workers face limits their bargaining power. Verité has reported that recruiters force migrant workers to sign contracts in unfamiliar languages with no explanation of what they are signing and no copy to keep for themselves, or to sign a blank document.<sup>12</sup> **Because of language barriers, workers may be unaware of their rights or of complaint mechanisms available to vindicate them.**<sup>13</sup>

Wages are very low and may be withheld until the end of employment to prevent workers from leaving.<sup>14</sup> In 2020, the Environmental Justice Foundation (EJF) published an investigation finding that, among the 62 boats it surveyed, 92% withheld wages, 82% had excessive overtime, on 34% fishers were verbally abused, and on 24% fishers were physically abused.<sup>15</sup> Although child labour has not appeared in recent reporting on the tuna sector specifically, it has been documented throughout the seafood industry and therefore remains a risk for the sector.<sup>16</sup>

<sup>8</sup> See Global Labour Justice (2020): <https://laborrights.org/sites/default/files/publications/Labor-Abuse-in-Taiwan-Seafood-Industry-Local-Advocacy-for-Reform.pdf>; Verité (2016): [https://www.verite.org/wp-content/uploads/2016/11/Research-on-Indicators-of-Forced-Labor-in-the-Philippines-Tuna-Sector\\_9.16.pdf](https://www.verite.org/wp-content/uploads/2016/11/Research-on-Indicators-of-Forced-Labor-in-the-Philippines-Tuna-Sector_9.16.pdf); Verité (2021): [https://verite.org/wp-content/uploads/2021/10/Verite\\_Recruitment-and-Employment-Experiences-of-Filipino-Migrant-Fishers-in-Taiwan-Tuna-Fishing-Sector\\_FINAL.pdf](https://verite.org/wp-content/uploads/2021/10/Verite_Recruitment-and-Employment-Experiences-of-Filipino-Migrant-Fishers-in-Taiwan-Tuna-Fishing-Sector_FINAL.pdf); Greenpeace (2021) *supra*, note 1.

<sup>9</sup> See EJF (2020 a): <https://ejfoundation.org/resources/downloads/Taiwan-briefing-IUU-HR-2020-July.pdf>, page 7; Verité (2021) *supra*, note 8, page 20; Greenpeace

(2021) *supra*, note 1.

<sup>10</sup> See EJF (2019): <https://ejfoundation.org/resources/downloads/Blood-water-06-2019-final.pdf> page 12-13; EJF (2020 a) *supra*, note 9, page 7.

<sup>11</sup> Verité (2021) *supra*, note 8, page 45.

<sup>12</sup> See EJF (2019) *supra*, note 10, page 18-19; Verité (2021) *supra*, note 8, page 40.

<sup>13</sup> See Greenpeace (2020) *supra*, note 1, page 13; EJF (2019) *supra*, note 10, page 19.

<sup>14</sup> Greenpeace (2022): <https://www.greenpeace.org/static/planet4-eastasia-stateless/2022/09/2a3caec4-online-version-en-fakemycatch.pdf>, page 16.

<sup>15</sup> EJF (2020 b): <https://ejfoundation.org/news-media/widespread-abuse-and-illegal-fishing-as-taiwans-fishing-fleet-remains-out-of-control-1>.

<sup>16</sup> Seafood Watch (2022 a): <https://www.seafoodwatch.org/globalassets/sfw/pdf/projects/ssrt/risk-profiles/tropical-tuna/published/seafood-watch-tropical-tuna-ssrt-risk-profile-thailand-2022.pdf>, page 4.

## Abusive working conditions while fishing

Human rights advocates regularly report on inhumane working conditions aboard tuna fishing vessels.<sup>17</sup> While circumstances can vary across individual tuna ships over time, physical and verbal abuses have been consistently documented. Workers have reported that vessel captains have brutally beaten them, threatened their lives and their families, and physically restrained them aboard vessels.<sup>18</sup> For example, one worker described being beaten by a captain, locked in a freezer on board, and electrocuted by a pole used to kill fish, causing him to go partially deaf.<sup>19</sup>

**Fishing conditions are incredibly hazardous, with fishers forced to work in severe weather and without proper safety equipment.<sup>20</sup> While at sea, workers lack access to food and water, and captains deny them medicine or necessary medical care when sick.<sup>21</sup>** In 2017, Greenpeace released a short documentary exposing human rights abuses on tuna vessels in Taiwan, and interviewed approximately 100 crewmembers about their experiences on these vessels.<sup>22</sup> Interviewees reported working 17 hours without breaks, being severely underpaid, and having no protection in place if they became injured or sick.<sup>23</sup>

## LAWSUIT AGAINST BUMBLE BEE FOODS

In March of 2023, Bumble Bee Foods, LLC settled a lawsuit brought in the United States, which alleged that the company had deceived consumers by claiming that it sourced its tuna through a “fair and safe supply chain.” Bumble Bee is North America’s largest canned tuna brand and a subsidiary of **Fong Chun Formosa Fishery Company, Ltd. (FCF), a Taiwan-based seafood trader.**

In the lawsuit, the petitioner Global Labor Justice-International Labor Rights Forum, a global labour rights organization, cited Bumble Bee and **FCF’s connections to forced labour, human trafficking, and worker safety violations.** The complaint documented how fishing vessels in FCF’s supply chain also employed fishing methods that were inherently dangerous, such as distant water fishing and transshipment.

Workers in Bumble Bee’s supply chains had allegedly worked 34-hour shifts, received inadequate sleep, faced withheld wages, and were given little to no food. In addition, Bumble Bee was connected to the use of forced labour and illegal, unreported and unregulated (IUU) fishing. **The complaint also highlighted questionable deaths of both workers and fishery observers,** who are officials employed to monitor human rights abuses and environmental abuses occurring on fishing vessels.

Despite these reported abuses, Bumble Bee had advertised that it was “best-in-class” in terms of worker safety standards. In the settlement, the company agreed to remove all references to having fair working practices from its marketing materials for the next 10 years. **While ending Bumble Bee’s false advertising is an important victory, more must be done to effectively prevent human rights abuses in the tuna supply chain. The road to a sustainable and humanely fair tuna supply chain is still sadly long.**

[“Bumble Bee Foods to Remove Labor Claims from Marketing Materials;” GLJ-ILRF v. Bumble Bee Foods, LLC \(2022\)](#)  
[Petitioner’s Brief]

<sup>17</sup> See Greenpeace (2022) *supra*, note 14, page 28; EJF (2020 a) *supra*, note 9, page 10.

<sup>18</sup> EJF (2020 a) *supra*, note 9, page 10.

<sup>19</sup> *Ibid.*

<sup>20</sup> EJF (2019) *supra*, note 10.

<sup>21</sup> EJF (2020 a) *supra*, note 9, page 16.

<sup>22</sup> <https://www.youtube.com/watch?v=RUJvTULSW5M>.

<sup>23</sup> *Ibid.*

## The opaque journey of tuna marked with abuses against workers



**1** Fishers are forced to work in abusive conditions (wage withholding, inhuman working hours). Their documents are confiscated. Language barriers and the lack of effective complaints systems prevent them from reporting this violence.



**2** Transshipment — the transfer of tuna from one vessel to another on the high seas — allows fishing vessels to remain at sea without touching land for months. And with them, the fishermen on board.



**3** The tuna is landed and canned in China, Thailand, the Philippines... Unregulated exploitation of migrant labour and violence are a widespread practice. In this step, many women are exploited.



**4** The canned tuna is transported to Europe after a journey of thousands of kilometres...



**5** ... to finally arrive on the shelves of our supermarkets and in our shopping trolleys. It is often impossible to know whether the tuna we buy is tainted by human rights abuses or not.

A 2022 report by Greenpeace connected vessels where maltreatment took place to the Bumble Bee tuna brand. Fishers on Taiwanese tuna fishing vessels, which supply Bumble Bee, reported being fed mouldy and expired food. Fishers on those vessels only received one meal of white rice per day. They also received drinking water that was brown and which caused them to become ill.<sup>24</sup> Another report documented work shifts lasting 20 hours daily.<sup>25</sup>

The nature of the tuna fishing sector itself leaves workers at a high risk of human rights abuses. Workers are often isolated at sea for long periods of time, which creates an environment

where abuse can occur with impunity. As tuna stocks have been depleted and commercial tuna fishers have been forced to cut costs and travel further out to sea, labour conditions have only deteriorated.<sup>26</sup>

Other practices further increase the risk of human rights abuse. A process called transshipment, whereby ships transfer their catch to and from other vessels, allows fishing boats to remain at sea for years at a time.<sup>27</sup> **The practice of transshipment takes place beyond the exclusive economic zone of a coastal state, in waters where law and justice are shady, or non-existent.**<sup>28</sup> In these instances, it becomes virtually impossible

<sup>24</sup> Greenpeace (2022) *supra*, note 14, page 24-28.

<sup>26</sup> EJF (2019) *supra*, page 10.

<sup>28</sup> *Ibid.*

<sup>25</sup> *Ibid.* page 25.

<sup>27</sup> Greenpeace (2021) *supra*, note 1, page 4.

for workers to meaningfully access complaint mechanisms, or for independent monitoring organizations to document conditions on board.<sup>29</sup> Additionally, the combination of fish from different vessels through transshipment can prevent the tracing of fish to an individual ship.<sup>30</sup> **This opacity makes it impossible for independent observers or for socially-conscious consumers to know whether the tuna sold by retailers is fair or bathed in human abuses and brutality.**

## Sustainability seals on tuna cans do not protect from the risk of consuming seafood associated with human rights abuses.

Despite extensive public reporting on human rights abuses in the tuna sector over a number of years, **companies have continued to source tuna from vessels notorious for such abuses. Companies also continue to provide incomplete and misleading information about their tuna suppliers, which limits oversight.** A 2022 Greenpeace report traced hundreds of tuna cans sold by Bumble Bee in the United States and found that its parent company, Fong Chun Formosa Fishery Company (FCF), sourced tuna from vessels that U.S. Customs and Border Protection had confirmed used forced labour.<sup>31</sup> This issue is not limited to local markets in the Pacific area or to the US, but affect also tuna commercialized in the EU, France included. FCF is one of the three largest tuna trading companies globally and is a major supplier to both European and U.S. retailers. **Thai Union, a seafood trading company that FCF supplies to, produces the Petit Navire tuna brand** (see next section for more details).<sup>32</sup>

## From the ocean to the can: abuses on land mirror those on the high seas

Human rights abuses are not exclusive to the fishing stage of the tuna industry. The same level of brutality and workers exploitation is prevalent at the seafood processing stage as well. Tuna fished from Taiwanese-flagged vessels is routinely transported to be processed in China and the Philippines, as well as in Thailand,<sup>33</sup> where there have been numerous reports of rights abuses connected to seafood processing.<sup>34</sup>

Observers have raised concerns about trafficking, forced labour, and working conditions that amount to slavery in those locations. According to a 2012 report, the United Nations estimated that 33% of seafood workers in Thailand's principal processing region had been trafficked, and 57% had experienced one or more conditions of forced labour.<sup>35</sup> One tuna canning facility in Thailand was condemned in 2016 for subjecting hundreds of Burmese migrant workers to exploitative working conditions.<sup>36</sup> Workers at that facility had survived trafficking and supervisor abuse. They were paid unlawfully low salaries and were not compensated for injuries that they sustained from machine accidents.<sup>37</sup>

These kinds of abusive working conditions in tuna processing plants are far from being limited to Southeast Asian fisheries, as shown by the example of Ecuador, the top foreign producer of canned tuna for the European Union.<sup>38</sup> The port of Manta, where tuna captured by the fleets of Ecuador and other countries is processed, is known as the 'Tuna capital' of the Pacific Ocean. Reports have linked Ecuador's seafood industry to forced labour, with traffickers exploiting men and women in the seafood industry.<sup>39</sup> Moreover, the European Commission has formally notified Ecuador for failure to combat illegal, unreported and unregulated (IUU) fishing in its own fleets. IUU fishing is asso-

<sup>29</sup> Global Labour Justice (2022): <https://globallaborjustice.org/complaint-glj-ilrf-v-bumble-bee-foods-llc-complaint/>, para 34.

<sup>30</sup> Business & Human Rights Resource Centre : [https://media.business-humanrights.org/media/documents/Out\\_of\\_Sight\\_Modern\\_Slavery\\_in\\_Pacific\\_Supply\\_Chains\\_of\\_Canned\\_Tuna\\_4.pdf](https://media.business-humanrights.org/media/documents/Out_of_Sight_Modern_Slavery_in_Pacific_Supply_Chains_of_Canned_Tuna_4.pdf), page 11.

<sup>31</sup> Greenpeace (2022) *supra*, note 14.

<sup>32</sup> *Ibid.* page 22.

<sup>33</sup> See Verité (2021) *supra* note 8, page 19.

<sup>34</sup> See EJF (2015): <https://ejf.org/reports/pirates-and-slaves-how-overfishing-in-thailand-fuels-human-trafficking-and-the-plundering-of-our-oceans> ; The Guardian (2016): <https://www.theguardian.com/global-development/2016/mar/01/myanmar-migrant-workers-win-13m-compensation-thailand-tuna-firm> ; Oxfam: <https://www.oxfam.org/en/behind-seafood-our-markets-stories-human-suffering>.

<sup>35</sup> EJF (2015) *supra*, note 34.

<sup>36</sup> The Guardian (2016) *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> Forum Fisheries Agency (2018): <https://www.ffa.int/system/files/Havice-Camplng%202018%20Corporate%20Dynamics%20in%20the%20Shelf-stable%20Tuna%20Industry.pdf>

<sup>39</sup> Seafood Watch, (2022 b): <https://www.seafood-watch.org/globalassets/sfw/pdf/projects/ssrt/risk-profiles/tropical-tuna/published/seafood-watch-tropical-tuna-ssrt-risk-profile-ecuador-2022.pdf>.

ciated with greater risks of forced labour.<sup>40</sup> Ecuador has also been flagged for having weak regulations, such that Ecuador cannot ensure that fish entering its processing plants are not derived from IUU fishing.<sup>41</sup> Should the Ecuadorean industry fail to introduce structural reforms to address the notified violations, this could lead to a ban on the import of Ecuadorean fish into the EU market, similar to what is already happening with countries such as Cambodia.

**As is often the case, workers' rights issues are also intertwined with gender issues.** Women make up an estimated 90% of the workforce in land-based seafood processing facilities, where jobs are often temporary, unsalaried, and otherwise insecure.<sup>42</sup> Women undertaking this precarious labour confront not only coercion and hazardous working conditions but also widespread discrimination, sexual harassment, and sexual violence.<sup>43</sup> In Ecuador, women in the processing industry are denied the right to union activity, which does not comply with the Universal Declaration of Human Rights.<sup>44</sup> Ecuador's processing sector, in which women form the majority of employees, is specifically connected to informal and low paid contracts.<sup>45</sup> Journalists and activists have also raised alarm about child labour in seafood processing facilities.<sup>46, 47, 48</sup>

## Blue ticks tainted red: the inefficacy of seafood certificates

Consumers who wish to consume ecologically and socially sustainable products often rely on certifications and quality indications on the packaging, thus trusting the seriousness of the independent body that has assessed the sustainability of the product. The NGO Human Rights at Sea, showed in a report in 2023 that **almost all of the 22 certificates that exist to date for so-called "sustainable" fishing insufficiently take human rights issues into account.**<sup>49</sup> Half of them even totally exclude these issues from their certification process.

**Sustainability seals on tuna cans therefore do not protect from the risk of consuming seafood associated with human rights abuses.**

**The most widespread sustainability scheme, the Marine Stewardship Council (MSC), received a very poor rating in this report.** Out of 16 key performance indicators that establish a *baseline* standard of attention to human rights,<sup>50</sup> the MSC only fulfilled three.<sup>51</sup> Human Rights at Sea determined that the MSC fails to mention human or social rights, lacks standards regarding dispute settlement mechanisms for victims, lacks standards expected in employment contracts between suppliers and employees, and fails to engage with civil society.<sup>52</sup>

Furthermore, by the MSC's own admission, it is an organization oriented towards environmental standards, not labour. Responding to this criticism by Human Rights at Sea, the MSC argued that *"it is misleading to assess the MSC, an environmental standard-setting organisation, against labour-performance criteria,"* thereby admitting that its labour rights requirements are not up to standard.<sup>53</sup>

The MSC has been criticized over the years for its low environmental ambition and its financial conflicts of interest, which also tarnish the reliability of its standards and the accuracy of its information. **The MSC gets almost three quarters of its revenues from licensing the use of its blue tick on products. For every can of certified tuna that is sold, the MSC gets a percentage of the sale price.**<sup>54</sup> This results in a **perverse incentive to maximize the amount of certified fisheries in order to increase returns and therefore to both lower its standards and reduce the transparency of the information that it shares with consumers. As a result, the MSC cannot guarantee compliance with labour standards.**

<sup>40</sup> "Commission notifies the Republic of Ecuador over the need to step up action to fight illegal fishing," European Commission Press Release (2019): [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_19\\_6036](https://ec.europa.eu/commission/presscorner/detail/en/ip_19_6036).

<sup>41</sup> *Ibid.*

<sup>42</sup> Conservation International (2021): <https://www.conservation.org/blog/in-fishing-industry-women-face-hidden-hardships-study>.

<sup>43</sup> *Ibid.*

<sup>44</sup> Seafood Watch, (2022 b) *supra*, note 39.

<sup>45</sup> *Ibid.*

<sup>46</sup> Conservation International (2021) *supra*, note 42.

<sup>47</sup> The Guardian (2016) *supra*, note 34.

<sup>48</sup> USA Department of State (2022): [https://www.state.gov/wp-content/uploads/2022/08/22-00757-TIP-REPORT\\_072822-inaccessible.pdf](https://www.state.gov/wp-content/uploads/2022/08/22-00757-TIP-REPORT_072822-inaccessible.pdf)

<sup>49</sup> Human Rights at Sea (2023) *supra*, note 5.

<sup>50</sup> *Ibid.* page 10.

<sup>51</sup> *Ibid.* page 28.

<sup>52</sup> *Ibid.*

<sup>53</sup> Marine Stewardship Council (2023), "Response to Human Rights at Sea Report.": <https://www.msc.org/media-centre/briefings-statements/response-to-human-rights-at-sea-report-on-certification-and-ratings>.

<sup>54</sup> From MSC website: <https://www.msc.org/en-au/about-the-msc/our-funding-and-finances>

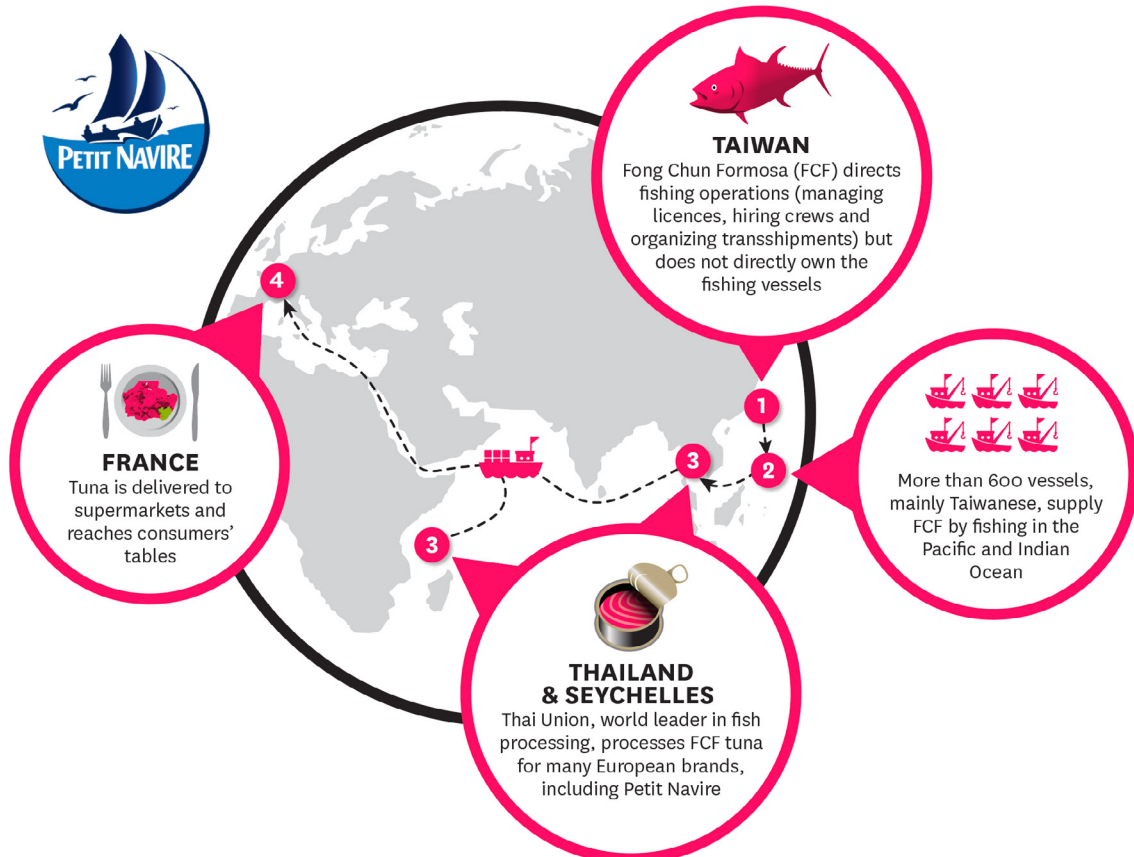
# FROM TROPICAL WATERS TO EUROPEAN TABLES: THE LONG JOURNEY OF TUNA

All human rights abuses described above take place in the Indian and Pacific Oceans, thousands of kilometres away from the supermarkets where tuna is sold, but it has become a common product in a globalized market dynamic. **Tuna from the other side of the planet follows a tortuous and often opaque path before ending up in European distribution chains, passing from hand to hand and from one company to another, in a long supply chain.** It is therefore extremely difficult or even impossible for end consumers to know where

tuna cans come from and whether they have been produced in an environmentally and socially acceptable manner.

The concrete case of the Petit Navire tuna cans, which can be found in every supermarket in France, demonstrates how to trace tuna cans from the table to the ocean, in a backwards journey. Although originally French, Petit Navire is now owned by Thai Union. Based in Thailand, Thai Union is the world's largest manufacturer of tuna, processing almost 20% of the

## The tuna supply chain and its traceability difficulties: the example of Petit Navire



Petit Navire s'engage pour vous, chaque jour.

Découvrez les 4 piliers de notre stratégie de développement durable SeaChange®.

1 Un approvisionnement responsable

2 Une production responsable

3 Des conditions de travail sûres et réglementées

4 Les bien-être des communautés

→ **Translation:** “Petit Navire takes a stand for you, every day. Discover the 4 pillars of our Sea-Change® development strategy. 1) Responsible sourcing; 2) Responsible production; 3) Safe and regulated working conditions; 4) community well-being.”

world’s canned tuna.<sup>55</sup> This giant of fish processing directly owns, or supplies fish to, a plethora of tuna resellers around Europe similar to Petit Navire, like King Oscar (based in Norway), Mareblu (in Italy) or John West (in the UK).<sup>56</sup> Thai Union does not directly control the fisheries from which its tuna comes, but it is supplied (among others) by one of the world’s top three tuna traders, the Taiwanese Fong Chun Formosa (FCF) company.<sup>57</sup> FCF is also the supplier of Bumble Bee (the same company that was condemned in the USA), Sea Value and Choti-wat Manufacturing. Like Thai Union, Sea Value and Choti-wat Manufacturing are also based in Thailand and distribute tuna in EU countries.<sup>58, 59</sup>

Petit Navire’s tuna may be caught by one of the hundreds of fishing boats that supply FCF. As shown above, FCF fisheries have been reported to exploit abusive working conditions and illegal fishing practices. Even worse, the transshipment practice so common to these vessels makes it virtually impossible to know where the fish has been caught and from which boat.

**In spite of this complex and opaque journey riddled with potential environmental and human rights abuses, Petit Navire’s institutional communication depicts a “sustainable supply”, “responsible production”, “safe and regulated working conditions”, and “community welfare” on its French website.**

<sup>55</sup> Greenpeace (2020) *supra*, note 4.

<sup>57</sup> Greenpeace (2020) *supra*, note 4.

<sup>59</sup> <https://www.seavalue.eu/fr/accueil>

<sup>56</sup> <https://www.thaiunion.com/en/products-and-brands/our-brands>

<sup>58</sup> <https://www.choti-wat.com/our-company/>

# FALLING SHORT OF INTERNATIONAL STANDARDS

The Universal Declaration of Human Rights (UDHR), which is a foundational international declaration laying out the rights intrinsic to every human being, affirms that “everyone has the right to life, liberty and security of person.”<sup>60</sup> These first substantive rights include the right not to be deprived of one’s life and the right to be free from bodily violations and injuries.<sup>61</sup> By custom, the UDHR is legally applicable worldwide.<sup>62</sup>

**The exploitation, physical violence, and maltreatment of workers in the tuna industry are not only scandalous, they also constitute human rights abuses under international law.** The UDHR affirms that slavery is a fundamental violation of human rights and must be prohibited “in all [its] forms.”<sup>63</sup> Still, as seen earlier, reports of slavery and slavery-like practices span both tuna fishing and processing. Human trafficking and exploitation of vulnerable migrant workers are also irreconcilable with international human rights law. The brutal beatings that fishers have endured, and the other maltreatments described above amount to torture and ill-treatment under international human rights law. The practices that have been widely reported in the tuna industry openly infringe a large panel of conventions of the UN<sup>64, 65, 66</sup> and of its International Labour Organization (ILO).<sup>67</sup>

International human rights treaties and principles prohibit practices such as trafficking, forced labour, exploitative employment, and the maintenance of hazardous working conditions. International treaties bind the countries that ratify them, rather than binding corporations or individuals. However, according to the UN Guiding Principles on Business and Human Rights, governments and courts in the home countries of companies

must ensure that companies domiciled in their jurisdiction are not involved in human rights abuses abroad. Moreover, the UN Guiding Principles, which were adopted by consensus at the UN Human Rights Council in June 2011, establish the responsibility of business enterprises to respect human rights along their whole supply chain. The guidelines clearly state that “[t]he responsibility to respect human rights is a global standard of

**Large producers and retailers marketing tuna in France and all-around Europe must monitor the widespread human rights abuses in their supply chains.**

*expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights”.*<sup>68</sup> In other words, businesses still have a responsibility to respect human rights even if the nations in which they operate do not force them to do so.

As the value chains of large companies have expanded all around the world, a legal vacuum has developed. On this front, in Europe and especially in France, initial steps have been taken to make companies truly accountable for their duty to protect human rights and the environment. In France

<sup>60</sup> Universal Declaration of Human Rights (1948): <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, arts. 3-5.

<sup>61</sup> See International Convention on Civil and Political Rights (1966): <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>, art. 9; <https://www.ohchr.org/en/calls-for-input/general-comment-no-35-article-9-liberty-and-security-person>, paras. 2, 3, 9.

<sup>62</sup> Hannum (1998) The UDHR in National and International Law. Available at: <https://www.jstor.org/stable/4065305>,

<sup>63</sup> Universal Declaration of Human Rights (1948) *supra*, note 60, arts. 3-5.

<sup>64</sup> International Convention on Civil and Political Rights (1966) *supra*, note 61, arts. 7-9.

<sup>65</sup> *Ibid.* arts. 7.

<sup>66</sup> UN Guiding Principles on business and human rights, (2011): [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf), Sects. 2 & 3.

<sup>67</sup> <https://www.ilo.org/global/lang-en/index.htm>

<sup>68</sup> UN Guiding Principles on business and human rights, (2011) *supra*, note 66, page 13.

the law on the duty of vigilance, adopted in 2017,<sup>69</sup> requires companies to identify risks and effectively prevent abuses of human rights and fundamental freedoms, as well as harms to human health, safety, and the environment throughout their value chain. Companies must therefore answer for their actions before the courts and may be required to pay compensation for the damage suffered.

The European Commission has advanced a proposal to develop a similar due diligence legal framework for the whole Euro-

pean Union,<sup>70</sup> as well as a ban on products made with forced labour.<sup>71</sup> Although these bills are under negotiation for the moment, they reveal that the global trend points toward greater accountability of companies with respect to their impact on the environment and human rights. **In this context, it is clear that large producers and retailers marketing tuna in France and all-around Europe must monitor the widespread human rights abuses in their supply chains. For the moment, much more remains to be done in this direction.**

<sup>69</sup> <https://www.consilium.europa.eu/media/46999/st13512-en20.pdf>

<sup>70</sup> [https://commission.europa.eu/business-economy-euro/doing-business-eu/corporate-sustainability-due-diligence\\_en](https://commission.europa.eu/business-economy-euro/doing-business-eu/corporate-sustainability-due-diligence_en)

<sup>71</sup> "Commission moves to ban products made with forced labour on the EU market", European Commission Press Release (2019): [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_22\\_5415](https://ec.europa.eu/commission/presscorner/detail/en/IP_22_5415)

# THE EU CARDING SYSTEM: FAILING TO FLAG FOR HUMAN RIGHTS

The EU implemented a carding system to monitor illegal, unreported and unregulated (IUU) fishing. The carding system also aims to prevent the importation of products coming from illegal fishing. This system is based on awarding yellow and red cards to countries that do not ensure proper monitoring and repression of IUU fishing. This carding system is based on a three-step process: (1) restricting products that can be imported to and exported from the EU; (2) issuing yellow and red cards to non-EU countries which are found to insufficiently target IUU; and (3) penalizing EU nations which engage in or support IUU fishing.<sup>72, 73, 74</sup>

Yellow cards are issued to countries identified by the EU as having inadequate measures in place to prevent IUU. After a country is issued a yellow card, that country can enter into discussions with the EU to determine how to better implement measures against IUU. If the country engages in these discussions and makes sufficient changes to its fishing practices, its yellow card status can be revoked. However, if a country refuses to enter into discussions or fails to make these changes, it can be issued a red card, which bans its seafood from import into the EU market.

The European Union's system of policing IUU fishing does not sufficiently capture or punish human rights abuses in the fishing sector. IUU fishing and human rights abuses are closely linked, as both thrive where there is a lack of transparency and inadequate measures to inspect vessels. This system is highly ineffective in mitigating the human rights risks associated with tuna fishing and fails to identify instances of human rights abuses. **The guidelines that the EU uses to determine**

**whether a country should be issued a yellow or red card are not publicly available.** This lack of transparency makes it impossible to know or assess the EU's criteria for making such determinations. What is known, however, is that **the EU has never publicly stated that labour rights in the fishing industry are considered as part of the IUU measures, nor is there any evidence to suggest that human rights standards are relevant to the yellow and red card listings.**<sup>75</sup>

This lack of attention for human rights and labour rights standards is exemplified by the case of Thailand. In April 2015, the EU issued a yellow card to Thailand, one of the top tuna-exporting countries globally, for its failure to mitigate IUU risks. At the same time, many human rights reports have documented slavery and abuse in Thai fishing vessels and processing plants, identifying a systemic human rights failure in Thailand's fishing industry.<sup>76</sup> According to these reports, employers routinely engage in practices like wage withholding, debt bondage, and physical threats and violence — all of which are ILO indicators of forced labour. Furthermore, Thai fishing vessels are frequently crewed by migrants,<sup>77</sup> who are often trafficked by agencies through exploitative recruitment practices.

Thailand's yellow card was rescinded in early 2019 when the EU determined that Thailand had amended its fisheries by setting up a deterrent sanction regime. Thailand had also reinforced its remote monitoring of fishing activities and inspections at port.<sup>78</sup> However, none of these measures totally eradicated the human rights abuses documented in the Thai fishing sector over the past decade. Additional investigations found that the Thai government has not taken effective steps to end these

<sup>72</sup> EJF, OCEANA, PEW Trust & WWF (2016) *supra*, note 6.

<sup>73</sup> <https://www.iuuwatch.eu/the-iuu-regulation/eu-carding-decisions/>.

<sup>74</sup> [https://oceans-and-fisheries.ec.europa.eu/fisheries/rules/illegal-fishing\\_en](https://oceans-and-fisheries.ec.europa.eu/fisheries/rules/illegal-fishing_en).

<sup>75</sup> Kadfak & Linke (2021) More than just a carding system: Labour implications of the EU's illegal, unreported and unregulated (IUU) fishing policy in Thailand. Available at: [https://www.sciencedirect.com/science/](https://www.sciencedirect.com/science/article/pii/S0308597X21000555#bib19)

[article/pii/S0308597X21000555#bib19](https://www.sciencedirect.com/science/article/pii/S0308597X21000555#bib19).

<sup>76</sup> See EJF (2013): [https://ejf.org/resources/downloads/Sold\\_to\\_the\\_Sea\\_report\\_lo-res-v2\\_compressed-2\\_compressed.pdf](https://ejf.org/resources/downloads/Sold_to_the_Sea_report_lo-res-v2_compressed-2_compressed.pdf); EJF (2014): [https://ejf.org/resources/downloads/EJF\\_Slavery-at-Sea\\_report\\_2014\\_web-ok.pdf](https://ejf.org/resources/downloads/EJF_Slavery-at-Sea_report_2014_web-ok.pdf); EJF (2015), *supra*, note 35; IOM (2011): <https://www.iom.int/sites/g/files/tmzbd1486/files/jahia/webdav/shared/shared/mainsite/activities/countries/docs/thailand/Trafficking-of-Fishermen-Thailand.pdf>; Human Rights Watch (2018): <https://www.hrw.org/report/2018/01/23/hidden-chains/rights-abuses-and-forced-labor-thailands-fishing-industry>;

Associated Press: <https://www.ap.org/explore/seafood-from-slaves/>; USA Department of State (2022) *supra*, note 48.; International Labour Organization (2013) <https://www.ilo.org/dyn/migpractice/docs/184/Fishing.pdf>; Seafood Watch (2022 a) *supra*, note 16.

<sup>77</sup> EJF (2013) *supra*, note 76.

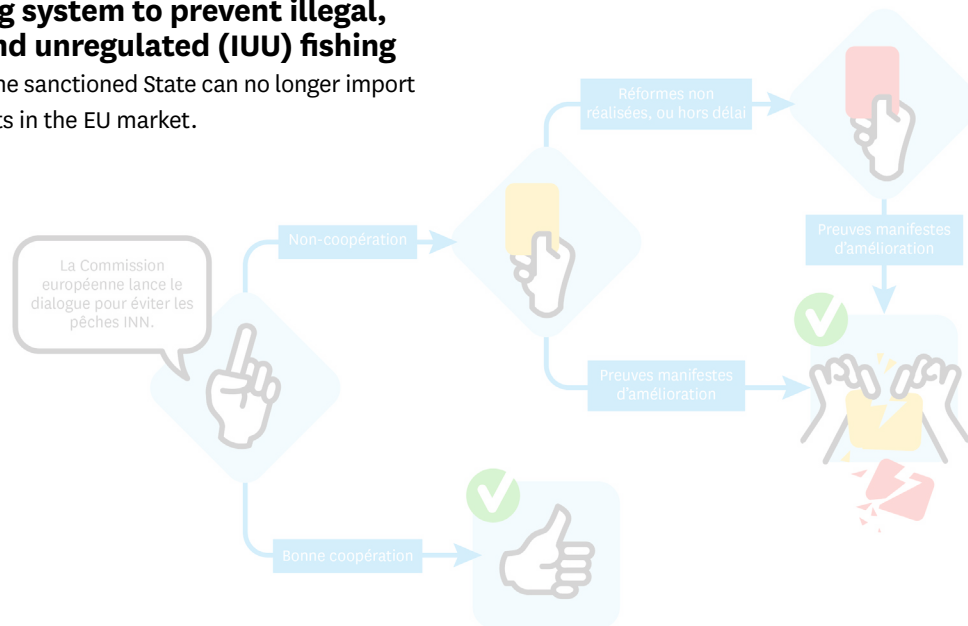
<sup>78</sup> "Commission lifts 'yellow card' from Thailand for its actions against illegal fishing", European Commission Press Release (2019): [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_61](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_61).

abuses, and there is no evidence to suggest that conditions on tuna fishing vessels have become less exploitative of vulnerable workers since 2019.<sup>79</sup> In other words, the EU card system is

inadequate because it fails to identify and mitigate the risks of human rights abuses in IUU fishing.

### The EU carding system to prevent illegal, unreported and unregulated (IUU) fishing

A red card means the sanctioned State can no longer import its seafood products in the EU market.



## TEPID CORPORATE RESPONSES TO REPORTS OF ABUSES

Despite the amount of evidence proving the abuses that permeate the supply chain of tuna coming from the Indian and Pacific Oceans, the industry has failed to respond with meaningful action to end and prevent such abuse.

A 2019 report by the Business & Human Rights Resource Centre surveyed 35 of the largest canned tuna companies and retailers about their approaches to addressing human rights abuses in their supply chains.<sup>80</sup> This survey also included some of the major companies operating in the EU, such as Aldi, Metro, and LIDL. It also included the French giant Carrefour and Thai Union (which, as we saw above, owns the French brand Petit

Navire). While many of these companies had touted formal human rights policies at the corporate level, they had taken minimal, if any, practical steps to implement such policies.<sup>81</sup> When asked, no company said it had found even a single worker in slavery in their supply chains, a claim belied by widespread documentation of slavery and forced labour across the tuna fishing industry.<sup>82</sup> **Only half of the companies surveyed had a human rights due diligence process, and fewer than a quarter had mapped their entire supply chain to trace where their tuna was sourced and processed.**<sup>83</sup> At the time of the survey, most companies did not extend their complaint mechanisms to workers in their supply chains.<sup>84</sup>

<sup>79</sup> Human Rights Watch (2018) *supra*, note 76.

<sup>81</sup> *Ibid.* page 3.

<sup>83</sup> *Ibid.* page 4.

<sup>80</sup> Business & Human Rights Resource Centre, *supra*, note 30.

<sup>82</sup> *Ibid.*

<sup>84</sup> *Ibid.*

## CONCLUSION

Human rights abuses in the tuna industry are endemic, meeting legal standards and indicators of forced labour, slavery, trafficking, and other violations. However, companies in the tuna sector have remained wilfully ignorant of these abuses and have abdicated their responsibilities to detect and address them.

Companies selling and sourcing tuna can — and should — do more. They should require that all their suppliers adhere to human rights standards and stop deceptive recruitment practices. They should guarantee that their suppliers provide a living wage, sufficient rest periods, adequate food, as well as safe working conditions and medical care to all tuna fishers, tuna processors, and other workers in the industry. They should establish effective grievance mechanisms, where workers can and do report on human rights abuses that they see or experience. To be effective, those mechanisms should, at a minimum, meet the standards contained in the UN Guiding Principles on Business and Human Rights. The complaints raised should be publicly reported and should be remediated. The remedies that companies take once they discover abuses should also be public.

It is equally important that companies implement measures to ban the practice of transshipment. This practice is an open door to the unacceptable exploitation of fishers. Putting an end to transshipment is also in the best interest of tuna manufacturers

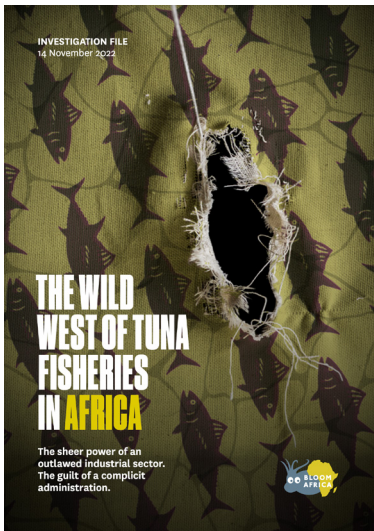
and retailers themselves. This practice is a barrier to the full transparency and traceability of products, an essential right of consumers and a parameter to which they pay increasing attention in their choice of consumption.

True accountability would mean that companies enforce human rights commitments throughout their supply chains. It would mean enforceability all the way down to the level of the fishing vessel. In addition to facilitating regular, unannounced monitoring visits, companies selling and sourcing tuna must ensure that workers' organizations, trade unions, and other independent organizations have a role to play in monitoring abuses and providing advice on remedies.

As a starting point, companies should publish the entirety of their supply chains. They should ensure that tuna products are completely traceable from shipment to point of sale contrary to what is currently the norm. Transshipment, distant-water fishing, and other practices that inherently raise risks of human rights abuse should end. Companies and governments must punish non-compliant suppliers in an effective way, starting with what is already put in place (the carding system) and integrating it with a real account of human rights.

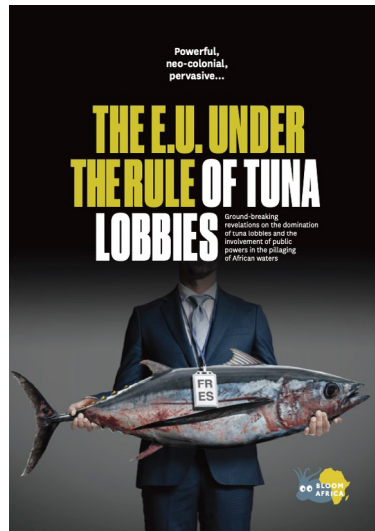
**Large tuna producers and retailers must, under the UN Guiding Principles on Business and Human Rights, respect human rights across their value chain. They also bear responsibility towards their consumers, the workers who feed their supply chains from the bottom up, and towards the environment. Right now, these great responsibilities are not matched by actions that are up to the challenge. It is time for this to change.**

# OUR 'TUNAGATE' SERIES



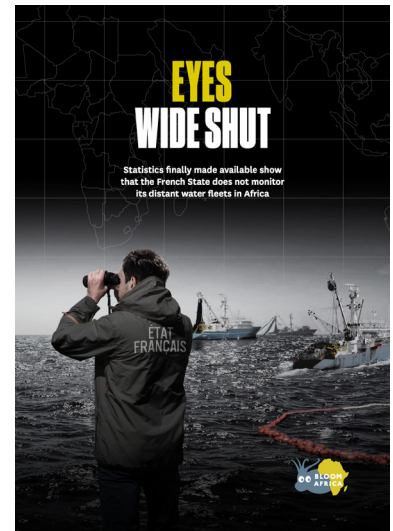
→ The Wild West of Tuna Fisheries in Africa

<https://www.bloomassociation.org/en/wp-content/uploads/2022/11/The-wild-west-of-tuna-fisheries-in-Africa-BLOOM-November-2022.pdf>



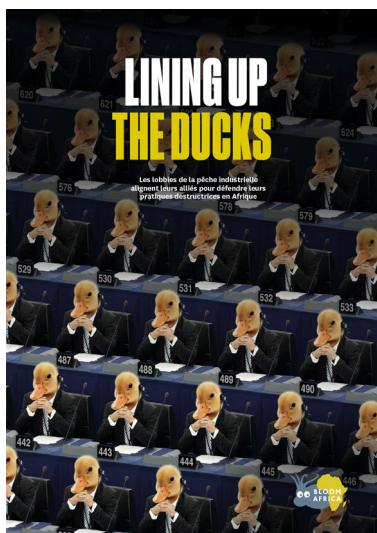
→ The EU Under the Rule of Tuna Lobbies

<https://bloomassociation.org/wp-content/uploads/2023/01/The-EU-under-the-rule-of-tuna-lobbies.pdf>



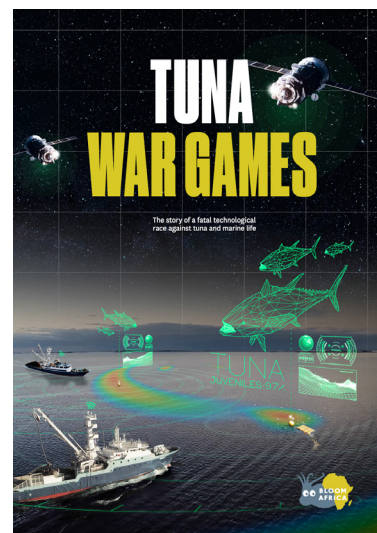
→ Eyes Wide Shut

<https://bloomassociation.org/wp-content/uploads/2023/03/Eyes-wide-shut.pdf>



→ Lining Up the Ducks

[https://bloomassociation.org/wp-content/uploads/2023/04/Lining-up-the-ducks\\_EN.pdf](https://bloomassociation.org/wp-content/uploads/2023/04/Lining-up-the-ducks_EN.pdf)



→ Tuna War Games

<https://bloomassociation.org/wp-content/uploads/2023/04/Tuna-war-games.pdf>



## CONTACT

→ **Swann Bommier**  
[swannbommier@bloomassociation.org](mailto:swannbommier@bloomassociation.org)

–  
May 2023