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## Marine Sector: Case Studies Highlighting Forced Labour

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The marine sector has recently been under great scrutiny regarding forced labour, child labour and human rights. Recent developments and discussions have suggested a drastic need for improvement and remediation within the sector is needed imminently to resolve these pressing issues. This report lays out various case studies across the globe highlighting these issues.

### *THAILAND*

In 2006, a young Cambodian sculptor, Vannak Anan Prum, left his village to find labouring work in order to financially provide safe health care for his wife to give birth to their first child. His intentions were to work away from home for 2 months, however it would be 5 years before he returned to his wife and child. A middleman on the Thai-Cambodian border promised he could earn wages by drying fish. Prum was instead sold into slave labour, and sent to sea on a fishing trawler. He was forced to work extensive hours and through storms, with only two hours' sleep during the day and two hours' at night.

Violence was prevalent on board in order to keep them enslaved. Prum also informed The Guardian that people would disappear off the boats without warning and were assumed to have been killed and thrown into the sea. Prum also witnessed one Thai worker cutting another man's head off with a cleaver.

Prum writes and illustrates these horrific experiences in his graphic memoir of modern slavery, [‘The Dead Eye and the Deep Blue Sea’](#). The story includes his experience of jumping ship to attempt to swim to his escape, only to be sold by his “rescuers” into further slavery on a palm oil plantation on the Malaysian coast.

His return home to his wife and the daughter born in his absence was eventually secured by LICADHO, a Cambodian human rights organisation, in 2011.

(A case reported by The Guardian) ['Such brutality': tricked into slavery in the Thai fishing industry | Slavery | The Guardian](#)

### *GHANA*

Ghanaian fisheries observers (trained technicians monitoring and collecting data on board) being bribed and threatened at sea is well documented; these conditions have enabled rampant illegal fishing in Ghana's waters. In July 2019, a fisheries observer went missing from a trawler in Ghana. He has not been found. Testimony from observers and crew members together indicate the rife illegal fishing in Ghana's trawling sector. Illegal transshipment (saiko), use of prohibited fishing gear, catching of juvenile fish and illegal dumping/discarding are widespread across the region.

[EJF-Powerless-bystanders-2021-final.pdf \(ejfoundation.org\)](#)

### *TAIWAN*

A survey conducted by EJF included crew members from 62 vessels. The survey found violent abuse of migrant workers and flagrant disregard for fishing law is a systemic issue across Taiwan's distant water fishing fleet.

Fuh Sheng No. 11 case: In May 2018, the now-infamous Taiwanese tuna longliner was detained in Cape Town by South African authorities under the International Labour Organization's C188 'Work in Fishing' Convention. The Fisheries Agency (FA) announced that its own investigations, conducted by a Taiwanese fisheries inspector based in Cape Town, contradicted the findings of South African inspectors and found no human rights issues on the vessel. The FA first used a paper survey with crew members which they were made to fill out by a Taiwanese inspector in the presence of the vessel's captain. It was only when EJF released its own findings, based on extensive interviews with crew members, that the FA reopened its investigation and found various human rights concerns. This led to further investigation by the prosecution office into the fisheries company for human trafficking.

Page 9 onwards: EJF has selected eight of the most serious cases to serve as detailed case studies. These vessels were chosen to depict the full range of IUU fishing infractions and human rights abuses.

[Taiwan-briefing-IUU-HR-2020-July.pdf \(ejfoundation.org\)](#)

### *KOREA*

EJF and APIL interviewed 54 former crew members from 40 Korean-flagged or Korean-owned DFW vessels. Excessive overtime was found to be the most common



human rights issue reported. More than half of those interviewed (31 crew members, or 57% of the total) reported that they were required to work more than 18 hours a day. 14 (26%) of these reported that their working time lasted more than 20 hours with minimum rest. There were also cases where crew members were made to work throughout the day and night for two days, without sleep.

Additionally, the withholding of wages was a greatly reported issue (50 crewmembers, 93%) and is a practice highly indicative of forced labour. Interviews also found widespread accounts of physical abuse (14 crewmembers, 26%) and verbal abuse (34 crewmembers, 63%). Physical violence included captains hitting and kicking the workers.

[Illegal fishing human rights Korea.pdf \(ejfoundation.org\)](#)

### VIETNAM

17% of 41 surveyed Vietnamese vessels had at least one child on board. Of the 239 survey respondents, the youngest person found on board was 11 while the oldest was 69. In total, 12 crew members were under the age of 18. The Vietnamese Labor Code (Article 165) states that workers under 18 years of age are classified as 'minor employees' and prohibited from working in 'heavy and hazardous work' environments, including the distant water fishing in which these minors were engaged.

Child labour issues in Vietnam: Page 21 [Report Vietnam Fishing.pdf \(ejfoundation.org\)](#)

### BANGLADESH

A Bangladeshi woman whose husband died dismantling an oil tanker in a local shipyard was encouraged to keep pursuing a claim for compensation from a UK company linked to the vessel in a test case for the shipbreaking industry.

Britain's Court of Appeal denied a request by London-based shipbroker Maran (UK) Ltd for the negligence case to be dismissed, the second appeal the company has lost.

Hamida Begum's husband, Khalil Mollah, 32, fell to his death in 2018 while breaking up the tanker Ekta in the Bangladesh port of Chattogram. Her UK-based lawyers said working conditions in Bangladesh's yards were known to be dangerous and argued Maran bore responsibility for Mollah's death by selling the tanker to an intermediary knowing it would probably end up in Chittagong.

Further evidence of unsafe working conditions in Bangladeshi shipyards can be seen in the (at minimum) seven Bangladeshi shipbreaking workers who died last year (2020) and (at minimum) 24 deaths in 2019 (non-profit Young Power in Social Action).

Law firm Leigh Day, which is representing Begum, said this was believed to be the first judgment of a higher court that directly held that shipping companies liable.

"The (findings) will send shockwaves around the shipping industry as a higher court has recognised that shipping companies choosing to send vessels to the beaches of



Bangladesh may owe a duty of care to the local workers and can be liable," (Oliver Holland, partner at Leigh Day.)

[Widow of Bangladesh ship breaker pursues test case on worker safety \(trust.org\)](#)

[Begum v. Maran \(UK\) Ltd \[2020\] EWHC 1846 \(QB\)](#)

### *Human Rights Due Diligence*

New Marine sector due diligence tool aims to help businesses uphold their responsibility to protect human rights at sea-

The Human Rights Due Diligence Tool is a joint initiative of the UN Global Compact (UNGC), the Office of the High Commissioner for Human Rights (UN Human Rights), the International Labour Organization (ILO) and the International Maritime Organization (IMO).

The below is an extract from the [Maritime Transport and the COVID-19 Crew Change Crisis: A Tool to Support Human Rights Due Diligence | UN Global Compact](#)

"The Due Diligence Tool for cargo owners and charterers has been issued amid concerns that the number of crew stranded at sea by COVID-19 restrictions could surge from the current level of 200,000, potentially returning to the peak of 400,000 seafarers at the height of the crew change crisis in September 2020. UN agencies hope the new guidance will help ensure that the working conditions and human rights of seafarers are respected and comply with international standards.

The new guidance aims to ensure that seafarers have their rights safeguarded in areas such as physical and mental health, access to family life and freedom of movement. Whilst recognizing the importance of the maritime industry in transporting more than 80% of global trade goods, UN agencies have expressed concern at reports of seafarers working beyond the 11-month maximum period of service on board set out by the [ILO Maritime Labour Convention \(MLC\)](#)."

[Supply chains firms urged to protect seafarers' rights \(imo.org\)](#)

### **How can Ardea help?**

[Ardea International Modern Slavery Checklist and Scorecard](#)

Ardea has launched a new forced labour online due diligence programme for organisations to help mitigate legal liability. We will be piloting a [STOP Child Labour online training and support programme](#) in the new year, and currently have a workshop, ['Towards environmental and human rights mandatory due diligence'](#) designed to respond and prepare you for issues such as these. To find out more about the



programme and support, contact [colleen.theron@ardeanational.com](mailto:colleen.theron@ardeanational.com) or visit our website, [Sustainability and Ethical Sourcing Consulting - Ardea International](#).

**Other resources**

<https://www.humanrightsatsea.org/wp-content/uploads/2015/05/HRAS-UNGP-Report-2016-low-res-dps.pdf>



## About Ardea

We are a specialist sustainability and business and human rights consultancy with expertise in modern slavery.

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If you'd like to know more about this report, or other reports we create, give us a call on: +44 (0) 1273 491423 or drop us a line: [hello@ardeainternational.com](mailto:hello@ardeainternational.com)

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