ASIAN FISHERIES
From Development to Protection & Management

Background Paper 4
The Human Cost of the Asian Seafood Industry

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1. Background

Regionally within Asia, people are migrating in search of jobs and better lives for their families, as some countries develop more rapidly. Relatively wealthier countries with developing industries and growing export capacity are experiencing labour shortages while in others, such as Cambodia and Burma, there are not enough jobs to keep people at home. Thailand, for example, has an extremely low unemployment rate, which was 0.73% in June 2013, forcing the country to rely on migrant labour. Consequently, numerous Thai industries, such as agriculture, construction, manufacturing, fishing and seafood processing are dependent on migrants, both documented and undocumented.

Estimates of the numbers of migrant workers in the country from Burma, Cambodia, and Laos range from between 1.8 and 3 million, representing up to 10% of Thailand’s workforce. Breakdowns by gender and age are difficult to obtain, but it is understood that families of migrants comprise a significant part of the illegal population. The $7.3 billion seafood industry, where labour shortages are particularly severe, draws on this migrant worker population, but certainly is not alone in attracting labour from abroad.

Where there is a vulnerable population of illegal, unregulated workers, there are likely to be human rights abuses and this has been documented across Asia and across industries where there is pressure to produce low-cost goods. Indeed, Australia’s Walk Free Foundation in October released a report showing that worldwide 30 million people were working in conditions they defined as “slavery” and half of these were in India.

Still, some migrants are clearly experiencing particularly difficult working conditions in Thailand. There, on some of the deep-sea fishing vessels and in some on-shore seafood processing plants, migrants are subjected to difficult, dangerous and sometimes even violent conditions, according to many well-researched accounts. The abuses have been highlighted in several reports, discussed here, most notably in September’s International Labor Organization (ILO) report on working conditions and practices in the country’s fishing industry.

These abuses also have been highlighted in United Nations reports and by the European Union and United States, which are major markets for Thai seafood products. Both have vowed to work together to combat illegal and unregulated fishing.

1 National Economic and Social Board of Thailand (September, 2013, http://eng.nesdb.go.th/ accessed on 16 September 2013
3 International Organization for Migration, Thailand Migration Report 2011
4 Walk Free Foundation, Global Slavery Index 2013, http://www_GLOBALSLAVERYINDEXORG/
Recognizing the growing global upset at conditions in some of the seafood industry as well as the wider challenges faced by undocumented workers in Thailand, the government and business community recently announced they would take measures to safeguard workers.

Among the recent initiatives supported by the ILO is the Good Labour Practices (GLP) programme, which was a joint effort between Thai Department of Labour Protection and Welfare, Department of Fisheries and industry members as a comprehensive fisheries industry improvement programme.® According to seafood industry observers in Thailand, there is a similar initiative under discussion that would cover labour on fishing vessels.

Another such effort is the GMS Tripartite Action to Protect Migrant Workers from Labour Exploitation (the GMS TRIANGLE project) run by the ILO, which, “aims to strengthen the formulation and implementation of recruitment and labour protection policies and practices.”® The project covers five countries: Cambodia, Lao PDR, Malaysia, Thailand and Vietnam and in each country, governments and social partners are engaged in the project objectives. Finally, there exist private sector initiatives and certifications that are seeking to address some of the challenges associated with labour imbalances across Asia.

Because of its significance as globally the third-largest exporter of fish and fish product, behind China and Norway, its relatively high dependence on migrant labor and higher living standards than elsewhere in Asia, Thailand makes a good case study. Thus, the Thai seafood industry and its challenges are discussed below.

### 2. The Thai Fishing Industry

With more than 2,700 Kms of coasts and an Exclusive Economic Zone (EEZ) covering approximately 400,000 sq kms, Thailand’s seafood exports amounted to US$7.3 billion last year1, equivalent to 3.18 percent of the country’s total exports8. Exports to the U.S. alone are an estimated $1 billion annually.

According to the ILO, it is only over the past four decades that Thailand has established itself as one of the world’s top fish producing nations. In the 1970s and 1980s there was a rapid modernization and industrialization of the fleet. More recently, there has been a significant decline in the catch due to overfishing, and an increase in the costs of operating a fishing vessel because of higher fuel prices. As a result of these and other factors, the sector has seen dramatic changes in the workforce and working conditions.10

Now, the fisheries industry alone employs over 650,000 people11. Of these, the National Fisheries Association of Thailand (NFAT) estimates that in May 2012 there were 142,845 fishers (including both registered and unregistered migrant workers) employed on 9,523 boats held by 5,560 boat owners12.

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8 Food and Agriculture Organization (FAO). The state of world fisheries and aquaculture 2012 (Rome).
9 Exports Promotion Department at the Ministry of Commerce
12 International Labour Organization Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion and Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University Employment practices and working conditions in Thailand’s fishing sector, Page 4
And it is on deep-sea or long-haul fishing vessels where research has shown there is particular abuse of migrants and forced labour, in part because of the difficulty recording and reporting abuse. This is not to say that there is not abuse within the on-shore processing industry - in particular small seafood processing factories, where many workers are also victims of forced labour and abuse.  

**Short And Long-Haul Fishing**

- Short-haul fishing refers to fishing operations that do not last more than one month per trip, and usually keep to Thai waters. This is sometimes also referred to as coastal fishing, although those vessels at sea for up to one month at a time are not necessarily operating in coastal areas but typically they are within Thailand’s EEZ, responsible for 60 percent of the country’s total marine catch.

- Long-haul fishing refers to fishing operations that last for more than one month per trip, and may include fishing in the waters of Myanmar, Cambodia, Indonesia, Malaysia, even Yemen and Somalia.

A review of the existing literature, which includes interviews with researchers, NGO workers and former fishermen, confirms that long-haul fishing boats are more associated with forced labour, trafficking and loss of salary than fishing in the Gulf of Thailand. Since these boats are fishing offshore for longer periods, it is not possible for fishermen to leave, even if working conditions are unacceptable. There is also a higher risk of a worker losing large sums of money as pay is received less frequently. Finally, a migrant worker may be cheated out of large sums of unpaid wages altogether with threats of arrest by the police once the boat is back at the dock.

The shorter fishing trips seem to feature fewer episodes of cheating, violence and forced labour and are preferred by workers, in particular Cambodian men who migrate voluntarily to work on Thai fishing boats. That’s not to say there have not been documented cases of abuse associated with coastal fishing boats.

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16 Food and Agriculture Organization of the United Nations (FAO) (2009), ‘National Fishery Sector Overview Thailand’
19 Brennan, Melissa; Out Of Sight, Out Of Mind: Human Trafficking & Exploitation of Migrant Fishing Boat Workers In Thailand, Solidarity Centre, Washington, D.C.
3. Recruitment

Migrants who choose to work on fishing boats do so for a range of reasons: the fact that this is the first job offered to them, perceived protection from arrest by being at sea, as well as the opportunity to save money over long periods at sea\(^{20}\).

The ILO recently has conducted the largest survey\(^{21}\) to date of working conditions in the Thai fishing industry interviewing 596 fishermen, 90 percent of who were Burmese or Cambodian. The survey confirmed what previous research showed – that migrants were finding jobs on fishing boats through brokers who arranged the migration process and job placement. In exchange, migrants paid for travel and the broker fee. Migrants were often unable to pay the fees upfront and accepted that these were deducted from their wages.

The reality is that migrant workers are extremely vulnerable once they enter Thailand since they are often unable to speak Thai and are afraid to be reported to the authorities, arrested and deported. They find themselves, therefore, forced to accept whatever job and salary they are offered.

This is particularly true in the fishing industry, where the work is less appealing to many migrants than other jobs in manufacturing, agriculture or construction. International Organization for Migration (IOM) research\(^{22}\) showed that a number of fishermen stated they were unaware they would be working on fishing boats until the broker delivered them to the pier. This also showed that there is high demand for labour on fishing boats and that means brokers are able to sell migrants for between 10,000 to 30,000 baht per fisherman, according to the Labour Rights Promotion Network Foundation (LPN)\(^{23}\).

4. Working Conditions

Rarely is there a written contract between the fishermen and boat owners or captains and there is a lack of clarity about wages and working conditions. The ILO survey\(^{24}\) shows that 93.8% of the fishermen interviewed had no written contract, with Thai fishermen not more likely than migrants to have a written agreement.

Working hours are extremely long on the fishing vessels, typically over 15 hours per day, with reported cases of fishermen not allowed to sleep for two or more days\(^{25}\).

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21 ILO Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion and Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University Employment practices and working conditions in Thailand’s fishing sector
23 Sakaew, Sompong and Patima Tangprapakoon, Brokers and Labor Migration from Myanmar: A Case Study from Samut Sakorn; Asian Research Center for Migration, Chulalongkorn University Social Research Institute and Labour Rights Promotion Network, Bangkok, Thailand, August 2009.
24 ILO Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion and Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University Employment practices and working conditions in Thailand’s fishing sector page 51
Exhaustion and dangerous working conditions on boats mean many fishermen are injured while aboard. According to the fishermen, when they fall sick or are injured, little or no medicine is available and the boat will not pause from fishing to seek medical treatment. Fishermen unable to work are often abused verbally and physically by the captain.\(^{26}\)

Wages are either based on a standard rate per month or calculated as a percentage of the value of the catch. In all cases, calculations are made by captains with no ability for the migrants to protest. The recent ILO survey shows the mean wage of respondents to be THB 6,483 per month with a higher mean average for Myanmar fishers than those from Cambodia: THB 6,152 and THB 5,543 respectively, with Thai receiving more than twice that amount.\(^{27}\) While these wages are significantly lower than the average wage in Thailand, which was THB 12,509 in 2010 (source: National Statistics Office of Thailand), they are higher than wages for comparable work in Cambodia or Myanmar.

Since fishermen will try to work on boats offering better conditions, captains often withhold wages to limit the ability of their employees to join a different vessel. Additionally, captains deduct from wages costs for repayment of debt with brokers, food and water. Migrants have no way to question these deductions.\(^{28}\)

More than 50% of the migrant fishers surveyed by ILO had no documents and thus were working illegally in Thailand, while another 40% had unclear legal status. This clearly puts migrants at the mercy of the captains in terms of wages, treatment and punishment, with beatings and threats of physical violence quite common, especially on long-haul boats.

5. Evidence of Forced Labour

The top reason given for working on fishing boats is by a wide margin financial, which is of course the common denominator of economic migration. But of the 596 fishers surveyed by ILO, 5.4% said they entered the industry against their will\(^{29}\) when asked about their primary motivation for working in fishing. A significant gap was registered between short-haul (3.1% were working against their will) and long-haul fishing (16%). Nearly 10% of all Myanmar fishermen surveyed stated they were working against their will and most of the fishermen working on long-haul boats interviewed were from Myanmar.\(^ {30}\)

The ILO study identified a number of indicators relative to forced labour that include several practices reportedly common within the Thai fishing sector. These include: labouring under conditions of restricted freedom of movement; retention of identity documents; threat of denunciation to the authorities; physical or psychological violence; debt bondage; illegal wage deductions; or, non-payment of wages.

\(^{26}\) International Organization for Migration (IOM) (2011), Trafficking of fishermen in Thailand page 29
\(^{27}\) ILO Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion and Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University Employment practices and working conditions in Thailand’s fishing sector page 53
\(^{28}\) ILO Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion and Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University Employment practices and working conditions in Thailand’s fishing sector page 56
\(^{29}\) Article 2 of the Convention Concerning Forced and Compulsory Labour, 1930 defines ‘forced labour’ as “all work or service, which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. Office of the High Commissioner for Human Rights (2010), ‘Recommended principles and guidelines on human rights and human trafficking’ UN: New York/Geneva
\(^{30}\) ILO Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion and Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University Employment practices and working conditions in Thailand’s fishing sector p. 48
Of the total sample of 596 participants in the 2013 ILO study, 101 fishers indicated that they were working against their will and could not leave for a variety of reasons. Some workers came to work in fishing voluntarily but later found themselves unable to leave. In all, 24.5 per cent of long-haul fishers surveyed reported that they were not working willingly, compared to about 15 per cent of short-haul fishers. All Thai fishers were working willingly, but 9 per cent of the Cambodian fishers and 26 per cent of Myanmar fishers were working against their will. Only Myanmar migrant workers reported being sold by brokers to boat owners or being forced to work to pay debts.

The vast majority (95 per cent) of the overall sample did not lodge any complaints of rights violations, mostly due to the fact that they were working illegally and feared the Thai authorities as much as the employers.

Many of the respondents who said they were working willingly also reported experiences that indicated a forced labour situation at some point during their employment in the fishing industry (though not necessarily in their current job). For example, 60 respondents were severely beaten while on board a fishing vessel, 66 respondents tried to escape from a fishing boat, and 24 respondents were sold or transferred to another boat against their will.

6. Trafficking and Slavery

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons defines ‘trafficking in persons as “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. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.””

‘Practices similar to slavery’ encompasses a variety of definitions; however, of particular relevance in the context of trafficking, is debt bondage, although this debt and the duration of time required to repay it are often undefined. Article 1 (a) of the Supplementary Convention on Slavery defines ‘debt bondage’ as: ‘The status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.”

There is abundant research, confirmed by anecdotal evidence, demonstrating that “a common practice reported by Thai, Cambodia and Myanmar fishermen is to hold trafficked fishermen on boats indefinitely, transferring crew

31 ILO Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion and Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University Employment practices and working conditions in Thailand’s fishing sector p. 48
32 United Nations (2000), ‘Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the united nations convention against transnational organized crime’
members between fishing boats (usually boats from the same fleet or same owner). When one boat must return to shore, the fishermen are forced to board another boat, remaining at sea and to continue working (...) Both Myanmar and Cambodian fishermen reported seeing fellow fishermen attacked and, in some cases, killed by captains in instances when they were too weak or sick to work.\textsuperscript{35}

Virtually all of the Cambodian men and boys repatriated by the UNIAP in 2009 from Malaysia reported enduring the following exploitative conditions and treatment: beatings to the head and body; threats to life; trauma from witnessing violence, death, and murder; inhumane working hours (sometimes up to three days and nights straight); sleep and nutritional deprivation; and extremely hazardous, sometimes life-threatening, working conditions. All of the long-haul boats seemed to be out to sea for two years or more, served by supply boats providing supplies, fuel, ice, and new workers (and picking up fish) when closer to Thailand.\textsuperscript{36}

In March 2013, The Environmental Justice Foundation (EJF) conducted an investigation into human trafficking on Thai fishing boats\textsuperscript{37}, specifically focusing on the case of 14 Myanmar men rescued from a port Southern Thailand. EJF interviewed members of the group, all of whom confirmed they were victims of trafficking forced to work for up to 20 hours per day with little or no pay. The men were reported to have been victims of bonded labour, forced detention, physical abuse and threats of violence on the boats and in port. Two of the interviewees reported seeing a fellow crewmember tortured and executed for trying to escape as well as witnessing the murder of at least five other individuals.\textsuperscript{38}

Most fishermen who escaped did so by jumping overboard and swimming away, or running away when boats reached Malaysian or Indonesia ports, where they were often arrested and waited for weeks or even months to be repatriated. There are very few cases of assistance provided by the Thai police. Most migrants are protected from arrest only through informal protection schemes run by local authorities, who issue “identification cards”, with no legal basis under Thai law but that are usually accepted by local police (but not national police or the Immigration Department).\textsuperscript{39}

\textsuperscript{35} International Organization for Migration (IOM) (2011), ‘Trafficking of fishermen in Thailand’ page 26
\textsuperscript{38} The court process is ongoing. At the time of writing, the victims were being held at a government centre in Ranong, Southern Thailand. The likelihood of the process taking a year or more, the men’s inability to work, a lack of legal representation and an apparently compromised judicial system are all adding to questions over the prospect of successful convictions of those involved in their trafficking.
\textsuperscript{39} International Organization for Migration (IOM) (2011), ‘Trafficking of fishermen in Thailand’ page 8
Perhaps the best estimate available is from a 2008 study conducted by the ILO, which identified a total of 376,845 children of migrants and migrant children, equal to approximately 11% of the estimated migrant population in Thailand. However, as stated in the report: “it must be noted that both figures have a considerable margin of error due to the difficulty in estimating the numbers of migrants that hold an irregular status”\textsuperscript{40}.

These children are often unable to access healthcare and education, although, again, things have been changing. The Thai government passed a law on 5 July 2005 that made education available to all children, regardless of their legal status. Recently, several Provincial Departments of Education have supported the enrollment of migrant children and the development of special programs. This has allowed NGOs and the community equivalent to operate “schools within a school”. These ensure migrant children learn Thai at a level sufficient to join regular classes.

ADM Capital Foundation supports, through its Thai based partners, education programs aimed at integrating migrant children into the Thai education system either directly or through schools within a school in Mae Sot, Sangkhlaburi, and Samut Sakon. There are nevertheless tens of thousands of children still unable to access any education and the drop-out rate after a few grades of education is over 70%, with children as young as 10 found working in the streets or, in areas like Mahachai in Samut Sakon, often accompanying their parents to seafood processing factories.

Given the physical nature of the work on fishing boats, the vast majority of the fishermen are young adults. There is nevertheless clear evidence of child labour on Thai fishing boats: a relevant percentage of Cambodian fishermen repatriated by UNIAP in 2009 were between 15 and 18 years of age\textsuperscript{41} and the recent ILO’s survey identified sever fishers (2 Cambodians and 5 from Myanmar) below the age of 15 and 26 others between 15 and 17 years of age\textsuperscript{42}.

Child labourers are particularly at risk of abuse and physical violence and there are several recorded testimonies to this point. Children work in constant fear and receive reduced wages\textsuperscript{43}.

Since working on a fishing boat is physically taxing, the number of children found on boats is a fraction of that of children working in the seafood processing factories, in particular in Samut Sakon province, where between 2004 and 2011 over 10,000 children were registered to work in factories and another 5,000 were accompanying their families\textsuperscript{44}.


\textsuperscript{42} United Nations Inter-Agency Project (UNIAP), “Exploitation of Cambodian Men at Sea”, Bangkok, Thailand, September 22 April, 2009

\textsuperscript{43} International Labour Organization Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion and Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University Employment practices and working conditions in Thailand’s fishing sector p. 38

\textsuperscript{44} International Labour Organization Mekong Sub-regional Project to Combat Trafficking in Children and Women, 2006
8. The Role of Thai Authorities

The Thai government is beginning to try to address the ongoing challenges faced by migrant workers in the fishing sector and these efforts have been discussed briefly above. Still, there is much more that could be done to protect laborers and this has been highlighted by the ILO and by the UN Special Rapporteur on trafficking in persons (Ms. Joy Ngozi Ezeilo, 2011).

As a result of its failure to address human trafficking, Thailand has been on the Tier 2 Watchlist of the U.S. State Department’s Trafficking in Persons (TIP) report for four years, narrowly avoiding a mandatory downgrade to Tier 3 following submission of a written plan to address the issues by the Thai Government in 2012.

There is growing evidence that Thai local authorities have been directly involved in facilitating trafficking of migrants, including trafficking of fishermen to Thai vessels. In Interviews conducted in Pattani in 2009, for example, migrants alleged that in Songkhla and Samut Sakhon brokers paid for jailed migrant workers to be released into their custody; these migrants had recently arrived in Thailand, with no relatives or close friends willing or able to pay for their release from jail.

The more vulnerable the migrants, the more they are at the mercy of brokers, smugglers and Thai authorities. Rohingyays, running from the ongoing ethnic cleansing in Rakine State, Myanmar are arguably the most vulnerable migrants currently reaching Thailand. A Reuters investigation, based on interviews with people smugglers and more than two dozen survivors of boat voyages, reveals how some Thai naval security forces work systematically with smugglers to profit from the surge in fleeing Rohingya.

Once in the smugglers’ hands, Rohingya men are often beaten until they come up with the money for their passage. Those who can’t pay are handed over to traffickers, who sometimes sell the men as indentured servants on farms or into slavery on Thai fishing boats. “The Thai naval forces usually earn about 2,000 baht ($65) per Rohingya for spotting a boat or turning a blind eye, said the smuggler, who works in the southern Thai region of Phang Nga and deals directly with the navy and police. Police receive 5,000 baht ($160) per Rohingya, or about 500,000 baht ($16,100). ADM Capital Foundation is currently funding further research into this situation.

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45 EJF report Sold at Sea 2013
47 Matthew Smith, “‘All You Can Do is Pray’: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State,” Human Rights Watch, 2013
48 Jason Szep and Stuart Grudgings “Preying on the Rohingya”, Reuters, Padang Besar, Thailand July 17, 2013
49 Jason Szep and Stuart Grudgings “Preying on the Rohingya”, Reuters, Padang Besar, Thailand July 17, 2013 page 7
9. Role of International Pressure

The significant number of reports by International organizations and civil society as well as pieces of investigative journalism published in the last two years, have put pressure on the Thai government to be more active in the prevention of human trafficking and bonded labour in the fishing industry. There is also significant risk for Thailand to be downgraded to Tier 3 in the next US State Department report on people trafficking. This carries the potential for significant economic consequences for the country along with the “shame” of being in the bottom tier.

Furthermore, there will be additional economic consequences to Thailand’s inaction. Market-based restrictions against the sale of seafood produced through illegal, unreported and unregulated (IUU) fishing, including under conditions of forced labour, are already being enforced by the key EU markets. The Thai Department of Fisheries in 2009 started certifying seafood products for export to Europe as being produced by non-IUU fishing.

International consumers can put pressure on distribution companies currently sourcing their seafood from Thai factories and demand they cut ties to suppliers with links to forced labour and human trafficking.

10. Conclusion

Across Asia there are real issues with bonded labor. Undocumented migrant populations are particularly vulnerable to ill-treatment in high-pressure, high value industries tied to export deadlines and contracts. The fishing industry in Thailand is simply one-such sector, where repeated human rights abuses have been carefully documented by labor rights groups.

There is evidence that tentative steps have been made toward better labor conditions, spurred by civil society and international community pressure to regulate the industry and ensure that goods shipped abroad were not produced by slave labor. There is clearly reputational risk to any foreign brand associated with illegal production practices.

By all accounts, however, there is still a long path to take until migrant workers across Asia receive a fair wage and better lives on the job. Some of the responsibility lies with the Western consumer who has become accustomed to cheap goods from Asia. We must all accept that the human cost of goods produced this way is far too high.

50 International Labour Organization, Mini research on child labour in the seafood supply chain in Samut Sakhon, Thailand, 2011.