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# Introduction

BRUNO CICERI

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*Dicastery for promoting integral human development*

The main themes of the previous World Congresses of the Apostleship of the Sea always focus on the commercial shipping and its problems, limited time and space was allocated to the fisheries sector. However, as a matter of fact the Apostleship of the Sea globally is been constantly concerned about the situation of fishers often participating in discussions and debates of international organizations (ILO, FAO, etc.). In practical terms, then, the pastoral care of fishers is part of the daily work of many chaplains and volunteers who, along with spiritual and material assistance to seafarers often provide support to fishers and their families.

Furthermore, in recent years the mass media more and more have published articles and reports on the appalling living conditions of fishers and the concerns for the exploitation of fishery resources.

Faced with these so specific and dramatic complains and taking up a proposal put forward in 2007 during the XXII World Congress held in Gdynia, Poland, we felt appropriate to organize a Congress dedicated entirely to fisheries and to some of its major problems such as trafficking migrant fishers, forced labour on board fishing vessels, the destruction of the marine environment, the illegal, unreported and unregulated fishing, all relevant themes dear to Pope Francis.

Our message for the 2016 World Fisheries Day was motivated by the Encyclica *Laudato Si'* in which Pope Francesco, aside from dealing with certain issues such as climate change, water as a fundamental right and respect for biodiversity, places us in guard against the reckless destruction of resources, especially the marine ones, which are the common heritage of humanity. «Oceans not only contain the bulk of our planet's water supply, but also most of the immense variety of living creatures, many of them still unknown to us and threatened for various reasons. What is more, marine life in rivers, lakes,

seas and oceans, which feeds a great part of the world's population, is affected by uncontrolled fishing, leading to a drastic depletion of certain species. Selective forms of fishing which discard much of what they collect continue unabated. Particularly threatened are marine organisms which we tend to overlook, like some forms of plankton; they represent a significant element in the ocean food chain, and species used for our food ultimately depend on them» (n. 40). Then the Pope warns us about: «an unprecedented destruction of ecosystems, with serious consequences for all of us» (n. 24).

*Caught in the net* (Putting the fishers first). The theme expresses the concern of the Apostleship of the Sea that is not limited only to the natural resources but also focuses especially on the human ones, namely the fishers who are working in inhuman conditions and often end up in the hands of the organized crime, victims of trafficking for forced labour. A phenomenon that is not only limited to certain well-defined geographical areas, but it is growing all over the world involving men, women and even children. Pope Francis defines human trafficking as a crime against humanity. We want to commit ourselves to fight this shame that unfortunately is present, in various ways and forms, even in the fishing industry.

This Congress is therefore vital for what Apostleship of the Sea can do in this field, in the context of a pastoral obligation that does not exclude any aspect of protecting the integrity and dignity of human beings. The theme expresses the concern of the Church not only for the common good but also for human beings and their fundamental rights. It is important that this Congress be attended not only by the experts, but by the largest number of chaplains and volunteers, because fisheries and fishers are a concern of the Apostleship of the Sea and not just only of those who are personally involved.

All members of the Apostleship of the Sea should be aware of the issues and problems that plague the world of fisheries. Therefore, this Congress will undoubtedly help to increase our awareness and consciousness towards the fishers who often have been called “the forgotten seafarers” and to reaffirm that the Church does not forget them but walks with them.

# Message of Pope Francis

SECRETARIAT OF STATE  
FIRST SECTION  
GENERAL AFFAIRS

No. 367.886

From the Vatican, 21 August 2017

Dear Monsignor Ćosić,

In reply to a request for a Papal Message for the XXIV World Congress of the Apostleship of the Sea, meeting in Kaoshiung from 1 to 7 October 2017, I would ask you kindly to transmit the following:

President of the XXIV World Congress of the Apostleship of the Sea

His Holiness Pope Francis sends cordial greetings and prayerful best wishes to the participants in the twenty-fourth World Congress of the Apostleship of the Sea. In giving thanks to Almighty God for the many graces received through its work over many years. His Holiness prays that the bishops, priests, religious and lay faithful gathered for this significant Congress, will be strengthened in their support of all those who work at sea. As you address the particular needs of those who labour in the fishing sector, Pope Francis hopes that Christians may recognize the valuable lesson we can learn from them, «about a Church which makes room for God's mystery, a Church which harbours that mystery in such a way that it can entice people» and attract them to himself (cf. *Address to the Bishops of Brazil*, Rio de Janeiro, 28 July 2013). In entrusting all seafarers and their families to the intercession of the Blessed Virgin Mary, Stella Maris and Stella Matutina, His Holiness gladly imparts his Apostolic Blessing as a pledge of peace and joy in the Lord.

CARDINAL PIETRO PAROLIN  
Secretary of State

With gratitude for your valued assistance, I remain  
Yours sincerely in Christ,

PAOLO  
Assessor

MONSIGNOR SLADAN ĆOSIĆ  
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# FUGGITIVI E RIMPATRIATI. L'ITALIA DEI PROFUGHI FRA GUERRA E DECOLONIZZAZIONE

*a cura di Patrizia Audenino*



# ***... Let us be “protectors” of creation, protectors of one another and of the environment***

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The oceans and their resources are not only humanity's common heritage. They also call humanity together. In fact, these immense masses of salt water are a call for unity, exchange, wellbeing and fraternal collaboration. It is said that oceans divide continents, but unite people: let's make this true.

*Keywords: Common heritage; Sustainability; Solidarity; Commercial shipping transports*

## **Introduction**

Of late, very many states, such as Indonesia, The Netherlands, Chile and the United States, have held international conferences on the Ocean. Just last June, the UN held a High-Level conference on the Oceans and SDG 14, to which I was privileged to have led a delegation of the Holy See. The thrust of the conference was to *Conserve and sustainably use the oceans and marine resources for sustainable development*; and it had several related events, including several partnership dialogues, two of which addressed the issues of «minimizing and addressing ocean acidification, and increasing economic benefits to small islands developing States and least developed countries, providing access for small scale artisanal fishers to marine resources and markets».

In October, the European Union also intends to hold a conference in Malta on the oceans. The UNESCO has a line-up of events and activities on the oceans; and a UN working group is eagerly preparing «a new legally binding instrument to expand the Law of

the Sea to regulate the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction».

Clearly, interest in oceans-related issues is mounting: research work, oceans acidification, their under-water wonder-world, fisheries, the so called “blue economy”, their governance, human rights of coastal and Island peoples, illicit trade, piracy, warship patrols, passage ways of migrants, tensions over control of seas and Islands etc.

## Caring for a Common Heritage

The preamble of the *UN Convention on Law of the Seas* (UNCLOS) says: The States Parties «desire to develop the principles embodied in resolution 2749 (XXV) of 17 December 1970 in which the General Assembly of the United Nations solemnly declared *inter alia* that the area of the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as its resources, are the common heritage of mankind». However recently, the Holy See diplomatic staff attending many UN meetings observes that the concept *common heritage* and the reference to anything in those terms do not enjoy consensus any longer. New documents dealing with oceans, and the process of updating or implementing UNCLOS are not likely to re-use the expression, *common heritage*. Less still is the likelihood of deepening the sense of *common heritage* and the implications of its application to elements of our *common home*.

This is, indeed, regrettable; for the reference to things in terms of *common heritage*, is a pithy way of expressing the relationship of man to them, and the attitude and his responsibility that man must develop towards them. When we refer to anything as *heritage*, we recognize that we are not its author: that it has come to us or been passed on to us. Receiving something we are not responsible evokes within us the attitude and sentiments of gratitude and respect. It has the character of a gift; and having been bequeathed to us, *heritage* as gift requires that we treat it responsibly.

Additionally, the concept of *heritage* evokes that of *solidarity*. In solidarity with the present, the past transmits its *heritage*. The present that will become a past for another and a new present, needs to recognize that it holds this *heritage* in trust for the future. This is heightened by the fact that it is *common*. What is *common* must belong to all. It must be shared among heirs. No greed is possible. As a *common heritage of mankind*, then, invite the human family to a noble show of solidarity, to the trustworthiness of holding the



present in trust for the future, and, for us all in the present, as administrators and beneficiaries, to care for our common heritage.

When, indeed, the reference to the oceans and their resources ceases to be in terms of *common heritage of mankind* in the documents and parlance of the UN, the UN will be encouraging an attitudinal change towards these resources. When one loses the sense of gift and of holding something in trust, one yield to a myopic and a voracious exploitation of these resources. Cf. the experience at the Arctic Circle Conference in Alaska. Indeed, valuable resources are increasingly being discovered, just as new technologies and equipment are being developed which will make the resources accessible and for profit. Already now, there is talk about “flammable ice”! So, can we still implement the principle of the polluter pays? And will the UN continue to implement the UNCLOS, so that the resources we hold in trust for future generations are not decimated by quotas and exclusive economic zones of investors and developers!

Is it not indeed ironical that in the 70s and 80s, when the Cold War still lingered on, the leaders of Nations found it useful to refer to the oceans and their resources as *common heritage of mankind*; and now that we actually live with what Pope Francis has described as «a third world war begun in pieces», the leaders of Nations back-peddle on considering the oceans and their wealth *common heritage of humanity*?

A few years before the adoption of the UNCLOS, the Pontifical Commission “Iustitia et Pax” (which would later become the Pontifical Council for Justice and Peace and now part of the Dicastero for the Promotion of Integral Human Development) issued a brief document entitled *the Universal destination of goods/the goods of the earth*. It is a principle that is derived from the Biblical accounts about the origins of man and his world; and it is in support of the UN consideration of the resources of the earth (land and sea) as a *common heritage of mankind*.

## **The Maritime and Fishing Sector**

The maritime world is a globalized one. Commercial shipping transports 90% of the goods produced in the world by loading them on thousands of vessels that crisscross every possible ocean, sea or river. These vessels are managed by a workforce of 1.2 million seafarers of all races, nationalities and religions.

According to the Food and Agriculture Organization of the United Nations (FAO), an estimated 56.6 million people are engaged in

fisheries and aquaculture, 38 million of whom are engaged in capture fisheries. Approximately 90 per cent of fishers are employed in small scale fisheries, while the remainder work in larger scale operations. The sector supports the livelihoods of some 12 per cent of the world's population and makes a vital contribution to global nutrition and food security.

In 2014, 84 per cent of the global population working in fisheries and aquaculture were located in Asia, followed by Africa (10 per cent), Latin America and the Caribbean (4 per cent) and Europe, America and Oceania (each less than 1 per cent).

The maritime industry is governed by a system, called the Flag of Convenience (FOC), which makes it very difficult to clearly identify who is the real owner, because of the number of interested parties involved (charterers, manning agencies, insurers and owners of the cargo, etc.). Work in the maritime sector is often characterized by inadequate salaries, difficult work conditions, violation of human and labor rights, forced labor and trafficking.

The problem of trafficking for forced labor is more pronounced in the fishing sector. This is true for a number of reasons. Among them, fishing vessels can stay out at sea for long periods of time (from a few months to several years), and the exploited crews of these fishing vessels find it difficult, if not impossible, to report their predicaments.

According to recent ILO estimates, there are 150 million migrant workers worldwide; and approximately 11.1 per cent of these are engaged in agriculture, forestry and fishing.

In Europe, fishing vessel owners employ relatively high proportions of "non-local" crew from other European Union (EU) Member States and from non-EU countries. The European Commission (2016: 171-172) reports that this is most prevalent in regions such as Greece, where large trawlers (demersal and pelagic) are crewed principally by Egyptians; the United Kingdom and Ireland, where Filipino and other migrant crew fill labour shortages (offshore demersal fleet); and southern Italy, where a relevant share of those employed are Tunisians (pelagic offshore segment). The largest reported presence of non-local crew is within the Scottish offshore fleet.

Many internal and transnational migrants are more easily subjected to trafficking for forced labor into the fishing industry because they generally come from poor backgrounds; and they have received very little education or none at all. They are all usually unaware of the working conditions on board fishing vessels. The strongest push factors are extreme poverty and unemployment in their countries of

origin. These people easily fall prey of brokers and/or members of organized crime who, by promising a job and a good salary, transport them across borders of nations and on board fishing vessels in the middle of the sea. These people, without any personal document, find themselves in an irregular situation. Their presence in countries other than their own is usually illegal; accordingly, they are often afraid to seek help from the local authorities, some of whom, to make matters worse, may be corrupt and in league with the traffickers.

The phenomenon of trafficking and forced labor within the maritime industry is not recent; however, it is unfortunately unknown to the general public. The main challenge is to increase awareness about the issue and get more people to understand the problem of human trafficking and forced labor in the fishing sector.

In the light of all these, we may want to consider some *Recommended tools for combating the trafficking and forced labor in the fishing industry*, on the part of victims and on the part of the Church: First, on the part of the victims,

1. By way of preventing trafficking, there is the need to enhance legislations that will strengthen the control of fishing vessels, educate people and provide viable alternatives of livelihood.
2. By way of protecting victims of trafficking, it is necessary to identify, rescue and provide long term financial and psychological support to victims, in order to prevent the recurrence of their reentering the same circle of exploitation.
3. By way of prosecuting traffickers, it is necessary to convince victims to bring the cases to court and to obtain sufficient evidence for a trial and for conviction of the trafficker.
4. that the Governments, through the proper authorities (such as Flag States, Port Authorities, Coast Guard, etc.) increase inspections on fishing vessels when in port and strictly implement existing International Regulations and Conventions on human and labor rights of fishers.

On the part of the Church,

1. Request the Bishops' Conferences (especially the ones whose territory borders with the sea) to put into practice the Apostolic Letter *Motu Proprio, Stella Maris*, of St. Pope John Paul II and to pay special attention to the pastoral care of the people of the sea.
2. Recommend that the Church will partner with other maritime NGO's in being the voice of fishers by reporting to National Governments and International Institutions (such as the ILO/IMO/FAO) their concerns and aspirations.

3. Recommend that the Church will lobby and push for the entry into force the ILO Work in Fishing Convention 188, and Recommendation 199 (next November 16), which address matters such as the minimum age for work on a fishing vessel, medical standards, work agreements, occupational safety & health, and social security, for its implementation without any exception.
4. Recommend that the Church demand from seafood companies to identify and choose suppliers which have declarations that clearly state that they are free from forced labor and human trafficking. Such declarations would have to be part of their contracts and adhere to international guidelines/policies.

Ultimately, the fishermen need the friendship of the chaplain, the smile from the volunteer, a clean and nice place to relax and communicate with his family, a quiet corner to write a letter or send a postcard, a room to be alone with his God. If we will be able to offer these simple things even for a few hours, for sure the fishermen will feel welcomed and at home in our places. For the fisherman our Missions and Centers will be really “a safe harbor” where to rest, to unload his burden and regain spiritual strength for another voyage.

Now, let us look at some problems fishermen encounter. When the fishermen leave home, their minds are full of aspirations and projects they hope to accomplish, and their hearts dream of a better future for their family. Just a few days on the job, they realize that all their projects will remain unaccomplished, and their dreams become nightmares. And the causes are many:

*Cultural/Communication problems.* Generally, the crew is composed of fishermen of different nationalities. Language problem and communication gap together with cultural, religious and social differences create tensions during normal working operations, but even more in situation of emergency. On the open sea, the master has the absolute power of imposing, dictating, and ordering them according to his moods and feelings. The crew bear all the humiliations and abuses but when the patience reaches the limit they react violently.

*Aging fishing vessels.* The average age of the world's industrial fleet is 20 years and it should be source of great concern for owners and governments especially on the issue of safety. Many of these fishing vessels are “floating coffin”. Cabin for the crew are small without ventilation and space to move around, mess room for eating and recreation room are non-existent, kitchen and pantries are dirty, water tanks are rusted, safety equipment such as radio, fire extinguishers, life boat or life jacket are old and sometimes unusable.

*Long hours of works.* Although on some large vessels there is a regular working schedule most of the time the fishermen are requested to work long hours without any break or rest period until all the fish have been taken care of. Lack of protecting gear, raincoat and warm clothes expose the fishermen to rain or to the freezing seawater. These factors combined together increase the risk of accidents and exposure to health hazard.

*Lack off provisions and gears.* During the first few weeks of the fishing season, food is sufficient. After a few months when the workload for the crew has reached its peak, the food provisions start running low, potable water is rationed and there is no much variety of food (sometimes only noodles). At this point, the morale of the crew is very low and their temperament is very sensitive any remarks or could trigger violent reaction.

*Fishing operations.* The fishing vessel may stay in the port for quite some time or leave on a short notice depending on weather, fishing prospects etc. Its destination and routes can or will be changed suddenly depending on fish run. The time spends at sea could range from a few days to more than a year without touching ground, depriving the fishermen of basic services such as medical treatment, recreation, spiritual support, friendship and contact (letters, telephone calls etc.) with the family members back home. Usually the reasons for not going to the port is to save time and money and maximize the time spent on the fishing ground.

*Maltreatment.* The combined effects of bad working conditions and insufficient provisions trigger a situation where fishermen start to slow down their work either as a result physical exhaustion from overwork and lack of food. This situation will provide motive for the officers to verbally abuse and physically maltreat the crew members creating a situation of tension that quite often lead to violent incidents or death. Even if is not always reported there are also many cases of sexual harassment and abuses among crewmembers and specially officers taking advantages of the lower ranking crew.

*Arrests and detention.* Because of lack of stocks in international water and the expanding EEZ quite often the Captain move in the national territorial waters, if caught the fishing vessel is put under arrest, the catch seized and the crew put in jail. Before an agreement is reached among government or the trial is finished it takes months. In the meantime the fishermen are not working, they cannot send money to their families and are anxious regarding their future. The owner is more concerned on the fate of the vessel and often abandons the crew refusing to pay the tickets for their repatriation and back

wages.

*Salaries.* Non-payment or under payment of salaries has prompted fishermen to leave the fishing vessels ending up with no salaries and sometimes getting stranded in strange places. The bonus system is also deceptive because the fishermen take all the risks while the fishing companies take all the profits. Salaries are sometimes not commensurate with the number of hours rendered, overtime work is not paid and holiday pay is not given. Sometimes part of the salary is kept by the agent until the end of the contract, in this way the fishermen is forced to keep silence and not to complain to the authority, if he doesn't want to lose the saving kept by the agency.

## Conclusion

By way of concluding, let us recognize, on the one hand, that the oceans and their resources are not only humanity's *common heritage*. They also call humanity together. In fact, these immense masses of salt water are a call for unity, exchange, wellbeing and fraternal collaboration. It is said that oceans divide continents, but unite people: let's make this true. On the other hand, it is the duty of us all to uphold the dignity and rights of every member of the humans family. For, there is no "I" who can live in true dignity as long as there is another "I" whose dignity is abused and disregarded!

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# Filipino Seafarers and Their Families: Social and Pastoral Considerations

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This presentation will highlight some aspects of the seafarers' life and their family relations, drawing from the experience of Filipino seafarers. Data come from a survey organized last year by the Scalabrini Migration Center, including also qualitative interviews with 30 families of Filipino seafarers.

*Keywords: shipping industry; seafarers; Philippines*

It is hard to emphasize the relevance of the shipping industry. According to Rose George (2013), ninety percent of what we buy arrives by sea. There are thousands of ships at sea carrying everything we need and yet this transport is the greenest of all. All this is possible because of the large workforce that operates on board of ships. Overall, seafarers on merchant ships are 1,647,500, of whom 774,000 are officers and 873,500 are ratings. The role of seafarers in the crucial shipping industry is not without threat. Traditional dangers have been discussed and addressed countless times: storms at sea, accidents on board, piracy. The life of a seafarer is not for fainthearted. New threats are looming in the form of reduced opportunities for employment. In the relentless pursuit to cut costs and increase profits, ships have reduced the number of seafarers needed on board. The cost of a standard crew is estimated at US\$ 3,000 a day, and accounts for 40 percent of operating expenses, according to Bloomberg News (Feb 26 2014). For this reason, Rolls Royce is aiming at ships that would operate like drones, with no crew on board. Some of course do not take this seriously, but the industry thinks it might be possible in ten years. While waiting for technological developments and their consequences, we cannot ignore the people that make everything possible, the seafarers.

## **The international context**

Data provided by BIMCO, the largest international shipping association, show that the shipbuilding output, measured in compensated gross tonnage, reached its peak in 2010. However, as the number of new ships has exceeded the number of ships withdrawn from navigation, the total number of ships has increased from 62,239 in 2010 to 68.723 in 2015, of which 31 percent are general cargo, 22 percent tankers, 16 percent bulk carriers, and 7 percent containers.

Accordingly, the demand for seafarers has also increased. From 1.3 million in 2010 to 1.5 million in 2015. The increase is mostly for officers (24 percent) rather than ratings (1 percent). Overall, the supply of seafarers is larger than the demand, but if for ratings there were 119,000 more than what the industry required, for officers there were 16,500 less than the number needed. The forecast of supply and demand was prepared considering different scenarios, but just to remain on the basic forecast, by 2020 there will be a shortage of about 92,000 officers and by 2025 the shortage will be of 147,000.

As it is well known, in 2015 the top five countries in terms of supply of seafarers were China, the Philippines, Indonesia, the Russian Federation and Ukraine, according to national data. According to company data, Indonesia was not among the top five as it was replaced by India. The Philippines remains first in number of ratings, while China is first also in the number of officers.

For 63 percent of seafarers, life at sea is expected to last less than 10 years. The turnover rate for Filipino seafarers is in general lower than the international rate, except for management level officers (11.4 percent instead of 8 percent).

This presentation will highlight some aspects of the seafarers' life and their family relations, drawing from the experience of Filipino seafarers. Data come from a survey organized last year by the Scalabrini Migration Center, including also qualitative interviews with 30 families of Filipino seafarers.

## **The Philippines context**

Seafaring is an occupation that has constantly increased in the Philippines. The number of deployed seafarers in 2016 was 442,820, or 8.9 percent increase over the previous year. In 2016, 28 percent of Filipino seafarers were officers, 38 percent rating and 40 percent non-marine personnel. If only the marine personnel are considered,



39 percent are officers and 61 percent are rating. While officers and ratings increased by 7 percent, the non-marine personnel increased by almost 11 percent. This is further represented by the increase of waiters/waitresses, which was over 16 percent, and the 11 percent increase of the large number grouped as “other skills”, which hide mostly non-marine occupations. Contrasting the Philippine data with the international data, it seems rather clear that Filipinos are not competing sufficiently for the officer occupations, which seem to be the most in demand by the industry, but occupying the niche of occupations available on passenger ships.

Employment by type of vessels confirms the increasing trend of non-marine personnel, as employment on board of passenger ships has increased by 18 percent over the previous year. It is well known that women on board are employed mostly in passenger ships and are almost totally employed as non-marine personnel. Increase was also significant on board of tankers (whether oil or chemical tankers), although the number one type of boat for Filipino is the bulk carrier. As it is well-known, bulk carriers and container ships present some favorable employment conditions, as promotions are faster and ships stop more often and for a longer time in ports, giving seafarers better communication options. On the other hands, tankers provide better remuneration and less workload, because of less port visits, and also a better chance to save money, which is mostly spent in ports (Mohit, 2017).

The contribution of Filipino seafarers to their families in terms of remittances was 5.5 billion in 2016, a slight decline over the previous year. Detailed data are not available to explain the reason for the decline. While previously the share of remittances contributed by seafarers was steady at 22 percent, in 2016 it declined to 20 percent. Each seafarer remitted about US\$12,500, approximately \$1,000 a month. Averages obscure the fact that there is an important difference between the salary of officers and that of ratings or non-marine personnel.

## **The Filipino seafarers and their families**

### *The seafarers' family*

According to POEA data, 67 percent of male seafarers are married. The percentage of married women at sea is much lower (29 percent). Granted, women on board – working mostly for passenger ships (almost 98 percent in 2014) – are younger than men (half of them are

below 34, while half of the men are below 38). However, age does not explain much, as the median age of single men is 29 while that of single women is 32. Apparently, for women the choice of working at sea does not go well with the idea of having a family. It is better for women to be single, while working at sea.

The profile of the seafarers' families is more detailed in the survey of the Scalabrini Migration Center. The survey was conducted in 2016 and consisted in the interview of 852 seamen and 150 women. Interviews were done in Manila, with the assumption that most seafarers must converge in Manila for their job application and for training. Interviews were conducted in various locations and were not formally random. However, since general indicators show that survey data are similar to the national database of POEA, we can have some level of confidence in saying that results can be considered applicable to all seafarers.

Among the men interviewed, 66 percent are married, 27 percent are single and 5 percent live with a partner. Among the women, 28 percent are married, 55 percent are single and 7 percent live with a partner. Three quarters of interviewees have their mother still alive, 59 percent have a living father; 52 percent have both parents, 17 percent are orphan. Of the remaining, 24 percent are without father and 7 percent without mother. Only 2 percent are the only child in the family. On average, seafarers have two brothers and two sisters. Half of the seafarers are either the eldest or the second to the eldest among their siblings. The choice to be a seafarer often runs in the family. In fact, 30 percent of them have a sibling who is also working at sea (25 percent in the case of women).

On average, the household is made up of five persons. Single seafarers leave mostly with their parents (83 percent) and siblings (77 percent). A quarter of them also have some other relative in the household. Married seafarers live with their spouse (94 percent) and children (84 percent). However, 26 percent of them also have one or both parent in the household, and 17 percent have siblings or other relatives. It is no surprise that seafarers have economic responsibilities also toward others.

### *The decision to be a seafarer*

Over 80 percent chose to be a seafarer for economic reasons. Only 14 percent mention the desire to travel and to have an adventurous life. Qualitative interviews have revealed that in many cases being a seafarer runs in the family. Actually, 30 percent of those interviewed

have a sibling who is also working on board. Wives and partners did not usually oppose the idea. «I was thinking, seafarers have good lives. You can see that its totally different from other families... But you realize later that deep inside, they feel lonely. It turns out it's not easy» (interview, nr. 6). Coming from a seafarer's family can have a positive influence in the decision to marry a seafarer, as one is used to that lifestyle, or it can have a negative influence. «Because my cousins were also seafarers, and they're always away, so I said to myself, "I don't want that." I didn't know I was going to marry one» (nr. 2, wife of piracy victim). In the life of a seafarer's family, the distance of the partner is something to be factored in. A couple of young seafarers, who were company sponsored scholars during college and need to pay five-year sea service in their respective companies, admitted: «We have been together for five years, but if we sum up the time we were together, it might not even reach two years» (nr. 26).

### *Difficulties with finding job*

Graduating from maritime school does not ensure employment, except from some schools. Therefore, seafarers need to explore different avenues to obtain employment. When seafaring runs in the family, it is easier, as someone is supporting the application. As one wife said: «The first time, you'll need to have a backer.» And another one admitted: «It wasn't that difficult to go on board before, it's much harder now» (nr. 12). Things can be particularly difficult if the one applying for a job is a woman. «I always get rejected, sometimes even as soon as I enter the door. It was hard because they were looking for male seafarers and I was a woman» (nr. 27).

The survey has indicated that 95 percent of seafarers find a job through a manning agency. Agencies sometimes use applicants as utilities for various chores, while the applicant is processing the contract. This was the experience of 15 percent of the seafarers in the survey. The qualitative interviews provided a mixed picture in this regard. Some wives admitted that their husband had to work as utility for the manning agency before finding a job. Others said it did not happen. Apparently, it was initiated in the 1980s because of the fierce competition among manning agencies. Other reported that the husbands had to do on-job-training or apprenticeship and they said their husband received some allowance during that time. One wife said that «there are complaints of some applicants especially when they are made to perform tasks outside of the manning agency office, like odd jobs in the homes of agency staff, just to get a position» (nr. 25).

## *Relationship and fears*

In many cases, wives are sufficiently confident about their marital life with a seafarer. The survey pointed in the same direction, as only 5 percent of seafarers said that their relationship deteriorated after going on board. Of course, there are situations of concern and cases in which the husband has established a relation with another woman and might have other children. This is more feared by the wives than occasional sex. In some cases, wives agree with the idea that the husband might have occasional sex «so long as he doesn't bring any sexual diseases» (nr. 20). Some also reveal a patriarchal mentality like the wife who said: «I'm praying that we don't end up a broken family. Especially myself, I really pray I don't fall into that because it doesn't look good if it's the woman who cheats on her husband» (nr. 4).

When the seafarer is a woman, the issue takes a different perspective. The number of women employed as seafarers is relatively small. Only 3 percent of Filipinos on board are women. However, it is an increasing and significant trend. Most women are on board in non-marine occupations. Of the sample in the SMC survey, only 8 percent were on deck and 6 percent on engine occupations. Because of the unconventional profession, women have to withstand many obstacles, including innuendos and gossips which can have an impact on the family. A woman recently promoted captain said: «I'm more okay with physical jobs and hardships rather than rumors and gossip ... Like, if someone visits me on the bridge, as soon as I come down in the kitchen, the story is already twisted, either the man is already courting me or somebody would say they saw me hugging a man. The worst was that they said I was sleeping in one of my coworker's cabin. It even got to the point wherein they involved my husband, they messaged him and made up stories about me. They said I had another boyfriend on the ship. I'm just really grateful he's open minded and he chose to believe me» (26).

The greatest fears for wives are that the husband might be involved in an accident on board and die or being unable to continue to work as a seafarer, particularly in the case of wives who do not have a job on their own, or fear of piracy.

It is difficult for all wives to put up with the separation from the husbands. As one said: «I never got used to it. I cried every time» (nr. 11). The vast majority declared that the best strategy to overcome loneliness is to keep busy. Many housewives of seafarers worked while their husband was at sea. And, of course, prayer was helpful.

Also, it was helpful for the wives to be with their family or the in-laws at the beginning of the husband's employment at sea. «On our first five years of marriage, it was so difficult. But it's just like that. That's why I keep saying that no matter how difficult marriage life is, so long as you understand each other ...» (nr. 3). And wives should not forget that a seafarer's life is a difficult one. «One thing I tell wives is that, "Whatever difficulties you're having right now, it is harder on your husbands onboard"» (nr. 3).

In problematic cases, the opinion is rather different: «If you want a good marriage, it's better if the couple stays together. Seafaring is not compatible with a good marriage» (nr. 20). A woman working on board said: «Having a relationship while working as a seafarer makes the relationship unstable, unless the relationship started before you went on board» (nr. 30). Others present a different perspective. Distance can bring people closer to each other. One mother, who works on board, said: «I think we got closer, because we miss each other more» (nr. 29).

According to the survey, 21 percent said that they need family counselling. For 54 percent, counselling should be given by a religious organization, but 40 percent indicate that it should come from the government, in particular OWWA, while others expect it from an NGO. Also, 15 percent of spouses or partners are member of a support group and 50 percent of seafarers are in favor of the spouse to become a member of a support group.

The qualitative interviews provide a different scenario. Most wives have never been part of a support group or even feel the need for one. Some participate in Church groups and parish activities. «I go to Baclaran, to a priest. That's where I go. I ask for some enlightenment. I go to my friends and peers when it comes to trivial matters, but when it's heavier, I go to a priest» (nr. 8). Some are part of the Seamen's Wives Association of the Philippines, Inc. (SWAPI) organization. They find it helpful as they meet persons with similar issues and concerns. In this regard, some receive council and eventually provide council to others.

### *Communication*

Communication is considered of utmost importance. «Because even when you're far away, as long as you have communication, everything is possible» (nr. 10). For seafarers with long experience, the wives remember that in early times they used to communicate through letters. «I'm number one when it comes to letters since he's sure to receive

one every port. I see to it that my children and siblings also write to him» (nr. 20). Of course, it took some time for letters to arrive and to receive a response. Wives also used techniques to keep the children close to the father on board. «When voice communications weren't available yet, what I do is that I let them make something for their father. It can be a drawing, or a letter. And then I send it to their father and their father grades it with stars. When he comes back, we count the stars, and they get rewarded» (nr. 3). Other ways of communicating were expensive but deemed useful. «Way back in the 1990s, there was one contract wherein we spent Php 110,000 for his calls. But I don't regret that because communication is essential» (nr. 3).

Then technology improved. Prepaid cards were a resource utilized by many. Cards are bought in the port, but sometimes are available also on board, and are used up (about 30 minutes to one hour). Now communication is much easier, particularly for workers on board of cruise ships. However, there still are situations in which there is no internet on board and so communication is possible through, satellite phone, which is expensive, and through texting and calls, provided that the husband has load to make the call. Naturally, the call is always initiated by the husband, as he knows when he is available for conversation or when he can be at port. If both husband and wife are seafarers, things can be easy or problematic in terms of communication: «It is really a good thing there is internet on the ship so we can chat. But if both of us are on board, we don't even always get to chat because of different time zones, and there are inspections, or we both become busy, or there's no internet» (nr. 26). Communication can also be affected by the type of accommodation seafarers have. One woman, working on a cruise ship, observed: «In bigger ships it's easier because there's only two people in one cabin, so if the other person is on his/her shift, you can call anytime you want. It also depends on the situation. Although technically, you can call, there are a lot of conditions you need to consider» (nr. 29).

According to the survey, only 4 percent considered the communication facilities on board as very poor, but then only 10 percent consider it very good. Only one quarter have communication available in the cabin. The most available means of communication is satellite phone; however, it is considered expensive. Internet is available for three quarters of seafarers, but it is free only for one third of them. Voice, video and social media are the preferred ways of communication.

The length and frequency of communication vary considerably, some communicate every week or twice a month, others every day.

According to survey data, 70 percent of men and 90 percent of women communicate with the family at least once a week. The higher percentage for women is easily explained by the fact that they work on board of liners and they visit ports more often than those on commercial vessels. Obviously, married people communicate more than non-married, and seafarers with children communicate more than those without children. The content is rather predictable: things concerning the family, the behavior and performance of children, financial decisions. Several wives pointed out that they preferred not to speak of problematic issues as it would affect the life of the husband, who would keep thinking about family problems without being able to do anything and it could affect his work performance. «If I can still handle it, I don't disturb him. Because he keeps thinking about it. So, I don't tell him, especially when the children are sick» (nr. 12). In families that experienced marital problems, the wives admit that they should have talked more.

### *Children*

Overall, 91 percent of married seafarers and 17 percent of single seafarers have children. On average families have two children, the eldest is 12 and the youngest is 8 years old. In three quarters of the cases it is the spouse/partner that takes care of the children while the seafarer is on board. In 6 percent of the cases the children are taken care by a hired person, while in the rest of the cases it is a relative who is in charge of it. This general outlook explains in part the reason why research on children left behind does not conclude with the image of children of migrants, in this case of seafarers, growing up without proper care.

About 80 percent of the children are in school. Of them, 27 percent attend public school, 66 percent private school and the rest both public and private. That distribution runs more or less across all ranks, although it is more pronounced when the seafarer is an officer. However, even women employed as waitresses on board of ship choose primarily private school for the children. It is another confirmation of the use of remittances for the education of the children.

From the quantitative survey it appears that being a seafarer does not have a negative impact on the life of the children. Only 5 percent of seafarers reported some deterioration in the relationship. From the qualitative interviews we learn that the children of seafarers are sometimes questioning the absence of the father, but the mothers are in general successful in explaining the children the reasons for the



father being away. «When they were younger, around 3 years old, and he just got home, the children would get angry when he approaches them. They don't remember him because he's away for most of the time. But as they got older, they got to adjust» (nr. 10). In problematic situations, it also happens that the children do not have a good relation with the father and his time in between contracts is not helping family life. «He wasn't too close with the children. So, my children would ask me, "When is Papa going back?"» (nr. 20).

The absence of the parent takes a different angle when the one on board is the mother. It appears that mothers make a special effort in adjusting their occupation and their role in the family. Some plan to have a specific time span at sea, because they would prefer to be home when the children grow up. Some plan their holidays to be able to have time to stay with the children. A separated woman working on a cruise ship said: «My vacation is always on March, and I stay here for two months. So, I bond with my children all night, I'll prepare midnight snacks and then we watch movies and talk until the wee hours of the morning. Until now, we do it, so long as there's no classes. I really make up for my absence. I take care of them. I cook food, I do the laundry, I do everything to take care of them» (nr. 29).

As the father is away, the mother has to perform both the role of mother and father. In general, this is being done without major disruptions in the family. Most mothers agree that even though the father can reach out to the children only sporadically, yet he can instill some discipline in them. However, in most cases it is the mother who has to discipline the children. Fathers are afraid of been too stern on them as they will remember scolding their children when they are on board and not feeling good about it. Most prefer recommending the children to listen to their mother. In a situation of a separated mother who works on a cruise ship, she was confident in saying that she was able to keep her role as a mother, and even disciplined her daughters. «I am [the one who disciplines them]. Their dad spoils them more. I'm not very strict but I set a number of rules. Because my children are females, they need the guidance of the mother. And it's good because I can see that they obey me. They listen to me ... Even over the phone, you set rules, and they also still ask me for permission and ask for my advice before they make decisions» (nr. 29).

As it is common in the Filipino tradition, children are taught domestic chores, but there are cases where children become dependent on having a helper in the house or are reluctant to take care of the house. Seafarers can often afford hiring a domestic helper, but it is



not a generalized situation for all seafarers and it is more practiced when children are small.

From qualitative interviews, most children of seafarers were successful in school and completed their studies, some also with honors. In some cases, parents hire a tutor for the children, but it is a minority situation. The choice of school depends on the rank of the seafarer. It is not uncommon that children would begin studying in private school and then switch to public schools and vice versa. «When my husband was starting, they studied in public schools. When we had money, I transferred them to private» (nr. 12).

The behavior of the children is not uniform, as it is common in most families, regardless of whether parents are present or not. In fact, some situations of children being mischievous or deviant occur also when the father is home. When children do not listen to the parents, like coming home late at night, it is normally attributed to their group of friends, the *barkada*. Wives think it is important not to spoil the children with material things. «I still made sure to be thrifty, I don't show them we had a lot of money so that they don't get used to it. I didn't spoil them with material things» (nr. 12).

### *Remittances*

According to the survey, 96 percent of seafarers' families have no complaints concerning the punctual arrival of remittances. In some cases, the wives of seafarers observed that there were delays, perhaps because the agency kept the money for a while. One wife observed that «There were just some problems with SSS ... The office doesn't give the contribution sometimes. That's why as soon as you come home, you verify it immediately with SSS» (nr. 12).

Survey data indicate that in 63 percent of the cases the spouse is the one allotted remittances and in 34 percent it is the parent, mostly the mother. However, for married seafarers the spouse is allotted in 90 percent of the cases while for 27 percent the parents are allotted, a good portion of them as partial recipient of remittances. This happens mostly at the beginning of married life, or when parents are old and need support. The spouse is normally also the one deciding on how the money is to be spent. Good accounting can help. «I took it upon myself to list all of the expenses down. I still have a list in my notebook» (nr. 3). However, major decisions concerning the house, business or investments are discussed together. It is well known that the mismanagement of remittance is one of the reasons for quarrels and problems in the family of seafarers, although according to the survey

only 4 percent of seafarers were unhappy on how the remittances are spent. There are situations in which it is the wife who is wise on the use of money, while the seafaring husband would be inclined to be profligate. One wife, who lost her husband because the boat sank, said: «I knew that seamen lived like one-day millionaires» (nr. 22). And another one: «You know seafarers, when they just came home, they have so much money, but after a few days... And then you have to wait for a long time before you can go on board again» (nr. 7). There is also a lot of consideration for those in need. «We're not selfish. He even told me: "If somebody asks for help, give it to them"» (nr. 12).

Often one of the reasons for disputes are the demands of members of respective families for financial help. For most, it is not a problem and according to the survey, 55 percent of seafarers provide support to relatives, even higher (64 percent) if the seafarer is married, probably because responsibilities are also toward the in-laws. As one wife said: «It is expected of an OFW» (nr. 3). Several spouses indicated that when it was possible they were happy to help, particularly to support elderly parents. But there are circumstances in which they had to deny assistance. «I told them that they should not be so demanding because I have to prioritize my children's needs» (nr. 25). To avoid controversy, sometimes couples decide that the amount for the support of the seafarers' parents goes directly to them. It should also be noted that in 53 percent of the families (34 percent if the seafarer is single and 64 percent if he is married) the seafarer is the sole breadwinner.

The productive use of remittances depends on the salary and the discipline of the allotted person, mostly the wife. Many couples interviewed were able to have a side business, which became crucial in cases the husband's career was cut short because of accident or other reasons. The advice of one wife is: «The best business for those whose husbands are away are apartments or rentals. This is what I suggest to seafarer's wives too. It doesn't take much of your time. You only take care of the tenants' complaints, compared to stores, where you need to be there full-time» (4).

### *Training*

Many wives acknowledged that when at home between contracts the husband had to go for training. «You can't go on board when you don't take them» (nr. 12). Survey data indicate that 87 percent of seafarers take training courses while waiting for re-deployment. The average time between contracts is 3.6 months and usually seafarers take two

or three courses every time. Training is required mostly by manning agencies (71 percent) and by Marina (21 percent). Some wives pointed out that such training, in addition to being expensive (the average cost of a training is Php 7,350, about US\$150), was shortening the time for the family to be together because 90 percent of the training is conducted in Manila. «Mostly, our vacations are spent on training. There is more time spent for training than time for family» (nr. 26).

About 78 percent of seafarers consider the training good or very good, but it is also possible that training is not properly tailored to the needs on board. For instance, a therapist on board a cruise ship said: «MARINA is requiring a lot, even though it's not necessary. Or at least I don't see its necessity for cruise liners. Because when you're on board, there are trainings already. And the trainings they require us to take is not fit with our work on board. What they teach is different from the set up on board» (nr. 30).

### *Piracy*

The survey indicated that piracy is a concern for a little more than 20 percent of seafarers. Piracy impacts the family and life of seafarers in different ways. Financially, when captivity lasts for months, it is a big problem because companies only pay one or two months of salary and then no longer. In terms of relationship, it depends on how traumatized the seafarer was and how he was able to cope with it. In one case of piracy perpetrated by Somalis, the wife and children stuck together during captivity. The event had an impact on the husband, who suffered from the trauma of being captured and seeing two seafarers being killed, and turned violent to the point that the wife decided to send the children to relatives until things cooled down and husband and wife temporarily broke up, but then got together again. In another case the seafarer could no longer find employment on board and became hot headed, straining the relationship with his wife. The family of one seafarer, who was hostage for nine months and could not find employment for three years afterward, suffered financial constraints but not lasting emotional stress. In other cases, the emotional stress can linger. As one wife said: «The fear is always there, especially for me. When somebody calls me, I feel like it's going to happen again ... I don't know if the fear is ever going away» (nr. 2).

Support in these events was provided mostly by the manning agency in terms of communication and advising. Not always families are satisfied with how claims were settled. The strength to go

through the difficult time of captivity often came from turning to God. Support is provided by religious communities, such as AOS, the Sailor's Society and the Church of Christ.

### *Religion*

In general, families consider themselves religious. According to the survey, 84 percent of seafarers consider themselves religious persons. Overall, 85 percent are Catholic and 14 percent belong to another Christian denomination. Catholic couples tend to go to Church together when the seafarer is home. But some neglect their religious duties and it has an impact on the children. «She [the daughter] goes to a Catholic school, but on Sundays, she doesn't go to church too when I don't go» (6). Typically, children do not maintain the same fidelity to religious practice when they grow older and the mother can no longer tell them what to do.

In some cases, couples or one side of the family have a different religion, but it is not an issue. «Even when we are in Aklan, his side of the family, we are Catholic and they are Aglipay, but it is similar so we still go to church» (nr. 12). And another couple, one Catholic and one Born Again: «We're both flexible anyway, we go to a Catholic church when we are here with my family, and I go to church with them if I am in Davao» (26).

Seafarers on board maintain a prayer life in the form of personal prayer. According to the survey, 93 percent pray privately and 6 percent pray together with other seafarers. Apparently, for 64 percent of seafarers' faith has become stronger after going on board while for 4 percent it has weakened. However, 27 percent of seafarers indicate that the family attends religious services only sometimes while 68 percent say that the family attends regularly. It is possible that the expression "regularly" has different meaning for different persons, as weakly attendance of services in the country is much lower than what indicated by the seafarers. Often, seafarers bring on board the bible, prayer books, the rosary. A captain could exercise his influence also for religious activities on board. «In their ship, they can do fellowships with his coworkers. He was able to bring a lot of people closer to God» (1). Often it is their wife who puts a prayer book in their luggage. A woman on board said: «My source of comfort is praying. If I have struggles, it's what I turn to» (30).

## General and pastoral considerations

Both the quantitative and qualitative surveys did not conclude with the image of the seafarers' family as particularly dysfunctional. On the contrary, in general there is considerable effort on the part of all sides to keep the family together. This is not a complete picture, as it mostly illustrates the wives' perspective, although the quantitative survey involved the seafarers. We did not collect the voice of the children.

There is awareness on the part of the wives that marrying a seafarer has costs. The most evident of such costs is the absence of the husband from the daily life and often from precious moments in the life of the family, such as when children are born, or during birthdays or when children graduate from school. However, both parties are cognizant that the reward of a more comfortable and economically secure life is worth the costs.

Results are positive if both husband and wife are capable of self-discipline both in maintaining marital fidelity and a proper use of financial resources. Fidelity does not seem to have the same meaning for wives and husbands, as wives are not expected to fall into philandering, while some wives might accept that husbands might involve in casual sex, but would not forgive relations that lead to a breakup of the family. Savvy wives are also capable of using remittances in a productive way, securing a source of income for the time remittances will no longer come. Not all families, however, have the capacity to look ahead or have the means for investment, as savings are meager when the remittance is from a low-ranking seafarer.

Overall, the impression is that in a seafarer's family the wife must be capable of playing various roles. She has to keep a good relation with her husband, she has to be mother and father to the children and she has to be wise in the use of money. It is a tall order, very close to the image of the woman in Prov. 31:10: «The perfect woman, who can find her?»

The strength for a good implementation of multiple roles is very often coming from faith in God and a robust personal prayer life. For some, this prayer life can exist even if there is no regular attendance of religious services. After all, husbands on board also can only rely on personal prayer for the strengthening of their faith. More elaborate activities such as bible sharing are possible only in some circumstances, as seafarer find themselves often in an interreligious environment.

For husbands, the visit of chaplains on board can be helpful, at least in reminding them of their faith and in providing them with

devotional material. The survey indicated that two thirds of seafarers receive the visit of a chaplain or a faith person during port calls. They also required more time for personal talks or the possibility to have mass on board, but chaplains know that there are limitations on what they can do during ship visitation.

A particular concern should be given to the assistance of seafaring personnel on board of cruise ships. Apparently, it is more difficult for chaplains to have access to such ships during port calls. Requests from companies to provide chaplains during voyage have become less frequent or it is difficult to respond to them. While such seafarers, including women, have the advantage of more frequent stay in port, it is imperative to inform them of religious facilities available at short distance.

Seafarers' wives are facilitated in their role if they have an occupation that takes up their time and good relations in the family. Counseling seems needy and appreciated. It does not have to be professional counseling, as many rely on the guidance they can receive from the parish priest or priests in popular shrines. As for support groups, it does not seem to be well known or much requested. Those who belong to groups such as SWAPI acknowledge the validity of it, as wives can find a way to express their concern and hear from similar experiences. Apparently, however, an organization like SWAPI or similar organizations are not sufficiently spread and known. A specific initiative which might lead to good results could be the strengthening of such organizations.

There is a common conviction that the seafaring sector is well organized and protected. However, we know of malpractices and abuses that take place also in regard to seafarers. This presentation did not focus on that. However, from the interviews with seafarers' wives it is rather clear that the protection provided by manning agencies and unions is not always responsive when tested. Seafarers are in need of assistance to ensure that their claims are honored. The network of missions and chaplaincies should strengthen its capacity to provide temporary relief and referral to the proper channels for successful conclusion of disputes.

In a time of social media and digital communication, opportunities to be effective in the ministry to seafarers have increased. The network can look into creating or referring to sites where those who have access to internet can find inspiration and support.

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# Ciao Italia!

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# **Il traffico di esseri umani nel Magistero della Chiesa e nell'insegnamento di Papa Francesco. Partecipazione sociale e nuove forme di schiavitù**

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Oggi la preoccupazione più grande riguarda l'esclusione e l'emarginazione della maggioranza per quanto riguarda una più grande partecipazione egualitaria alla distribuzione dei beni su scala nazionale e planetaria. Ciò vale sia per i beni di mercato che per i beni non di mercato come la dignità, la libertà, la conoscenza, l'integrazione e la pace. La causa più grande della sofferenza umana e, in ultima analisi, della ribellione è il contrasto allarmante e ingiusto tra l'attribuzione teorica di uguali diritti per tutti e la distribuzione diseguale e ingiusta dei beni fondamentali per la maggior parte degli esseri umani.

*Parole chiave: traffico di esseri umani; nuove schiavitù; lotte per i diritti umani; impegno della Chiesa*

La nozione di partecipazione, che deriva dalla parola latina *participatio*, comporta l'azione e l'effetto del partecipare, cioè prendere o ricevere una parte fra le altre. Se l'applichiamo all'ordine sociale, possiamo affermare che la partecipazione è il grado con cui sperimentiamo la felicità così come possiamo sperimentarla qui, sulla Terra, poiché coloro che credono in Cristo sono chiamati a partecipare alla felicità perfetta in cielo, in quanto essi abbracciano una vita definitiva<sup>1</sup>.

<sup>1</sup> «Duplex est participatio Christi. Una imperfecta quae est per fidem et sacramenta; alia vero perfecta quae est per presentiam et visionem rei. Prima iam habemus in re, sed secunda in spe» (s. Tommaso di Aquino, *In Ep. ad Hebraeos*, c. 3, lect. 3).

Torniamo quindi all'eterno interrogativo che Aristotele usa come apertura per la sua etica e la sua *Politica*, cioè come raggiungere quella felicità che «tutti gli uomini desiderano naturalmente»<sup>2</sup> nel mondo di oggi, segnato dalla globalizzazione dell'indifferenza con il problema del decadimento ambientale o del cambiamento climatico, le nuove forme di traffico di esseri umani, la rapida urbanizzazione, la crescente comunicazione di massa e il capitalismo globale.

La questione della partecipazione sociale morale non è solo ciò che dovrei fare, cioè la deontologia nel senso kantiano, ma come vorrei condurre la mia vita per raggiungere la felicità davanti a Dio, per me stesso, gli altri e il mio ambiente.

Aristotele dimostra che valori sociali quali giustizia ed equità appartengono a questo interrogativo quando mette in evidenza, all'inizio della sua *Etica a Nicomaco*, che l'obiettivo della felicità non è la perfezione nella solitudine ma nel contesto della città, la *Polis*. E questo vale anche, *servatis servandis*, per le nazioni che non possono prosperare, ciascuna a suo modo, se non tengono conto del benessere di altre nazioni nel mondo globalizzato, soprattutto per quanto riguarda le questioni che si riferiscono al bene di tutte le nazioni (ad esempio l'acqua, l'energia, il clima ...). I valori e le politiche sociali che mirano al bene comune costituiscono la struttura dell'etica. Quello che dobbiamo sapere è come riorganizzare la nostra vita sociale ed economica con e tra le nazioni della "città globale" per diffondere quei valori della contemplazione, della preghiera, della comunità, dell'equità, della fraternità, della fiducia e della sostenibilità ambientale che creano felicità.

Contrariamente a ciò che siamo stati indotti a pensare, gli esseri umani non sono motivati soltanto dai beni di mercato ma anche da quelli non di mercato come la dignità, la verità, la libertà, il bene e la bellezza. L'attrazione per il bene e la felicità è una priorità rispetto a tutti gli altri atteggiamenti morali e rappresenta l'inizio assoluto dell'azione umana nella sfera etica.

È importante infatti collocare questo interrogativo in ogni considerazione della cultura, perché gli esseri umani continuano a cercare comprensione e significato nei confronti dell'azione dell'uomo. Questa indagine è stata diretta al comportamento umano, concentrato, dopo Socrate (470-399 a.C.) in Occidente, e in Budda (600 a.C.) in Asia, sull'idea del bene e delle virtù. Le idee normative sul bene e le virtù

<sup>2</sup> «διὸ καλῶς ἀπεφώνησαν τὰγαθόν, οὗ πάντ' ἐφίεται» (Aristotele, *Etica a Nicomaco*, I, 1, 1094 a 1).

abbracciano i costumi privati e pubblici che noi chiamiamo “abitudini” (*ethe*), che è l’origine della parola “etica”, di cui il bene, la giustizia e la virtù sono ramificazioni. Nel suo significato originale, l’etica è allo stesso tempo una parte della politica relativa al contenuto comune della morale privata e pubblica tra la pluralità sociale umana. Per questo motivo l’etica è distinta sia dalla scienza sia dalla metafisica (*epistémé*) e dalla tecnologia. Come afferma Aristotele all’inizio dell’*Etica a Nicomaco*: «Ma, certo, dire che la felicità è il bene supremo è, manifestamente, un’affermazione su cui c’è completo accordo; d’altra parte si sente il desiderio che si dica ancora in modo più chiaro che cosa essa è. Forse ci si riuscirebbe se si cogliesse la funzione dell’uomo. Come, infatti, per il flautista, per lo scultore e per chiunque eserciti un’arte, e in generale per tutte le cose che hanno una determinata funzione ed un determinato tipo di attività, si ritiene che il bene e la perfezione consistano appunto in questa funzione, così si potrebbe ritenere che sia anche per l’uomo, se pur c’è una sua funzione propria»<sup>3</sup>.

Prendendo ispirazione da Aristotele, Hegel (1976) tenta di costruire una teoria in qualche modo normativa della partecipazione individuale e sociale alla felicità. Questa teoria può risolvere il problema posto da Hobbes, nella misura in cui la lotta per raggiungere la felicità può derivare da ragioni morali che possono sostituire la triade della rivalità, della diffidenza e della gloria come descritto nel cosiddetto stato di Natura, dove domina Leviatano, cioè la lotta di tutti contro tutti. L’intento qui è quello di trovare, nello sviluppo delle interazioni conflittuali, la fonte dell’estensione delle capacità individuali e dei diritti dell’uomo nella sua conquista di sé stesso, della sua umanità e della sua felicità. Ispirati da queste riflessioni, possiamo asserire che ci sono tre modelli soggettivi di partecipazione sociale che rientrano nelle sfere dell’amore, della legge o, in ultima analisi, del Regno di Cristo o della grazia e della carità. Lungo le stesse linee di questi tre modelli di partecipazione sociale, che sono in parte speculativi e in parte empirici, ci sono tre nozioni di esclusione o negazione della partecipazione che sono in grado di legittimare la lotta sociale con motivazione morale, il cui obiettivo è di ripristinare la dignità umana e cristiana, la libertà, la virtù, la pace e la felicità. L’obiettivo consiste nel ristabilire la motivazione morale della lotta attraverso interessi individuali o di gruppo, per spiegare in modo più completo la pratica della lotta sociale, alla luce della partecipazione.

<sup>3</sup> Aristotele, *Etica a Nicomaco*, Libro I, cap. 7, 1097 b 20 ff.

Tutti e tre i modelli di partecipazione offrono ciò che potremmo chiamare la struttura speculativa o concettuale, mentre i sentimenti critici che spingono gli esseri umani a qualsiasi lotta infondono in questa struttura la loro linfa vitale. Ora, un'analisi strutturale delle figure dell'esclusione, dell'emarginazione o della negazione della partecipazione non può essere possibile se i requisiti normativi per il riconoscimento di tale partecipazione non consentono la frustrazione e l'esclusione come, in qualche modo, misure di tali requisiti. È dalla discussione incentrata sull'idea stessa di lotta, ispirata da Hegel, che emergerà un tentativo per completare una problematica della lotta basata sull'invocazione delle esperienze di felicità e pace attraverso la quale la partecipazione può, se non raggiunge il suo obiettivo, almeno suggerire il punto in cui la sua negazione non può più essere consentita.

### **La lotta per la partecipazione e l'amore**

Il primo modello di partecipazione basato sull'amore copre l'intera gamma dell'amicizia, della famiglia e delle altre relazioni, che implicano tutte legami d'affetto che sono possibili tra un numero limitato di individui. Si tratta di un grado di partecipazione che precede tutti i tipi di ordinamento giuridico. La nostra esperienza di adulti non solo conserva tracce e reminiscenze dei primi conflitti della nostra adolescenza: questi conflitti ci aiutano a crescere in modo sano e alla fine maturano. Questi sono i primi anni di vita: l'amore raggiunge la maturità dell'età adulta quando l'individuo riesce a liberarsi dalla dipendenza, che genera uno stretto legame d'affetto. Come il bambino deve far fronte all'assenza della madre nel cammino verso la propria capacità di indipendenza, così le infatuazioni della gioventù vengono messe alla prova dalla separazione, dove la vera vittoria sta nel tentativo emozionale più difficile di essere in grado di non essere in nessun'altra compagnia se non la propria.

Sulla stessa linea di Aristotele, Simone Weil (1999: 755) eleva l'amicizia allo status di bene, "un bene unico", come lo chiama, e descrive le fasi della maturità in cui le figure empiriche dell'amore fanno eco alla struttura speculativa di Hegel. Potremmo parlare della dialettica dell'unione e della disunione tipica dell'amore, dotata di caratteristiche speculative e empiriche. La disunione ha a che fare con la sofferenza causata dall'assenza e dalla distanza ed è il risultato della disillusione, mentre l'unione parla della forza dell'anima, che si forma nella capacità di essere da solo. Ma è proprio la fiducia nella natura

incrollabile della reciproca sollecitudine – anche nel contesto dell’assenza – a trasformare la separazione in un’esperienza nutritiva.

Qual è l’espressione dell’esclusione, del disprezzo e, in ultima analisi, della sovversività che si riferisce a questa modalità di partecipazione dell’amicizia e nell’amicizia, in particolare nel contesto delle nuove forme di schiavitù? La mera violenza esercitata contro l’integrità del corpo umano, e l’abuso in tutte le sue forme, cioè torture, stupri ripetitivi, espianto di organi, lavoro forzato e manodopera minorile forzata, che distruggono la fiducia primaria di una persona in sé stessa e negli altri, non sembrano sufficienti quando si tratta di illustrare questo primo tipo di esclusione, disprezzo e infine di non partecipazione. Ciò che sta in gioco qui sono le forme di violenza inflitte all’anima, che sono più complesse e profonde di quelle esercitate sul corpo, per quanto terribili possano essere. L’idea normativa del modello di partecipazione basato sull’amore – che determina la misura del nostro disappunto di fronte a questo tipo di umiliazione – sembra essere più naturalmente correlabile all’idea di approvazione. Amici, o individui che si amano, si approvano l’un l’altro come esseri esistenti. Questa approvazione dell’esistenza è ciò che trasforma l’amicizia in un “bene unico”, ugualmente prezioso nella separazione come nella riunione. L’umiliazione, percepita come la rimozione o il rifiuto dell’approvazione ad esistere, si oppone a questo “esistere ed essere con” l’altro, e lo fa in tutti i possibili livelli pre-giudiziali. L’individuo umiliato si sente come guardato dall’alto, o per meglio dire, visto come quasi niente. Priva dell’approvazione, la persona diventa inesistente. Da questo punto di vista, l’umiliazione perpetrata dal lavoro forzato, dalla prostituzione, dall’espianto di organi e dallo stupro fa sì che la vittima abbia la sensazione di non esistere come persona: lui o lei non è fine a sé stesso/a, ma proprietà di un altro individuo o un mezzo per il beneficio di altri.

Nel caso della prostituzione, tuttavia, vi è un ulteriore elemento di non approvazione della vittima come un essere umano esistente: il tradimento dell’amore nel suo più intimo. Quando i genitori costringono la loro figlia a prostituirsi – come avviene abitualmente in contesti di estrema povertà – la tradiscono nell’affetto che devono darle e che lei deve ricevere da loro. Allo stesso modo, quando un partner o un ragazzo promette la luna e le stelle ad una ragazza con l’unico obiettivo di condurla ad una vita di prostituzione, la sta tradendo nel modo più intimo possibile, poiché sta violando il loro legame d’amore, inteso come approvazione reciproca e legame di perfezione. Purtroppo, questo è il metodo più comune che i trafficanti di esseri

umani usano oggi: giovani che seducono le ragazze con promesse romantiche. «Ci sposeremo: metteremo su una famiglia insieme». Questo distrugge l'essenza stessa della fiducia che si può avere in una persona. In qualche modo, la vittima tradita si sente peggiore di quella la cui esistenza è stata completamente negata. È per questo che il protocollo di riabilitazione delle vittime si fonda sulla ricostruzione della fiducia in sé stessi e della fiducia negli altri esseri umani e si basa su una sorta di confessione pubblica dell'iniquità di essere stata tradita e venduta. Il tradimento della persona su cui abbiamo posto tutta la nostra fiducia è peggiore della morte stessa.

Non è possibile attraversare la soglia del primo modello di partecipazione nell'affetto senza considerare le restrizioni e le regole che, pur non essendo formalmente giudiziarie, devono essere mantenute – in ogni senso della parola – come istituzioni e che hanno effettivamente incoraggiato innumerevoli sviluppi nel terreno giudiziario. È il caso dei rapporti genitore-figlio e marito-moglie, ed è anche vero dei rapporti familiari, in quanto la famiglia, come educatrice, segna l'inizio della vita culturale e basata sul valore. A differenza della città e dello stato, la famiglia è un modo di vivere insieme rappresentato da una casa e da un tetto comune, che riunisce un numero limitato di persone.

Nella famiglia si intrecciano le linee verticali della filiazione e le linee orizzontali della coniugalità. Tre fattori invariabili danno forma al nostro essere nel mondo come membri di una famiglia: ognuno di noi è nato dall'unione tra un uomo e una donna (ciò è vero indipendentemente da tutte le considerazioni legate alla clonazione, alla fecondazione in vitro, alla maternità surrogata, ecc.); la maggior parte di noi ha dei fratelli e l'ordine tra i fratelli viene determinato esistenzialmente e non può essere superato, cioè in nessun modo il fratello maggiore può diventare il più giovane.

Indipendentemente dal suo status giuridico, il legame del matrimonio è la connessione tra queste relazioni verticali e orizzontali. Questo legame è soggetto ad una restrizione che si applica a tutte le versioni socialmente accettate della coniugalità, vale a dire la proibizione dell'incesto. Il concetto di incesto colloca la sessualità nella dimensione culturale e stabilisce una differenza tra i legami sociali e i legami di consanguineità. Non sarebbe affatto improprio affermare che la costrizione che deriva da un tale divieto è la supposizione tacita della nozione di Hegel del desiderio dell'altro, nella misura in cui l'inclinazione – che differenzia il desiderio dal mero comportamento o istinto – può essere considerata come beneficio affettivo di una tale costrizione.

Considerando questo quadro familiare pre-istituzionale, vorrei ora concentrarmi sul fenomeno della filiazione e raggruppare i miei successivi commenti sotto il titolo “Partecipazione al lignaggio”.

## **Partecipazione al lignaggio**

Creando un ordine per la coniugalità, il principio genealogico organizza la filiazione. È solo in seguito al crimine di Edipo che la coniugalità – espressa in varie forme, ma invariabilmente fondata sulla costanza e sulla fedeltà – può rivelare il suo profondo significato come mediatore tra il principio genealogico e l’incesto, tra ordine e confusione fantasmagorica. Questo non impedirà alla coniugalità di deplorare, a sua volta, la sua lotta interiore, in particolare nell’apice dove si intersecano l’amore sensuale e l’amicizia coniugale. L’amore sensuale può persistere in culture che sono riluttanti ad abbracciare le istituzioni e la disciplina del desiderio comandata dal matrimonio. Tuttavia, è l’affetto coniugale che consente a una coppia di abbracciare la genitorialità e di pensare a sé stessi non solo come progenitori, ma come genitori della loro progenie. Il riconoscimento filiale, che conferisce pieno significato alla partecipazione dell’amore alle relazioni genitore-figlio, risponde proprio a questa mutua approvazione tra entrambi i genitori.

Naturalmente, è molto difficile per le persone che sono cadute preda delle nuove forme di schiavitù crescere una famiglia e nutrire una relazione coniugale. Questa spaventosa forma di esclusione esclude anche ogni opportunità per una filiazione vera e propria, e nega persino alle vittime ogni possibilità di diventare genitori realizzati. È per questo che il desiderio – che sia desiderio di coniugalità o desiderio di filiazione – spesso funge da stimolo per fuggire dalla schiavitù nelle sue manifestazioni moderne. Molto spesso, è stata la lotta per diventare genitore e/o crescere una famiglia che ha spinto le vittime a tentare di fuggire, contro tutto e tutti, dalla sottomissione. Le confessioni condivise dalle vittime mostrano che la scintilla che alimentava la loro liberazione e la loro ricerca di dignità come individui liberi era infatti il loro desiderio di filiazione e di famiglia.

## **La lotta per la partecipazione da un punto di vista giuridico**

Per quanto riguarda l’amore, abbiamo già discusso gli intensi luoghi affettivi e la fiducia nella permanenza del reciproco attaccamento che si sviluppa tra le persone legate da profondi legami di affetto (partner) garantiti dal matrimonio. Una logica diversa è in gioco nell’are-

na giudiziaria. Da un lato, l'attributo della propria libertà sostituisce la capacità di essere soli che si riferisce alle relazioni d'affetto. Qui la logica del termine "libertà" sta nel presupposto di uguaglianza tra tutti gli individui, come si vede dal punto di vista giuridico. Dall'altro, il rispetto sostituisce la fiducia, in quanto contrassegnata da una pretesa di universalità che supera la vicinanza dei legami di affetto tipici della fiducia. In questo senso, si potrebbe dire che questo tipo di partecipazione si riferisce a due fattori: l'altro e la norma. Per quanto riguarda la norma, la partecipazione comporta il considerare questa norma valida, affermandone la validità. Per quanto riguarda la persona, la partecipazione significa identificare ogni essere umano come libero e uguale in dignità al suo prossimo. La partecipazione da un punto di vista giuridico aggiunge il riconoscimento di sé stessi in termini delle nuove capacità che derivano dall'intersezione tra la validità universale della norma e la singolarità di ogni persona. Questa doppia struttura di partecipazione giuridica risiede quindi nella connessione tra l'allargamento della sfera dei diritti ammessa agli individui e il potenziamento delle capacità il cui riconoscimento questi soggetti richiedono. In questo caso, l'allargamento e il potenziamento sono il risultato delle lotte che segnano il punto in cui questi due processi di solidarietà sono entrati nella storia.

La manifestazione dell'allargamento nella sfera normativa dei diritti è duplice: da un lato, essa ha a che fare con l'enumerazione dei diritti soggettivi come sono definiti dal loro contenuto; dall'altro, può essere definita in base alla reale attribuzione di questi diritti alle nuove categorie di individui o gruppi.

La lotta più antica riguarda i diritti civili: risale al XVIII secolo ed è lungi dall'essere terminata. I diritti civili sono i cosiddetti diritti negativi che proteggono gli individui, la loro libertà, la loro vita e la loro proprietà di fronte alle ambizioni illegittime dello Stato o del settore privato. La seconda categoria di diritti designa diritti positivi, che assicurano la partecipazione al processo di creazione della volontà pubblica in vista del bene comune. Infine, la terza categoria riguarda un'altra serie di diritti, anch'essi positivi, che assicurano una parte egualitaria di beni elementari per ogni individuo.

In maniera importante, come istituzione giudiziaria, la schiavitù è stata bandita grazie alla progressiva penetrazione nella storia del messaggio di fratellanza di Cristo e per le specifiche lotte anti-schiavitù iniziate verso la fine del XVIII secolo e conclusesi con l'abolizione di questo flagello – nonostante una notevole riluttanza, come nel caso della Guerra Civile americana – nella maggior parte dei Paesi



del mondo. Accordi internazionali moderni (ad esempio, la Convenzione sulla schiavitù del 1926) ribadiscono la proibizione della schiavitù, considerata un crimine contro l'umanità. Tuttavia, la schiavitù è ancora culturalmente radicata in alcuni Paesi (ad esempio, India, Sudan e Mauritania) ed è riapparsa sotto nuove forme, come il lavoro forzato, la prostituzione, il traffico di organi e la schiavitù minorile.

Naturalmente, le vittime delle nuove forme di schiavitù sono prive di diritti civili tanto negativi quanto positivi. In realtà, esse sono i bersagli della più spietata discriminazione.

Per quanto riguarda la lotta per i diritti politici, essa ha avuto luogo nei Paesi più sviluppati del mondo durante il XIX secolo ed è continuata nel XX secolo nel contesto dei dibattiti sulla natura rappresentativa dei regimi democratici, una volta che la sovranità dei cittadini e il loro diritto ad esprimersi attraverso le elezioni cominciarono finalmente ad essere riconosciuti.

Oggi la preoccupazione più grande riguarda l'esclusione e l'emarginazione della maggioranza per quanto riguarda una più grande partecipazione egualitaria alla distribuzione dei beni su scala nazionale e planetaria. Ciò vale sia per i beni di mercato che per i beni non di mercato come la dignità, la libertà, la conoscenza, l'integrazione e la pace. La causa più grande della sofferenza umana e, in ultima analisi, della ribellione è il contrasto allarmante e ingiusto tra l'attribuzione teorica di uguali diritti per tutti e la distribuzione diseguale e ingiusta dei beni fondamentali per la maggior parte degli esseri umani. Nonostante vivano in un mondo di abbondante ricchezza – un mondo in cui l'attività economica ha superato i 120 trilioni di dollari l'anno – innumerevoli persone sono ancora colpite da povertà ed esclusione sociale, due flagelli che facilitano l'espansione delle nuove forme di schiavitù. Questa disuguaglianza allarmante – insieme alle guerre di dominio e al cambiamento climatico – è la causa della più grande migrazione forzata della storia umana, che oggi interessa circa 65 milioni di persone. Non dobbiamo poi dimenticare il crescente numero di individui, stimati in 50 milioni, che sono stati devastati dalle nuove forme di schiavitù e dalla tratta di esseri umani, come il lavoro forzato, la prostituzione e il traffico di organi. Sono tutti autentici crimini contro l'umanità che devono essere riconosciuti e denunciati come tali. Il fatto che il corpo umano debba essere acquistato e venduto come se fosse solo un'altra merce sul mercato, è spaventoso ed è sintomo di un profondo decadimento morale e sociale. Quasi cento anni fa, Papa Pio XI aveva previsto che la disuguaglianza e l'ingiustizia sarebbero aumentate di conse-

guenza alla dittatura economica mondiale, che egli definiva «internazionalismo bancario o imperialismo internazionale» (*Quadragesimo anno*, 15 maggio 1931, § 109). Da parte sua, fu Papa Paolo VI a denunciare, quasi cinquant'anni dopo, la «nuova forma abusiva di dominio economico sul piano sociale, culturale e anche politico» (*Octogesima adveniens*, 14 maggio 1971, § 44).

Sulla base di questa distribuzione di diritti soggettivi, la corrispondente acquisizione di competenze sul piano personale porta alla nascita di forme specifiche di assenza, che a loro volta sono legate alle richieste che una persona può aspettarsi da parte della società. In questo contesto, l'umiliazione risultante dalla negazione dei diritti civili è diversa dalla frustrazione generata dal rifiuto della partecipazione espressa come volontà pubblica e bene comune. Inoltre, entrambi i tipi di diniego differiscono dalla sensazione di esclusione che deriva dalla privazione del diritto ai propri beni elementari. Quando è in gioco la negazione della partecipazione, la mancanza di rispetto per l'individuo in questione viene espressa ogni volta in modo diverso. Una cosa importante è che i sentimenti negativi sono meccanismi significativi nella lotta per la partecipazione sociale: l'indignazione è, a questo proposito, la struttura di transizione che conduce dal risentimento rabbioso di fronte alla negazione alla volontà di diventare un soggetto attivo nella battaglia per la partecipazione. L'aspetto più sensibile dell'indignazione sta nell'insopportabile contrasto sopra menzionato tra l'uguale attribuzione di diritti e la disuguale distribuzione di beni in società come la nostra, in cui il progresso orientato alla produttività in tutti gli ambiti della vita deve apparentemente essere compensato da una drammatica crescita delle disuguaglianze e dalla distruzione della nostra casa comune.

Ora, l'indignazione può annullarci, ma può anche spingerci all'azione. Ci può paralizzare e costringerci a guardare l'altra via, ma può anche essere il combustibile per la rivoluzione sociale. A questo proposito, l'idea di responsabilità acquisisce uno dei significati del passaggio dall'umiliazione all'azione: l'umiliazione è soprattutto vissuta come un'aggressione al proprio rispetto; poi viene l'indignazione come risposta morale all'attesa della partecipazione; e l'indignazione alla fine cede il passo alla volontà di partecipare al processo di ampliamento della sfera dei diritti soggettivi. In questo contesto, la responsabilità può essere la capacità – riconosciuta dalla società e da sé stessi – di un'auto-espressione razionale e indipendente sulle questioni morali. La responsabilità intesa come capacità di risposta autonoma è inseparabile dalla responsabilità intesa come

capacità di partecipazione ai dibattiti ragionevoli relativi all'allargamento della sfera dei diritti civili, politici o sociali. Così il termine di "responsabilità" copre l'affermazione di sé stessi come pure il riconoscimento di pari diritti del prossimo, e l'effetto di tutto questo è un contributo positivo al progresso dei diritti e della legge.

Tuttavia, l'ampliamento della sfera dei diritti soggettivi ha un secondo aspetto che non riguarda solo l'enumerazione e la classificazione di questi diritti, ma anche la loro applicazione, attraverso la partecipazione, a un numero crescente di individui.

## **Partecipazione al Regno di Dio**

Parlando di partecipazione sociale, non posso ignorare l'invito che possiamo trovare in una dichiarazione, antica e nuova allo stesso tempo, e carica di immenso significato teorico e pratico. Oggi, il popolo di Dio, o meglio tutti noi, ogni cristiano, inclusi noi studiosi, e ogni essere umano destinato all'amore di Cristo, deve interiorizzare le parole di San Leone Magno, che ci ricorda la lettera di San Pietro: «Agnosce, o christiane, dignitatem tuam, riconosci, cristiano, la tua dignità e, reso partecipe della natura divina – θείας κοινωνοὶ φύσεως' (cfr 2 Pt 1, 4), non voler tornare all'abiezione di un tempo con una condotta indegna. Sii consapevole della cui testa, del cui corpo, tu sei un membro. Ricordati che, strappato al potere delle tenebre, sei stato trasferito nella luce del Regno di Dio (*Serm. I de Nat.*, P. G. 54, 192)». Nella misura in cui il Signore regnerà in noi e tra noi, saremo in grado di partecipare alla vita divina e saremo gli uni per gli altri «strumenti della grazia, per effondere la carità di Dio e per tessere reti di carità» (*Caritas in Veritate*, § 5).

San Paolo, in corrispondenza con quanto abbiamo detto sulla partecipazione della grazia nel Regno di Cristo, dice: «Cristo ci ha liberati perché restassimo liberi: state dunque saldi e non lasciatevi imporre di nuovo il giogo della schiavitù» – «Τῇ ἐλευθερίᾳ ἡμᾶς Χριστὸς ἡλευθέρωσεν· στήκετε οὖν καὶ μὴ πάλιν ζυγῷ δουλείας ἐνέχεσθε» (Gal 5, 1). Così Cristo realizza e conferisce grazia e libertà per gli esseri umani, che né i Greci, né i Romani, né gli Ebrei, né nessun altro in America, Asia o Africa, hanno avuto. A quei tempi molti sapevano che "un" uomo poteva essere libero, come un tiranno o il capo di una tribù. Oppure sapevano che "molti" erano liberi, come i cittadini di nascita e i filosofi nell'antica Grecia o nell'antica Roma, ma l'idea che "tutti", uomini e donne, fossero liberi in virtù della loro essenza deriva dalla grazia e dal messaggio di Cristo. Tutti gli

esseri umani sono destinati alla massima grazia e libertà e dentro ogni essere umano vive la Santissima Trinità mediante la grazia di Cristo e la collaborazione di tutti.

Per questo motivo, l'abolizione della schiavitù e la realizzazione della libertà nel corso della storia sono stati principalmente opera dello Spirito di Cristo o dello Spirito Santo, con la collaborazione dei santi e di buoni leader, uomini e donne, di tutti i tempi e luoghi dopo Gesù Cristo. Come ha affermato San Paolo, «per grazia di Dio sono quello che sono» (1 Cor 15, 10).

Ora, dal punto di vista teologico ed empirico, il conseguimento della libertà e la successiva abolizione dell'antica schiavitù nel corso della storia e le nuove forme di schiavitù oggi dipendono – secondo lo stesso San Paolo – dall'opposizione del peccato e della grazia, che comprende e promuove gli altri antagonismi che combattono tenacemente nell'essere umano: errore-verità, buono-male, vizio-virtù, interezza-corruzione e così via, nel puzzle impenetrabile di quell'enigma che è il cuore umano. È una fenomenologia trascendentale del conflitto delle due leggi rivelate da San Paolo – bene e male, concupiscenza e virtù – che agitano i nostri corpi e oscurano le nostre menti, debilitando la nostra volontà. «Vedo il meglio e l'approvo, ma seguo il peggio» (*Video meliora proboque, deteriora sequor*), afferma Ovidio, e San Paolo commenta: «Io so infatti che in me, cioè nella mia carne, non abita il bene; c'è in me il desiderio del bene, ma non la capacità di attuarlo. infatti io non compio il bene che voglio, ma il male che non voglio»<sup>4</sup>.

Questo è l'invito più profondo e la rivoluzione più profonda che ci possono liberare dalle situazioni sociali delle nuove forme di schiavitù, proprio come in passato ci ha liberati dall'istituzione giuridica della schiavitù. Sappiamo da esperienze pratiche, e lo vediamo riconosciuto da certi protocolli per riabilitare le vittime, che il punto di partenza o di svolta per le vittime è un momento di conversione religiosa o un momento di grazia.

È difficile spiegare la discriminazione che le donne hanno subito in questi duemila anni di cristianità senza questa legge che «muove guerra alla legge della mia mente e mi rende schiavo della legge del peccato che è nelle mie membra» – «βλέπω δὲ ἕτερον νόμον ἐν τοῖς μέλεσίν μου ἀντιστρατεύμενον τῷ νόμῳ τοῦ νοῦς μου καὶ αἰχμαλωτίζοντά με [ἐν] τῷ νόμῳ τῆς ἀμαρτίας τῷ ὄντι ἐν τοῖς μέλεσίν μου» (Rm 7, 23).

<sup>4</sup> Rm 7:18,19 f.; cfr. Ovidius, *Metamorphosis*, lib. 7, vv. 20.

## **Dall'indignazione alla dignità, alla libertà e alla pace**

Dopo la richiesta di Papa Francesco all'Accademia di occuparsi della schiavitù moderna e del traffico di esseri umani, abbiamo cercato, prima di tutto, di stabilire i fatti e di trovare modelli e migliori pratiche per ristabilire la dignità, la libertà, la pace e la felicità alle vittime.

Il primo punto è importante perché ci mostra la portata del problema. Se non puoi contarlo, non puoi combatterlo. Secondo le stime più serie, ci sono circa 50 milioni di vittime della schiavitù moderna e 10 milioni di vittime del traffico di organi. Molti di questi provengono dai sessanta milioni di rifugiati attualmente presenti in tutto il mondo.

Per quanto riguarda il secondo punto, la nostra ricerca ha individuato modelli e buone pratiche per combattere la schiavitù moderna creata dagli Stati e dagli individui.

Il lavoro forzato è, in un certo senso, più facile da combattere. Dobbiamo avere fiducia che, una volta che si rendono conto della gravità della questione, l'opinione pubblica, gli Stati e le multinazionali troveranno un modo per affrontarlo, controllando le loro catene di approvvigionamento e forse utilizzando un'icona che indica che i loro prodotti non sono frutto del lavoro forzato.

Per quanto riguarda la prostituzione, seguiamo la linea di Papa Benedetto che ha detto all'Ambasciatore tedesco presso la Santa Sede, S.E. Schweppe: «Vorrei affrontare un altro aspetto preoccupante che, a quanto pare, dilaga attraverso tendenze materialistiche ed edonistiche soprattutto nei Paesi del cosiddetto mondo occidentale, ovvero la discriminazione sessuale delle donne. Ogni persona, sia uomo, sia donna, è destinata ad esserci per gli altri. Un rapporto che non rispetti il fatto che l'uomo e la donna hanno la stessa dignità, costituisce un grave crimine contro l'umanità. È ora di arginare in maniera energica la prostituzione, nonché l'ampia diffusione di materiale dal contenuto erotico o pornografico, anche in Internet» (7 novembre 2011). Gli Stati che legalizzano la prostituzione offrono i mezzi per mascherare anche tutte le forme di prostituzione forzata o giovanile.

Al fine di sradicare le nuove schiavitù e dare partecipazione sociale, dignità, libertà e felicità ad ogni persona, bisogna lavorare insieme e attraverso i confini creando "correnti" che possano influire sulla società nel suo complesso, dall'alto verso il basso e viceversa, spostandosi dalla periferia verso il centro e di nuovo verso la periferia, dai leader alle comunità, dalle città piccole e dall'opinione pubblica ai segmenti più influenti della società.

## *Piano d'azione per la partecipazione sociale*

Al fine di promuovere l'azione in opposizione alle considerazioni puramente "teoriche" e accademiche, spesso favorite dalla tradizione filosofica riflessiva, vorrei presentare il piano d'azione che stiamo realizzando, che è, ovviamente, un lavoro in corso, per raggiungere la partecipazione sociale in termini di felicità e libertà.

Come ho già detto, la "globalizzazione dell'indifferenza" ha reso universali le nuove forme di schiavitù come il traffico di esseri umani, il lavoro forzato, la prostituzione e la criminalità organizzata. Sono diffuse in tutto il mondo. Per Papa Benedetto e per Papa Francesco si tratta di crimini contro l'umanità e, come tali, devono essere riconosciuti e combattuti.

In generale, le religioni erano l'anima della cultura dal punto di vista storico, fenomenologico e filosofico. Alcune religioni universali hanno ancora un'influenza nel mondo globalizzato di oggi. Si tratta del cristianesimo, dell'islam, dell'ebraismo, dell'induismo e di alcune altre.

Oggi possiamo celebrare una nuova sinergia tra lo spirito delle Nazioni Unite e di altre organizzazioni internazionali e lo spirito delle religioni. Ciò è anche testimoniato dalle richieste che riceviamo dall'ONU per realizzare riunioni congiunte.

Sulla base del dialogo religioso, oggi possibile grazie alla globalizzazione e ai nuovi strumenti di comunicazione, le religioni si conoscono meglio le une le altre, si valorizzano e si rispettano di più. Tuttavia, dobbiamo passare dal dialogo interreligioso all'azione comune.

Sebbene non possano pregare allo stesso altare, le religioni possono e devono agire insieme per promuovere la dignità umana e difendere la libertà di ogni persona, e favorire buone relazioni con la Terra, vale a dire promuovendo lo sviluppo sostenibile. Sviluppo sostenibile significa sviluppare la natura secondo le sue reali possibilità, una specie di copia dei meccanismi dell'evoluzione.

Come ho detto, oggi ci troviamo di fronte a due emergenze: la prima è la schiavitù nelle sue forme moderne, che sono il lavoro forzato, la prostituzione e il traffico di organi, e la seconda è il cambiamento climatico, legato alla migrazione di massa. Le religioni devono adoperarsi affinché tutte le persone siano consapevoli di queste due emergenze. Dobbiamo convincere la gente dal basso e dall'alto.

Su queste linee, la Pontificia Accademia delle Scienze ha organizzato nel 2014 il suo primo importante incontro per sradicare il traffico di esseri umani e la schiavitù moderna (<http://www.pas.va/content/accademia/en/events/2014/jointdeclaration.html>) con Papa Francesco e i leader di molte altre fedi, che hanno accettato di defi-

nire «la schiavitù moderna, in termini di lavoro forzato, prostituzione e traffico d'organi» come reati contro l'umanità.

Un'altra importante iniziativa è stata la fondazione del Gruppo Santa Marta presso la Casina Pio IV, alla presenza di Papa Francesco nel 2014. Il Gruppo Santa Marta è guidato dal Cardinale Vincent Nichols e dal Vescovo Patrick Lynch. Riunisce vescovi e capi di polizia per trovare le migliori pratiche per combattere la tratta di esseri umani e la prostituzione.

Tuttavia, in ordine cronologico, il primo di tali incontri ha avuto luogo nel novembre 2013 (<http://www.pas.va/content/accademia/en/events/2013/trafficking.html>), con la partecipazione di Papa Francesco, e si è concluso con una dichiarazione (<http://www.pas.va/content/accademia/en/events/2013/trafficking/traffickingstatement.html>) molto importante perché abbiamo aggiunto il lavoro forzato e il traffico di organi alla condanna della prostituzione come un delitto contro l'umanità, fatta da Papa Benedetto.

Nel 2015 la Pontificia Accademia delle Scienze Sociali ha organizzato due incontri sul traffico di esseri umani. Il primo, intitolato *Traffico di esseri umani con focalizzazione sui bambini* (<http://www.pass.va/content/scienzesociali/en/events/2014-18/children.html>), è stato organizzato con la regina Silvia di Svezia, la cui Child Foundation aiuta i bambini in difficoltà. Vi ha partecipato anche Papa Francesco. Quell'incontro è stato molto importante in quanto il Cancelliere svedese della Giustizia ha spiegato il modello svedese contro la prostituzione che ha aiutato a lanciare 20 anni fa, e i suoi risultati positivi, inclusa una riduzione del 50% della prostituzione.

La seconda riunione del 2015 organizzato dal PASS ha visto la partecipazione di 70 Sindaci delle principali città del mondo (<http://www.pass.va/content/scienzesociali/en/events/2014-18/mayors.html>). Essi hanno firmato un documento che afferma la necessità di sradicare la schiavitù moderna e il traffico di esseri umani, riconoscendoli come crimini contro l'umanità. I sindaci hanno anche accettato di intraprendere delle azioni volte a mitigare i cambiamenti climatici. Papa Francesco vi ha partecipato e ha fatto un discorso di fondamentale importanza.

Ma forse l'impatto più importante che l'Accademia ha avuto, è stato quello di convincere le Nazioni Unite a riaprire le discussioni sugli Obiettivi di Sviluppo Sostenibile nell'agosto 2015 affinché fosse incluso un linguaggio molto chiaro sull'eradicazione del traffico di esseri umani in tutte le sue forme. Abbiamo raggiunto questo obiettivo attraverso consultazioni febbrili con diversi Ambasciatori delle Nazioni Unite di tutto il mondo, come l'Argentina e il Regno



Unito. Il risultato è stato l'Obiettivo 8.7, di cui siamo molto orgogliosi: «Prendere provvedimenti immediati ed effettivi per sradicare il lavoro forzato, porre fine alla schiavitù moderna e alla tratta di esseri umani e garantire la proibizione ed eliminazione delle peggiori forme di lavoro minorile, compreso il reclutamento e l'impiego dei bambini soldato, nonché porre fine entro il 2025 al lavoro minorile in ogni sua forma». È stato approvato all'unanimità, insieme agli altri 17 Obiettivi, il 25 settembre 2015 durante la storica visita del Papa all'ONU. Possiamo ben dire che tali obiettivi sono ora un imperativo morale per tutti gli Stati membri dell'ONU. Tutti i Paesi del mondo appartenenti all'ONU devono ora considerare come intendono attuare questi obiettivi e non possono chiudere gli occhi. L'Accademia deve ricordare questo obbligo a tutti i leader.

Nel giugno 2016, Papa Francesco ha chiesto alla PASS di riunire un'altra categoria di autorità, quelle che rappresentano la giustizia e che sono più a contatto con le vittime e agli autori di questi crimini contro l'umanità: i giudici. Ne abbiamo riuniti oltre 70 da tutto il mondo e Papa Francesco ha rivolto loro un messaggio molto importante (<http://www.pass.va/content/scienze-sociali/it/events/2014-18/judges-summit.html>). Sono venuti per condividere le loro esperienze nella lotta contro la tratta di esseri umani e la criminalità organizzata e hanno anche accettato una dichiarazione molto articolata sulla stessa linea di quella che i sindaci avevano firmato l'anno prima. Potete leggerlo nel libretto commemorativo *Judges' Summit on Human Trafficking and Organized Crime* (vedi [http://www.pass.va/content/scienze-sociali/en/publications/extraseries/judges\\_declaration.html](http://www.pass.va/content/scienze-sociali/en/publications/extraseries/judges_declaration.html)). Un altro incontro che Papa Francesco ha chiesto alla PAS di organizzare, in stretta relazione con la tratta e in particolare con la prostituzione, era intitolato *Narcotici: problemi e soluzioni di questo problema globale*; si è svolto nel novembre 2016 (<http://www.pas.va/content/accademia/it/events/2016/narcotics.html>) e ha visto la partecipazione personale del Pontefice e della Regina Silvia, che ha pronunciato due discorsi molto importanti. Il libretto commemorativo è stato appena pubblicato (<http://www.pas.va/content/accademia/en/publications/extraseries/narcotics.html>). Nel dicembre 2016, Papa Francesco ha chiesto alla PAS di convocare i sindaci delle maggiori città europee per discutere sulla migrazione di massa e la crisi dei rifugiati, che, come ho detto, sono strettamente legati al traffico di esseri umani (<http://www.pas.va/contenuti/accademia/it/eventi/2016/refugees.html>).

L'ultimo di questa serie di incontri è stato un Summit sul traffico di organi e sul turismo dei trapianti, organizzato dal Dottor



Francis Delmonico della PAS, con la partecipazione di chirurghi e medici esperti di trapianto provenienti da tutto il mondo, inclusi luoghi critici come la Cina e il Medio Oriente. Il Vertice si è concluso con una dichiarazione molto forte che sta avendo un impatto enorme in tutto il mondo, come testimoniato dai nostri partecipanti, con i quali siamo in costante contatto ([http://www.pas.va/content/accademia/en/events/2017/organ\\_trafficking.html](http://www.pas.va/content/accademia/en/events/2017/organ_trafficking.html)). Il Dottor Delmonico sta anche preparando un incontro congiunto con la PASS su questo tema. Una prima stima del numero delle vittime è di 100.000 l'anno e il costo di un organo è in media di 100.000 dollari, di cui le vittime ricevono solo una minima percentuale. Il fatturato è dunque di circa 1 milione di dollari all'anno.

Abbiamo anche organizzato tre incontri con giovani leader di tutto il mondo che lavorano contro la tratta di esseri umani e la schiavitù moderna e ne avremo un quarto alla fine di quest'anno. Lo si può trovare sul nostro sito [www.endslavery.va](http://www.endslavery.va).

Così, come vedete, ci stiamo avvicinando a diversi settori della società per sensibilizzare sulla schiavitù moderna e il traffico di esseri umani. All'Accademia riteniamo che non sia solo il caso di affermare che sono crimini contro l'umanità, ma riconosciamo la necessità pratica di perseguire i trafficanti e i protettori, nonché i clienti che creano un mercato per lo sfruttamento sessuale, distruggendo sé stessi e la loro famiglie. In particolare, l'Accademia cerca di individuare i modelli per sradicare questi crimini e, a questo proposito, raccomanda di seguire il cosiddetto modello svedese, adottato dalla Francia lo scorso anno. Per la prima volta nella storia, il modello svedese o nordico criminalizza la causa reale, che non sono le vittime – cioè le donne nella prostituzione – ma i clienti.

Come abbiamo affermato all'inizio, uomini e donne cercano di partecipare alla felicità e alla libertà, *eudaimonia*. Il cuore della felicità e della libertà e della partecipazione ai diritti umani, come ha dimostrato la storia, è il messaggio di Cristo, che è riassunto in particolare nel Vangelo delle Beatitudini (μακάριοι): «Beati i poveri in spirito; Beati gli afflitti; Beati i miti; Beati quelli che hanno fame e sete della giustizia (perché saranno saziati); Beati i misericordiosi (perché troveranno misericordia); Beati i puri di cuore (perché vedranno Dio); Beati gli operatori di pace (perché saranno chiamati figli di Dio); Beati i perseguitati per causa della giustizia; Beati voi quando vi insulteranno, vi perseguiteranno e, mentendo, diranno ogni sorta di male contro di voi per causa mia. Rallegratevi ed esultate, perché grande è la vostra ricompensa nei cieli. Così infatti

hanno perseguitato i profeti prima di voi». Queste persone possono raggiungere la felicità perché «saranno consolate, erediteranno la terra, perché loro è il regno dei cieli».

Potremmo anche menzionare la Regola d'oro, che è alla base di tutte le culture e le tradizioni religiose: «Non fate agli altri ciò che non vorreste fosse fatto a voi», o nella sua formulazione positiva: «Ciò che volete gli uomini facciano a voi, anche voi fatelo a loro» – «καθὼς θέλετε ἵνα ποιῶσιν ὑμῖν οἱ ἄνθρωποι, ποιεῖτε αὐτοῖς ὁμοίως» (Lc 6,31). Tuttavia oggi questa regola non è sufficiente: merita di essere interpretata alla luce del capitolo 5 delle Beatitudini del Vangelo secondo Matteo e dei criteri con i quali saremo giudicati, menzionati nel capitolo 25 di Matteo che si riferisce all'altro, il più povero e bisognoso in una situazione esistenziale e reale di sofferenza. La scelta delle Beatitudini e dei poveri trascende la Regola d'oro, che è troppo astratta per rispondere alle sofferenze dell'altro e dei più bisognosi.

Queste Beatitudini sono valide per ognuno e in ogni cultura e religione. Se le seguiremo da vicino, guariremo le ferite dell'umanità, che sono anche le ferite di Cristo nel mondo contemporaneo.

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# Sustainable Development of Traditional Fishery Communities

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ICSF was formed in, Trivandrum, India on 25<sup>th</sup> November, 1986, to defend the occupation of small-scale artisanal fisheries, to support the struggles of fishers and fishworkers and the programmes of their organizations, and to facilitate the cause of fishworkers at a global level and to further the cause of agency of fishing communities and their organizations.

*Keywords: Sustainable development; Fishery communities; Rights of small-scale fishworkers.*

Small-scale fishing communities and their needs are to be taken into consideration and integrated into national economies (Pope John Paul II at the World Conference on Fisheries Management and Development, 30 June 1984, Rome)

## Introduction

Defending and improving the human environment for present and future generations have become an imperative goal for humankind, observed the United Nations Conference on the Human Environment in 1972, and added that natural and human-made aspects of the environment are essential to the well-being and enjoyment of basic human rights. Influenced by the 1980 World Conservation Strategy that launched the concept of “sustainable development”, and the precept that conservation and sustainable development are mutually dependent, the Brundtland Commission Report (1987) defined sustainable development as the ability to make development sustainable to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs. The Rio

Declaration on Environment and Development at the 1992 Earth Summit subsequently observed that while environmental protection is an integral part of the development process, poverty eradication is an indispensable requirement for sustainable development. Twenty years later, the Rio+20 Outcome Document held that integrating economic, social and environmental aspects and their linkages were necessary to mainstream sustainable development at all levels.

In this backdrop, how do we look today at sustainable development of traditional fishery communities that have to deal with both internal and external threats? Fishing is one of the oldest employments of humankind, observes *Encyclopaedia Britannica*. Food and Agriculture Organization of the United Nations (FAO) observes that fisheries and aquaculture provide livelihoods to around 820 million people, worldwide. These livelihoods include both formal and informal employment, especially in the small-scale subsector, of both women and men. When it comes to the ocean economy, fishing provides the greatest employment opportunities, much more than tourism, shipping or any other extractive industries. Recent estimates of FAO (2016) show that nearly 38 million people were engaged in fishing. Almost 90% of fishers in the world are in developing countries. In absolute terms, India, China, Myanmar, Indonesia, the Philippines, Bangladesh, Nigeria, Brazil, Viet Nam and the Democratic Republic of Congo have the largest number of fishers in the world (2014 estimates of FAO). Of the 38 million in capture fishing, small-scale fishing alone provides employment to over 34 million people (90%). Women account for about 50% of the workforce in small-scale fisheries, particularly in fish processing and trade.

### **Salient aspects of small-scale fisheries**

Small-scale fisheries subsector is the mainstay of traditional fishery communities. In some coastal and inland areas of the world, people are entirely dependent on small-scale fisheries. The subsector contributes nearly half of global fish catches and accounts for two-thirds of catches destined for direct human consumption. Small-scale fisheries are often a way of life in many countries, an occupation to be habitually pursued by some of the marginal communities to meet food security and basic needs such as food, clothing, and shelter. The small-scale fisheries subsector not only helps meet basic human needs of traditional and indigenous fishing communities and workers they employ or engage, it also helps to satisfy their aspirations for a better life.

Traditional, artisanal or small-scale and indigenous fisheries subsector includes those fishing for subsistence, for ceremonial purpose and those fishing commercially for the domestic and the export market, spread over both informal and formal sectors. The subsector covers a range of activities along the value chain related to sedentary molluscs in littoral waters, for example, to highly migratory tuna stocks in the exclusive economic zones (EEZ), especially in the equatorial belt. It also includes those who fish inland in watercourses and wetlands such as rivers, streams, lagoons, ponds, tanks, floodplains and reservoirs. There are thus women clam/crab gleaners to gillnet or longline fishers. A significant share of the tuna production in the Indian Ocean originates from small-scale artisanal longline, bait-boat, troll and gillnet fisheries (in countries like Maldives, Sri Lanka, Indonesia, Iran and India). It comprises activities that are resident or migrant, occasional, seasonal, part-time or full-time with own labour (owner-operator) or combined with hired labour, including that of migrants.

From a livelihood perspective, the small-scale fishery subsector is the most significant among all maritime activities in the world. Low-level entry requirement in terms of skill and training provides greater equitable development opportunities in small-scale fisheries especially in remote areas. The subsector employs a large number of untrained poor and disadvantaged workers in various capacities both on shore and on-board fishing vessels. It also offers limited opportunities to trained fishers to move up the hierarchy or to move to more remunerative fishing operations such as tuna fishing. Small-scale fishing is thus the occupation of last resort in some coastal and marine areas where land is unproductive and agriculture is drought-prone. It is also a remunerative occupation in some other fisheries like tuna, shrimp or lobster, where wages, or its equivalent in catch shares, are higher in comparison with prevailing wage rates/number of days of work in agriculture.

The small-scale subsector, arguably, is the most equitable in terms of distributing the benefits from fishing to the greatest number of people along the margins of water-bodies by imposing the least harm on others. It still employs the largest number of fishers and fishworkers per unit of capital investment, which is perhaps its greatest contribution to rural development. It has the potential to be more ecologically sustainable since it normally uses passive or selective fishing gear and techniques and often consumes less energy per fisher than many other fishing methods. The present generations of traditional and indigenous fishing communities in small-scale fishing subsector, do not,

in most cases, over-exploit fishery resources to meet their basic needs and compromise the ability of their future generations to meet their essential needs from fishing. In a cultural sense, it often provides an identity to fishworkers along the value chain, as well as to their communities, including women and children. The subsector thus can assist fishing communities to meet equitably the developmental and environmental needs of present and future generations.

### **Threats facing traditional, small-scale fishing communities**

Sustainable and equitable development of traditional fishery communities, however, are adversely impacted by several precarious conditions such as overexploitation of fishery resources, threats to habitats and ecosystems from various sources outside the subsector and from severe governance deficit. Pollution of water bodies constitutes a serious threat to the enjoyment of human rights to life and health of traditional fishing communities. Long-standing customary practices for the allocation and sharing of resource benefits sometimes are replaced with centralized fisheries management systems. Conflicts persist between traditional small-scale and domestic/distant water large-scale fishing units over fishing space and resources, on the one hand, and between fisheries and other sectors such as agriculture, aquaculture, tourism, energy, mining, industry, and infrastructure, on the other. There are also adverse impacts of natural and human induced disasters and climate change on traditional fishery communities that make them highly vulnerable. There is poor visibility of the subsector in policy space in relation to its contribution to food security, poverty eradication and rural development especially towards the vulnerable and marginalized in many remote areas. Governance mechanisms are often inadequate in every sense to address threats facing the subsector.

### **Traditional small-scale, artisanal fisheries: A historical view**

Let us take a look at how the international community has dealt with traditional, small-scale artisanal fisheries since the Second World War. At the end of the War, FAO was established on 16 October 1945, just a week before the United Nations was born, and the First Session of the FAO Conference was held in the same month. It drew attention to several social issues related to fish production, employment and general well-being without making a distinction between small-scale

and industrial fisheries. The Session observed that fishers and shore workers were in the low-income group of labour and recommended that FAO should study the relation of fishery products to production and employment, general well-being, public health, occupational hazards and diseases, opportunities for education and community life and to the problems of collective bargaining and labour organization. This recognition, sadly, was kept in abeyance until the 1970s to undertake post-War reconstruction by rehabilitating fishing industries ravaged by the War, especially through building up industrial fishing fleets, and developing fisheries in the post-Colonial world.

Meanwhile, the FAO Committee on Fisheries (COFI) was established in 1965 as the global intergovernmental forum to examine major international fisheries and aquaculture problems and issues and to make recommendations to governments and others, including civil society organizations (CSOs), non-governmental organizations (NGOs) and fishworkers. It has 133 Members. COFI discussed small-scale fisheries for the first time in April 1972. It characterised small-scale or artisanal fisheries using several negative attributes such as low capital investment; low level of organization; little use of specialized skills; use of small vessels; hand-operated fishing gear; low productivity and income; inadequate infrastructure and credit and catch sold in the fresh, salted, dried or smoked form in local markets. It was argued that “artificial preservation of marginal fisheries should not be accepted as a legitimate long-run development target” and a natural “withering away” of artisanal fisheries was advocated. COFI was of the view that artisanal fisheries issues were to be dealt within the context of general welfare policies rather than from a sectoral perspective.

The 1974 COFI Session – held in the backdrop of three significant events: the Second Session (1972) of the Third United Nations Convention on the Law of the Sea (UNCLOS); the 1973 oil shock leading to quadrupling of oil prices; and the 1974 United Nations General Assembly Declaration on the Establishment of a New International Economic Order (No. 3201) – dealt with small-scale fisheries in a comprehensive manner. The importance of small-scale fisheries as a source of vital protein food supply and employment was recognized. A separate agenda item on small-scale fisheries was included. Not only small-scale fishery operators but their families who were at the margin of subsistence and human dignity came in for attention.

The 1974 COFI proposed lifting up the small-scale fisheries sub-sector by its bootstraps. Through action projects, COFI sought to improve both the state of small-scale fisheries and operators by pro-

viding technological and scientific inputs with due regard for social, economic, cultural and political aspects. It further sought integration of small-scale fisheries into overall economic and social development programmes. Improvements in small-scale fisheries were to be complemented by social and community developments such as health services and schools. In light of UNCLOS and the prospects of expanding national jurisdiction in the marine space, COFI sensed greater opportunities and responsibilities for small-scale fishers.

As a remedy for protecting small-scale fishers from industrial fisheries, COFI suggested reserving specific fishing areas for the small-scale fishery. Thus, a designated fishing zone for protecting small-scale fishers was born. Pilot operations and model projects were expected to lead to global concepts and policy guidelines for small-scale fishery development. The United Nations Development Programme (UNDP) came in to support such productivity-enhancing projects related to small-scale marine and inland fisheries in Asia, Africa and Latin America, including small islands in the South Pacific. The World Bank brought fisheries development under integrated rural development.

The 1975 COFI, although recognized the SSF subsector providing employment, noted, however, that the subsector was unprofitable and put emphasis on building production, supply and credit co-operatives. Small-scale fisheries subsector was seen as a vehicle for rural development. Improvement of the social and economic life of rural communities and eradication of poverty in fishing communities were to be achieved through small-scale fisheries development. Subsequently, the first-ever expert consultation on small-scale fisheries development was held in September 1975, attended by consultants from eight countries, mainly donors, and the FAO staff, towards preparing and implementing development projects and programmes in small-scale fisheries in developing countries.

The 1977 COFI was preoccupied with the development of the extended zones of jurisdiction of developing countries under the UNCLOS regime and did not examine, for example, the implications of the entry into force of two legally-binding landmark instruments, viz., International Covenant on Economic, Social and Cultural Rights (January 1976) and the International Covenant on Civil and Political Rights (March 1976) for fisheries and fishing communities.

After a five-year gap, focused attention on small-scale fisheries was brought back in the 1981 COFI. It recognized that the employment generated per unit of capital investment in small-scale fisher-



ies was greater than industrial fisheries. It highlighted the need to reduce fuel consumption and the need to develop low horse power engines and to maintain sail-powered vessels. The 1983 COFI had a substantive focus on small-scale fisheries and also on the role of women in fisheries, perhaps following the entry into force of the 1979 United Nations Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in September 1981. COFI, however, did not pay heed to the human rights framework of CEDAW.

The 1983 COFI noted that small-scale fishing often was in competition with industrialized and medium-scale fishing vessels for the same neritic resource, and recommended an integrated approach – integrating not only components of the value chain but also the social and economic welfare of the small-scale fishing communities – as essential for sustained small-scale fisheries development and management. It sought community participation and involvement of women in the planning of development projects. Small-scale fisheries were identified as one of the priority areas in the context of fisheries development and management and COFI was keen to use the 1984 World Conference on Fisheries Management and Development to examine the role and needs of small-scale fisheries. One of the themes of the Conference was “a better future for fishermen and their families” through the development of small-scale fisheries.

The World Conference on Fisheries Management and Development was held in Rome on 27<sup>th</sup> June to 6<sup>th</sup> July 1984, following the adoption of the UNCLOS in 1982. With delegates drawn from 147 countries, it was, arguably, the best-attended fisheries conference to date. In spite of the three principal themes of the Conference including the development of small-scale fisheries, the Conference was conspicuous by the absence of the representatives of small-scale fishing communities themselves, who were not invited to the Conference.

### **International Conference of Fishworkers and their Supporters**

A parallel conference was held – also in Rome – called the International Conference of Fishworkers and their Supporters, on 4<sup>th</sup> to 8<sup>th</sup> July 1984, with over 100 fishworkers and their supporters from 34 countries. Before the parallel conference, there were preparatory meetings of fishworkers and their supporters, in Asia, Africa, and Latin America. This was the first instance of fishers and fishworkers coming together at the international level to address the global community on fisheries issues from a ground-up perspective.

Considering the salient aspects of small-scale artisanal fisheries, the Rome Conference participants were in total disagreement with the FAO Conference on Fisheries Management and Development over treating trawlers on a par with canoes, while adjusting fisheries management and development to the 1982 UNCLOS. The fishers and fishworkers sought safeguards not only from pollution but also from industrial fishing vessels intruding into their traditional fishing grounds. They sought protection from such iniquitous fishing technologies, to regain their “rights over the sea” and to ensure their participation in decision-making processes at all levels. They demanded an exclusive fishing zone for small-scale artisanal fishing vessels under their regulation and control. They spoke about creating or building own organizations, especially to apply political pressure to ensure that all government interventions were to benefit, and not to subvert, the small-scale artisanal subsector. They were keen that their fundamental human right to freedom of association was upheld. They sought to establish participatory management regimes, to uphold small-scale fisheries and to recognize the agency of fishers and fishworkers, their associations, cooperatives, and trade unions, while adjusting to the “Constitution for the Oceans”. They wanted the world community to unequivocally stand by them in challenging fisheries joint ventures and industrial model of fishing.

In light of the Rome Conference, ICSF was formed in, Trivandrum, India on 25<sup>th</sup> November, 1986, to defend the occupation of small-scale artisanal fisheries, to support the struggles of fishers and fishworkers and the programmes of their organizations, and to facilitate the cause of fishworkers at a global level and to further the cause of agency of fishing communities and their organizations.

### **Recognition of the rights of small-scale fishworkers**

Although small-scale fishers and fishworkers talked about regaining their rights over the sea, it remained largely unheeded until the 1992 Earth Summit. The 1992 United Nations Agenda 21, although a non-binding legal instrument, was the first United Nations instrument that specifically recognized the rights of small-scale fishworkers such as their rights to utilize fishery resources and to protect their habitats on a sustainable basis. When it comes to a legally-binding instrument, the 1995 United Nations Fish Stocks Agreement (UNFSA) is the first international instrument to recognize subsistence, small-scale artisanal fishers and fishworkers including

women. UNFSA made provisions to ensure their access to highly migratory fish stocks, for example, tuna and tuna-like species, in the context of developing countries. The 1995 Code of Conduct for Responsible Fisheries (CCRF) – legally nonbinding but, by now, part of international customary law – that followed the UNFSA, combined protecting the rights of subsistence, small-scale and artisanal fishers and fishworkers to a secure and just livelihood with preferential access, not only to their traditional fishing grounds but also to their traditional fishery resources. The latter clause could be read to imply protecting preferential access rights to fishery resources traditionally caught by small-scale and artisanal fishers and fishworkers in their entire range of distribution along the coast and/or across maritime zones, for their own benefit. These were significant achievements for small-scale fishers since the Rome Conference. The 2012 Rio+20 Outcome Document and the 2016 Sustainable Development Goal 14b broadened the question of access of small-scale artisanal fishers to all fisheries resources and markets.

### **Human rights of fishers and fishworkers**

The language of protecting the human rights of fishers made an entry into FAO not through COFI, but in the context of realizing the objective of food security. The 1996 Rome Declaration on World Food Security at the World Food Summit stressed the connection between food security and sustainable management of natural resources, and recognized the fundamental role of food producers including fishers and farmers and the importance of promoting and protecting all human rights and fundamental freedoms towards realizing the objective of food security for all. Soon after, the UN Programme for Reform was launched in 1997 and the UN Secretary-General called on all entities of the UN system to mainstream human rights into their various activities and programmes. Subsequently, the UN General Assembly Resolution 55/2, viz., the United Nations Millennium Declaration in the year 2000, highlighted respect for human rights and fundamental freedoms as an overarching principle for a more peaceful, prosperous and just world. The Millennium Declaration highlighted the need to strive for the full protection and promotion of civil, political, economic, social and cultural rights. It also sought respect for and protection of the human rights of migrant workers and their families, to combat all forms of violence against women and to implement the CEDAW.

At the 2002 World Summit on Sustainable Development, organized to further build on the achievements made since the 1992 Earth Summit, protecting and promoting human rights, including the right to development were recognized as essential for achieving sustainable development and ensuring that sustainable development benefited all. If protecting the environment was essential for enjoying basic human rights as observed by the UN Conference on the Human Environment in 1972, protecting human rights was flagged as essential for achieving sustainable development by the World Summit on Sustainable Development in 2002.

In the meantime, the World Forum of Fish Harvesters & Fish Workers (WFF) was formed in November 1997 in New Delhi, India, to protect, defend and strengthen communities that are dependent on fisheries resources for their livelihood. During the Constituent Assembly Meeting of WFF in Loctudy, France, in October 2000, WFF became two organizations when its constituents, mainly from the Global South and indigenous communities, formed the World Forum of Fisher Peoples (WFFP). Both forums represent those who are directly engaged in fishing, processing, sale, and transportation of fish in the subsistence, artisanal, aboriginal and traditional sub-sectors at the national level. The formation of these forums was, in a sense, the consummation of a process that started with the International Conference of Fishworkers and their Supporters in Rome in 1984. Both the forums have a strong focus on human rights and sustainable development.

After the 1995 CCRF, there was a general lull in terms of small-scale fisheries on the COFI agenda until 2003 COFI where it was pointed out that small-scale fisheries, although critical for food security and poverty eradication, continued to be left out of priority listings of many national development programmes with their contributions to food security and poverty reduction fully overlooked. It was also noted that small-scale fisheries were not taken into consideration in the formulation of national poverty reduction strategies. Thus, began an engagement with reforming the governance mechanisms at various levels in relation to small-scale fisheries and fishing communities, especially in relation to developing countries, to realize the full potential of small-scale fisheries.

The 2003 COFI was the first to recognize the high vulnerability of small-scale fishing communities to the impact of natural calamities. It also recognized how small-scale fishing communities were exposed to demographic issues such as rapid population growth,

migration of populations, overexploitation of resources, lack of alternative sources of employment, displacement in coastal areas due to industrial development and tourism, and pollution and environmental degradation – all areas of varying concern to fishing communities since the Rome Conference. The Committee stressed that better understanding of the causes of vulnerability and poverty in small-scale fisheries, and improved information on the contribution of small-scale fisheries to food security and poverty alleviation were essential to the development of strategies for enhancing the role of the fisheries sector in fostering social and economic welfare.

In the same year (2003) the United Nations organized an Inter-agency Workshop on a Human Rights-based Approach in the Context of UN Reform, especially to promote a common understanding of this approach among all UN agencies including FAO. The Workshop observed that all programmes and policies of development cooperation were to further the realisation of human rights as contained in the Universal Declaration of Human Rights (UDHR) and other international human rights instruments; that human rights standards contained in, and principles derived from, the UDHR and other international human rights instruments were to guide all programmes; that it was important to develop the capacity of “duty-bearers” to meet their obligations and rights holders to claim their rights.

Subsequently, the 2004 Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security – another soft law – recognized the importance of a human rights-based approach, democracy and good governance to food security and encouraged States to adopt a national human rights-based strategy for the progressive realisation of the right to adequate food of everyone. It also included small-scale, traditional fishers in its purview. A human rights-based approach, the Guidelines pointed out, required not only addressing the final outcome but also proposing ways and tools by which that goal was to be achieved. Means were as important as ends. States were to promote and protect human rights and fundamental freedoms, to empower individuals and civil society to make demands on their governments. Governments were to improve governance, devise policies that addressed specific needs of people, and ensure accountability and transparency of decision-making processes in implementing such policies.

The 2005 COFI stressed the importance of addressing a range of issues to enhance the contribution of small-scale fisheries to rural development, sustainable livelihoods, poverty alleviation and food se-

curity. The 2007 COFI was the first instance when COFI discussed international human rights instruments and it stressed how recognition of human rights principles could help eradicate poverty and facilitate the adoption of responsible fisheries practices. COFI probably identified poverty as the main cause of overexploitation of fishery resources and human rights principles as a way of addressing poverty. It agreed to give greater attention to small-scale fisheries and decided to convene an international conference on small-scale fisheries in 2008.

Soon after, in May 2007, ILO adopted a fishing Convention, which, for the first time, was to reach «a greater number of the world's fishers, particularly those working on board smaller vessels» to protect and promote decent work and living conditions on board fishing vessels, including their right to organize; right of freedom of association; right to freedom from forced labour and child labour, rights against all forms of discrimination, right to occupational safety and health and social security. The Convention is entering into force in November 2017 and would, for those ratifying the Convention, become the first legally-binding instrument that protects the human rights of fishers also on board small-scale fishing vessels.

The 2008 Global Conference on Small-scale Fisheries, organized by FAO and the Royal Government of Thailand and convened in collaboration with the Southeast Asian Fisheries Development Center (SEAFDEC) with some 280 participants representing different stakeholders from 65 countries, reinforced the claim that small-scale fisheries were to fully realize their potential to significantly contribute to sustainable development and called for an international instrument on small-scale fisheries. It reaffirmed that protecting human rights is critical to achieving sustainable development. CSOs and fishworkers representatives under the auspices of WFFP, WFF, Sustainable Development Foundation of Thailand (SDF), ICSF and the International Planning Committee for Food Sovereignty (IPC) organized a preparatory workshop before the Conference which produced a comprehensive statement focusing on securing access rights, post-harvest rights and human rights of small-scale and indigenous fishing communities, urging COFI to include a specific chapter in the CCRF on small-scale fisheries.

The 2009 COFI welcomed the outcome of the 2008 Global Conference and acknowledged the important contribution made by CSOs representing fishworkers organizations and their supporters and expressed the need for an international instrument on small-scale fisheries but hesitated upon the type of instrument to be negotiated.

In lieu of a specific chapter in the CCRF as demanded by the CSOs, the 2011 COFI approved the development of a new international instrument on small-scale fisheries in the form of international guidelines, but complementing CCRF, focusing on the needs of developing countries and with the participation of all stakeholders.

In approving the development of a small-scale fisheries instrument, COFI was influenced by the negotiation process to develop the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security (Tenure Guidelines). These Guidelines were endorsed by the Committee on World Food Security (CFS) in 2012. They are developed within the framework of human rights, tenure rights, and governance. The negotiations to develop the Tenure Guidelines followed an inclusive consultative process from 2009 to 2012 which also included WFFP, WFF, ICSF, and IPC. The experience gained from working together for the development and endorsement of the Tenure Guidelines certainly helped these organizations to actively engage with the negotiation process that led to the endorsement of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) within the framework of a human rights-based approach.

As the Foreword to the SSF Guidelines observes, between 2010 and 2013, FAO facilitated a global process involving more than 4,000 representatives of small-scale fishers, fishworkers and their organizations, and governments from more than 120 countries in six regional and more than 20 CSO-led national consultative meetings. The technical consultation met, in fact, thrice: in May 2013; February 2014 and briefly in June 2014 back-to-back with the 31<sup>st</sup> Session of COFI to agree upon the final text before the Guidelines were endorsed by COFI. This endorsement was hailed as a «major achievement towards ensuring secure and sustainable small-scale fisheries». These Guidelines are one of the few FAO instruments that has seen such extensive consultations. Although legal status of the SSF Guidelines may be lower than CCRF (which was adopted by the FAO Conference), its legitimacy is high, beyond doubt, due to the consultative process followed right through the negotiations, paying sufficient attention to the issue of the agency of fishers and fishworkers.

The SSF Guidelines, in light of the Tenure Guidelines, is probably the first international instrument that explicitly recognizes the need for secure tenure rights of small-scale fishing communities, including equitable access to marine and inland fishery resources; to



fishing grounds; and also to the adjacent land. Towards sustainable development of small-scale fishing communities, the duty-bearing States are obliged under appropriate tenure rights regime: (i) to grant small-scale fisheries, preferential access to fish in waters under national jurisdiction; (ii) to give due consideration to small-scale fisheries before signing fisheries access agreements with third countries and third parties; (iii) to undertake redistributive reforms for facilitating equitable access to fishery resources; (iv) to ensure small-scale fishing communities are not arbitrarily evicted; (v) to provide special support, particularly to vulnerable and marginalised groups amongst fishing communities if their livelihoods are threatened by the development and activities of other sectors; (vi) to undertake meaningful consultations with small-scale fishing communities prior to the implementation of large-scale development projects; (vii) to provide recourse to impartial and competent judicial and administrative bodies to timely, affordable and effective means of resolving disputes over tenure rights; (viii) to restore access to traditional fishing grounds and coastal lands to small-scale fishing communities that have been displaced by natural disasters and/or by armed conflicts, including elimination of any form of discrimination against women in tenure practices under these conditions.

The duty-bearing States are to strengthen governance to meet these obligations, especially through policy coherence, institutional coordination and collaboration cutting across economic development, energy, education, health, environmental protection, food security and nutrition, disaster risk management, climate change adaptation, fisheries access arrangements, fisheries, etc., towards creating favourable conditions for sustainable development of small-scale fishery communities. In return, the duty bearing fishing communities are to support the long-term conservation and sustainable use of fisheries resources and the ecological foundation for food production. Fishing communities are also to take responsibility for the management of fishery resources that are traditionally used for their livelihoods through participatory management systems such as co-management and by contributing their knowledge and perspectives.

Since 2014, there have been a number of national and regional meetings to implement the Guidelines at various levels, organized by FAO, regional bodies, governments, and CSOs. Under a project supported by the International Fund for Agricultural Development (IFAD), CSOs such as WFFP, WFF, ICSF and IPC have organized six national (India, Pakistan, Brazil, Tanzania and Mozambique



and two regional workshops (one in Asia for Mekong River Basin countries such as Thailand, Laos, Cambodia and Vietnam; and the other in Central America for Nicaragua, Costa Rica, Panama, Belize and Honduras) in 2016 to build capacity for the implementation of the SSF Guidelines. According to 2016 COFI, there is significant progress in support of the implementation of the SSF Guidelines, in particular, through the involvement of small-scale fisheries stakeholders in decision-making processes.

## **Conclusion**

An attempt has been made to trace how sustainable development of traditional small-scale fishery communities has been dealt with, especially in global forums such as COFI and in various international negotiations and instruments of relevance to fisheries and fishing communities. The emergence of soft laws since the Earth Summit, and the opening of UN forums including FAO to inclusive participation of CSOs and NGOs along with States, have helped small-scale fishworkers and supporters to influence and potentially benefit from language and instruments to secure their livelihoods and access rights from external threats and to protect their human rights.

The challenge, however, is to transform lives and livelihoods of small-scale fishers and fishing communities at national and sub-national levels with the aid of these instruments. Without political will, it is difficult to anticipate a duty-bearing State to spring to the support of fishing communities. And to generate political will, fishing and indigenous communities need to be better organized and they need to be allying with other food producers, trade unions, social and environmental movements, and human rights defenders to apply pressure on governments.

Towards creating conditions for the duty-bearing fisher or her community to be responsible for sustainable fisheries development, mechanisms such as the Voluntary National Reports (VNRs) to the High Level Political Forum on Sustainable Development in relation to the implementation of Sustainable Development Goals, and processes such as the Universal Periodic Reviews (UPRs) of the UN Human Rights Council may be influenced also to address issues of interest or concern to small-scale fishing communities.

# A Commitment to Ecumenism

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Moving forward from its founding, the most important contribution of ICMA over the last 50 years has been to bring an increased peace and collaboration between maritime ministries in so many local ports where before there was division and rivalry. If there is peace in your ports between chaplains, it is in large part because that group gathered in Rotterdam in 1969. Various witnesses who ministered to seafarers in those first years after ICMA was established described with amazement what they saw: until the 1960s, the most common experience of seafarers' ministry was along linguistic and fairly narrow denominational lines.

*Keywords: Ecumenism; seafarers' ministry; seafarers' organisations*

I have served in seafarers' ministry since 1998, with periods in a parish and in higher education in the middle. Since 2013, I have served as Executive Director of NAMMA and, as of one month ago, am additionally serving as General Secretary of ICMA for the coming year. Over this time, I can say personally that it has been a joy to find creative and sensible ways to respond to the practical challenges of serving the people of the sea.

NAMMA was founded in 1932, ICMA in 1969. Both organizations have significant and direct connections to the Apostolatus Maris. Many of the individual Members of NAMMA are AOS priests or local Stella Maris center staff – a number are with us here today. The AOS was a founding member of ICMA in 1969 and holds a permanent seat on ICMA's governing board, ably filled by Fr. Bruno. It has been deeply enriching for ecumenical organizations across the world to have such a strong connection to the AOS for nearly fifty years now.

In 2019 ICMA will indeed celebrate that half-century of ecumenical service to seafarers. The setting of its foundation was an unprecedented International Consultation on Services to Seafarers in

August 1969 in Rotterdam, initiated by the organization now called NAMMA and the World Council of Churches.

The call from North Americans to a meeting in Europe was a bit unexpected, but excitement built as the idea was discussed. On receiving the invitation in 1968, one European chaplain working in Rotterdam was more or less indignant, writing: «Here are some unknown Americans who are coming to Europe to tell us how we should run our seamen's work [...]». Yet the meeting was a phenomenal success; more than one hundred delegates from 52 Christian-based voluntary organizations, representing some 400 centers in 66 countries, took part in the Consultation. During that meeting, it was decided to form an international association of Christian voluntary organisations that would foster collaboration and be a collective voice to the maritime industry.

The motivation for exploring ecumenical cooperation came from various sources. The willingness of the Catholics to participate especially put wind in the sails of the consultation. Catholic-Protestant partnership from the beginning has been an essential component of ICMA's strength. The Association was founded in the heady years just after the Second Vatican Council, when ecumenism was a new priority in the Catholic Church. In his unpublished manuscript *The Church Maritime*, Peter Anson remarked «the sixteen Decrees of the Second Vatican Council especially those on Ecumenism, the Eastern Churches, Non-Christians, and Religious Freedom, opened the doors wide to close contacts with the Reformed Churches, and soon affected the sea-apostolate in almost every country» (Anson, 1974: 181).

Many expressed astonishment that such a diverse gathering – unimaginable just a decade previous – was now a reality. One *Apostleship of the Sea* publication noted that at such a turbulent time in global society, the gathering «was an achievement so remarkable as to suggest a providential intervention of the Holy Spirit, for what had happened was this: Baptists, Methodists, Calvinists, Episcopalians, Lutherans, Presbyterians, Salvation Army, Anglicans, Roman Catholics and many others [...] had met together for the very first time and, after praying and working together for a few days, had unanimously agreed, not only on the Conclusions and Resolutions coming from their brief consultation, but also to go on working together in a serious, organized and businesslike way».

Rev. Jacob Schokking, Chairman of the local organizing committee, concurred: «The emotions most strongly felt were surprise and amazement that such being together, working, organizing, speak-

ing, listening and praying together were possible. It is hard to realize now how separate we had been until then. There had also been not only the division of being in one's own world, but the others were often considered as rivals [...]».

These are powerful thoughts – from stated division to a move toward unity. Never had so many diverse organisations come together at one time to discuss a common future. Moving forward from its founding, the most important contribution of ICMA over the last 50 years has been to bring an increased peace and collaboration between maritime ministries in so many local ports where before there was division and rivalry. If there is peace in your ports between chaplains, it is in large part because that group gathered in Rotterdam in 1969. Various witnesses who ministered to seafarers in those first years after ICMA was established described with amazement what they saw: until the 1960s, the most common experience of seafarers' ministry was along linguistic and fairly narrow denominational lines.

In only a few short years after the founding of ICMA, the vast majority of seafarers' centers had affiliated chaplains of different denominations or official working partnerships. Though chaplain arrangements varied from port to port, a common experience was seen around the world. Writing several years later, Msgr Leo Kreiss of the AOS stated that the real impact of ICMA was not primarily seen at international gatherings or conferences, but in the day-to-day work of chaplains: «Our founders [...] drew closer to each other because in their daily pastoral rounds in the ports, they met each other; got to know each other; and learnt to appreciate each other».

ICMA's greatest achievements still today are when chaplains, ship visitors, and staff in local ports can find peace and joy in working together across denominational lines. Those relationships vary from place to place, but that it is even possible is something we can celebrate. Yet we must also bear in mind our own brokenness. Here is a key idea from the 1969 meeting: being together with others is not a common, easy reality. It is not something we can take for granted. Rather, it takes much hard work and time. As is the case with other achievements in life, the real work begins after the celebration. Ecumenical collaboration and partnerships are not something static or fixed in stone, but something for which we need to work hard continually.

However, as we are together in the coming days, remember with joy and amazement that such common work for seafarers, fishers, maritime workers, and their families is a gift of our Lord. We have the privilege of doing what so many others cannot – work together in common cause for the benefit of those in need. It is in this frame

of joy and excitement that I want to talk about the value of ICMA, the value of an ecumenical commitment. I will mention briefly four areas in which we have been actively involved in the past several years, all encouraging our common work and, hopefully, bringing value to our individual members.

1. A visible way that ICMA promotes its vision and values is meeting together. The call comes not just from certain people or the Executive committee, but from our foundational documents and values. It is good to be together. Yet, as you know, it is increasingly complicated and expensive to gather in person. Hectic schedules, tight budgets and increased scrutiny of visas and borders all mean that these meetings are a challenge. No doubt, this is especially true when organizing meetings across languages and global regions. There is much more emphasis – probably rightly – on examining the professional development and other strategic value of each meeting.

I encourage all AOS members to learn about their ICMA region and think of ways to connect with one another. Earlier this year the Western Europe region met in Bremerhaven and the North American region – that is, NAMMA – met in New Orleans. Next week the North European region will meet in Tallinn, Estonia. Various other societies also have their own meetings in the coming year at which they have ecumenical observers or other partners on projects. We encourage other regions to discuss how they might form their own active regional groups.

More, last October we ran the AHOY course in Manila. Some of you were present for that course; I hope the experience helped you relate to Filipino seafarers. It was very informative for me. Despite all the financial or other challenges our organisations and supporting church communities face, it is amazing to see the number and variety of occasions on which our people can meet.

2. From the beginning, ICMA has tried to bring a common voice to our work in the maritime industry. We have supported the justice and welfare work of a number of organizations, across ecumenical lines, and even in special cases like fishers' welfare, piracy and seafarers' experience of the migrant crisis in the Mediterranean. Programs have come from individual ICMA members to be shared at our various regional meetings with other ecumenical partners. ICMA has presence at the IMO and ILO and has worked for many years to contribute our unique perspective. Our presence at these organizations is not just for show, but because we have a voice. Over the years we have been able to give input to many different discussions on behalf of seafarers, fishers, and their families. Our daily

proximity to and help of seafarers and fishers gives us a perspective that most others in the maritime community do not have.

3. ICMA also is active on social media – we have a website and various other accounts; most active is the Facebook page. I also have the privilege of editing a monthly newsletter for ICMA. The point of these newsletters is to share our work, but also highlight your work. I try to keep up with significant announcements among our membership worldwide.

4. A key part of our work is professional development. Again, like meetings, it is increasingly challenging to organize in-class courses over several weeks. Smaller budgets, travel visas, and tight schedules have an impact here, too. Yet many different training opportunities still are available besides those which individual societies might offer. A key in ICMA training has been the opportunity to study alongside those of different denominational backgrounds. Many chaplains will note that those friendships continue long after the course is over.

In 2015 we ran a pilot project in Gdynia, Poland hosted by Fr. Edward Pracz to test whether new technology could be tied into future training courses. The course had a dedicated website and used online meeting software for some segments. Feedback from that experience has been great and we have had the opportunity to further refine our work in the last year. We hope to offer a next training in June 2018. More details are to come.

In the meantime, many other training opportunities have been offered in various places. An ecumenical training course is offered for two weeks every February in Houston, Texas. Various teachers participate who have expertise in different fields. The next course will be in the last two weeks of February 2018.

I am also particularly happy to note the availability of the Ship Welfare Visitor Course online. This is an online course that is built for new staff, ship visitors, volunteers, and chaplains. It is produced for the Merchant Navy Welfare Board by NAMMA and features many familiar faces within ICMA, including Fr. Bruno. About 100 students are already enrolled in the system, with about 50 completing it. It can be used by any ICMA society, and I would be happy to give you more information. There is a cost of only 20GBP and it will give you an I.D. card at the end.

Next, ICMA has been keenly interested in new technology and programs in the last few years. We are very happy that the Ship Visitor App is now running in many societies, with others looking at it seriously. This App is developed by Sailors' Society but officially endorsed by ICMA. It has been great to get honest feedback from

those who have used it, and Sailors' Society has done a good job using that feedback to make revisions to the system.

Finally, I note the work that we have been promoting in research. Many new books have appeared on seafarers' welfare in the past few years. It is amazing to read all the thoughtful and helpful books and articles on this subject. A magazine endorsed by ICMA is the MARE Report, a magazine produced by NAMMA for seafarers' welfare professionals. Though the focus is on North American ecumenical work, I mention it here because we also try to include articles about seafarers' welfare around the world.

These are just a few of the projects in which ICMA is active. Some of these projects have been managed directly by ICMA; for others ICMA's endorsement is more important. These are managed by one or another of our societies, but endorsed and promoted by ICMA. All projects are very important for our common voice. We also value your input on any other part of our work. ICMA does not belong to one or another person or society, but to us all. Your voice matters, and I would be happy to hear your opinion and bring it back to our executive committee for discussion alongside our next general meetings.

I hope that you continue to see value in our work together. In particular, remember that being part of ICMA is a concrete expression of our commitment to Christian ecumenism. Recently I was in London for the Annual General Meeting of ICMA. It was a joyful and instructive time. If ever you have been there, you might have taken the subway system on which the constant refrain is "mind the gap" between the subway car and the platform. In some ways, I want to say the same here today about ecumenical work: remember that there is a gap between what is written on paper and what we actually live in practice in the ports. Developing ecumenical relationships and keeping them alive takes a tremendous amount of energy, patience, and flexibility. There are gaps to be aware of! Yet, for this reason, I find great encouragement in the words of the *motu proprio Stella Maris* of Pope St. John Paul II (1997). That document recognizes that this work of ecumenism is not straightforward, as though leadership in the Holy See would just say the word and all division would cease. Rather, in that letter the pope called what was then a Pontifical Council «to promote an ecumenical spirit in the maritime world.» From my perspective, this means that beyond working for practical cooperation, a general attitude guides the work. Having an ecumenical spirit means having a commitment to ecumenism. This commitment guides how individuals react to whatever circumstances arrive, especially when the possibility of division is present.

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# Los retos en el cuidado de las familias de los pescadores

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El trabajo continuado de nuestro voluntariado durante más de 45 años, para lograr el respeto que corresponde a la dignidad de estas personas, tiene un profundo significado, porque el interés que promueve nuestra insistente reclamación, es la defensa de los derechos humanos.

*Palabras clave: trabajadores del mar; asociaciones; condiciones laborales; derechos*

Mi compromiso para mejorar la vida de los trabajadores del mar abarca el itinerario de toda mi vida entregada en el servicio del Apostolado del Mar, siempre con esperanza, lanzándome a todos los ámbitos de responsabilidad en los que pudiese encontrar soluciones con respuestas responsables en favor de la justicia, que no llega. Sólo tenemos la fuerza de la palabra ante quienes tienen el poder: las personas responsables que producen, conocen y permiten esta situación. Aún así, conociendo las dificultades con las que nos encontramos, seguiremos esta andadura con esperanza, porque es el resquicio que nos queda ante una realidad que no responde al respeto que se debe a la dignidad de la persona humana hija de Dios.

Con relación a la pesca industrial, sobre lo que trataremos, hay que distinguirla de la de los pescadores de litoral, o artesanal, de un día o una semana en la mar. La pesca industrial de largas permanencias de meses en la mar, siendo diferentes las situaciones y las consecuencias que de ello se derivan, hay que destacar en ello las condiciones laborales y sus consecuencias en la vida familiar.

## **La estructura empresarial y su impacto en el trabajador**

Su estructura empresarial está concebida con un claro aliciente materialista, aprovechando al máximo la posibilidad de capturas en el menor tiempo posible, sin considerar al pescador en situación de fatiga, debido al horario de trabajo que tiene que soportar y que no es evaluable y sus consecuencias de arbitrariedad salarial.

### *Las condiciones laborales*

Hay que señalar diferentes aspectos, donde la escasa protección legal es hábilmente soslayada por quienes la quebrantan. Los contratos se efectúan con frecuencia con serias anomalías: jornada laboral irreal, sin firmar o firmados en blanco, a emigrantes con condiciones más restringidas y las libretas que navegan sin su titular. Las cotizaciones a la seguridad social no siempre son rigurosas y se sostienen con irregularidades. Todo ello es más grave cuando se trata de empresas mixtas o de bandera de conveniencia; con consecuencias graves en caso de enfermedad, accidente laboral o jubilación. La jornada laboral es ilimitada. El objetivo es llenar las bodegas lo antes posible. Todo ello se traduce en jornadas de trabajo de más de 20 horas sin descanso, durante largas estancias en la mar que pueden alcanzar los 7 meses. Este proceso desencadena la fatiga, que predispone para accidentes laborales y en situaciones graves, provoca la muerte del trabajador. La retribución salarial nunca responde a las horas trabajadas, ni las extraordinarias ni los fines de semana, ni se contempla un “plus” de peligrosidad, ni de permanencia.

### *La seguridad a bordo*

Se ha dado un avance en las exigencias de formación de los pescadores, pero la jornada laboral que realizan en situación de fatiga, deteriora su capacidad para reaccionar y ralentiza los reflejos físicos y mentales. Asimismo, existe una carencia a bordo de los necesarios medios de seguridad y salvamento.

### *El impacto en la familia*

La familia, una comunidad en la que han de desarrollarse los lazos humanos más íntimos, presenta graves dificultades en la vida del marino, debido a sus largas permanencias en la mar y muy cortas estancias en tierra.

La separación de la familia del trabajador de la pesca industrial deteriora el diálogo familiar. Cuando el marino regresa a casa después de una ausencia, que puede alcanzar hasta los 7 meses, ha de iniciar la convivencia que durante largo tiempo tuvo que interrumpir y que, en su ausencia, se tomaron decisiones en la vida familiar en las que él no pudo participar y en los pocos días de estancia en el hogar, la esposa no interrumpe la tarea que realizar en soledad.

### *El marino en la vida familiar*

En el estudio-encuesta realizado por el Apostolado del Mar se preguntó a estas familias: ¿cuál es el principal problema de la separación de la pareja? Y así respondieron: la falta de diálogo y convivencia el 39%; la dificultad para congeniar el 9,1%; la falta de relación conyugal, el 12,9%; la soledad el 12%; la infidelidad y dudas el 7,9%.

### *La mujer del marino en la vida familiar*

La mujer del marino es una mujer que se enfrenta con valentía a las dificultades que produce la ausencia de su marido y suple sus principales carencias. Es necesario que asuma el doble rol de madre/padre en la educación de sus hijos y ella en ausencia del marido siempre se pregunta: ¿cómo actuaría el esposo? Los problemas de la vida del esposo ella los considera más graves que los propios. Sabe en las condiciones que trabaja – aunque ellos no lo manifiesten – y le reciben afectadas y resignadas ante una situación que no cambia. La breve estancia del marido en el hogar da lugar a una vida agitada, al querer vivir el escaso tiempo de vida familiar con las dificultades de adaptación que crea la separación.

### *Las repercusiones en la educación de los hijos*

Es este otro aspecto distorsionado de esta vida familiar, porque para el hombre de mar no es posible realizar la tarea educativa de los hijos. Al disponer de pocos días en tierra es muy difícil tomar “el hilo” del diálogo familiar y prefiere no interferir la labor de la madre. No se puede decir que se le margine, porque él está desconectado de las vivencias diarias lo que produce carencias afectivas en los hijos: el padre puede ser un desconocido y al regresar a casa, se siente desplazado ante la madre, produciéndose un sentimiento de celos, ya que los hijos se apoyan en la madre. El estudio-encuesta realizado por el Apostolado del Mar, dio la siguiente respuesta: Si el padre estuviese más tiempo en casa ¿estarían los hijos mejor educados? Contestaron afirmativamente el 71,2%.

## Las relaciones sociales

El pescador es un hombre “sin voz” en la sociedad y se encuentra impotente para hacer valer sus derechos porque, debido a su alejamiento en la mar, es difícil cualquier reivindicación individual pues esta podría significar la pérdida de su puesto de trabajo. Solo le queda resignarse ante una situación que no cambia, en la que no se respeta su dignidad.

La mujer ha de estar integrada en la sociedad en lo que se refiere a las gestiones de carácter educativo, civil y económico, que afectan a su familia. No se siente marginada y no tiene la inquietud de exigir la igualdad con el hombre, porque su autoestima es elevada, dada la labor que realiza en soledad.

Los hijos tienen una integración diferente en la vida social. No pueden hacer referencia a su padre del mismo modo que sus compañeros de clase o pandilla. Su padre no está presente en los momentos importantes de su vida: fechas señaladas, éxitos o dificultades escolares, deportes, etc. Encontrándose siempre sin el calor de su compañía.

### *El pescador jubilado*

La incorporación del marino a la vida del hogar no es fácil, ni para el que regresa ni para los que esperan. Debido a sus largas permanencias en la mar y cortas estancias en tierra, en su vida se produce un desfase. Además de la desconexión con la familia, otros dos factores dificultan el regreso: el aislamiento a bordo en tripulaciones reducidas, con frecuencia de diferentes idiomas, y el aislamiento social en general. Ambos factores le afectan, mermando su capacidad para retomar con éxito las relaciones familiares y sociales.

Otra dificultad puede ser tener que enfrentarse a la economía del hogar, ya que las prestaciones de jubilación suelen ser bajas, debido a posibles irregularidades en las cotizaciones a la Seguridad Social.

**El mensaje que he transmitido, puede resumirse en una frase que refleja esta realidad: “La esclavitud silenciosa del siglo XXI”**

Sólo la solidaridad mundial podría salvar la situación. Tendremos que trabajar con dedicación e inteligencia para que exista una verdadera liberación en la vida de los marinos y sus familias.

Factores que reflejan la situación de esclavitud:

- La ausencia de inspectores que la constaten y denuncien, crea una situación de permisividad incontrolable.
- Los trabajadores no pueden defenderse: por la lejanía y sus consecuencias...
- Sus mujeres, constituidas en Asociación, tratan de ser “la voz” de sus maridos en tierra y hacen reclamaciones defendiendo sus derechos ante los políticos responsables.
- Los políticos no responden a estas demandas y no proveen una vigilancia a bordo, mediante inspectores o cámara IP con caja negra en el parque de pesca.
- Ante la falta de soluciones a los problemas expuestos, se buscan nuevas vías que ofrezcan soluciones puntuales e individuales a los trabajadores: el Centro de Derechos del Marino establecido como punto de atención, para poder ofrecerles personalmente asistencia jurídica gratuita, como veremos más adelante.

## **Abriendo caminos**

Tratamos de abrir puertas esperando respuestas de los responsables, quienes tienen conocimiento de la situación y de las leyes, que por derecho son de aplicación ante la gran injusticia que sufren los trabajadores de la mar y sus familias, que una vez más tratamos de reflejar en esta reflexión.

El trabajo continuado de nuestro voluntariado durante más de 45 años, para lograr el respeto que corresponde a la dignidad de estas personas, tiene un profundo significado, porque el interés que promueve nuestra insistente reclamación, es la defensa de los derechos humanos.

El motor creador de nuestro compromiso es la certeza de que todas las personas poseemos de los mismos derechos, y dependemos los unos de los otros para poder contribuir al bienestar de la sociedad, sin egoísmos ni manipulación del poder económico, contando con el consentimiento de quienes tienen la responsabilidad de vigilar por el cumplimiento de la ley, vigilancia tan necesaria cuando se trata de la explotación del ser humano, como es el trabajador del mar, alejado y desconocido en nuestra sociedad por el silencio que produce la lejanía de la mar.

De esta situación tienen conocimiento los gobiernos Europeo, Nacional y Autonómico. El Parlamento Europeo, ante nuestra petición de comparecencia y denuncia personal de viva voz, en donde se expuso el problema de la prolongada separación familiar, manifestó

que en el último siglo todos los colectivos habían avanzado en derechos sociales, con la excepción del sector marítimo.

Con motivo de una Mesa de Trabajo con representantes de los Ministerios de Pesca, Trabajo y Fomento, con la participación de la asociación de mujeres de pescadores “Rosa dos Ventos”, se hicieron importantes reclamaciones, destacando la presentación de un documento de peticiones *Por la protección Laboral y Social de la Familia Marinera*, respaldado por más de 30.mil firmas, que suscitó gran interés, considerando que las familias de pescadores de nuestro país son las últimas de Europa en calidad de vida, según detectó el estudio del Proyecto europeo FEM (Familias Europeas de Marinos), coordinado por “Rosa dos Ventos”, con la colaboración de asociaciones de esposas de marinos de Francia, Alemania, Bélgica y Finlandia. Todavía esta gestión, no ha tenido respuesta del Gobierno, a pesar del interés que mostró.

El Gobierno Autonómico de Galicia, en cuyo territorio se encuentra el grueso de familias de la pesca industrial, en donde se produce la mayor explotación, no ha tomado las riendas de sus competencias, que fueron señaladas por el Gobierno Central tras la primera sesión de la Mesa de Trabajo.

El trabajo y relaciones con las asociaciones de esposas de marinos de los países europeos fue un aliciente para las relaciones internacionales, que se suponía un eslabón de interés para futuros recursos, pero la ausencia de una labor de coordinación fue enfriando las relaciones; y se está luchando por abrir otros caminos.

### *La necesidad de un centro de derechos del marino*

Las consecuencias de las relaciones directas con la Administración, tuvieron una dimensión determinante al captarse la necesidad de buscar soluciones operativas con la actuación de los Tribunales de Justicia para defender los derechos laborales y sociales de los trabajadores del mar y sus familias; unos derechos cuya reclamación exigía la creación de un Centro de Derechos del Marino, con asistencia jurídica gratuita, dada la situación económica en la que se encuentran estas familias.

## **La seguridad y el salvamento marítimo**

Rosa dos Ventos: las mujeres de las Rías Bajas de Galicia, decididas a ser “la voz” de sus maridos (los hombres “sin voz” en el silencio de la mar) y poder defender sus derechos en la vida social con el apo-

yo, si fuese necesario, del Apostolado del Mar, creó la asociación de mujeres de pescadores. Su primera labor fue trabajar por los hombres de la mar y reclamar públicamente mayor seguridad para el colectivo, en una intervención pública sobre Seguridad y Salvamento Marítimo ante los políticos responsables de la Administración, para dar lectura a un documento: que recogía hechos, denuncias y reclamaciones sobre la inseguridad que se está sufriendo en la Mar. Seguidamente fueron recogidas 15.000 firmas en las distintas zonas costeras, que fueron entregadas en la administración autonómica, con la esperanza de que fuesen atendidas esas reivindicaciones.

Se realizó una campaña de sensibilización a través de los medios de comunicación. Como consecuencia de estas gestiones, la consejería de Pesca, puso en marcha las siguientes medidas en materia de seguridad y salvamento marítimo en Galicia: 2 remolcadores de altura, 4 lanchas rápidas y 2 helicópteros.

Se realizó una presentación pública de los nuevos medios, con nuestra presencia, donde se ofreció interesante información sobre sus funciones y efectos en momentos de inseguridad en la mar. Se puede constatar que desde su creación, se han salvado 1.300 vidas humanas.

En el año 1991 se constituyó la Asociación de Mujeres de Pescadores de Galicia “Rosa dos Vemos”, que, a día de hoy continúa con su interesante trabajo en favor de los trabajadores de la mar y sus familias. Dicha asociación edita la revista *Boga*, que nace con la intención de sensibilizar sobre los problemas que afectan a los trabajadores de la mar y sus familias. Esta revista ha surgido por la necesidad de las esposas de ser “voz” en tierra firme de los esposos que trabajan en la mar siendo *Boga* el instrumento mediador. La revista recoge la situación que viven estas familias: tanto en el trabajo esclavizante del pescador como en tierra por las largas ausencias de meses de separación familiar. Es también medio de comunicación: que recoge entrevistas con marinos, empresarios, políticos y actividades de las mujeres de los pescadores.

La asociación Rosa dos Ventos colabora directamente con otros colectivos sociales que luchan por el bien integral del marino, entre otros el Apostolado del Mar y los centros que esta institución tiene: los “Stella Maris”. Es fácil de entender que los destinatarios son los propios trabajadores de la mar: la asociación de mujeres de “Rosa dos Ventos”, las familias de los trabajadores de la mar y los distintos colectivos que trabajan en este ámbito.

El ámbito de actuaciones llega hasta la Comisión de Pesca europea, al Gobierno de España y las Autonomías que tienen zonas marítimas.

## **El centro de derechos del marino**

La asociación de mujeres de marinos “Rosa dos Ventos” y el Apostolado del Mar firmaron el 24 de Febrero del 2015, un convenio de colaboración con la BALMS Abogados - Consultores con el fin de garantizar la asistencia jurídica gratuita a los trabajadores del mar en situación de necesidad y tratar así de paliar las injusticias que sufren en su trabajo. Es importante destacar la decisión de D. Antonio Heredero González-Posada, en representación de la empresa BALMS ABOGADOS DE GALICIA, S. L, una decisión generosa a favor de un colectivo necesitado de justicia en el desarrollo de su trabajo .

## **El Apostolado del Mar**

No se trata de analizar el trabajo de esta institución, bien conocido. Este servicio de la Iglesia mantiene su colaboración con los pescadores a través de los “Stella Maris” y la visita a los barcos en diferentes puertos. Es un servicio de acogida y atención a los marinos en sus necesidades, favoreciendo sus relaciones familiares, laborales y sociales. Siguiendo el lema “tu hogar lejos del hogar”.

## **Los retos en el cuidado de las familias de los pescadores**

En primer lugar abordamos el problema de las familias de los pescadores, que sufren las consecuencias de todas las dificultades que ya hemos señalado anteriormente. Destacamos la necesidad de una mayor vigilancia de la administración para que este duro trabajo se pueda realizar teniendo siempre presentes las exigencias de los derechos del trabajador, de los derechos humanos; repercutiendo todo en el bien de la familia y de la entera comunidad.

La Autoridad Portuaria de Vigo (Pontevedra-España), ha invitado a formar parte del Proyecto “Blue Growth”, el “Crecimiento Azul” para estudiar el tema de la “Humanización” en el trabajo de la Pesca Industrial. La Asociación fue invitada por el trabajo que desarrolla en el tema de la seguridad en el trabajo en el mundo de la pesca industrial.

Se hicieron importantes avances con resultados muy positivos relacionados con las condiciones de trabajo en el parque de pesca, destacándose: la lucha en contra de la fatiga, una situación motivada por el exceso de trabajo a bordo, que pone en riesgo la vida del marino por la ausencia de seguridad que producen las horas extraordinarias de trabajo sin el debido y necesario descanso.



La habitabilidad de los camarotes del buque, sobre todo para las escasas horas de descanso. Todo ello es una mejora en la vida de trabajo del pescador, que repercutirá satisfactoriamente en su bienestar.

### *Creación de nuevas asociaciones de esposas de marinos*

Sería muy importante la creación de nuevas asociaciones de esposas de marinos, para ser “LA VOZ” de sus maridos en tierra, ya que ellos son los “invisibles”, dado que a ellos no los vemos acudir a sus puestos de trabajo, como a los demás trabajadores. El apostolado del Mar juega un papel importante en la colaboración y orientación para la creación de estas nuevas asociaciones.

### *La asociación “Rosa dos ventos”*

Desde su fundación, hace más de 20 años, viene realizando importantes trabajos con interesantes logros, siendo conscientes de que todavía queda un largo camino por recorrer. Queremos señalar que uno de los principales objetivos de la Asociación “Rosa dos Ventos” es promover un cambio en las circunstancias de la vida familiar, condicionada por las largas permanencias de los trabajadores en la mar y las muy cortas estancias en el hogar. Se trata de conciliar el trabajo con la vida familiar.

Otro aspecto que la asociación considera de suma importancia sería la grave situación que padecen los trabajadores, como es la fatiga, que les convierte en autómatas, sobre todo en el parque de pesca, donde corren grave riesgo de accidentes, de caídas a la mar y riesgo de sus vidas. Queremos destacar la necesidad de Inspectores abordo para un mayor control de los horarios de trabajo, de los contratos laborales, de las medidas de seguridad e higiene etc...

La asociación “Rosa dos Ventos” sigue haciendo denuncias públicas ante empresarios y políticos, para que se tomen las medidas oportunas para paliar estos problemas. En este sentido, también se ha comenzado la relación entre la Misión del Mar de Francia y el Apostolado del Mar de España, organizando encuentros bianuales (alternando los países) entre las mujeres de la costa Atlántica.

Y bajo el lema de la esperanza, nace un compromiso de solidaridad con la finalidad de organizarse en asociaciones. En España, en primer lugar, “Rosa dos Ventos” y posteriormente en el País Vasco y Andalucía y en los puertos franceses de San Juan de Luz, Nîr-moutier, La Rochelle y Les Sables D'Olonne, en donde continuaron los encuentros nacionales e internacionales para tratar la problemática que afecta a los marineros y sus familias.

Actualmente, estamos tratando con gran interés la actividad el “Crecimiento Azul” (Blue Growth), que, a nuestro juicio, está realizando con gran acierto el Presidente de la Autoridad Portuaria de Vigo, Don Enrique López Veiga, un importante proyecto para el futuro de la Pesca, siendo la humanización el futuro que deseamos. Y para su desarrollo se cuenta con la colaboración de las mujeres de esta asociación, dado su interés para poder lograr.

# Project Report on Taiwanese Fisheries and Protection of Fishermen

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Foreign crew members have become an indispensable workforce source for Taiwan's fishing industries, and they shall be viewed as important work partners at sea. Even though fishing operation is generally a more exhausting job than working on land or merchant ships, Taiwanese captains and foreign crew members working under the same environment should, regardless of nationalities, continuously improve foreign crew members' rights and benefits.

*Keywords: fishing industries; Taiwan; fishermen*

## Preamble

Taiwan is located in the subtropical region and is surrounded by the sea, with Kuroshino Current flowing past the eastern coast and the cold and warm currents merging in the western coast. Taiwan's fishing industry is therefore well-developed, and makes great contributions to the relevant industries, social stability, and food supply. Nevertheless, due to the danger, difficulty, and distance of working onboard, as well as low birth rate, the willingness of Taiwanese people towards working on a fishing vessel is low. Concerning the severe shortage of fishing labors and that the domestic labor market also fails to meet the demand, vessel owners mostly tend to employ foreign crew members to solve the problem of insufficient workforce.

## Current states of domestic and foreign fisheries

### *Development of international fisheries*

Based on the data from Food and Agriculture Organization of the United Nations (FAO), global total production from capture fisher-

ies and aquaculture was about 167.2 million metric tons in 2014. Accounting for 55.9% of the global total production, the production from capture fisheries was about 93.4 million metric tons, with 81.5 million metric tons coming from marine capture fisheries. The global total production from marine captures had increased since 1950, exceeded 78 million metric tons in 1988, and reached its peak at 86.4 million metric tons in 1996. Since then, the production had remained stable, while there had been some slight increases since 2010 and reached another peak in 2014. However, the state of world marine resources does not improve. According to the analyses on the major marine resources in 2013, 10.5% of species were deemed as low-exploited, 58.1% of species were fully-exploited, and 31.4% of species were over-exploited. Most of the top ten species with the highest catch amount are fully-exploited and have no potential for furthermore production.

In 2014, China remained its position as a gigantic country in marine capture fisheries, followed by Indonesia, the United States, Russia, and Japan. Taiwan's marine capture fisheries production was about 1.07 million metric tons, ranking at the twentieth around the world.

Total production from aquaculture was about 73.8 million metric tons in 2014, and the estimated price for the first sale was 160.2 billion US Dollars, accounting for 44.1% of the global total production, higher than 42.1% as in 2012 and 31.1% as in 2004. China's aquaculture production was 45.47 million metric tons in 2014, making up more than 60% of the global total production. The rest of major producing countries include India, Indonesia, Vietnam, and Bangladesh. Taiwan's aquaculture production was about 340 thousand metric tons, ranking at the seventeenth around the world.

### *Development of domestic fisheries*

Taiwan is located in the subtropical region, and has the diversified marine habitats; hence it is blessed with the beneficial environment for the development of fisheries. With efforts putting on managing domestic fisheries for many years, Taiwan's fishing industry has developed stably and robustly. The production of coastal and offshore fisheries was about 160 thousand metric tons in 2015, valued at 13.7 billion New Taiwan Dollars, and the production of aquaculture was about 310 thousand metric tons, valued at 39 billion New Taiwan Dollars, with about 330 thousand fishery operators/employees and 23 thousand fishing vessels/rafts involved. Resulting from the factors including over-exploitation of fishery resources, destruction of

habitats, contamination of marine environment, and climate change, the fishery resources severely decline.

In order to develop Taiwan's coastal and offshore fisheries sustainably, it is necessary to create the environment for the diversified operation of fisheries and undertake the conservation and management measures; for instance, constantly implementing the management of the total allowable catches and vessels cap on larva fishery, flying fish roe fishery, coral fishery, mackerel fishery, eel fry (adult eel) fishery, and crab fishery. Furthermore, fulfilling the responsible fisheries, such as implementing fins attached policy, is critical for maintaining Taiwan's competitiveness in the fishing industry.

As for aquaculture, in response to the influence of extreme weather, it is important to uphold the eco-friendly attitude and enhance the added value of aquatic products by assisting the industry in producing certified and labeled products that complies with the international regulations and standards on producing and marketing. With the integration of related, upstream and downstream industries, including the farming, fish fry, fish feed, aquaculture facilities, processing and logistic, the industrial value chain could be fully demonstrated, and the domestic aquaculture industries are allowed to develop stably, despite the limited resources.

## **Current management on employing foreign crew members**

### *Overseas employment of foreign crew members*

#### **Employment**

Pursuant to Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members, it is authorized and managed by the fisheries authority.

Any fishing vessel that is allowed to employ foreign crew members overseas shall not only be permitted to conduct distant water fisheries by the Council of Agriculture, Executive Yuan (hereinafter referred to as the "COA"), but also meet one of the following conditions:

- The fishing vessel has operated on the high seas or in waters under the jurisdictions of other countries for cumulative 30 days and above in the current or preceding year.
- The newly-built fishing vessel obtains the replacement tonnage from the fishing vessel which was authorized to employ overseas foreign crew members within two years before the loss of such vessel.

- The fishing vessel which resumes its operation after the completion of the operation suspension has been authorized to employ overseas foreign crew members within two years before the operation suspension.

Any vessel owner may employ foreign crew members overseas by himself/herself, or commission an agent authorized by the COA to conduct the overseas employment. Any foreign crew member employed overseas by vessel owner himself/herself shall embark and disembark in foreign ports. Those who are employed by the agents may enter Taiwan via aircraft and then leave with the fishing vessel from the port for fishing operations.

### Management of agents

The management of agents is included in the “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members”, which establishes the schemes of joint liability and review. Any agent is required to submit a guarantee bond, ranging from 1.5 to 5 million New Taiwan Dollars, in accordance with the number of the foreign crew members that the agent plans to employ. In addition, agents shall accept the review conducted by the COA or its commissioned professional institutions. For any agent receiving poor grade under the review, the COA may prohibit its operation, or even revoke its authorization.

### Current situation

Until 17 July, 2017, the total number of the foreign crew members employed overseas was 18,162, with 10,745 Indonesians (59.2%) making up the largest proportion, followed by 5,672 Filipinos (31.2%), and 1,308 Vietnamese (7.2%).

### Rights and obligations

Rights and obligations of foreign crew member employed overseas are stipulated in the «Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members», which are established pursuant to the Act for Distant Water Fisheries. The key points of the Regulations are as follows.

- To ensure the minimum wage of foreign crew members, it is stipulated that the monthly wage of a foreign crew member shall not be less than 450 US Dollars.
- To improve the safety and medical care for foreign crew members, it is stipulated that a vessel owner shall insure for a for-

foreign crew member the accident, medical and life insurance, and the insured amount of the life insurance shall not be less than one million New Taiwan Dollars.

- To ensure that foreign crew members have enough rest, it is stipulated that a foreign crew member shall not have less than 10 hours of rest per day and less than 4 days off per month. In consideration of the special needs for fishing operation, compensatory leaves may be arranged in accordance with the agreement between the employer and the employee.
- Requirements for vessel owners: for example, ensuring any foreign crew member onboard enjoys the benefits and labor protection equivalent to those of the same post; the wage shall be paid fully and directly to the foreign crew member; ensuring any employed foreign crew member not to work on other fishing vessels or premises, or engage in other labor unrelated to fisheries; and repatriating the employed foreign crew member in the event that the fishing operations cannot be continued etc.

### Accommodation

Most of the foreign crew members employed overseas embark or disembark in foreign ports; hence their main workplace and living space are on the fishing vessels. Foreign crew members' working as well as living and food conditions on the fishing vessels shall be equivalent to Taiwanese crew members.

Where the fishing vessel has returned to the Taiwan due to changing fishing grounds or annual maintenance, the foreign crew members employed by the agents commissioned by the vessel owners may enter Taiwan via aircraft. In cooperation with the containment needs of the local governments, the aforementioned foreign crew members shall undergo a medical examination within 3 working days after entering Taiwan. For any foreign crew member entering Taiwan with the fishing vessel, the vessel owner shall apply to the Border Affairs Corps of the National Immigration Agency, Ministry of the Interior where the fishing vessel enters the port for the temporary entry permit of such crew member.

In the event that the vessel owner provides onshore accommodation for the foreign crew member during their his/her stay in Taiwan, such vessel owner shall submit an accommodation plan (the accommodation site, estimated period and crew list shall be specified in such a plan.) to the local governments in which the port is lo-

cated for perusal at the time when the fishing vessel enters the port or before the foreign crew member enters the Taiwan via aircraft.

### *Employment of foreign crew members within the territory of Taiwan*

#### Employment

Pursuant to “Employment Service Act”, it is authorized and managed by the labor authority.

Any vessel owner shall commission a domestic agent approved by the Ministry of Labor to submit the application seeking to employ to the public employment services institution, where the agent locates. Only when the vessel owner receives no response after posting an advertisement seeking to employ domestic labor on the website of TaiwanJobs for 21 days or posting another advertisement of employment on the newspaper for 14 days at the same time, may the Ministry of Labor issue a recruitment permit. When receiving a recruitment permit, the vessel owner is allowed to commission a foreign agent authorized by the Ministry of Labor to conduct employment.

#### Management of agents

Labor authority enacts the Regulations for Permission and Supervision of Private Employment Services Institution, which are drawn upon in accordance with the Employment Services Act, to regulate the terms of reference for agents, and further enacts Directions Governing Evaluation on the Private Employment Services Institution Engaging in Transnational Workforce Agency to monitor and manage agents.

#### Current situation

It is currently permitted to employ within the territory of Taiwan foreign crew members from Indonesia, Vietnam, the Philippines, Thailand, Malaysia, and Mongolia.

Until the end of May, 2017, the total number of foreign crew members employed in accordance with the Employment Services Act is 11,630, with 7,744 Indonesians (66.6%) making up the largest proportion, followed by 2,053 Vietnamese (17.7%) and 1,812 Filipinos (15.6%).

#### Rights and obligations

Any foreign crew member employed in accordance with the Employment Services Act has equivalent rights and obligations as a Taiwanese labor, and is under the management of the Labor Standards Act, pursuant to which the employer shall insure for the aforementioned foreign crew member the Labor and National Health Insur-



ances. Wage may be decided based on the agreement between the employer and employee, but shall not be lower than the minimum wage, which is currently 21,009 New Taiwan Dollars.

### Accommodation

Main workplace of foreign crew members is on the fishing vessels. Foreign crew members' working as well as living and food conditions shall be equivalent to Taiwanese crew members. Since most of the time after returning to ports with the fishing vessels is free, foreign crew members can rest and act freely.

Foreign crew members are the working partners, so vessel owners shall endeavor to take good care of them and arrange their accommodation appropriately. Nevertheless, accommodation fees and food costs shall be covered by the foreign crew members during their stay in Taiwan. To scrimp the expenditure, most of foreign crew members choose to live on fishing vessels, while living conditions and facilities of each fishing vessel are different.

### **Controversies or unresolved issues related to foreign crew members**

#### *Monitoring the implementation of the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members*

The regulations came into effect on 20 January, 2017. For the purpose of outreach of the new regulations to the crew members, vessel owners, and agents, the Fisheries Agency, COA held a series of illustration meetings in Yilan, Kaohsiung, and Pingtung respectively, and sent away propaganda materials to the crew members. The follow-up inspection and monitor will be conducted accordingly.

#### *Difficulties in applying the Labor Standards Act on foreign crew members employed domestically in terms of working hours as well as regular leaves and rest days*

Working hours: Pursuant to the Labor Standards Act, it is stipulated that the extension of working hours combined with the regular working hours shall not exceed 12 hours a day. However, it is common for fisheries employees to work over 12 hours a day for the reason that fishing operation hardly suspends.

Regular leaves and rest days: After crew members leave with the fishing vessel from the ports, they take the responsibilities of

not only taking shift for navigational watch keeping but also fishing gear replenishment and fishing operation. In addition, constant fishing operation is necessary to ensure freshness of the catches, so a rotation system is inapplicable. It is also difficult to arrange regular leaves and rest days for at-sea labors as the on-land labors in accordance with the Labor Standards Act.

### *Improving foreign crew members' living conditions*

Foreign crew members whose whereabouts are unknown: After returning to the port with fishing vessel or entering Taiwan via aircraft, any foreign crew member has free time before leaving for fishing operation, and it is not allowed to restrict his/her freedom of movement. Since the wage and working conditions on land are better than those at sea, foreign crew members are easily subject to enticement and agitation from illegal groups, and accordingly choose to run away.

## **Planning actions for improvement**

### *Monitoring the implementation of the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members*

When conducting landing inspections at the major domestic and foreign ports as well as high seas boarding and inspection, questionnaire surveys and interviews are carried out to see whether any foreign crew member would like to file complaint case and whether the vessel owner and the agent comply with the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members will also be checked, so as to ensure the rights and benefits for the foreign crew members employed overseas.

### *Difficulties in applying the Labor Standards Act on foreign crew members employed domestically in terms of working hours as well as regular leaves and rest days*

Considering that current working conditions stipulated in the Labor Standards Act does not meet the special needs of crew members working in fishing areas and the difficulties in application, the National Fishermen's Association of Taiwan delivered Explanatory Information on Fishing Vessel Crew Members Applying to the Job in Special Nature Pursuant to Article 84-1 of the Labor Standards Act on 15 March, 2016 to the Ministry of Labor with aim at striv-

ing for application of the aforementioned provision. Therefore, the Ministry of Labor convened the Consultation Conference on Labor Standards on 10 November, 2016 to review the case. On account of supports from most of the commissioners, the Ministry of Labor is now analyzing to determine whether the case is applicable.

#### *Foreign crew members' living conditions*

To ensure the onboard living conditions for foreign crew members employed domestically, the Ministry of Labor convened a meeting on 28 July, 2016 and developed a Draft Revision on the Criteria for Foreigners' Care Service Plan Incorporating Marine Capture Fisheries. The Fisheries Agency, COA also collected opinions from each Fishermen's Association and further notified the Ministry of Labor to enhance the basic standards of drinking water and living conditions for the foreign crew members in Taiwan. Moreover, the amended Regulations on the Permission and Administration of the Employment of Foreign Workers has been preliminary announced by the Ministry of Labor, requiring any vessel owner applying to employ a foreign crew member to, within 3 days after the foreign worker's entry into Taiwan, provide the Foreigners' Care Service Plan and notify the local competent authority to conduct an inspection.

As for the living conditions of foreign crew members employed overseas, the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members stipulate relevant provisions, requiring the vessel owners to submit The Foreign Crew Member's Onboard Care Service Plan when applying for employment of foreign crew members.

#### *Foreign crew members whose whereabouts are unknown*

Such events are managed by the labor, immigration, and police authorities. The Fisheries Agency, COA has officially requested the Ministry of Labor to impose higher penalty on illegal employers and agents, and the National Immigration Agency to deliberate the possibility of raising inspectors' bonus so as to further eliminate illegalities.

#### *Other planning actions for improvement*

Strengthening the propaganda on enhancing mutual understandings on social customs and habits between vessel owners (captains) and foreign crew members: besides taking the occasion of fishermen's gathering for propaganda, the COA publishes relevant out-

reach materials (such as the comics titled “On the Same Boat, Swim with the Tide”) and delivers them to each Fishermen’s Association for forwarding to each vessel owner. The abovementioned actions are expected not only to enhance understanding on social customs and habits of foreign crew members for captains and vessel owners, but also to allow foreign crew members swiftly adapting to Taiwan’s traditions and culture; hence these actions are hopefully result in a harmonious atmosphere during the fishing operation at sea.

Subsidizing institutions including the Yilan Migrant Fishermen Union and the Presbyterian Church In Taiwan Seamen's / Fishermen's Service Center: these institutions arrange varied activities, such as leisure activities and skill-learning lessons, charity haircut, free medical examination, singing contests, and evening parties for the purpose of creating a friendly work environment and propagating policies in such occasions to improve crew members’ understandings on their own rights and benefits. (refer to the annex)

Training of captains’ leadership: during the training programs for fishing vessel officers, captains or operators with experience of managing foreign crew members will be invited to give lectures on leadership and management strategies so as to create harmonious working environment at sea.

The Fisheries Agency, COA has established Foreign Crew Members’ Recreation Center in Keelung and Kaohsiung respectively, where foreign crew members could surf the Internet, exercise, read, and pray during the fishing vessels staying in ports. Furthermore, “Plan on Establishing a Foreign Crew Members’ Recreation Center in Penghu” was approved in 2017. It is also planned to establish some more such centers in the areas with more foreign crew members employed domestically, such as Suao and Donggang.

## **Conclusion**

Foreign crew members have become an indispensable workforce source for Taiwan’s fishing industries, and they shall be viewed as important work partners at sea. Even though fishing operation is generally a more exhausting job than working on land or merchant ships, Taiwanese captains (crew members) and foreign crew members working under the same environment should, regardless of nationalities, continuously improve foreign crew members’ rights and benefits to create a harmonious working environment.

# A theological reflection of the mission and ministry of AOS to fishers

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Pope Francis refers to our place of ministry as *The Field Hospital*. The place where the pope asks us to go. The field hospital is not bothered about its status or privileges. It is not concerned with targets or best practice indicators. Instead, it goes out of itself to respond to the needs of those whose lives are at risk. It goes to where people hurt. To be with them in that broken place.

*Keywords: theology of ministry; ministry of the Church; Gospels; Fishermen*

What good is it, my brothers and sisters, if someone claims to have faith but has no deeds? Can such faith save them? Suppose a brother or a sister is without clothes and daily food. If one of you says to them, «Go in peace; keep warm and well fed,» but does nothing about their physical needs, what good is it? In the same way, faith by itself, if it is not accompanied by action, is dead. (James 2:15-17)

So far, this week we have heard of the work done by many in their resolve to improve the plight of those who fish at sea. We have prayed together, and contemplated the theology of ministry that drives us on. I put before you a short but concise phrase which sums up our ministry in the context of the overall ministry of the Church.

An understanding of this theology is vital, for we must see our good deeds, not as something in isolation, valuable though they may be, but in the context of the mission of the church in which we have a vital role (Mullin).

Over 43 years as priest, and indeed in the years as a member of the laity before that, I have felt privileged to be a part of that mission. I have been excited and sometimes surprised, by the variety of all I have been

asked to do. I have served for thirty years in traditional parish ministry, working in many chaplaincy situations, schools, hospitals, prisons but in the last 13 years of my work with AOS I found new and dynamic ways to serve the Lord in the call to mission to the people of the sea.

But whatever I do, I do it in the context of a church agency bringing the joy of the gospel into a world that cries out in pain for the many injustices perpetrated against its people. Along the way I have been inspired by the words and actions of many wonderful people. I often recall the example of my first parish priest who taught me a very powerful lesson about the nature of ministry. We lived together in a very poor part of Liverpool (I'm sure many of you know the name of that city. It gave us the Beatles and a wonderful football team). But we were in Kirkby, a new town on the outskirts of that great city.

On the Wednesday of Holy week, the only major factory in the area, suddenly closed and without any notice 1,000 people lost their jobs in an area where there was no other chance to find work. The area was devastated and suddenly a great number of families were without hope.

On Good Friday, we were setting up the Church for the traditional liturgy of that day, but Fr Jimmy was very agitated, walking up and down Church as the crowds arrived. He came to me and said «I cannot do this. These people are broken.» He went out into the Church, picked up the cross and said to the people «Follow me». And he led all the people to the factory, whose gates were now locked and we held the service there. He said «This is where crucifixion is taking place for the people of Kirkby.» So, it was at those gates we celebrated the liturgy of Good Friday.

It taught me a wonderful lesson about ministry.

GO TO WHERE THE HURT IS.

And I would like to think that that lesson has guided me in much of what I have done in ministry ever since.

GO TO WHERE THE HURT IS.

And I hear that phrase in all that Pope Francis calls us to do. He refers to our place of ministry as *The Field Hospital*. The place where the pope asks us to go. The field hospital is not bothered about its status or privileges. It is not concerned with targets or best practice indicators. Instead, it goes out of itself to respond to the needs of those whose lives are at risk. It goes to where people hurt. To be with them in that broken place.

It engages with the world rather than withdraws into safe places. In fact, time and again, Pope Francis challenges the church to

not be concerned with its own preservation. but to go out into the zones where people are hurting.

I prefer a church which is bruised, hurting and dirty because it has been out on the streets, rather than a church which is unhealthy from being confined and from clinging to its own security (The Joy of the Gospel 49).

In his book *The name of God is Mercy*, he says

I often say that in order for this to happen, it is necessary to go out: to go out from the churches and the parishes, to go outside and look for people where they live, where they suffer, and where they hope. I like to use the image of a field hospital to describe this «Church that goes forth». It exists where there is combat. It is not a solid structure with all the equipment where people go to receive treatment for both small and large infirmities. It is a mobile structure that offers first aid and immediate care.

It is a place for urgent care, not a place to see a specialist.

I hope that the Jubilee [The Holy Year of Mercy] will serve to reveal the Church's deeply maternal and merciful side, a Church that goes forth toward those who are "wounded", who are in need of an attentive ear, understanding, forgiveness and love.

And surely this idea of field hospital is very much a model for our ministry.

We go to where the hurt is. To where people are wounded, vulnerable or exploited. We do it all the time and don't wait until the time is right. Don't wait until specialist help is available. We get on with it in whatever way we can.

## **Mercy**

Being merciful is at the heart of Catholic identity. It is not simply a matter of acting with mercy and compassion to those in need with our position of power and privilege intact. Our giving, our service of others will have consequences to ourselves. It is a radical discipleship of vulnerability and powerlessness in the footsteps of the humble servant of God. Our mission is a stance in favour of the weak and the vulnerable. It is where we are sent.

Pope Francis uses a rather unconventional term to describe the church. He famously says that pastors need to carry the scent of the sheep, maybe in the context of this conference we need to have the smell of the fish about us. «The thing the church needs most today is the ability to heal wounds and to warm the hearts of the faithful; it needs nearness, proximity». That is his vision of the ideal church.

Not a perfect society, nor a haven for the privileged but a refuge for the poor, an oasis for the weary and a hospital for the wounded.

And the call to all of us, is that we do what we can to make it happen, specifically, for this conference in the harsh and cruel world of fishing.

As long ago as 2007, AOS has shown a special concern for the needs of fishermen, speaking of them as people on the move, desperate in need of help in a world where they have little input. I quote

The small-scale, traditional fishermen in developing countries are, in general, the poorest of the poor; in certain areas the fishing profession is considered as the only fit work for those who cannot read or write. In addition they have no social or professional status, as fishing is not considered real, gainful employment. Thus their traditional fishing grounds are being threatened by multinational fishing ventures and by hotel projects. They are rarely, if ever, consulted concerning policies, regulations or decisions that will affect their conditions of life and livelihood: being voiceless, they often rely on Church Organisations to make their voice heard.

## **Fishing stories in the Gospels**

I've often wondered why Jesus broke with God's long tradition of employing shepherds and chose fishermen instead. Have you ever thought about it? Moses was a shepherd. David was a shepherd. Jacob was a shepherd. In the most famous Psalm in the history of Psalms David famously sang, «The Lord is my shepherd.» Scripture refers to God's people in a number of places as his flock or the sheep of his hand. And it's not as if shepherds can be relegated to the Old Testament era of human history. After all, it was shepherds tending their flocks by night who were first to hear the news of the birth of Jesus. Even Jesus referred to himself as the "Good Shepherd." He told an unforgettable parable about the importance of the one lost sheep from the herd of a hundred. But when it comes to choosing his disciples, it seems the bulk of them were indeed fishermen.

What was it about fishermen that Jesus saw as vital in the inauguration of the kingdom? Shepherds often live in isolation but fishermen are not hermits. They are social people who work with others. It takes a team of spirited strong men to catch fish with large nets. If a fisherman does not learn to work with others he will not be successful. The successful fisherman must deal with boatmen, he must compete with many others in the fish market. He is not a loner.



The shepherd is usually given an existing flock and maintains that flock in good fashion, but a fisherman by nature, is more aggressive than a shepherd. He must go out to catch new fish every day.

Fishermen must work in all kinds of weather or they will starve. A fisherman who avoids rainy days and stays at home will soon be bankrupt.

A shepherd MAINTAINS a flock, a fisherman SEARCHES for new shoals.

In our church today every member is called to be a fisherman, the one who searches for the new. Fishing becomes a form of evangelisation, not just maintenance.

Jesus began his mission to preach the Good News of the kingdom of God to the region of Israel called Galilee which included the lake, on the shore of which Jesus invited some fishermen to leave their boats and nets – their livelihood – and follow him. From a human point of view it was an extraordinary scene. There was no preliminary time spent on getting to know the men he apparently spontaneously called to follow him. Some of these fishermen may have been ordinary Jews who were not very religious, or liturgically active in the synagogue; but they quickly fell under the spell of a magnetic man who, over the next few short years taught them about the reign of God and gradually came to love them; and they him. It was a very special relationship, and a very deep one, and it was human as well as divine.

Not all the occupations of the 12 disciples are known, certainly they were not all fishermen. Thomas and Bartholomew (Nathanael) may have been fishermen, who joined the other five disciples, returning to their profession after Jesus' crucifixion (John 21:2-3). It is possible that these disciples had learned the fishing trade as young men. This time the risen Christ would show Himself not to all Twelve, but to only seven of them. In all likelihood Philip, James (the son of Alphaeus), and Judas (Thaddaeus) were tradesmen of some sort. Regardless of their professions, eleven of the disciples immediately left behind everything to follow Jesus.

In the gospels there are many accounts of Jesus joining with the fishermen in their boats:

Mark 4:35-41, *Jesus Calms the Storm*

John 6:16-21, *Jesus walks on water*

Luke 5: 1, *Jesus avoids the crowds by getting into the boat and teaching from there.*

But the one I would us to reflect upon is in Luke 5:4-6:

When he had finished speaking, he said to Simon, «Put out into deep water, and let down the nets for a catch.» Simon answered, «Master, we've worked hard all night and haven't caught anything. But because you say so, I will let down the nets.» When they had done so, they caught such a large number of fish that their nets began to break.

This is such an overwhelming example of the abundance of God's giving, reminiscent of the story of the wedding feast at Cana. But the nets broke and many of the fish were lost.

Contrast that with the account in John 21 when the disciples had decided to go fishing again. Why, we are not told. Maybe they were despondent, possibly hungry, sad and disillusioned. Peter may have still felt that he had disappointed the Lord and failed to be faithful when he denied him three times. So, for whatever reason he and the other six disciples went back to fishing, a life that was more familiar to them before they had met Jesus. It was then they encountered the risen Lord standing on the shore. They were told by Jesus to cast out their nets and caught another great haul of fish but this time the nets didn't break.

The gospel speaks of 153 large fish of many species but importantly the nets didn't break. There are many theories about the meaning of the number 153, but maybe that is for another conference

The breaking of the nets in the first story may have been prophetic. The disciples were so full of pride, so competitive, insecure, and fearful that neither their character, nor their relationships could withstand the pressures of bringing in the harvest that Jesus intended.

They spent much of their time in boasting, comparing themselves, and arguing. In the end, every one of them left Jesus in His greatest moment of need.

On the other hand, in the second story, after being humbled by their failures, and filled with the Spirit of God, they were ready for the harvest that Pentecost would bring. The very fact that the net did not break was a prophetic sign to them that God was getting them ready for the catch of their life.

## **In Conclusion**

By following the ways of the Lord, we must always be driven by the need to go to where the hurt is. Places of hurt was where Jesus lived out his ministry. There was a special place for fishermen in the life of Jesus and if we are to follow in his footsteps we too must do all

we can to fight for a better world for those who fish our seas. There is no doubt that the life of the modern fisherman is fraught with danger in the midst of injustice and corruption.

We must be angry at this. We must learn, in this conference, to channel that anger into a conscious effort to do what we can to improve the lives of those people of the sea.

Maybe a good way to begin, is by sharing a prayer for them and for us:

Lord Jesus,

Give us **courage** to accompany others, in their search for justice, for walking at their side, we find you present with us.

Give us **joy** that we might serve others, for in tending the wounds of those who suffer, we sense your healing grace at work in us.

Give us **wisdom** as we advocate for others in their hurt, for in defending the downtrodden we hear your voice speak to us.

Amen

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# Sea Slaves and Scapegoats Adrift at Lawless Seas. The Situation of Myanmar Fishers and the Rohingya People

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Inspired by the unquenchable thirst of the human soul for liberation against all odds, our task is to affirm our faith mandate to reach out fishers and those adrift at sea. They are at the cliff of margins, victims of a sea blindness that afflicts a majority of population. Christ chose from this community of fishers his disciples to remind us of our moral obligation to those all at sea.

*Keywords: Sea slaves; Myanmar fishers; Rohingya People*

And the sea gave up the dead who were in it,  
Death and Hades gave up the dead who were in them  
(Revelation 20:13)

It is not fish that you buy; it is men's lives (Walter Scott, 1816)

## Introduction

Two centuries after the poignant cry of Walter Scott, the predicament of the children of the lesser Gods, the fishers and stateless people rings true. The *Book of Revelation* sees the sea as a dangerous place where death and mayhem rule supreme. The searing narrative of the *Exodus*, the slaves escaping through the Red Sea, is the starting point of the Faith journey of Abrahamic religions. Inspired by such unquenchable thirst of the human soul for liberation against all odds, our task is to affirm our faith mandate to reach out fishers

and those adrift at sea. They are at the cliff of margins, victims of a sea blindness that afflicts a majority of population. Christ chose from this community of fishers his disciples to remind us of our moral obligation to those all at sea.

I am deeply moved by the theme of this conference: Caught in the net – millions of people are trapped in the net of poverty, oppression, war and conflict. In an uncaring world, as Pope Francis pointed out in his sweltering exhortation, *Evangelii Gaudium*, the poor and the vulnerable are caught in the net of exploitation. Millions are caught in the net of conflicts and displacement. Hundreds are adrift at sea as we gather here.

This Congress, I hope, will bring the tears and brokenness of our brothers and sisters adrift at the sea as sea slaves and refugees in search of human dignity. Church is a good shepherd. She goes in search of the lost sheep. Church brings to the attention of the world that Christ is being crucified today in our most unfortunate brothers and sisters. In the sixth station of the way of the Cross, Veronica imprinted the face of Jesus when she encounters him on the way of the cross. As Pope Benedict exhorted the pilgrims who came to venerate the veil of Veronica in the Shrine at Manoppello in the Apennine Mountains. «Searching for the face of Christ must be the desire of all Christians today, we have come to search for the face of Christ of Calvary in our brothers and sisters abandoned in the sea» (Pope visits Veronica's Veil, 2006). They are not just numbers, they are faces and tears. This conference is the sixth station of the cross. That is our task today, that is our challenge today. To tell the human story behind numbers. To seek the face of Christ soaked in the blood of injustice especially people adrift in seas.

The earth is really a sea. 70 percent of the earth is covered with water. Economically 90 percent of all world trade is carried by sea. This gives work to more than 1.25 million seafarers. 41 million people make their living from fishing. Top ten countries whose livelihood depends on fishing are in Asia. For many in third world countries their entire existence is dependent on the sea.

Indiscriminate fishing has depleted the sea. As our Pope has been mainstreaming two major themes into the conscience of the world: Economic justice and environmental justice, Sea. Today poor people are enslaved as slaves of fishing, economic injustice. Today unknown to us the ocean biodiversity is being looted by a handful of people once again bringing the voice of *Laudato si'* to be heard in every heart.

## The globalization of slavery of fishers

I come from Myanmar – a country that is one of the top most in human trafficking, a country where millions have fled poverty war and displacement and they are the slaves of South East Asia. I stand here to bring to your attention the faces and tears of two of my crucified people from my country.

*The sea slaves of Myanmar and the scapegoats: stateless people Rohingya*

Thailand is the third largest exporter of sea food in the world. Billions are earned by companies and cronies. This industry is sustained through the injustice done to thousands of trafficked Myanmar youth. The super markets of Europe and America cater to people and even pets eat the sea food of Thailand. If they care to smell the shrimps and fish they eat, they will smell the tears of my people, the blood of my innocent young people thrown overboard. Those fish have swum not in the ocean, but in the silent tears of thousands of my young Burmese youth. Our people are poor. Our tears are commodified and sold in the global market. Our innocent poor are the new Israelites in exodus, they are the slaves of modern pharaohs of global capitalism. At least two million migrant workers are in brought by fair and foul means to prop up the Asian Tigers: Thailand, Malaysia and Singapore. Injustice anywhere is injustice everywhere. Some are guilty but all are responsible. Sea slavery is a man-made disaster (McDowell-Mason, 2015).

### *Martyrs of globalization*

As Lawrence (2014) points out in her *Guardian* article, wealth creation in the globalization has opened the borders and relaxing the labour restrictions. The open markets compete in cheap goods. “Cheapness” is a tradeoff for the rights of the poor.

We’ve created a large new pool of people who have to migrate to survive. These are the people excluded from the growth created by globalization, which has sucked wealth upwards and offshore. Some have been dispossessed by land grabs, others by plantation agriculture or expansionist aquaculture. Some are victims of war, some from countries so indebted or environmentally ravaged they cannot survive or support their families at home. They are easy prey to traffickers who trick them into slavery, just as some Africans were lured on to slave boats centuries ago.

### *Push factors for sea slavery in my country*

Myanmar has millions of migrant workers propelled by six decades of a ruthless dictatorship, which cared less about people development and more about subjugating them. The minority Rohingyas are the scapegoats after the nation entered into democracy. Like many totalitarian states, Myanmar has found a scape goat for all its historical ills: the minority Muslim population – the Rohingyas (Who will help Myanmar's Rohingya?, 2017). There are many major push factors for our people becoming migrants:

1. Six decades of a suffocating dictatorship that destroyed development and education
2. A predominant agro-economy (80 percent in agriculture) – lack of rational pricing for the agricultural produce making it a risky livelihood. 40 to 60 percent of the population is poor, some absolutely poor.
3. Land grabbing by three Cs = Cronies, Companies, countries nearby
4. Chronic civil conflicts: 22 conflicts, 60 years of conflict between ethnic groups and government that ejected millions out of their livelihood and habitat.
5. A very young population – nearly 60 percent in the employable age – without any employment opportunities

From 2010, democracy has brought a flicker of hope. But the poor cannot eat democracy. With no employment so the trafficking continues. We are the biggest migrant producing country in south east Asia. Sex Slavery, Sea Slavery, domestic slavery, farm slavery – name it and our children are victims (Burma Office to Monitor Trafficking in Persons, 2016). You will find our people in these three countries.

The plight of the poor Myanmar fishers and trafficked workers was under the hood. Thankfully recent reports by human rights groups and western media have exposed the visceral agony of our people Wright, 2015; Tomlinson, 2017).

### **Sea blindness: seafood slavery as a global problem**

Myanmar has three kinds of people who are connected with the fishing industry and the trawlers.

1. Sea slaves – Human trafficked Myanmar people in ASEAN countries
2. Seamen – volunteer job seekers, victims of all seamen's challenges



3. Stateless people - victims of chronic wars/ minority discrimination

*South East Asia - The "New Americas of Slavery" - without the slave narrative*

Slavery is a recorded historical fact. The Hebrew slaves had their slave narrative in the Bible. They could sing «By the rivers of Babylon we sat down – How can we sing the Lord's song in an alien land». The African American slaves had anguish immortalized in the negro spirituals (see <http://www.negrospirital.com/index.html>).

Today thousands, mostly in the Asia Pacific region are slaves. Global slavery index 2016 there are nearly 40 million people in slavery like conditions. This region has the highest number of fishers and seamen. Thailand alone 500,000 people are enslaved and the country proves to be the transit and destination of human trafficking. Most of these workers are from Myanmar. Malaysia hosts nearly a million.

But there is neither any heart-renting slave narrative nor the negro spiritual of Asia. The shrimp industry, the ship industry subjugates thousands to modern forms of slavery. Myanmar, Cambodia, Laos, Vietnam, Philippines produce hordes of slaves, sea slaves, sex slaves. But there are no slave narratives.

Modern day slaves in Asia Pacific also cost less. According to Kevin Bales, slaves cost 95% less than they did at the height of the 19th-century slave trade – meaning that they are not regarded as investments for important cash crops such as cotton or sugar, as they were historically, but as disposable commodities (Hodal-Kelly, 2014).

A globalized world has made them unseeable and a market economy has muted their cry of anguish. To those sea slaves - life is a long night of silent tears. But recently the media has given graphic reports of the suffering of our people.

*Documented cases where Myanmar poor are abused and enslaved*

1. In 2014, the British newspaper *The Guardian* exposed after six-month investigation of a flourishing slave trade where «established that large numbers of men bought, sold, and held against their will on fishing boats off Thailand were integral to the production of shrimp sold in supermarkets around the world» (Hodal-Kelly, 2014). Most of these men were from Myanmar.
2. The Associated Press (AP) conducted a year-long investigation. The sea food sold in rich countries, this report said,

- comes forced labor, human trafficking, and other abuses occurring on Thai vessels in Indonesia. Hundreds of sea slaves – most of them Myanmar citizens were released from bondage. The AP's reporting for this and other stories earned them a Pulitzer Prize for public service in 2016.
3. Andy Hall, a migrant rights activist, documented how Burmese children and adults are used in fruit and Thailand and forced to peel shrimp destined for global supply chains (Larsson, 2016).
  4. *The New York Times* six-part series, «The Outlaw Ocean», covered various abuses occurring in international waters, including human rights abuses and murder on vessels, illegal fishing, and unethical recruitment practices (Urbina, 2015a). These series also interviewed many victims who were from Myanmar (see also, FishWise, 2016).

### *Myanmar – the modern slave coast*

The poor countries in South East Asia: Burma/Myanmar, Cambodia, Indonesia, Laos, Philippines, Vietnam (Data Source: US Department of State, 2016); of all these Myanmar has emerged as the number one country to supply sea slaves – men and women working in the fishing industry. More than 1 million documented and undocumented Burmese migrant workers and their families are believed to be in Thailand, comprising some 80% of the entire migrant population.

The Environmental Justice Foundation reports that every year thousands of men, women and children are trafficked into Thailand from Cambodia and Burma: some of the most unfortunate are the men and boys who end up working on the Thai fishing vessels. Sold by unscrupulous brokers to Thai fishing boat captains they are treated as virtual slaves: sea slaves (Couper-Smith-Ciceri, 2015:160).

Nobody seems to worry about the bleeding of Myanmar youth. The Government of Burma does not fully meet the minimum standards for the elimination of trafficking and did not demonstrate overall increasing efforts compared to the previous reporting period. Although Burma meets the criteria for the Tier 2 Watch List, because it has been on the Tier 2 Watch List for four years, it is no longer eligible for that ranking and is therefore ranked Tier 3 (Hodal-Kelly-Lawrence, 2014).

Till recently the Thai fishing industry is built on slavery, with men often beaten, tortured and sometimes killed – all to catch “trash fish”

to feed the cheap farmed prawns sold in the West. Most case studies of labor and human rights abuses in seafood processing and packaging have involved migrant workers in both licensed and unlicensed operations in the southern provinces of Thailand. As previously mentioned, migrant labor has been used to reduce costs and to fill the void created by a lack of available Thai workers. Some of the most egregious abuses have occurred in the Thai boats (Hodal-Kelly, 2014).

The men the Associated Press interviewed on slave island Benjina were mostly from Burma. They were brought to Indonesia through Thailand and forced to fish. Their catch was then shipped back to Thailand, where it entered the global stream of commerce (McDowell-Mason-Mendoza, 2015).

We urge the Thai government to respond. This year, the military government of Thailand has introduced measures to regularize the migrant flow. Out of three million migrants in Thailand only 30 percent of them have valid papers. Government new measures, though overdue, it criminalizes the trafficked victim for over staying and lack of papers (15 days to bring migrant workers under net, 2017).

#### *Shrimp industry – sea food Myanmar workers*

Thai shrimp industry which is highly dependent upon migrant labor, including the use of underage workers, refusal of pay, and charging workers excessive fees for work permits. In 2012, there were an estimated four hundred thousand Burmese migrants working in Samut on, where 40 percent of Thailand's shrimp is peeled and frozen for export.

In 2013, around 200 peeling sheds were officially registered with Thailand's Department of Fisheries. However, less than 100 peeling sheds were also registered with Thai Frozen Foods Association, even though registration is required to legally supply to other members and export to international markets (Motlagh, 2012).

Estimates for unregistered peeling sheds operating in Samut Sakhon have ranged from 400 to 1,300, with some organizations putting the number closer to 2,000. These unregistered facilities are not subject to any regulation or oversight, and are where the most severe documented abuses of Myanmar people have occurred, including physical abuse. Unlike the ships these sheds employed women also «In a World Hungry for Cheap Shrimp, Migrants Labor Overtime in Thai Sheds» (Motlagh, 2012).

## **Seamen: wobbling in the black holes of sweat ships without human rights**

the containers and fishing vessels continue to bring prosperity to some countries. But increasingly the ships seamen are from poorer countries. The vast expanse of the ocean is a black hole. A black hole where there are no rights. There is no international monitoring of rights. The ship captain and the company are the final arbiters.

### *Seamen: victims of global exploitation with weak rights regime*

1. Long time away from the families: Myanmar has 80,000 registered seamen (Thitsar, 2013). Seamen are those who travel in the huge ships. They are trained and are supposed to be more protected (FishWise, 2016). By the nature of their work, seafarers spend weeks or months at a time at sea. Sometimes Myanmar seamen are cut off from families for years. The family endures long and excruciating periods of separation. A sailor said: «We earn dollars and have sea sickness and home sickness».
2. Threats to life: The waters in this region, especially those near Indonesia, Malaysia and Vietnam, are among the most perilous in the world. More than 3,100 mariners were assaulted or kidnapped in the area last year, according to the Times data base, consisting of more than 6,000 crime reports (Urbina, 2015b).
3. Sweat Ships: Globalization and the race to the bottom in terms of salaries and working conditions have also affected the cruise sector. ITF and War on Want, a UK-based NGO, issued a report called “Sweat ships” – what it’s really like to work on-board cruise ships. The report alleges that certain cruise lines subject crew to atrocious working conditions including long hours, slave wages, sexual harassment and a culture of fear.
4. Exploitative recruitment practices: ASEAN should have a regional level mechanism and monitoring at borders. Recruitment services and agencies must be legally registered with the government, and cannot charge the fisher for their services or blacklist fishers (FishWise, 2017). Myanmar seamen are cheated once they are in the high seas.
5. Lack of written employment contracts: Even before they leave the country of origin like Myanmar there should be a clear control of migrants. The agreements must be written

in languages understood by the migrant and need seek advice from labor unions.

6. Non- or under-payment of fishers: Fishers are paid a wage (not a “share of the catch”) on a regular schedule and provided a means to transmit payments to their families. Food cannot be deducted from the fisher’s payment.
7. Excessive working hours, fatigue, and lack of rest: When Myanmar fishermen were liberated from slave islands recently the authorities were shocked to find the working hours extended to 16-20 hrs. International rules stipulate that Fishers must be given regular periods of rest to ensure safety and health. For vessels at sea more than three days, minimum rest should not be less than 10 hours in any 24-hour period and 77 hours in any 7-days period. For Myanmar fishers, this remains a dream.
8. Inadequate accommodation and ablution facilities, malnourishment, and lack of uncontaminated fresh water: Myanmar fishers were found to be sleeping near the engine rooms, store rooms. New fishing vessels and, if reasonable and practicable, existing vessels, shall be fitted according to international rules. The rules require that accommodation has the proper headroom, emergency escapes, does not open to machine or fish rooms, etc. Vessels must have sufficient hygienic toilets, washbasins, etc. for all crew on board. Food and potable water must be sufficient for the duration and nature of the voyage and have suitable nutritional value.
9. Double Standards of Rich Countries: When rich countries like USA come out with reports and ranking with TIP (trafficking in Persons), they do not monitor their own supply chain soaked with blood and tears of fishers. Most of the produce of the slave ships ends up in the super markets of the world. The inhuman treatment of fishers promotes the feeding industry of prawns and pet foods of the world. The New York Times has done a six-series study on how the pet food industry in USA provokes slave labour in South East Asia especially those involving Myanmar Fishermen (Urbina, 2015c).
10. Legal Immunity: Lawless Seas. In interviews, those who fled recounted horrific violence: the sick cast overboard, the defiant beheaded, the insubordinate sealed for days below deck in a dark, fetid fishing hold (Urbina, 2015c).

11. Ghost Ships: The migrants, who are relatively invisible because most are undocumented, disappear beyond the horizon on “ghost ships” — unregistered vessels that the Thai government does not know exist. “Flags of Convenience”: most of the ships are registered with other countries. Flags of convenience are a disgrace to the maritime industry (Sweeney, 2015).
12. Asian Vulnerability: Owners hired mostly Asian crews because they could be paid much less and they were normally not so well connected with unions as their Western counterparts (Kverndal 2008:140).

*Responses from Civil Society and the Church in strengthening rule of law in the seas*

1. Strengthening Regional and Global Regulations: «The seas are vastly overfished with too many vessels and shortage of fish while profit driven companies drive down the wages, young men are trafficked from poor countries». This dangerous approach is already leading to trafficking of drugs and piracy. Regional and global regulations, especially in the rights of seamen, fishers and workers are urgently needed.
2. Human Rights as new Evangelization: As a church we need to strengthen the international maritime International Maritime Human Rights (IMHR). Like UDHR, Like CP (Civil and political rights) like ESC (Economic, Social and Political Rights) IMHR needs to be mainstreamed. The church whose reach is all over the world and where the sun never sets, need to become a vigilant and vibrant partner in monitoring the IMHR. An inaugural conference of IMHR was recently held in Royal College of Surgeons in 14 September 2016 (Human Rights at Sea, 2016).
3. New Type of dialogue: Church in Asia needs to initiate a new type of dialogue. Various Perspectives from all stakeholders: the ship-owner, the ship manager, fisheries organizations, civil society NGOs dealing for migrant rescue, shipbreaking, business and human rights organizations, flag States, government, anti-slavery and international investigative projects.
4. Regional Initiatives: At the Sixth Bali Process Ministerial Conference (March 2016), ASEAN Ministers confirmed the core objectives and priorities of the Bali Process through

the endorsement of the Bali Process Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime (see <http://www.baliprocess.net/>). The Declaration acknowledges the growing scale and complexity of irregular migration challenges both within and outside the Asia Pacific region and supports measures that would contribute to comprehensive long-term strategies addressing the crimes of people smuggling and human trafficking as well as reducing migrant exploitation by expanding safe, legal and affordable migration pathways.

5. ASEAN Initiatives: The International Labour Organization reports that forced Labour is most prevalent in the Asia-Pacific region and the UN Office on Drugs and Crime confirms trafficking in the form of forced labour is as high as 64 per cent in the region – a number greater than all other forms of trafficking combined (Auethavornpipat, 2017). Asia Pacific is most notorious of the abuse of human beings. ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) has come into force this March 2017. It has come a long way from denial to regional mechanism. Prevention ASEAN adopts the international framework based on the 3Ps notion, which emphasizes prosecution, protection and prevention in the global anti-human trafficking effort. This commendable legal protection, its evolution and presence are not known to the most important people: the vulnerable population (Auethavornpipat, 2017). Church can play a role in popularizing and mobilizing people on this framework.

## **Pastoral care of sea slaves**

### *Caught in the Net: how to put fishers first*

Concern for the people at risk has been our faith tradition. Trafficking of people has been from the time of Pharaoh. Prophet Amos became a prophet when he saw human beings were sold like cattle in the streets of Samaria. «They sold the poor. So as to buy the helpless for money and the needy for a pair of sandals» (Amos 8:6).

Christ himself was a refugee, internally displaced person. Our faith in action today demands the church intensifies its involvement with the seafarers, trafficked persons and sea slaves.

### *Sensitizing the global church*

Christ Crucified and Abandoned: The crucified Christ crying from the cross: «Why have you abandoned me?». This is also the cry of thousands of fishers and seamen – abandoned by a world that is worried more about profits. Church has done commendable work through the Apostleship of the Sea (AOC). The Scalabrini international network have contributed heavily towards sensitization of the issue. Unlike NGOs church seeks to extend a pastoral care and enhance human dignity of seafarers.

### *Creating a Culture of compassion*

Year of Mercy, brought the eagerness of the Pope to cultivate the culture of Mercy. I come from Myanmar where the tallest Buddhist virtues are: Karuna and Metter; Mercy and compassion. Church being the worldwide organization need to develop a special kind of attention and concern. A culture of indifference, says our Pope, need to replace with a robust culture of engagement with those in margin.

Almost without being aware of it, we end up being incapable of feeling at the outcry of the poor, weeping for other people's pain, and feeling a need to help them, as though all this were someone else's responsibility and not our own. Exclusion ultimately has to do with what it means to be a part of the society in which we live; those excluded are no longer society's underside or its fringes or its disenfranchised – they are no longer even a part of it. The excluded are not the “exploited” but the outcast, the “leftovers” (Evangeli Gaudium 54).

### *Celebrating Sea Sunday*

Sea Sunday is celebrated on the second Sunday in July. Many churches, including ours, are not aware of this. This celebration need to become mandatory for all the churches.

### *Inter religious initiatives*

There is a great opportunity to work with other religious in anti-trafficking and advocacy issues on people in margin.

## **Rohingya – Frequently asked questions**

### **1. Who are the Rohingyas?**

Rohingyas are Bengali speaking Muslims of Sunni sect in the North West state of Rakhine state in Myanmar. Their name



comes from Rooganga – a Bengali term denoting that the person comes from Rakhine state.

2. What is in the name? Why is the government not willing to call them “Rohingyas”?
  - a. The name is highly controversial inside the country. Government has forbidden the use of the term and also requested the diplomatic community not to use that term.
  - b. Myanmar is a colorful nation of 7 major tribes with 135 sub tribes. These are considered indigenous communities – mostly from Tibeto Burman stock with Mongoloid features. The country is a mosaic of these indigenous tribes who must have come thousands of years ago.
  - c. Rohingya claim to this category is highly contested. Rohingyas are not indigenous tribe like Kachin etc. Their cultural expressions, according to the government, is not indigenous but they come from other countries.
3. What is their history?
  - a. Like their name their history remains highly contested. There are two versions – one by the nationalists (which is also the implicit view of the army and the government.) Another one is by the people especially the strong Rohingya lobby.
  - b. Government Version: There is no Rohingyas in the history of Myanmar. They were the people brought by the British as cheap labour. Colonial aggression penetrated first Arakan state. For their own reason the British encouraged the influx of laborers from then British India, especially from Bengal. Since Myanmar was part of the British India till 1935, Bengali labourers were brought by the British for working in Rakhine state. British never used the term Rohingya. Porous border facilitated many to cross over since Bangladesh population is exploding with no resources. There is no mention of Rohingya in the British records, so these are illegal migrants from Bangladesh and they should go back. 2 million “rohingyas” are outside and they would also claim citizenship if we are to give citizenship based on this term.
  - c. Rohingya Assertion: Our history is four centuries old from the Mogul kings in India. Muslim merchants were trading with Arakan state even before. Living here for centuries has evolved a unique identity Rohingya. Rohingya is a term used by foreign authors from 1773. We are a unique group.

4. What is the history of the conflict?
  - a. Second World War: During the Second World War, Muslims formed their own defense forces and allied with the British. Arakhan Buddhist allied with the Japanese army. These two groups indulged in massacres.
  - b. Aftermath of Independence: The Rohingya elite formed a mujahidin jihadi group and tried to have a separate Arkhanstan. Some wish to be part of the then east Pakistan. Pakistan rebuffed that move. Armed struggle was continued for a separate autonomous Muslim State.
  - c. After the Coup: The Burmese defeated the militant groups and imposed restrictions on the Muslim population, their movement, their ownership etc.
5. What is the reasons for the recent conflict?
  - a. 60 years of military junta caused deep wounds in the society. Poverty, displacement and unsafe migration broke our society. After long struggle and suffering the country opened up. There was never a truth and reconciliation commission. There was a need for a scapegoat and unfortunately an incident in 2012 became a trigger in Rakhine state. A rumor of rape of local women by Muslim youth triggered a riot which resulted in nearly 120,000 Muslims displaced in the camps. These camps were the breeding grounds for frustrations.
  - b. Many Rohingyas chose to flee to other countries, especially to Malaysia for livelihood. After allegations of human trafficking and the discovery of mass graves of Rohingyas in the Thai Malaysia border, the Thai authorities closed the trafficking routes, impacting the one possible way of Rohingya to seek livelihood away from the camps.
  - c. As frustration was brewing a militant group was being set up outside with the support of groups from Middle East. The first attack took place in August 2016, with attacks on the security points. The police and army reacted with aggressive response. Thousands fled.
  - d. After heavy criticism and allegations of "ethnic cleansing" Myanmar Authorities tried to revive the civil administration and village administration. But the militant elements had already penetrated the Rohingya youth populations. Revenge killings of those Rohingyas who collaborated with the government were killed.
  - e. Transnational Militant Group: The human rights group: International Crisis Group has given the summary of the

militant group origin. The insurgent group, which refers to itself as Hadaka al-Yawing (Faith Movement, Hay), is led by a committee of Rohingya émigrés in Saudi Arabia and is commanded on the ground by Rohingya with international training and experience in modern guerrilla war tactics. It benefits from the legitimacy provided by local and international fatwas (religious judicial opinions) in support of its cause and enjoys considerable sympathy and backing from Muslims in northern Rakhine State, including several hundred locally trained recruits (International Crisis Group, 2016). Kashmiri militant groups and Al Qaeda rally Muslims worldwide to support Rohingya

- f. August 25, 2017 Attack by Militant Group: This is the trigger to the present exodus. Around 450 militants attacked the police posts and those who supported the government. The army reacted with aggressive response.
6. How many are displaced?  
As per the international organizations around 470,000 have displaced among them around 230,000 are children. The government and other agencies have confirmed this has stopped from Sep 5th. This is significant 50 percent of the Rohingya population has left the place. There are also around 30,000 Rakhines and Hindus displaced inside the Rakhine state.
7. What is the response of the Buddhist monks?  
Myanmar has 500,000 monks and most of them are very peaceful monks. But a section of the monks has become highly radicalized and nationalistic. They put forward the following poisonous theories:
  - a. Islam has an agenda to convert countries to Islam from Saudi to Indonesia and they already achieved this till Bangladesh. Now they have opened operations in South Thailand, Philippines and the Myanmar
  - b. Rohingya population is a Trojan horse. Through high fertility rate and through unrestricted migration from Bangladesh they have determined to change the demography of Myanmar.
  - c. Rohingya also marry the local Rakhine girls thus reducing the Rakhine populations.

Though all these theories are not true, when it comes from the Monks the Buddhist population believes. There is an extremist movement: 969 and now Ma Ba That which are poisoning the minds of the innocent people. Fascism slowly takes root in some of the areas.

8. What is the position of the majority of the people of Myanmar? As we have discussed, the people are innocent but will listen to their religious leaders. Most of the people are not compassionate at present based on the phobia created through hate speech and social media. Social media and freedom of expression given after the democracy is proving a double-edged sword. Hate speech spreads fast and fake news becomes true news. Apart from this the Myanmar people are much influenced by what is happening elsewhere in the world. Rohingya issue was a smoldering cauldron for long time. But their suffering has increased emboldened by the following global changes in the last two decades:
- a. Manufactured and marketed Islamophobia from the west.
  - b. Xenophobic official discrimination of Muslims in countries like US
  - c. Treatment of minorities by the Muslim countries (Putting Myanmar's "Buddhist Extremism" in an International Context, 2017).

All the more reasons that we should follow the efforts of Pope Francis in upholding the rights of everyone that includes Muslims in this era of Islamophobia.

9. What the role of Aung San Suu Kyi?

As we know her role has come under scorching criticism. Her status is not official under the constitution. She has suffered and sacrificed much in her life. Her role in melting the rock of totalitarianism in Myanmar is historic and the people of Myanmar are indebted to her for the freedoms they enjoy.

Our perception is that she is trying to stabilize the fragile democracy. Democracy is a hard won and it took sixty years to reach where the country is. The army, like Thai army, has no patience with democracy and grabbed power from democracy thrice already in Myanmar. I think DASSK has an agenda to pull the country from the grips of the army which controls 25% of the parliamentary and also the important ministries. This is a tight rope walk and she is trying her best. With extreme monks and the Ma Ba Tha extremist group her government took right moves.

Having said that, it is very unfortunate that the recent events did not show her in good light. She should have spoken on behalf of the victims, especially so many women and children forced to leave under such painful circumstances. She lost the support of the international community by her silence.

Her speech and subsequent announcement the rehabilitation and verification process would start is a good start. I only hope and pray she is allowed to do what she has done.

10. What is the role of the church – was it silent during the exodus? Church was not silent – though no statements were issued. We were working towards bringing some understanding among the various actors. Church has stood for the rights of every one – including the Rohingyas. Christian ethnic groups – Kachin, Kayahs and Karens – continue to be in conflict and displacement for the last thirty years. Both as the Bishop conference of Myanmar and as personal response we have stood for the rights of all the people.

On personal capacity I have opposed the following

- a. The four black laws enacted targeting the Muslims by the previous military government. Our appeal was widely covered by the media and the diplomatic community. We have resisted all efforts of the extremism both the 969 movement and the Ma Ba Tha.
- b. When the Rohingyas met a watery grave in the Thai seas, victimized by the traffickers we have raised our voice.
- c. Even in June we have appealed to the government and others to go deeper into the allegations of ethnic cleansing and genocide.

Our position is clear:

1. The 1982 citizenship law was not enacted by a democratic government. It was the military dictatorship and revisiting this 1982 act is overdue.
  2. This law stipulates 1885 as the date of accepting citizenship. This is impossible.
  3. The Rohingyas have been issued twice some quasi citizenship once during U Nu time and then recently before the 2010 election. Government must start by regularizing these cards.
11. What is the future – are you hopeful?
- a. As long as Daw Aung San Suu Kyi continues we have hope. She is a strong woman with strong principles. Despite the piercing criticisms of the international community, Myanmar depends on her for many compassionate responses. I am confident that her acceptance of the Kofi Annan commission report.
  - b. She has already formed a working committee and welcomed the return of the refugees and asked the committee to start the verification process. This is a welcome move.

- c. Violence by anyone needs to be avoided. It is a great tragedy that militants from outside are opening a new front of conflict. Both the government and the Myanmar army need to realize that aggressive responses without embedding any solution in the long range policy would turn this issue into a pestering conflict. Myanmar has many other pressing issues – poverty alleviation, strengthening democracy, state and nation building.

Dialogue is the only way forward. Peace is possible; peace is the only way.

12. What is the role of the church?

- a. We affirm the rights of every person in the Myanmar and would continue to affirm the rights of the Muslims in Rakhine for a dignity which includes citizenship.
- b. We would extend our services to Rakhine state through Caritas network. At present this area is inaccessible and not much presence of the church. Already the Caritas network in Pyay diocese and the national office would respond and be ready for the repatriation of the refugees.
- c. Since religion play a major role in the response of the people of Myanmar we will continue to organize the inter religious peace conferences. We have already conducted one at the national level. We may host the next one in the Pyay or Rakhine itself.

13. How is the visit of the Pope impact the events

- a. The Pope has been an active supporter of the Rohingya issue. Already thrice he has spoken from the Vatican and world has taken note of his interest. So, his visit has generated lot of interest.
- b. There is an effort by a section of lobbying groups that his visit is connected to the plight of the Rohingyas. This is an apostolic pastoral visit. He comes at the invitation of the government which has articulated that his visit would encourage “peace and harmony”.
- c. The government is very eager to get this visit going. The Pope has an opportunity to impress all stakeholders to take the path of peace, not only with Rohingyas but other conflicts as well.
- d. It is an extra ordinary moment of grace for the little flock of what is really a Buddhist country.

We are sure this great good shepherd of Peace, through his presence and prayers bring a new dawn of peace to this long-suffering nation.

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# How do you categorize the human rights violations on migrant crews in Korean distant water fishing vessels?

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The writing is based on a report which Advocates for Public Interest Law worked on as a project manager for last two years along with and International Organization for Migration. For the research, I visited sending countries including Indonesia, Philippines and Vietnam to meet former migrant fishermen who used to work in Korean distant water fishing vessels. We not only met migrant fishermen, but also other stakeholders, such as recruiting and manning companies, governmental officers and NGO activists from respective countries.

*Keywords: Human rights; Migrant Crews; Fishers; Korea*

According to the statistics of UN Food and Agricultural Organization (FAO), Korea is the 13<sup>th</sup> largest country in terms of the output of the fishery product. However, what the statistics do not reveal is the fact that Korean fishing industry heavily depends on the labor of the migrant fishermen. For example, almost 70% of fishing crews in Korean distant water fishing vessels are migrant fishermen and most of them have been exploited in the vessels.

When it comes to the exploitation, first of all, the wages of the migrant workers are very low and discriminatory. In most of the cases, minimum wages are the real wages for the migrant fishermen. And the minimum wage itself is lower than that of Korean fishermen on the distant water fishing vessels where the labor related laws including the Minimum Wage Act do not apply. In 2016, the minimum wage for Korean fishermen in the distant water fishing vessels was 1,437 USD, while minimum wage for the migrant fishermen in the distant

water fishing vessel was 457 USD. However, most of the fishing companies fails to abide by the minimum wage; some of the migrant fishermen I interviewed were paid about 250 USD per month. Moreover, some of the recruiting agencies were deducting approximately 5 USD per month as a management or recruitment fee from the wages. As you can imagine, the difference of real wage between the migrant fishermen and Korean fishermen is huge. The real wage of Korean fishermen in the distant water fishing vessels is 10 times higher than the wage of the migrant fishermen. This is partially due to the fact that the arrangement of wage determination for the migrant fishermen is different from their Korean co-workers. For instance, the migrant fishermen are arranged to get paid a fixed salary while Korean fishermen share part of vessel's net profits. As far as overtime payment and bonuses are concerned, not only was overtime payment rarely mentioned in labor contracts, but none of the interviewed migrant fishermen mentioned that they received wages for overtime work.

What make things worse is that the relevant laws have exclusion clauses of working hours, rest break and overtime work for fishermen. Most of the fishermen I interviewed stated that they were working more than 18 or 20 hours per day.

Despite that there is no limit of working hour along with discriminatory arrangement of wage determination, even though migrant workers work unimaginably long hours, most of the benefits they contribute go to Korean co-workers.

In addition to low and discriminatory wage and long working hours without break, the living conditions in Korean fishing vessels including accommodation, food, and water are mostly inadequate and poor. The most commonly shared grievance in regard to the living facilities was related to bathrooms and toilets. The number of bathrooms were woefully inadequate and toilets had no flush; one vessel had one bathroom for 23 migrant fishermen. Migrant fishermen were forced to take a shower and do laundry with seawater; and some even used water dripping from an air conditioner. A number of migrant fishermen on DWF vessels testified that the food was of poor quality and the quantity was not enough. There were even cases where fishermen were provided with unheated leftover food. While most of the migrant fishermen reported that their drinking water was fresh, some stated that they had to filter the seawater for drinking and even they drank rusted or unclean water. Lastly, health and safety are also problematic. It was difficult to find migrant fishermen who had received basic safety training. Only a few testified that

there was adequate safety equipment on the vessel. However, issues of safety are not only limited to safety training and equipment; a willful negligence of the captains who prioritize profits rather than the expense of the fishermen's safety is the fundamental problem.

In addition, the abuses also prevail on Korean fishing vessels. Verbal abuses are everyday experiences of the migrant fishermen. Physical abuses are not exceptional. There are many testimonies about the abuses from the interviewees. In addition to these verbal and physical abuses, there are racial discriminations against the migrant fishermen.

To understand the difficulties that the migrant fishermen are facing properly, we have to ask how things are processed in terms of recruitment or even in pre-recruitment phase. In pre-recruitment stage, most of them are economically poor, their educational levels are low and they suffer prolonged unemployment. Many of the migrant fishermen we interviewed had been unemployed for a long time or had worked in coastal fishing vessels for extremely low pay in their country of origin. These are the push factors to the manipulation of recruitment, so to speak. They became very susceptible to the manipulations during the recruitment process for their poverty, unemployment and low schooling. Then what kinds of manipulations have happened during the recruitment? There are problems with involvement of multiple illegal intermediaries and inadequate pre-departure training. In addition to problems with brokers and training, there are issues relating to recruitment fee, labor contract and sudden departure after long waiting with passport confiscated. The most serious problem that the migrant fishermen face is high recruitment fee including security deposit which is not refunded to them if they leave the vessels during the terms of the contracts.

The amount of recruiting fee together with the security deposit is different depending on in which water you would be on board and which countries you come from. But all of the migrant fishermen paid these fees to their local recruitment companies. For example, Vietnamese fishermen on distant water fishing vessels paid 3,000 USD for their security deposit. And as for the contract, some of the migrant fishermen we interviewed reported that they did not sign labor contracts before their departure to South Korea. This raises the possibility that someone signs the labor contract on behalf of the fisherman or gets the worker to sign the contract without explaining any of its content. And also in the labor contract, for migrant fishermen in distant water fishing vessels, it does not have detailed information

on working condition. And many of the migrant fishermen signed the contract without understating the terms because terms are difficult to understand and they are not given enough time to look through the meaning of them. In the case of distant water fishing vessels, regardless of the country of origin, migrant fishermen signed the contract a day or two before departing the country without fully understanding the terms. In other words, many migrant fishermen signed the contract under extreme pressure with the implication that they would lose the opportunity if they did not agree to the terms. Most of interviewed fishermen testified that they were suddenly notified of departure after the long period of waiting (sometime for 1 year) without knowing when to depart with their passports confiscated by recruiting companies, which prevented them from being employed by other companies during the waiting period.

As I mentioned earlier, the reason why they were manipulated is that they had already been susceptible from their poverty, low schooling and prolonged unemployment. In addition to that, being manipulated during the recruitment process, they become vulnerable to exploitations and abuses during the employment.

People may say that if there are exploitations and abuses during the employment, they can leave the working places. However, as you all know, in the context of Korean fishing vessels, there are at least five reasons migrant fishermen cannot leave the workplaces. Firstly, distant water fishing vessels rarely come to the ground. Usually they use transshipment to load supplies and unload catches. While they are on the high sea, they cannot leave the vessels nor are they able to communicate with the outside world. We interviewed one former fisherman from a Korean distant water fishing vessel who had not been onshore for 20 months.

Secondly, even if the distant water fishing vessels come to harbors in Korea for repair or something, in some cases, migrant fishermen are confined into *de-facto* detention facility run by the trade union of Korean fishermen by request of fishing companies or manning agencies under the overlook of the government. Thirdly, most of the migrant fishermen's passports are confiscated by fishing companies or manning agencies in Korea immediately after arrival or boarding. Fourthly, fishing companies or manning agencies are delaying the payment of wages or withholding some amount of wages for the purpose of deterring run-away of migrant workers. Even some of the interviewed manning agencies explicitly stated that fishing companies or ship owners were thinking that if wages are paid punctu-

ally, all of the employed migrant fishermen would run away. Lastly, the Security deposit plays a significant role of frustrating migrant fishermen from terminating the contract or running away during the employment. This is one of the most effective deterrence mechanism to tie migrant fishermen to the sea, because run-away fishermen cannot take the security deposit back which they have paid for with the loan they incurred before leaving the country of origin. In the case of Vietnam, the government is imposing the obligations of paying security deposit upon migrant fishermen.

Learning these practices on Korean fishing vessels, I think that it is not an exaggeration to categorize it as a human trafficking. These practices fall into the definition of human trafficking under the relevant Convention and what I explained about the negative human rights impacts on migrant fishermen exactly corresponds to most of the indicators<sup>1</sup> on human trafficking and forced labor designed by ILO.

If it turns out that human rights violations experienced by migrant fishermen qualify as human trafficking and forced labor, the government of Korea should have taken counter measures to address the issues. However, the government of Korea has completely failed to respect and protect rights of migrant fishermen enshrined by domestic and international standards and norms, in regards to prevention, protection, prosecution or partnership which South Korea is obliged to respect by the Palermo Protocol it ratified.

<sup>1</sup> Poverty, low level of education, abuse of vulnerability, abuse of lack of information, deception, debt bondage, abuse of lack of information, deception, confiscation of documents, excessive working hours, forced work, low wages, violation of Labour law and contract terms, manipulation of wages, very bad working conditions, abusive working condition, poor living conditions, abusive living condition, hazardous work, threat, violence, confinement and Isolation, confiscation of documents, restriction on movement, confiscation of documents, debt bondage, withholding of wage. See [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_105023.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf).



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# Human Trafficking in Portugal: An Ethnography of Research and Data

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This paper is the result of a critical review of the literature and data on trafficking in human beings (THB) in Portugal. Among the primary characteristics of this research is the deafening silence of trafficked persons – especially migrant women in the sex trade. A wide review of research and data suggests that this silence is due to the enforcement-led approach to counter trafficking and a resistance to this approach by a segment of civil society. A trafficked persons' identity as a "victim" has contributed to political consciousness and mobilization around THB; currently, that identity contributes to denying their agency and to their silence. This review identifies the need to advance both our knowledge and practical intervention on the subject through stronger involvement by various organizations, including abolitionist and non-abolitionist NGOs. Independent research on a solid empirical basis is crucial.

*Keywords: human trafficking; state of the art; enforcement-led approach; victim identity; agency; Portugal*

## Introduction

The United Nations Protocol of Trafficking (2000)<sup>1</sup> and the Europe-

1 According to the UN Protocol of Trafficking (art 3a), trafficking in persons refers to «[T]he 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 purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of 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».

an and Community instruments to prevent and combat trafficking in human beings (THB) and provide assistance for trafficked persons<sup>2</sup> led the progressive adaptation of established internal policies and legal systems in Portugal that reflected a “carry-over effect” from the international policy that was also recorded in other countries.

The year 2007 marked a key moment in the Portuguese context. Important legislative changes were introduced into Portuguese immigration law and the Criminal Code, and THB was established as an autonomous offence in the chapter on “Crimes against Personal Freedom”, Article 160 of the Criminal Code. With the changes introduced by Law 59/2007, in addition to other provisions, the crime of trafficking was extended to include labour exploitation and organ removal in addition to the sexual exploitation of women, and the transnationality of the crime was no longer a prerequisite. Over time, new and ongoing interventions were introduced to adjust the Portuguese legal frame of reference. In the transposition of Directive 2011/36/UE by Law 60/2013, the definition of the crime of trafficking expanded to include new forms of exploitation, including mendicity, slavery, and exploitation in criminal activities in addition to previously defined forms.

In the wake of a larger international trend, over the last ten years, THB has attracted increased political attention, provoking a relative increase in publications on the subject in Portugal. These publications appear to express a political-institutional response by Portugal to a new national and international political and legislative frame of reference on this subject and the resulting commitments. Research on THB began to be produced and/or commissioned by the government or by inter-governmental institutions, primarily with European funding. The First Portuguese National Action Plan against Trafficking in Human Beings (2007-2010) led to the creation of an observatory for the collection and processing of data on THB: this observatory was created in 2008 at the Ministry of Internal Administration (MAI) and began publishing an annual Statistical Report on trafficking in the following year. Non-governmental organizations (NGOs) have intervened in studies on the subject to a lesser extent and only rather recently. Although with some exceptions, research on THB remains subordinated to other areas of research even within the academy. Most likely also for this reason, a critical review of the state of the art

<sup>2</sup> For the purposes of this study, I prefer the expression “trafficked person” instead of the emotional term “victim” that, by focusing on vulnerability and trauma, appears not to recognize the agency of trafficked persons.



of research and trafficking data in Portugal appears to be lacking. At the international level, the number of publications on THB has increased, regularly leading to efforts to collect the literature, primarily in English. These publications critically review information to identify the knowledge gaps, strengths and weaknesses of THB research and data (see, e.g., IOM, 2008; Kelly, 2002; Laczko and Gozdzia, 2005). Reflecting the priorities of the Palermo Protocol, these reviews have focused attention on studies on trafficking for the sexual exploitation of women. Specifically, over the years, these reviews identified a dearth of empirical studies and a lack of contact with trafficked persons, especially those who are not assisted in shelters; they also included repeated critical comments about the prevalence of tales and myths and the ideological and political positions that pervade studies on THB in support of a specific political agenda (see, e.g., Dragiewicz, 2014; Gozdzia and Bump, 2008; Gozdzia et al., 2015; Weitzer, 2014; Zhang, 2009 and 2012).

The need for evidence-based policies and a more appropriate allocation of resources also encouraged national governments and international organizations to increase their collection of trafficking data. Occasionally, alarming national and international estimates claiming a massive number of trafficked persons have been critically accepted and reproduced to justify a “moral crusade” against trafficking (Weitzer, 2007 and 2014) and to control immigrants who are in breach of immigration, labour or prostitution laws (Doezema, 2000; Lee, 2011). Moreover, despite an effort to collect comparable trafficking data (see, e.g., Aronowitz, 2009; Vermeulen and Paterson, 2010), problematic statistics are nevertheless produced and disseminated.

This article results from the first critical review of the literature and data on THB in Portugal. Its goal is not to provide a summary of the results of past studies and estimates; rather, this article proposes to describe the primary characteristics of trafficking research and data. The primary elements considered in analysing the collected literature are the research objectives and questions, the data sources and methods used, and the players who fund and conduct THB research. Both Portuguese GO and NGO data on THB were considered. Interviews with researchers and GO and NGO representatives as well as participation in various events on the subject enabled a broader “ethnography of the research and the data”.

One of the primary characteristics of the literature and data examined is the deafening silence of trafficked persons. My argument is that this silence is connected first to an enforcement-led approach

to counter trafficking. Although recent decades have been characterized by the “rediscovery of the victim” and the development of “victim-oriented” criminal justice policies, the system of assistance to and the integration of trafficked persons, also in Portugal, is based primarily on the criminal justice objectives of securing the successful prosecutions of traffickers and controlling immigrants. These objectives are currently being questioned by some civil organizations, particularly abolitionist groups. Such organizations claim to exclude their reporting to the competent GO authorities and speak on behalf of “their victims” rather than allowing the researchers access to them. Furthermore, also in Portugal, a unidimensional identification of trafficked persons as “victims” seems to contribute both to denying their agency and stigmatizing migrants and workers, particularly migrant women in the sex trade, who do not conform to a simplistic representation of the powerless, passive, enslaved victim. These people are not considered “worthy” of or “suitable” for the status of victim or deserving of help from the criminal justice process. Thus, these migrants and sex workers have no voice in research, data or the definition of policies and practices of intervention that concern them.

Strategies to advance both our knowledge regarding THB and political intervention have emerged. Such strategies began with the opportunity to conduct independent research with a solid empirical base and the stronger involvement of various organizations, such as both abolitionist and non-abolitionist organizations.

## **The literature and the research**

The International Seminar on Traffic and Sexual Exploitation of Women held in Oporto in December 1999, was the first European meeting held in Portugal on this subject. Promoting the event was the current Commission for Citizenship and Gender Equality (CIG), a component of the Bureau of the Presidency of the Council of Ministers that is traditionally tasked with promoting citizenship and gender equality. This group, that is an expression of state feminism in the country (Monteiro, 2013), was assigned the coordination of anti-trafficking activities in Portugal. The seminar was co-funded by the European Commission through one of the first programmes, STOP, which focused on activities of exchange, study and training for institutional and social players involved in THB. The seminar was conceived as a type of call to arms among various players (in

particular, the Portuguese government, police and judicial authorities) and was concerned with synchronizing Portuguese and European policies in this sector.

The proceedings of this seminar (Varandas-Saraiva, 2000) produced one of the first publications on THB in Portugal, which was utilized in this study. This review thus examines the studies produced on THB in Portugal between 2000 and 2015.<sup>3</sup> The studies include books and journal articles on THB. Because of its importance, the broader grey literature was included, particularly research, statistics, project reports and conference papers. Master's theses and doctoral dissertations have also been included. Altogether, 65 publications, 53 in Portuguese and 12 in English, were collected and analysed.<sup>4</sup>

After identifying the available relevant databases and analysing the possibilities furnished by the explored sources, a search was conducted using the following resources: the Portuguese Bibliographic Database (PORBASE), the Scientific Open Access Repository of Portugal (RCAAP), the Portuguese B-on Knowledge Library Online, the online Information and Documentation Centre of the Commission for Citizenship and Gender Equality (CIG), Google Scholar and Web of Science. In addition to the literature collected from various databases, there was also a cascade collection in which each consulted bibliographical reference led to other sources.

A common element of the research and collection in catalogues that did not always grant open access to their resources was the use of the term *trafficking* in its Portuguese and English variants and in combination with other specifying elements including *human*, *women*, *child/minor*, *sex*, and *labour*.

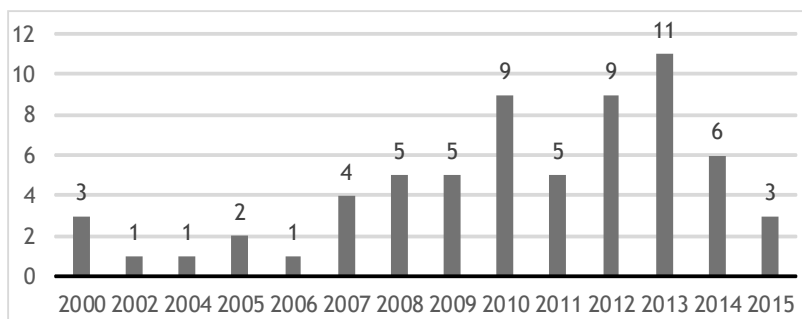
The collection and analysis of the literature, by necessity, took two aspects into consideration. The first was the fragile disciplinary boundaries and the complex nature of the THB problem, which is interwoven into a range of social problems (including migration and labour). I decided to consider only those studies directly addressing THB in Portugal, understood as the country of origin, transit or destination for trafficked persons, with a special focus on research production in the social sciences. This choice is most likely the primary reason for the differences between the present work and a comparative analysis of studies on THB conducted a few years ago in six countries, including Portugal, in which there was reference to a greater total

<sup>3</sup> The collection of analysed literature was closed on October 31, 2015.

<sup>4</sup> The collected bibliography can be obtained upon request.

number of publications and a different annual distribution of publications (Reiter, 2007). In particular, that study reported the presence of 11 publications compared with the 7 that this study collected and analysed in the period between 2000 and 2005. This literature review also had to consider a second aspect: the fragmented nature of the various databases and their frequently delayed updating. The limitations of the bibliographic collection, therefore, include the possible non-integration of the most recent publications on the subject.

Figure 1. Increase in literature on THB.



Note: N= 65 titles

The analysis of the collected literature revealed elements of both continuity and discontinuity with the substantial international literature on the subject.

Although the first publications date back to 2000, in 2007, slightly delayed from the wider international panorama, there is evidence of what could be cautiously termed an increasing interest in the topic in Portugal (Figure 1). This increase in the literature peaked between 2010 and 2013. The relative slump in publications in the past two years can most likely be attributed to the lack of immediate updating of bibliographic catalogues rather than to an actual reduction in production.

In particular, since 2000 and for approximately ten years, the majority of the literature comprised research and project reports drawn up and/or commissioned by government institutions through various European programmes, with the goal of compliance with international and European laws and policies on THB. Again, compliance began operating formally only in 2007.

For a long time, the interest of the academic community was en-

couraged and funded by these projects. The often rather ambitious objectives of the first widespread studies were primarily established by the organizations commissioning the studies. Although these commissioned studies were often followed by new publications such as articles and book chapters that were signed by members of the commissioned research groups, academic research on the crime of trafficking appears to have remained in a subordinate position to the study of other social and sociological problems considered a priority in this country. In the years immediately preceding 2010, the subject of human trafficking had become a fully recognized component of the Portuguese political and media debate, stimulating the production of the first master's theses and doctoral dissertations on this topic (approximately 14% of the production). In certain cases, the interest of these researchers appears to be attributable to their work experience in the primary state institutions, either in politics or law enforcement.

Unlike the situation in the wider international panorama, even NGOs and advocacy groups in Portugal paid limited and delayed attention to trafficking and made scant effort to conduct research. As a related aspect, it should be noted that when THB became a component of the Portuguese political agenda, no NGOs were directly addressing the issue. However, in Portugal, the legislative, financial, and programmatic instruments used by the EU to launch European anti-trafficking policies began to be used despite the relatively small numbers and/or the limited capacity to intercept trafficking (see, e.g., Bordonaro and Alvim, 2011; Manita and Oliveira, 2002). THB was not immediately identified among the priorities of organized civil society, which is historically characterized by «institutional weakness» and «traditional dependence vis-a-vis the State» (Santos, 1991). Thus, only after the construction of the current criminal prosecution system and a system of assistance for trafficked persons did certain organizations become more involved by expanding their activities to include trafficking (see also GRETA, 2013). Therefore, it is not surprising that fewer than 8% of the publications collected can be attributed to these organizations; only in recent years, once again stimulated by European policies and numerous funding programmes, these organizations attempted studies on THB.

The manner in which trafficking asserted itself as a problem attracting attention in Portugal also explains the primary objectives of this study of the analysed literature. From the first exploratory studies (see, e.g., Peixoto et al., 2005; Santos et al., 2007) and for a long period after, identifying the trafficked persons' personal and

social profiles and trafficking experiences and examining the recruiting methods, transport, and exploitation were the most urgent research questions and were generally pre-determined by organizations commissioning the studies. Some studies focused also on coverage of human trafficking in the media. More recently, the prosecution of trafficking crimes appears to have become a goal of research as well as a political concern.

It is well known that for a long time, THB was associated with sexual trafficking, and in many cases, the terms *human trafficking* and *sex trafficking* were, and most likely still are, used interchangeably (Zhang, 2009). Consistent with the political agenda and the international literature, the analysed publications focused primarily on trafficking for sexual exploitation. As shown in Table 1, sexual trafficking was the unique studied form of exploitation in nearly half of the publications on the topic (46.2%). At the present time, funding has been assigned to new research specifically dedicated to labour exploitation; however, for approximately fifteen years, this form of exploitation was studied only in exceptional cases. Labour exploitation studies are frequently accompanied by studies on sexual exploitation; combined, the two forms of exploitation are the subject of 9.3% of the publications. Organ removal and mendicity have become subjects of research interest beyond the legislative aspect only in recent years and only in exceptional cases.

As expected, attention to sexual exploitation is associated with a focus on female trafficked persons. More than 40% of publications are dedicated to this population (Table 1). The percentage of studies dedicated to the female population increases if the works also consider include other populations, such as males or minors, exceeding 52.35% of production. Similar to labour exploitation, the male trafficked population is also rarely the primary focus of attention. The male presence is always associated with other trafficked populations – female and/or minors – for a total of 9.2% of publications. Publications specifically dedicated to minors comprise 6.1%; however, the percentage increases when considering the publications that also include the adult population, reaching 10.75% of the total. Only in exceptional cases is any focus also placed on transsexuals; that population remains excluded even from the estimates produced annually at the government level.

Table 1. Publications on THB in Portugal.

	Frequency	Percent
<b>Language of publication</b>		
Portuguese	53	81,5%
English	12	18,5%
<b>Type of publication</b>		
Project & Research reports	16	24,6%
Government reports	7	10,8%
Conference papers	4	6,1%
Books	2	3%
Book chapters	12	18,5%
Articles	15	23,1%
Master Theses & Doctoral dissertations	9	13,9%
<b>Type of trafficking</b>		
Sexual exploitation	30	46,2%
Sexual & Labor exploitation	6	9,3%
Organ removal	1	1,5%
Mendicity	1	1,5%
All type / No distinction	27	41,5%
<b>Trafficked Populations</b>		
Women	27	41,6%
Women & Men	4	6,1%
Women & Minors	1	1,55%
Women & Men & Minors	2	3,1%
Transsexuals	1	1,55%
Minor	4	6,1%
All type / No distinction	26	40%
<b>Type of research &amp; data</b>		
Empirical research	31	47,7%
Original data	16	
Non-original data	15	
Non-empirical research	34	52,3%
Total	65	100%

Analysis of the collected literature clearly indicates an important characteristic that, with a certain difference, can be observed at the international level: the recent and relative increase in publications on THB in Portugal does not coincide with and should not be confused with an increase in the empirical research on trafficking. Although the first publications on the subject date back to 2000, slightly later than the wider international panorama, the first empirical research that identified trafficking as its primary study objective dates to 2005 (Peixoto et al.). Later, new research studies emerged; however, as shown in Table 1, fewer than 50% of the collected publications, totalling 31 works, were based on empirical research on trafficking. Moreover, these publications did not always represent original studies: approximately half, a total of 15 publications, comprised translations or a partial re-publishing of previous results. Overall, less than 25% of collected publications referred to original empirical research, which, fifteen years after the Palermo Protocol, appears to be a rather mediocre comprehensive figure.

Another factor that limits an increase in knowledge of the problem is that even when studies contained empirical data, the protagonists of the problem, beginning with trafficked persons and traffickers, are rarely the primary source of information. Research on THB in Portugal is based on a strong reliance on law enforcement officials, representatives from government institutions and NGOs, and so forth, who do not always have direct experience with trafficked persons. In particular, only 5 of the 65 review studies were based on interviews with trafficked persons.

The absence of the voices of trafficked persons and the reliance on so-called expert sources at least partially reflect a trend that can be observed at international levels. Moreover, in the case of Portugal, when these studies involve primary data collection among trafficked persons, unlike the situation at the international level, this data collection does not necessarily refer to trafficked persons assisted and/or housed in shelters. The rare research that directly involves the trafficked persons is based on contact in the street and/or the locations in which this population is exploited (see Santos Neves & Pedra, 2012; Santos, 2014). In exceptional cases, meetings with trafficked persons are rendered possible by the police force (see Neves, 2011). When, again in exceptional cases, meetings are arranged through NGOs, contact between the researcher and the subject of the study cannot be assumed (see Santos Neves and Pedra, 2012) or can only occur in the presence of representatives of the organizations (see Couto, 2012).



The deafening silence of the trafficked persons is apparent both inside and outside of the Portuguese shelter assistance system.

Why is direct contact between research and persons with experience with trafficking so rare? Are the criminal nature and the relatively reduced size of the problem in Portugal sufficient to explain the silence of trafficked persons? In Portugal, why does research remain nearly exclusively outside the shelters and constantly meet with a “reluctant” reaction from human trafficking survivors?

To develop a better understanding, it may be helpful to begin with a review of the data on THB in Portugal.

### *The hidden side of numbers*

As stated above, in Portugal, debate and research focused primarily on sexual trafficking, and its victims were primarily sought within the sex industry. However, research results related to female prostitution in the first years of this century suggest that the numbers were relatively low compared with the alarming figures declared by the national media at the time, including within Portugal (see, e.g., Manita and Oliveira, 2002; Riberio et al., 2005, 2007). In turn, the statistics produced annually at the government level also reveal a relatively low number of trafficked persons.

According to the Portuguese Observatory of Trafficking in Human Beings of the Ministry of Internal Administration (OTSH/MAI), during the 2008-2014 period, 1110 “presumed victims” were reported,<sup>5</sup> of whom only slightly more than 25% were confirmed as such by law enforcement agencies.<sup>6</sup> This refers to 282 “confirmed victims”, primarily of foreign origin and defining Portugal as the THB destination country.

Of the 974 “presumed victims”, whose origins are known and not protected by statistical secrets, 71% reported being European (primarily of Romanian origin); 22% came from South America (in particular, Brazil), and 7% came from Africa. Portugal was also a

<sup>5</sup> As a component of the Portuguese trafficking monitoring system, the expression “presumed victim” is used with reference to a person regarding whom there are strong indications of the existence of a trafficking experience. The “confirmed victim” classification is designated by law enforcement agencies (Judiciary Police or Immigration and Borders Service) to a person as a result of a police investigation. The “not confirmed victim” classification is designated by law enforcement agencies to a person who was either a victim of another crime (commonly THB associated crimes) or to other situations such as “case filed” because of lack of proof or the non-existence of a crime.

<sup>6</sup> Figures personally processed from data supplied by OTSH. Updated in April 2015.

country of origin, and a constant number of Portuguese nationals (approximately 25% over the reference period) were exploited within Portuguese territory (approximately 41%) and/or in neighbouring states (approximately 59%), particularly in Spain.

Data distinguished by different forms of exploitation for all seven reference years indicate that the majority (approximately 43%) of the persons were signalized as being trafficked for labour exploitation,<sup>7</sup> approximately 39% for sexual exploitation and approximately 8% for all other forms. When we consider only the total of 282 “confirmed victims” over the same period, the distance between the two primary forms of exploitation increases, and sexual exploitation decreases to 21% whereas labour exploitation increases to nearly 75%. These numbers indicate a trend that is contrary to that occurring in European countries: according to EUROSTAT (2013, 2015), between 2008 and 2012, the majority of “identified and presumed victims” were trafficked for sexual exploitation (between 62% and 69%), and trafficking for forced labour comes in second (approximately 25%, dropping to 19% between 2010 and 2012).

The clear predominance of labour exploitation in Portugal relates to a prevalence of male “confirmed victims” (approximately 64%) compared with female “confirmed victims” (approximately 36%). Once again, these figures indicate a trend that is contrary to that occurring in Europe, where the vast majority of all “victims” (80%) are female and only 20% are male (EUROSTAT, 2013 and 2015).

For a better understanding of these statistics, it is useful to remember that the Portuguese THB monitoring system is the first stage of a wider “Reporting - Identification - Integration” system of trafficked persons. The Portuguese system also specifies that any police force, NGO, “presumed victim” or member of the public can report possible cases of trafficking to the monitoring system managed by OTSH, which is within the Ministry of the Interior and works in close cooperation with the police. Regardless of who reports the “presumed victim”, identifying trafficked persons is the responsibility of the police forces, and trafficked persons’ rights are officially subordinated to collaboration with police investigations.<sup>8</sup> For example, residence

<sup>7</sup> The total number of persons signalized as trafficked and whose form of exploitation is not covered by statistical secrets is 1064. The form of exploitation is unknown in 9%.

<sup>8</sup> When justified by the trafficked person’s situation and particularly in cases of high vulnerability, the National Rapporteur may ask the Ministry of the Interior to grant victim status and the associated assistance. However, conversation with the National Rapporteur confirms that this procedure has never been implemented.

permits for trafficked persons of non-European origin are subject to article 109 of Law 23/2007, which states that a permit can be issued but is subject to three essential conditions: the person must clearly express his intention to co-operate with the authorities to facilitate the investigation, the potential benefit of the trafficked person's presence for investigation purposes and criminal proceedings will be taken into account, and the person must cease all relations with the persons suspected of having committed the offences concerned.

Two of these elements – the formal identification of trafficked persons by the police force and cooperation with the police and the judicial authorities as a condition for access to the rights connected with victim status – have been a reason that some NGOs are reluctant to report trafficking cases based on the greater interest of the trafficked persons (see also GRETA, 2013; Santos Neves and Pedra, 2012). Distrust in the police and the justice system raises concerns that victims' participation in police investigations could expose trafficked persons to their traffickers. Moreover, in the absence of formal identification, trafficked persons exit the system, receive no formal or informal assistance, and risk being invited to return to their countries of origin. In the words of the director of a Portuguese NGO working on prostitution who was interviewed for this study,

In the collaboration with the police, cases of re-victimisation can occur. The person has already been through a very painful situation due to the trafficking experience and then passes through an additional painful situation as a trafficking victim. The process necessary to obtain a residency permit is extremely complex and requires considerable time [...]. The victims are afraid to return to their countries of origin and do not want to go back. The problem becomes that of bypassing the law, of finding an article of law that can help these persons.

The deafening silence of trafficking persons in data on THB in Portugal appears first to be an indictment of an enforcement-led approach to counter trafficking, i.e., it represents a form of resistance to this approach of some organizations of civil society. In many countries, many provisions express the difficulty of reconciling the identification and protection of trafficked persons with the criminal justice objectives of securing successful prosecutions of traffickers and immigration control. As noted by Maggy Lee, the treatment of trafficked persons must often address the «double identification of trafficked persons as “victims” and irregular migrants, deemed both “at risk” and “risky” to the state, to be “rescued” through welfare-cum-

criminal justice interventions, yet whose suspect mobilities have to be contained within an immigration control framework» (2011: 59). Concerns regarding irregular migration and false claimants have encouraged many states, including Portugal, to refuse to provide unconditional assistance and protection to trafficked persons and to render support measures conditional on their cooperation in testifying in judicial proceedings against their traffickers. Consequently, notwithstanding the rhetoric of victims' rights and protection, the actual practices of intervention and assistance frequently remain far from the experiences, expectations, and capacity of trafficking victims (Lee, 2011; GAATW, 2007; Zimmerman et al, 2003) and can expose those persons to a "secondary victimization" within the criminal justice system (Campbell, 1998; Shapland et al., 1985).

In reality, in Portugal, civil organizations do not always express, nor have they developed, a clear position with regard to this approach. However, the same organizations that compose the protection network for victims of trafficking (RAPVT)<sup>9</sup>, with the goal of prevention, protection and the reintegration of these victims, have not always directly intervened for trafficked persons. In some cases, concerns regarding the mechanisms for identifying and assisting trafficked persons derive from the experiences of other organizations or from the literature on the subject.

This enforcement-led approach to counter trafficking is currently being challenged by some abolitionist NGOs. In this case, rhetorical care for the interests of some trafficked persons is associated with the claim to care for and speak on behalf of "their victims", excluding any possibility of the victim's reporting to competent authorities or of constructing a research path with the victim's involvement. In the words of an interviewee from a Portuguese NGO,

We transmit any knowledge and we are here, available... I am here with you at this moment, but we have never made the women and the women's testimonies available, partly because of a question of principle, and because of the values of the institution.

The values indicated by the representative of the organization I met are the values of abolitionist feminism, which defines all sex work as exploitation and prostitution as an embodiment of patriarchal male privilege (see, e.g., Barry, 1979; Pateman, 1988; Jeffreys, 1997, 2009).

<sup>9</sup> Pursuant to measure No. 30 of the second Portuguese National Action Plan to Prevent and Combat THB.

However, the need to distinguish sex work from sexual exploitation – often seen in rigid opposition – appears to leave sex workers' rights organizations in a substantially marginal position with regard to the Portuguese anti-trafficking system and the associated debate.

It must be stated that CIG, the entity coordinating trafficking policies through the National Action Plans that have occurred over the years, is an institution with a known abolitionist position. A strong institutional prudence appears to inspire the relations of this institution with non-abolitionist organizations. Despite their presence in the field, this group remains largely outside the numerous cooperation protocols and memorandums of understanding signed with NGOs and other bodies to report trafficking cases and the wider assistance and integration system of trafficked persons. Conversely, the same sex workers' rights organizations, primarily engaged in sexual risk reduction interventions, appear to be primarily concerned with stating that the act of selling or buying sexual services as a consensual transaction is not violating human rights and is not to be conflated with trafficking. Most likely also for this reason, the question that traditionally follows my contacts and interview requests to these organizations is, «You know, don't you, that trafficking and sex work are not the same thing?».

The result is that the trafficking data collection system receives the great majority of its input from the police (see also GRETA, 2013). In the field, the police also collaborate with state services such as ACT, the Working Conditions Authority, under the direct administration of the State Ministry of Labour, Solidarity and Social Security, which has among its functions controlling compliance with labour standards and the law in the private activity sectors through inspections and not according to proximity.

This set of circumstances – the limited involvement of the different organizations with experience in intervention with sex workers and the resistance of some of these organizations to an enforcement-led approach to counter trafficking – combines to drive the scarcity of sexual exploitation and female trafficked persons in ministerial statistics and, more generally, the relatively small number of trafficked persons reports.

What would occur if there were greater NGO participation in reporting THB cases?

Research conducted by the Institute of Strategic and International Studies (IEEI) (Santos Neves and Pedra, 2012) provides some

points for reflection. With the collaboration of an informal network of NGOs, researchers calculated triple the number of trafficked persons, reaching a level of 250-270 trafficked persons per year, and suggested forms of exploitation that are somewhat different from the forms described by government figures. Consistent with European trafficking estimates, these data showed a prevalence of sexual exploitation cases (67%) compared with labour exploitation (30%); female trafficked persons (80%) were far more numerous than their male counterparts (20%). IEEI also discovered a considerable difference in routes and provenance, with a significant flow of trafficked persons from Nigeria and Asian countries.

Comparing IEEI and OTSH data presents several problems. The data do not refer to the same periods: IEEI estimates cover the period from June 2010 to July 2012, whereas the OTSH estimates refer to a three-year period between 2009 and 2011. The most important difference relates to the data collection criteria of IEEI, as their estimates include, for example, nearly 80 cases reported by fellow victims with whom the victims supposedly travelled during transport or with whom the victims lived during exploitation.

However, according to IEEI researchers, at the time of their study, only six organizations of the thirty in contact with potential trafficked persons were reporting trafficked persons to the Portuguese Observatory of trafficking. Such choices were, in certain cases, openly opposed to crime prosecution and the trafficked persons' assistance systems established in this country. In any case, it appears to always be other people who speak for trafficked persons and decide what is best for those "victims". The latter remain outside of the research, the data and the anti-trafficking prevention strategies; and trafficked persons' assistance and reintegration models continue to be designed in an "empirical vacuum" (Goździak, 2014).

## **The deafening silence of trafficked persons**

The complex and controversial process of recognizing the trafficked persons' identity as a "victim" in Portugal can lead us closer to an understanding of the silence of trafficked persons in research and data and, thus, in the definition of the policies and intervention practices relating to those persons.

As suggested by Jacoby (2014), whereas "victimization" is an act of harm perpetrated against a person/group, "victimhood" is a socially constructed identity based on that harm. Victimhood depends

on a “choice” to use the experience of harm as the basis for identity, and this choice is mediated by the politics of the underlying political context. Victimization and victimhood share common characteristics in all societies, and based on these characteristics, Jacoby proposes a sequence of five stages that injured persons experience from the act of victimization to the recognition of victim-based identity: (1) structural conduciveness (2) political consciousness (3) ideological concurrence (4) political mobilization and (5) political recognition.

From the late 1990s to the early 2000s, the consolidation of a democratic regime, integration with the European Union and significant economic growth combined to create the structural conditions for trafficking victim identity recognition in Portugal. During this first stage of “structural conduciveness”, international and European policies stimulated the “choice” to begin a process of trafficking victimhood recognition.

In particular, this choice discovered a means of expression after 2003-2004 when, through European funding, the current CIG of the Portuguese Presidency of the Council of Ministers mobilized various institutional representatives and promoted some activities that played a decisive role in directing public debate and policies on THB in Portugal.<sup>10</sup> The trafficking victim identity was moulded during this stage of “political consciousness”, duplicating the European political-institutional model and/or the experience of other countries (see, e.g., Bordonaro and Alvim, 2011; Campani and Garosi, 2003). The problem did not become a research focus by local governments, NGOs, or research centres until 2004; therefore, the problem was not well known.<sup>11</sup> At this stage, first of all, NGOs had to learn to identify the trafficked persons and to address the complexity of trafficking crimes. Organizations are quite cautious in reporting trafficked persons. Only slowly and in a manner conducive to the objectives of the government’s political agenda did some NGOs with

<sup>10</sup> In particular, the definition of trafficking crime and trafficked persons’ rights was sustained by the activities established from 2004 within the sphere of the Cooperation, Action, Research, Worldview (CAIM) Pilot project. The project was funded by the EQUAL Community Initiative and is traditionally described as a crucial element for its contribution to developing the THB prevention and combat policies established in Portugal from 2007 through the National Plans against Trafficking that were defined over the ensuing years.

<sup>11</sup> In reality, the CAIM project did promote a study (Santos et al., 2007); however, the research was concluded only in July 2007, following the creation of the First Plan against Trafficking, adopted in June 2007, amidst the deafening silence of the trafficked persons.



experience in the field of sexual and reproductive health or in assisting victims of crimes extend their activities to include THB. The result was that the “political mobilization” to recognize the rights of trafficked persons was primarily managed at the institutional level, circumspectly, by NGOs and without widespread involvement on their part in the planning and implementation of anti-trafficking measures (see also GRETA, 2013; Santos Neves and Pedra, 2012).

Political consciousness and mobilization were characterized by the lack of both direct experience with trafficked persons and victim profiles and accounts of trafficking as a form of violence against women. During the first international seminar on the theme mentioned in the previous pages, one of the participating organizations stated,

The women who are prostitutes come from run-down neighbourhoods, overcrowded homes, large families and alcoholic parents. They suffered maltreatment, abandonment, rape, and incest. They went hungry. They did not feel loved. They worked in their childhood... They did not go to school... They grew up fast... They had boyfriends too soon; they got pregnant too soon... They were abandoned (Varandas-Saraiva, 2000: 145).

The representative of the same organization, during the panel entitled *Rehabilitating and “Building” a New Image for Women*, added, «I met women who were trafficked to Spain, France, Germany. They suffered violence, various tortures. They were watched over during the day and the night. They did not report the situation. Fear permeated her inner self» (Varandas-Saraiva, 2000: 144).

At the institutional level, the current CIG actor who promoted the meeting recognized that «often the concepts of trafficking and prostitution appear [...] as interconnected. This automatic connection should be avoided» (Varandas-Saraiva, 2000: 173); conversely, the same actor argued that,

prostitution as disfigurement of woman reduced to the status of sex object, of merchandise in a world market, must and can disappear [...]. The drawing up of a plan of action is necessary to combat persons who defend prostitution and its regulation, who have precise and defined projects and arguments to base it on and the means to concretise it (Varandas-Saraiva, 2000: 190-191).

These attitudes of institutional actors and civil society towards prostitution and trafficking have played a strategic role in the process for the “political recognition” of the victimhood of trafficked persons and the development of anti-trafficking policies in Portugal. Against the backdrop of dramatic descriptions of traumatic and vio-



lent stories from trafficked persons was made an effort to increase awareness and help the country adapt to international and EU policies on the subject. Narratives of abuse and suffering, often framing prostitution-as-sex-trafficking as «an unqualified evil», fuelled the Portuguese «moral crusade» (Weitzer 2007) and trafficking as a public and political responsibility.

A broader debate calls for prudence with regard to images that do not reflect the complex social and economic trajectories of migrants working in low-wage sectors, particularly women in the sex industry (see, i.e., Andrijasevic, 2010; Brennan, 2004; Mai, 2013, 2016). However, after more than ten years, stereotypical and disempowering images of trafficked migrants and their trafficking experiences persist, even in Portugal. Such images contribute to a situation in which there are people who deny any agency of the trafficked persons, even among the organizations that run shelters for trafficked persons<sup>12</sup> and that – with a certain political caution and a little financial apprehension – interpret trafficking as a form of labour exploitation connected with strict migration policies (see, e.g., Agustin, 2007; Andrijasevic, 2010; Doezema, 2010; Kempadoo and Doezema, 1998). Dialogues with persons at one of these organizations confirmed a long-standing resistance to the possibility of conducting research with trafficked persons because of a form of reluctance on the part of the persons or because of special attention focused on “their victims” interests (see also Alvim, 2013). Once again, the result is a persistent absence of a strategy to include trafficked persons in the process of constructing their victimhood or in any research that concerns them.

Meanwhile, as amply highlighted by critics of the violence-against-women agenda, only those trafficked persons who adhere to simplistic narratives of extreme suffering and abuse are likely to identify themselves or to be identified as “victims of trafficking”. Not considering the real cost of migration, the expected needs, or the consumerist and hedonistic aspirations of the trafficked migrants themselves does not facilitate Jacoby’s definition of an “ideological concurrence” of the trafficked persons and police and immigration officials. The reduced number of “confirmed victims” in Portugal, particularly of trafficked migrant women for sexual exploitation, appears to refer first to the possibility that women with experience

<sup>12</sup> There were three government-funded, NGO-run shelters available for trafficked persons in Portugal, one for male victims and two for female victims.

selling sex adhere to the image of “complete victimization” (Doezema, 2000). A representative of the Portuguese Criminal Police explained, with regard to sexual exploitation, the connection between “victim” and “fickle”:

Women’s cooperation in criminal police investigations is more difficult and inconstant. They are difficult [persons], whose collaboration is difficult. They do not want compromise; they do not want to be “victims”: life taught them how to survive and to be smart. They are people with a propensity to another type of work, different from normal jobs.

Undoubtedly, trafficked migrants in the sex industry do not easily correspond to the image of the “innocent” (Kempadoo and Doezema, 1998), “ideal” victim (Christie, 1986; Hoyle et al, 2011). Formal recognition of a trafficked person’s victim identity does not constitute a constructive strategy for these women; conversely, these women are not easily considered worthy of the status of the victim in a criminal trial. Sex-trafficked migrants are deserving victims, and the juxtaposition of the “perfect victim” (Uy, 2011) and the real victim marks a boundary between citizens and non-citizens (Andrijasevic, 2007).

The process of identifying trafficking victims, characterized also in Portugal by the appropriation of a humanitarian discourse within a security-centred discourse, contributes to a better understanding of the deafening silence of trafficked persons in research and data. An identity as a “victim” may be strategically important to increase awareness; however, there are limitations imposed by this type of identification. Alternative processes of identifying trafficked migrants as active subjects with complex trajectories may contribute to their reporting and identification, to the development of better assistance strategies, and, ultimately, to their presence in research and data.

## Conclusions

The urgent necessity for Portugal to become aligned with international and European anti-trafficking laws and policies has helped to stimulate research on this subject. However, knowledge of the topic remains limited to statistics produced at the government level and provided by the police force. Critical reflection and empirical research involving trafficked persons, offenders and other actors remain the exception. These limitations result in a macrosociological description of the problem in which the different subjectivities remain in a subordinate position.

Careful analysis of the literature suggests the need for a greater effort to be made to understand THB in Portugal through in-depth qualitative research focusing attention on the various actors involved. A strong focus should be placed on a microsociological description of the problem, which, in response to the suggestions stimulated by international reflections (see, e.g., Weitzer, 2014) and provisions by the Portuguese National Action Plans against THB, should provide richer insights into THB. Special attention should be urgently focused on Portuguese nationals exploited within the country or in neighbouring states.

Nearly ten years after establishing the current assistance and support system for victims and the prosecution of trafficking crimes, conditions should be ripe for critical reflection on the experience that has developed in Portugal. Recent experiences regarding the complex problem of THB demand the reciprocal construction of identity for the “victim” as much as for the people who provide assistance. A greater participation by the various actors in the field, such as the different organizations with experience with sex workers, and the independent nature of the research could encourage critical reflection on current anti-trafficking policies, assistance and the reintegration experiences of trafficked persons. An aspect closely linked to these research perspectives is the imperative necessity for studies on THB to be translated into concrete proposals able to influence policies.

None of these aspects must be considered distinct from the urgent need for research to shape its agenda and to increase collaboration and alliances with the various players in the relevant political and social context in Portugal. Research on this topic, until now primarily financed by government bodies through numerous European funding programmes, also faces the challenge of independence within the dialogue. No less demanding is the dialogue within independence: are Portuguese GOs and NGOs ready to support research on THB issues outside the programmes and projects that they manage directly?

Among other aspects, there is an urgent need in research for clear discussions concerning methodologies, data collection methods and ethical dilemmas, which, in Portugal, have only partially been the object of shared reflection and only in exceptional cases. This aspect could help promote the construction of more appropriate human-rights-based strategies in research on trafficking without limiting the possibilities of conducting research and producing knowledge<sup>13</sup>.

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## Recensioni

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Manno, Silvio (2016). *Charcoal and Blood. Italian Immigrants in Eureka, Nevada and the Fish Creek Massacre*. Reno NV: University of Nevada Press. 296 pp.

La storia dell'emigrazione italiana all'estero è costellata di un gran numero di tragedie di diversa gravità, spesso legate al lavoro minerario, tragedie dovute solo in parte a cause "naturali" (o fatte passare per tali), ma non di rado legate a conflitti di classe e repressione politica. Alcune di queste tragedie poi sono rimaste più o meno sepolte e ignote ai più, come quella ricostruita da Silvio Manno nel suo lavoro su quello è passato alla storia come "il massacro di Fish Creek", avvenuto in Nevada nel 1879, in cui vennero uccisi dalla forza pubblica locale in un conflitto di lavoro cinque italiani, o considerati tali dalla popolazione locale: in realtà si trattava di tre italiani e due nativi della Svizzera italiana. Altri sei uomini furono feriti, quattordici furono arrestati dallo sceriffo.

Il libro ci immette in uno scenario di frontiera, il "selvaggio West", in una miniera di carbone nei pressi di Fish Creek, non lontano dalla città di Eureka, Nevada, grande centro minerario, dove nel 1879 ebbe luogo la violenta repressione dello sceriffo contro i "carbonai" italiani, colpevoli di essersi ribellati di fronte al rifiuto della Compagnia mineraria di andare incontro alle loro rivendicazioni salariali.

Costretti a pessime condizioni di lavoro e di vita, peggiorate nel corso dell'anno, con pesanti ritmi di lavoro e basse paghe, alcune centinaia di "carbonai" italiani avevano formato un embrione di sindacato, la "Charcoal Burners Protective Association", allo scopo di ottenere una giusta retribuzione, di fronte al fatto che i minatori angloamericani ricevevano una paga molto più alta rispetto agli italiani. Le esigenze e la logica di risparmio dei costi di produzione e il conseguente rifiuto della trattativa da parte dell'impresa mineraria portarono a una radicalizzazione del conflitto, con boicottaggio da parte dei "ribelli" di produzione e vendita del carbone, conflitto che richiese l'intervento della forza pubblica: lo sceriffo e i suoi uomini non esitarono a sparare sui "carbonai" italiani.

Naturalmente la versione dello sceriffo e quella dei "carbonai" si presentavano opposte: il primo sosteneva di essere



stato costretto a sparare per difendersi dagli italiani armati, che sostenevano invece – una versione confermata dal console d'Italia a San Francisco – di non aver aperto il fuoco: in effetti non ci furono morti o feriti nella scorta dello sceriffo. Il console, mentre invitava alla prudenza la comunità, ammetteva tuttavia che, pur essendo gli italiani in Nevada una “pacifica e laboriosa popolazione”, era però stata “istigata” da alcuni “capipopolo e mestatori” che avevano esasperato il conflitto di lavoro in un clima pesantemente “anti italiano”. L'inchiesta aperta dopo “l'incidente” portò a una verdetto di non punibilità della forza pubblica locale: inizierà allora quella che diventerà una prassi seguita dalle istituzioni italiane negli Stati Uniti, una richiesta di indennità alle famiglie dei minatori uccisi.

L'autore dedica diverse pagine alle tensioni interetniche di quella fase storica. Non si trattava infatti di un “incidente” isolato: segnali di pregiudizi, intolleranza, xenofobia emergevano da anni nei confronti della piccola comunità di italiani (circa 1500 italiani e 500 svizzeri, secondo le stime del console) arrivati in quella sperduta zona del West in cerca di fortuna, di un lavoro anche duro ma dignitosamente retribuito, guardati con sospetto dalla società angloamericana in un'epoca in cui l'appartenenza degli immigrati italiani alla razza bianca, in base agli stereotipi più diffusi all'epoca, veniva da molti messa in discussione.

L'autore basa la sua ricostruzione su un'ampia mole di fonti locali attraverso le quali, al di là dello specifico conflitto etnico e di classe, ci mostrano una realtà sociale, ma anche politico-sindacale, poco nota nella panoramica della storia del lavoro e della discriminazione degli italiani nel West negli ultimi decenni del secolo XIX. Il libro, che risulta di facile lettura e quindi destinato a un pubblico non di soli studiosi, ci porta a riflettere su un pezzo di storia americana poco nota e sulla realtà di un fenomeno migratorio che, ieri come oggi, si manifesta in tutta la sua complessità.

PATRIZIA SALVETTI



Momigli, Giovanni (2017). *La città plurale. Migrazioni, interazione, unità civica*. Todi: Tau Editrice-Fondazione Migrantes. 124 pp.

Raccontare, comprendere e sperimentare good practices in ambito migratorio diventa necessario nell'attuale contesto geopolitico della nostra vecchia Europa. Per abbracciare la giusta direzione – nel sistema di accoglienza dei migranti e dei rifugiati – occorre confrontarsi, dialogare e progettare nuove strategie metodologiche e politiche. Bisogna, certamente, essere sempre vigili in ambito giuridico, ma non occorre dimenticare gli aspetti umanitari che sottendono alla tutela dell'uomo e lo pongono al centro di ogni agire solidale.

Le notizie di stampa, riportate in questi ultimi mesi, inerenti il significativo processo migratorio intrapreso dall'Africa verso l'Europa (Italia, Spagna, Grecia), suscitano scalpore ed indignazione, soprattutto nel mondo degli operatori interculturali e delle associazioni di volontariato. Sono notizie che scoraggiano ed interrogano; perché oltre l'indignazione (ed è sempre opportuno superare velocemente il momento di indignazione!) occorre interrogarsi, è opportuno riprendere in mano la questione migratoria, che non è fatta solo di accordi, firme e proclami.

Si può ancora parlare, dunque, di buone pratiche in ambito migratorio? Cosa si intende quando si parla di buone pratiche? Può un modello essere applicabile e replicabile in un contesto sociale differente da quello originario, sperimentato? Gli anni 1990 sembrano lontani, molto lontani, dal poter ancora dire, comunicare, insegnare, qualcosa al mondo di oggi; tanto impegnato a leggere di cronache migratorie sempre più spesso raccontate ma poco testimoniate.

L'agile volume di Giovanni Momigli, «sindacalista diventato prete», come lo definisce Luigi Ceccherini, vuole offrire una significativa testimonianza pastorale, umana e sociale vissuta a Donnino, un piccolo paese della provincia fiorentina, ove nel 1991 furono accolti circa tremila cinesi. Raccontare la storia di questo comune italiano vuol dire narrare le alterne vicende di un progetto di accoglienza (poi diventato sistema) ed integrazione che, venti anni dopo, può ancora fungere da modello per le numerose realtà comunitarie (e non solo!) che oggi vogliono spendersi a favore degli immigrati e dei rifugiati.

«È nella solidarietà concepita come reciprocità operativa che si possono ottenere risultati, una solidarietà che sia coinvolgimento e non assistenzialismo. Il testo richiama, in più momenti, il concetto di integrazione come protagonismo degli abitanti della città, di tutti, perché tutti devono intera-

gire tra di loro per evitare processi di marginalità», un'interessante sottolineatura di Gian Carlo Perego, direttore generale della Fondazione Migrantes al momento dell'uscita del volume, che ha prefato.

Occorre chiarire che per comunità qui si intende anche quella civile, non solo ed esclusivamente quella religiosa, perché una comunità opera per il bene comune. E la politica deve operare in questo senso. Una comunità, oltre ad esprimere azioni identitarie, manifesta anche gesti di solidarietà ampia e condivisa; soprattutto quando la situazione è articolata e non eccessivamente definita; perché «Quando la situazione è di per se stessa complessa, le semplificazioni, anziché chiarire, annebbiano la vista. Se la vista è annebbiata, come formarsi un giudizio ed effettuare una scelta? Come individuare precise priorità e intraprendere determinate vie, escludendone ovviamente altre?» (p. 27).

È una giusta inquietudine quella espressa dal nostro autore, che si trova ad operare in un contesto sociale e culturale che deve aprirsi all'immigrato, alla sua conoscenza ed ovviamente alla sua accoglienza. Ma di fronte a tale concreta situazione "di allarme/allarmismo" la tentazione di chiudersi a riccio e definire solo le differenze, anziché ricercare le uguaglianze, è forte: tanto quanto costruire muri! Con quali risultati e quali prospettive? «Muri, barriere e recinti, non possono certamente dare ai cittadini la certezza che, indipendentemente da quanto avviene sullo scenario internazionale, il futuro delle nostre città potrà svolgersi senza cambiamenti, anche repentini e radicali. Potremmo addirittura dire che i muri, una volta costruiti, saranno lì per dire a tutti che "il nemico è alle porte", che le nostre riserve per la sopravvivenza non sono infinite, che un varco potrà sempre essere trovato o aperto» (p. 31). La storia europea è densa di queste situazioni evidenti, ma ce lo insegna soprattutto la vicenda del limes dell'impero romano.

È importante organizzarsi, operare seguendo l'esempio delle buone pratiche già sperimentate. Replicare un buon modello di accoglienza offre anche la possibilità di misurarne i limiti ed evidenziarne i pregi; affinando sempre meglio dinamiche e sistemi operativi.

La storia delle comunità cinesi a San Donnino è significativa per comprendere alcune dinamiche esplicite sull'accoglienza e la solidarietà. È importante soprattutto per non ripetere vecchi errori, dal punto di vista umano e sociale.

«Nel febbraio 1993, l'allora prefetto di Firenze, in una visita a Campi Bisenzio evitò di visitare i laboratori nei quali

si trovavano i cittadini cinesi, affermando: “Non entro nei laboratori, il prefetto non può vedere cose illegali senza intervenire”. Mi sembra che le situazioni vadano affrontate in modo assai diverso. Senza limitarsi ad ignorare le questioni o ad applicare le norme in modo formale e astratto. Ma puntando al governo e alla soluzione dei problemi, con un coinvolgimento dei vari organi dello Stato, e con rapporti veri con la società civile, ciascuno con il proprio ruolo e la propria competenza» (pp. 54-55).

L'interessante volume di Giovanni Momigli propone una riflessione equilibrata e pacata sui rapporti di convivenza e collaborazione tra le diverse istituzioni territoriali, che hanno lavorato a favore degli immigrati. L'appendice documentaria offre, però, una immagine nitida dell'impegno concreto attuato dalla comunità parrocchiale di San Donnino e ad essa occorrerebbe aggiungere una ricerca sociologica sul fenomeno migratorio della comunità cinese nello stesso comune e nelle località limitrofe. Invero, ne è cosciente lo stesso autore quando cita velocemente alcuni fatti di cronaca avvenuti nel 2016 a Sesto Fiorentino (allegato D).

Una realtà parrocchiale come quella di San Donnino, pertanto, ha offerto uno stimolo ed un impulso pastorale nuovi alla società fiorentina degli anni Novanta. Ha soprattutto messo in evidenza come fosse (e come lo sia ancora oggi) importante vivere «un luogo - una città - dove i rapporti siano caratterizzati dal valore della persona, dall'apertura all'altro e da un rinnovato spirito comunitario, dove l'uomo impari, sempre più e sempre meglio, a coniugare virtuosamente cuore e cervello, immanenza e trascendenza» (p. 106). Per fare tutto questo, però, occorre compiere un percorso di riflessione - prima che di azione - personale e comunitario, sociale e pastorale, politico ed amministrativo. È opportuno interrogarsi, come ha fatto la comunità di don Momigli, sul modello di società che si voleva costruire in quel particolare momento storico a San Donnino. «La risposta data alla domanda sul tipo di società che volevamo contribuire a costruire, allora appena abbozzata ma in quel momento sufficiente, può essere sinteticamente riassunta con tre aggettivi: pluriethnica, multireligiosa, interculturale» (p. 58).

Tra questi aggettivi sembra significativo, oltre che opportuno, esplicitarne uno; per offrire una ulteriore sollecitazione alla lettura: «L'intercultura, intesa non come dato ma come processo, va considerata una caratteristica essenziale, per una società che vuole evitare la separazione e la semplice e separata multi-presenza in uno stesso territorio, e che inten-

de favorire l'interazione personale e sociale, la dimensione della reciprocità e dello scambio. In questo processo, non ci si può limitare a registrare tendenze presenti, senza assumere scelte di valore. Per una società interattiva, inclusiva e coesa, inevitabilmente si pongono una serie di questioni di carattere antropologico, sociale e culturale e, quindi, politico» (p. 65).

Dunque, l'uomo al centro di ogni riflessione, azione e buon agire. L'uomo nella sua interezza, l'uomo da accogliere e l'uomo che accoglie. I suggerimenti di don Momigli, nella crisi congiunturale che stiamo vivendo, possono inoltre spingerci verso una più attenta considerazione dell'idea di solidarietà; perché come afferma Bouman: «L'umanità è in crisi: e da questa crisi non c'è altra via di uscita che la solidarietà tra gli uomini».

PIETRO MANCA

Moricola, Giuseppe (2015). *L'albero della cuccagna. L'affare emigrazione nel grande esodo tra '800 e '900*. Roma: Aracne. 196 pp.

Giuseppe Moricola nel suo *L'albero della cuccagna*, dedicandosi alla Grande emigrazione tra la fine dell'Ottocento e il primo decennio del Novecento, mette in discussione la consolidata immagine storiografica della catena migratoria di inizio secolo quale percorso di cooperazione tra migranti. L'interpretazione del fenomeno migratorio è spostata dalla storia sociale della catena migratoria, quale esperienza di cooperazione, al terreno più prettamente economico della rete di profitti e speculazioni che si crea attorno al percorso del migrante, sottolineando la debolezza delle politiche dello Stato liberale rispetto al bisogno di contrastare tali fenomeni per ristabilire un proficuo rapporto tra migrazioni e commercio estero italiano.

Il porto è il luogo principale, lo snodo privilegiato di questo lavoro, soprattutto nei suoi primi capitoli. Luogo dell'imbarco, il porto rivestirà un ruolo importante in questa fase della diaspora italiana. Infatti, «L'emigrante nasce come figura sociale agli occhi del paese proprio sulle banchine dei porti, perché a Genova, come a Napoli e a Palermo i flussi migratori modificano il rapporto che la città ha con il porto e con le attività portuali» (p. 20).

Moricola, intrecciando fonti a stampa e fonti d'archivio, ricostruisce nel dettaglio finanziamenti e gestione degli scali marittimi cittadini, con un'attenzione particolare alle dinamiche che si svilupparono nel porto partenopeo, evidenziandone, dalla fine dell'800, la sua progressiva «trasformazione come principale porto dell'emigrazione [...] grazie alla partenza di milioni di meridionali verso le Americhe» (p. 27). Fu proprio a Napoli e allo scalo di Genova che, dal 1862 al 1924, l'allora Regno d'Italia destinò la metà dei 508 milioni di Lire riservati al potenziamento dei porti.

Tra i meriti dell'attento lavoro di Moricola vi è la capacità dell'autore di mostrare come la prima legge organica sull'emigrazione (1901), sebbene formalmente definisca la figura dell'emigrante e delinea un quadro di tutele minime, non sia in grado di porre un freno alle malversazioni e alle speculazioni o, in altre parole, agli affari che ruotano intorno all'emigrazione. Agenti, subagenti, locande, osterie, vettori finti o presunti: una nuova economia stava cambiando il porto di Napoli, dove «più che altrove si è acutizzata questa industria dello sfruttamento degli emigranti, [...] enuclea-

ta essenzialmente nelle locande» (p. 39). E ciò anche conseguentemente alla funzione di via Marina nuova come «City dell'emigrazione» (p. 45). In questo quadro, e soprattutto dopo il 1901, quando insieme alla prima legge organica viene istituito il Commissariato Generale per l'Emigrazione, il tentativo dello Stato di centralizzare il flusso o, meglio, la gestione dello stesso e delle sue fasi prima della partenza, fallì miseramente. La proposta di un "Ricovero Pubblico degli Emigranti" si dovette scontrare con gli interessi di chi, da decenni, lucrava sull'emigrazione e sopravviveva grazie ad essa. Le locande private continuarono ad esistere e a speculare su ogni frangente, dal vettovagliamento alle lenzuola. Simili affari crebbero al punto tale da rappresentare un settore non trascurabile per l'ex capitale del Regno borbonico.

D'altronde, nella fase della Grande emigrazione, la proporzione delle partenze da Napoli per le Americhe rispetto al dato nazionale raggiunse oltre i due terzi. Questa crescita permise anche ad altri attori di arricchirsi, e non poco. Per esempio, le navi battenti bandiera tedesca o inglese, in grado di trasportare oltre 2000 migranti, che hanno fatto sì che Napoli divenisse il principale porto del Regno d'Italia imbarcando annualmente, in media, 120mila migranti in più rispetto allo scalo ligure.

Nell'ultima parte del lavoro, consacrata al rapporto tra emigrazione ed export, vengono proposti interessanti spunti di riflessione e interrogativi per nuove linee di ricerca, evidenziando ancora una volta come la migrazione è stata un vero e proprio albero della cuccagna, eccezion fatta per i migranti.

TONI RICCIARDI

## Segnalazioni

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Gorgolini, Luca (a cura di) (2017). *Le migrazioni forzate nella storia d'Italia del XX secolo*. Bologna: il Mulino. 258 pp.

Sulla scia anche del centenario della prima guerra mondiale e degli studi sulla fuga dopo la sconfitta di Caporetto, un certo numero di studi ha affrontato negli ultimi anni i flussi di emigrazione forzata che hanno percorso la Penisola durante il Novecento. In particolare questo lavoro, coordinato da Luca Gorgolini, cerca di mettere insieme quanto è avvenuto alla fine e dopo la prima guerra mondiale, alla fine e dopo la seconda guerra mondiale, a partire dagli anni Novanta del secolo scorso. Si tratta di un lavoro piuttosto completo che fa egregiamente il punto della situazione.

Marchi, Ave (2016). *Andavano "alle figure" con Canova e Donatello. I gessi di tradizione classica e rinascimentale dei figurinai lucchesi nel centro Europa tra Ottocento e Novecento*. Lucca: Quaderni della Fondazione Paolo Cresci. 111 pp.

Sulla base di alcuni cataloghi di due compagnie di figurinai, che vendevano nell'area tedesca, l'autrice ricostruisce l'organizzazione all'interno delle compagnie, la loro struttura familiare, la circolazione di informazioni e modelli, la vita degli ambulanti, il gusto dei compratori.

Perin, Roberto (2017). *The Many Rooms of This House. Diversity in Toronto's Places of Worship Since 1840*. Toronto: University of Toronto Press. 428 pp.

Frutto di quasi un ventennio di ricerche, questo è uno dei più importanti libri sui rapporti tra migrazioni e religione degli ultimi anni. Nel 2007 Roberto Perin e Gabriele Scardellato, entrambi professori della York University di Toronto ed entrambi acclamati specialisti della storia delle migrazioni dalla Penisola italiana verso il Canada, organizzarono una grande mostra che documentava 240 edifici sacri del West End, la parte della città in cui abitavano e abitano. I materiali di questa mostra si trovano ancora oggi nel sito del Glendon College, appartenente alla succitata università (<http://www.glendon.yorku.ca/placesofworship/>) e inoltre ne parla distesamente un lungo articolo sul giornale locale (Scrivener, Leslie. *New incarnations for*

houses of God. *The Toronto Star*, 17 giugno 2007. Consultabile all'indirizzo [https://www.thestar.com/news/insight/2007/06/17/new\\_incarnations\\_for\\_houses\\_of\\_god.html](https://www.thestar.com/news/insight/2007/06/17/new_incarnations_for_houses_of_god.html)). Sostanzialmente l'esposizione documentava l'aspetto esterno di quei 240 luoghi sacri e ne ricostruiva la storia, spesso paradossale, perché lo stesso edificio passa di mano in mano e di gruppo in gruppo. Ad esempio, la chiesa greco ortodossa di Clinton St., fotografata per la mostra, aveva prima ospitato una congregazione fondamentalista di Christian Workers, una comunità di presbiteriani di origine gallese e una di luterani slovacchi. Sulla base di quei dati Perin ha deciso, impiegandoci un altro decennio, di ricostruire la storia di tutti quei templi. Infatti essi mostrano, da un lato, l'importanza della religione per i gruppi di migranti succedutisi nel quadrante occidentale di Toronto, luogo storico di accoglienza dei nuovi arrivati, e, dall'altro, la mobilità geografica di questi ultimi. Il passaggio da una denominazione religiosa a un'altra documenta meglio di tante altre fonti il cambiamento della popolazione o meglio della sua composizione in un dato quartiere.

Quei passaggi illustrano non soltanto il succedersi di gruppi europei, ma anche il contributo migratorio di altri continenti. Alle Chiese cristiane e alle comunità ebraiche, che si passano gli edifici in questione, nel Novecento dobbiamo aggiungere anche quelle musulmane, nonché una galassia orientale (induisti, taoisti, buddisti e persino Hare Krishna), proveniente da diversi Paesi. Un edificio sacro inizialmente cristiano non resta soltanto all'interno di quel mondo cristiano, ma può trasformarsi in tempio per altri riti e poi mutare ancora di destinazione, oppure perdere la funzione iniziale e divenire un centro commerciale o comunque acquisire una nuova finalità non religiosa. Quest'ultimo destino diventa particolarmente evidente dopo il 1960, quando il fervore religioso delle comunità immigrate diminuisce nettamente e la presa di tutte le religioni sembra flettersi nella città canadese. Complessivamente il volume in questione ci offre dunque non soltanto un quadro degli edifici religiosi e delle comunità immigrate ad esse legate, ma anche della sociabilità e della cultura religiosa degli immigrati a Toronto aprendo alla possibilità di incrociare dati storici sinora raramente tentata. (MS)

Pilone, Luca (2016). «*Radici piantate tra due continenti*». *L'emigrazione valdese negli Stati Uniti d'America*. Torino: Claudiana. 288 pp.

Appoggiandosi alla documentazione d'archivio e a tutta la bibliografia reperibile, l'autore ripercorre la storia dei vari centri d'insediamento valdese in Nord America. Ricostruisce



inoltre la vicenda della American Waldensian Aid Society, nata nel 1906 a New York, che si occupò soprattutto del sostegno statunitense alla Chiesa valdese italiana.

Presutto, Michele (2017). *La rivoluzione dietro. Gli anarchici italiani e la Rivoluzione messicana 1910-1914*. Foligno: Editoriale Umbra. 169 pp.

In questo volumetto, che costituisce il diciottesimo numero dei Quaderni del Museo dell'Emigrazione di Gualdo Tadino, Presutto, da tempo interessato alle migrazioni di anarchici come mostra anche un suo articolo sulla nostra rivista, segue un caso peculiare. Nella prima metà del 1911 un gruppo di ribelli messicani provenienti dagli Stati Uniti occupa la cittadina di Mexicali proprio sulla frontiera tra il Messico e il suo vicino più settentrionale. Per molti immigrati a nord del Rio Grande questo breve periodo sembra annunciare una rivoluzione internazionale ormai prossima e quindi ci si mobilita per sostenere l'occupazione militare di quel piccolo posto di frontiera. In particolare fra gli italiani che lavorano appena oltre il confine appare possibile concretizzare quello che per tanti era il sogno di una vita d'impegno politico. Presutto ricostruisce quei mesi di speranze e soprattutto il quadro degli emigranti italiani che alla fine si recarono o cercarono di recarsi in Messico per sostenervi la rivoluzione proletaria. Inoltre mostra come quell'intervento, numericamente limitatissimo, sia stato accompagnato da un intenso e, a volte, paradossale dibattito politico, nel quale si intravedevano le successive svolte della sinistra italiana. Il libro costituisce un prezioso contributo alla conoscenza del versante politico dell'emigrazione italiana e al suo ruolo nell'implementare la stessa discussione politica nella Penisola. (MS)

Sergi, Pantaleone (2017), *Liberandisdòmini*. Cosenza, Luigi Pellegrini Editore. 288 pp.

Il mondo ritratto da Pantaleone Sergi in *Liberandisdòmini* è quello di una piccola comunità calabrese tra la fine dell'Ottocento e i primi del Novecento. Mambrici è l'archetipo di un sud rurale la cui popolazione contadina vive di fatica e di stenti, assediata da tanti mali provocati dagli uomini o inviati dal destino. Siamo in un paese immobile, dove la vita scorre sempre prevedibile: quando qualcosa cambia, è in peggio, a seguito di una disgrazia, di una faida mafiosa, di un terremoto. Chi si muove, a Mambrici, sono i migranti che – in questo romanzo a forte vocazione realista – sono sinonimo di Merica,

il “sogno di tutti i mambricesi afflitti”, di Brasile e di Argentina. Il mito di quei luoghi lontani li presenta come terre in cui la sola fatica da compiere consiste nella raccolta di frutti e di cibo, sempre abbondanti in ogni luogo; tuttavia, nel suo farsi realtà, il sogno si concretizza per tutti gli emigranti in una rotta dell’ignoto, responsabile dello sradicamento di interi nuclei familiari e di un ulteriore impoverimento del paese, che perde le persone, insieme ai nomi che portano. Nel complesso le storie di migrazione presentate da Sergi propongono tante diverse icone del fenomeno, tipiche del territorio di cui scrive. Leonello Panzitta, che “stava in Brasile a lavorare come uno schiavo in una sperduta fazenda di caffè”, è marito di una “contadinotta” rimasta al paese, vedova bianca che lo tradisce con il “sacerdote professore”. Federico, uno dei protagonisti del romanzo, emigra invece in Argentina a causa di un divieto d’amore, imposto dalla madre, contraria a che sposi la donna amata, perché di rango inferiore. Con un viaggio in terza classe condiviso con tanti connazionali e compaesani, Federico raggiunge così l’Argentina, dove intende collaborare alla realizzazione della “Colonia Lacinia”, una “colonia agricola che avrebbe dovuto simboleggiare un modello di vita socialista, una società costruita nel rispetto della dignità e dell’uguaglianza di uomini e donne”. Presso quella Colonia Federico trova nuovamente l’amore e, per qualche tempo, vive nella speranza di un futuro felice. E un’epidemia, vera piaga dei mondi contadini del tempo, a strappare nuovamente l’amore a Federico, uccidendogli la moglie e riportandolo a Mambrici dove, però, non perde la vocazione politica e sceglie di rimanere un organizzatore socialista. Il rapporto tra emigrazione e politica riappare nella storia di Mastro Sarto, anch’egli emigrante rientrato al paese che, nelle carceri americane, “si era pure allitterato e poi era diventato socialista e ciò lo salvò da una vita di camorra”. Proprio questi innesti esterni di cultura politica consentiranno l’organizzazione a Mambrici della resistenza socialista che, però, viene piegata da una retata poliziesca, volta a reprimere la rete mafiosa locale, ma adoperata dalla milizia inviata dal governo per colpire anche chi appaia in odore di attività sovversive. Con riferimento alla questione migratoria, insomma, il romanzo raggiunge in pieno il suo obiettivo realista. (Paolo BARCELLA)

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