



A POLICY BRIEF ON FISHERMAN, HIV, AND HUMAN RIGHTS

NO SUCH THING AS CALM

ANALISA SITUASI NELAYAN, HIV, DAN HAK ASASI MANUSIA

TIADA APA YANG TENANG

By **Fifa Rahman** **Rumana Saifi** **Liva Sreedharan**



“ At sea there’s no such thing as happy. It’s all water. On the water there’s no such thing as calm.”
“Tiada yang mengembirakan di lautan. Hanya air. Tiada apa yang tenang.”

Burmese fisherman
33 years old, Perak

ACKNOWLEDGMENTS

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Unless otherwise stated, the appearance of individuals in this publication gives no indication of HIV status, sexual orientation or gender identity.

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GLOSSARY

Exploitation	Includes sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs. ¹
Power block	A cylindrical pulley system affixed to the rear or front of the decks of vessels for the hauling in of nets.
Purse Seine nets	A purse seine is made of a long wall of netting with the lower edge attached to weights, and the upper edges buoyed with floats. In industrial purse seine fishing, they are attached to hydraulic power blocks on vessels. ²
Trafficked Persons	The recruitment, transportation, transfer, harbouring, or receipt of a person by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability, or of the giving or receiving of payments, or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. ³

ABBREVIATIONS

STIs	Sexually Transmitted Infections
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¹ UNODC. Palermo Protocol. [Internet]. [cited 2016 Sep 8]

² Fishing gear type: purse seines. Food and Agriculture Organisation of the United Nations [Internet]. [cited 2016 Nov 16]. Available from: <http://www.fao.org/fishery/geartype/249/en>

³ UNODC. Palermo Protocol. [Internet]. [cited 2016 Sep 8]

EXECUTIVE SUMMARY

- The transient and unstable nature of the lives of fishermen in Malaysia is characterised by the non-existence of basic employment rights, migration, and transgenerational poverty.
- Rough conditions at sea, compounded by a lack of safety equipment and uniform safety briefings, mean that respondents face daily danger and risk.
- On boats, fishermen live in unsanitary surroundings.
- Marked difficulty of the fishing profession, and prevalent disdain at the idea of their children taking up the same profession.
- Drugs were used for occupational purposes, to increase energy for work, which is consistent with previous research.
- A majority of respondents interviewed had never used condoms with a primary female partner.
- Of those who frequented sex workers, most believed that they could ascertain sexual health status from appearance alone.
- With a majority of respondents being unable to save money, there is a need for financial literacy support, and a reform of the fishing industry to ensure basic minimum wages.
- Migrant fishermen are particularly vulnerable to police harassment and extortion and being arrested for illegal immigration (as a result of not being able to keep their own passports).
- Child recruitment was a marked trend among migrant fishermen.
- In closed settings, migrants were not given the necessary HIV services, while Malaysians reported not receiving proper HIV pre- and post-test counselling.

RINGKASAN EKSEKUTIF

- *Kehidupan nelayan di Malaysia yang tidak stabil, terumbang ambing, dan bersifat fana, dicirikan oleh ketiadaan hak pekerja, penghijrahan, dan kemiskinan yang diturunkan kepada generasi seterusnya.*
- *Responden kajian menghadapi bahaya dan risiko setiap hari, oleh kerana lautan yang bergelora, diburukkan lagi dengan kekurangan peralatan keselamatan dan taklimat keselamatan yang seragam.*
- *Di dalam bot, nelayan hidup dalam persekitaran yang kurang bersih.*
- *Kesukaran dan keperitan yang ketara dalam pekerjaan sebagai nelayan dijadikan unsur motivasi utama majoriti responden tidak mahu anak ataupun generasi seterusnya juga menjadi nelayan.*
- *Dadah telah digunakan untuk tujuan pekerjaan, iaitu untuk meningkatkan tenaga kerja. Ini adalah konsisten dengan keputusan kajian lain berkenaan dengan nelayan.*
- *Majoriti daripada responden tidak pernah menggunakan kondom dengan pasangan wanita utama.*
- *Daripada responden yang melanggan pekerja seks, majoriti percaya bahawa mereka dapat mengenalpasti status kesihatan seksual daripada rupa semata-mata.*
- *Oleh kerana majoriti responden tidak dapat menjimatkan wang, terdapat keperluan untuk sokongan celik kewangan dan penambahbaikan industri perikanan untuk memastikan terdapat gaji pokok minimum.*
- *Nelayan migran lebih terdedah kepada gangguan polis, peras ugut, dan risiko penangkapan akibat kesalahan imigresen (oleh kerana mereka tidak dibenarkan memegang pasport sendiri).*
- *Pemburuan kanak-kanak merupakan tren yang ketara diantara nelayan migran.*
- *Dalam penjara ataupun pusat tahanan yang lain, migran tidak diberikan perkhidmatan HIV yang diperlukan, manakala responden Malaysia melaporkan tidak menerima kaunseling yang sepatutnya sebelum dan selepas ujian HIV.*

PREFACE



Glorene Amala Das

Executive Director, Tenaganita

Tenaganita's battle with trafficked fishermen started with just one cry for help. Over time, more and more cases were reported and this marked the beginning of our struggle in assisting trafficked fishermen and child fishers. Since then, Tenaganita has successfully rescued hundreds of trafficked fishermen and children within the Malaysian and Thai seas and at ports. Through our work with the migrant communities in the fishing industry, the various layers of trafficking became clear to us. It is often the poorest and most marginalized that became victims. These communities are given the promise of dignity and stability only to be exploited for the gains of the employer or multi national corporations. This study depicts how fishermen are devoid of health and employment protections and it also highlights the added vulnerabilities faced by migrants working in the fishing industry. As consumers of fish, we have a moral responsibility to know how fish are caught and whether the rights of fishermen were upheld in the process. A piece of fish on our table caught at the expense of the life and dignity of a fellow human being should not be consumed; the fishing industry that profits in billions should be held accountable. The power of the consumer can make a critical difference. As we unveil this truth, let us not remain blind against these realities, but act to save the lives of many.



Parimelazhagan Ellan

Acting Executive Director, Malaysian AIDS Council

The Malaysian AIDS Council has had the privilege to facilitate this study, which helped to throw fresh light on some of the information gaps concerning the fishermen community, especially on their susceptibility and vulnerability to HIV/AIDS. This report describes the living situation of the fishermen community, suggesting that sexual health literacy is indispensable prerequisite among the fishermen population. Their risk perception towards HIV, risk behavior and condom use is evidenced to be poor and this calls for immediate action involving educative and preventive interventions as a part of comprehensive harm reduction programme among other recommendations made in this study. It is my hope that the study has brought more understanding of the vulnerabilities among the fishermen community, and that the information gathered will guide additional efforts to improve healthcare outcomes among the fishermen community in our country.

Prof Dato' Dr Adeeba Kamarulzaman

Director, Centre of Excellence for Research in AIDS (CERiA)

This report is the result of a collaboration between the Malaysian AIDS Council (MAC) and the Centre of Excellence for Research in AIDS (CERiA), at the University of Malaya, Kuala Lumpur. It represents an effort to understand overall context around which lives of deep sea fishermen evolves in 6 states of Malaysia, namely Kelantan, Terengganu, Perak, Pahang, Kedah, and Johor. Currently, an estimated 100,000 fishermen are working in the fishing industry of Malaysia, the number has grown by 22% within the last decade. To date, the dearth of research on fishing communities in Malaysia underscores the need for a deeper understanding of the vulnerability of fishing community. This report builds on the studies conducted by West et al (2013) and Martin et al (2015), which looked at the vulnerability of fishermen in Kuantan Malaysia, in terms of HIV, HCV and injection drug use behaviours. In conjunction with HIV, HCV and injection drug use behaviours, the current report examined health and safety, and human rights issues among these fishermen.



The key findings of this study indicated:

1. non-existence of basic employment rights
2. occupational drug use
3. vulnerability of migrant fishermen
4. child labour
5. poor health care access
6. dismal living condition in boat and
7. sexual risk behavior; all of which led to clear policy recommendations.

In light of the evidence from this study and previous studies, a renewed effort to increase the coverage and effectiveness of harm reduction and drug treatment programs for fishermen, is urgently needed. The findings also support protection of human rights issues among fishermen and calls for immediate attention from national and international communities. I fervently hope this work will contribute towards improving the access of fishermen to equitable healthcare and ensure basic human right issues.



“

My dad was a fisherman, and then I'd been skipping school here and there so I followed my dad to sea. Once in a while I went to sea, and it became more frequent and it continued until today.”

Pak Su
59 years old, Kedah

INTRODUCTION



Over the past decade, the number of fishermen in Malaysia has grown by 22%, with an estimated 100,000 men working in this industry⁴, despite overfishing⁵ being an annual problem.

Fish constitutes the majority of national animal protein consumption in Malaysia (60-70%), with per capita consumption of 47.8kg per year⁶, with this projected to rise to 56kg per year by 2020.⁷ Although the majority of the fishermen come from Peninsular Malaysia; a large group of mobile, migrant workers from Thailand works in this sector as well (Department of Fisheries 2008).

Fisherfolk have consistently fallen through the net of many HIV research initiatives, particularly after the first HIV cases discovered among the fishing communities in the Ugandan Rakai district in 1982⁸. To date in Southeast Asia, there are still only a handful of scientifically rigorous, peer-reviewed research initiatives targeting fishermen that is representative of their communities and gives an overall view of their vulnerability.

In addition to HIV vulnerability, fishermen in Southeast Asia undergo dangerous working environments, recruitment as children, a neglect of basic needs, and virtually no employment rights⁹. In Malaysia in particular, these incidents must be read in light of relevant ratified human rights treaties and conventions, for example the Convention of the Rights of the Child, and International Labour Organisation (ILO) conventions such as the Maritime Labour Convention and the Forced Labour Convention, which among other stipulations, requires that the normal hours of work at sea and in port should not exceed eight hours per day¹⁰, that the employee

must receive an agreement stating the number of hours expected in return for specified remuneration, and that the employee must receive a monthly account of payments due and amounts paid.¹¹

Recent data show that 3.8% of Malaysia's reported HIV cases have occurred among fishermen (MOH 2009). A comparison of HIV cases between fisherfolk and general population in Malaysia indicates that HIV prevalence rate is 10 times higher than the general population (Kissling et al., 2005). Though these figures focus only on HIV prevalence, but brings-in the issues of associated vulnerabilities that place this community at higher HIV risk than the general population.

As mentioned earlier, HIV prevalence rate is 4-14 times higher in the fisher population compared to the general population.¹² However, fisherfolk especially in the East coast fishing ports of Peninsular Malaysia are disproportionately affected by HIV and/or use of drugs. Results from a study on HIV/AIDS incidence among fishermen in Kuantan in 2012 indicated that "more than one in three respondents' injected drugs and more than one in ten were HIV positive. This is over 20 times the HIV prevalence among the general population of Malaysia". West et al. (2013) further added that among fishermen in the state of Pahang, occupational culture and social relationships on boats drove drug use and HIV risk.

⁴ Number of fishermen working on licensed fishing vessels by fisheries districts, 2015. Department of Fisheries, Malaysia [Internet]. [cited 2016 Nov 16]. Available from: http://www.dof.gov.my/dof2/resources/user_29/Documents/Perangkaan%20Perikanan/2015/1.Nelayan_Vessele_.pdf

⁵ Subramaniam P. Overfishing, rampant demand driving fish prices, say environmentalists. Malay Mail Online [newspaper on the Internet]. 2014 May 1 [cited 2016 Nov 16]. Available from: <http://www.themalaymailonline.com/malaysia/article/overfishing-rampant-demand-driving-fish-prices-say-environmentalists>

⁶ Mohd Yusuff R, Hussain MR, Latif N, Abdul Rahman A, Syed Abdul Rashid SN, Abdullah H. Occupational safety issues at workplace among older fishermen in Malaysia. In: Yamamoto S, Shibuya M, Izumi H, Shih Y-C, Lin CJ, Lim H-K, editors. New ergonomics perspective: selected papers of the 10th Pan-Pacific conference on ergonomics, Tokyo, Japan, 25-28 August 2014. London: Taylor & Francis Group; 2015. p. 31-36

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¹⁰ Maritime Labour Convention, 2006, Standard B2.2.2.1(a). International Labour Organisation [Internet]. 2006 Feb 23 [cited 2016 Nov 16]. Available from: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:91:0:::P91_SECTION:MLC_A2

¹¹ Maritime Labour Convention, 2006, Standard A2.2. International Labour Organisation [Internet]. 2006 Feb 23 [cited 2016 Nov 16]. Available from: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:91:0:::P91_SECTION:MLC_A2

¹² Kissling E, Allison EH, Seeley JA, Russell S, Bachmann M, Musgrave SD, Heck S. Fishermen are among groups most at risk of HIV: cross-country analysis of prevalence and numbers infected. AIDS 2005 Nov 18; 19(17): 1939-46.

As mentioned by Bene and Merten (2008) and Kissling et al (2005), the two major routes of HIV transmission associated with HIV cases in fishing community were injection drug use and risky sexual behaviors (unprotected sex, sex trading) (Bene and Merten 2008: Kissling et al. 2005). In Cambodia, a study among 3848 persons encompassing female sex workers, persons in high-mobility occupations (including fishermen), and household men and women, among others, found that around 10% of fishermen reported frequenting FSWs in the past year.¹³ The results also suggested that mobility was a strong determinant of casual sex, and that non-commercial HIV transmission was important given low condom use in those relationships.¹⁴

However, the dearth of research on fishing communities in Malaysia emphasizes the need for a deeper understanding of the vulnerability of fishermen. Integral to this understanding is an examination of overall context around which lives of fishermen evolves and how violation of basic rights to lives make them vulnerable to HIV. The present report builds on the studies conducted by West et al (2013) and Martin et al (2015), which looked at the vulnerability of fishermen in Kuantan Malaysia, in terms of HIV, HCV and injection drug use behaviours.

To fill-in the gap in the existing literature, this report brings in the issues of basic rights and quality of life together with HIV and injection drug use behaviours among fishermen. In this report, we look at both HIV and basic rights issues as we look at HIV vulnerability as an episode in a fisherman's life that has close association with basic rights to life. Reports have noted dismal human rights conditions aboard fishing vessels. A 2015

study documented slave-like conditions, violence, and sexual abuse faced by Indonesian fishermen working on boats in New Zealand¹⁵. Studies elsewhere have shown high rates of suicides¹⁶ among seafarers due to stressful conditions on boats, forced labour and unsafe working conditions, violence, and personal security issues. In a study conducted among 1102 persons accessing post-human trafficking services in Cambodia, Vietnam and Thailand, 27% of respondents were fishers, with 68.4% of the men interviewed having been exploited for the fishing industry¹⁷. The authors also found that poor living conditions were especially high among fishermen with 88% reporting living and sleeping in overcrowded rooms, and 53% reporting having inadequate drinking water.¹⁸

In a study conducted in three states in Malaysia (Terengganu, Kedah, and Perak) among 397 fishermen aged 45 and above, a majority of respondents (96.7%) reported physical injury caused by machinery. In the same study, 95.7% reported that there was no personal protection equipment provided.¹⁹

As it is unusual to find such a large proportion of HIV cases and associated vulnerabilities attributed to a particular occupational group, it would be appropriate to target an HIV prevention intervention toward this population. In addition to this, given additional vulnerabilities caused by a lack of employment rights, dangerous work environments, low levels of health literacy and health access, poverty, and insecurity, a comprehensive review of laws, policies and support services affecting - and provided for - Malaysian fishermen must occur with the greatest urgency. A range of interventions and policy recommendations based on our research is posited at the end of this report.

¹³ Sopheab H, Fylkesnes K, Philos D, Vun MC, O'Farrell N. HIV-related risk behaviours in Cambodia and effects of mobility. *Epidemiology of Social Science* 2006 Jan 1; 41(1): 81-86.

¹⁴ Ibid

¹⁵ McClure T. Slavery on NZ seas: rape, bonded labour and abuse widespread on fishing boats. *Stuff.nz Business Day* [Internet]. 2015 May 26 [cited 2016 Aug 29]. Available from: <http://www.stuff.co.nz/business/68739974/slavery-on-nz-seas-rape-bonded-labour-and-abuse-widespread-on-fishing-boats>; Stringer C, Whittaker DH, Simmons G. New Zealand's turbulent waters: the use of forced labour in the fishing industry. *Global Networks* 2016 Jan; 16(1): 3-24.

¹⁶ Szymańska K, Jaremin B, Rosik E. Suicides among Polish seamen and fishermen during work at sea. *International maritime health* 2006; 57(1-4): 36-45.

¹⁷ Kiss L, Pocock NS, Naisanguansri V et al. Health of men, women, and children in post-trafficking services in Cambodia, Thailand, and Vietnam: an observational cross-sectional study. *The Lancet Global Health* 2015 Mar; 3(3): e154-e161.

¹⁸ Kiss L, Pocock NS, Naisanguansri V et al. Health of men, women, and children in post-trafficking services in Cambodia, Thailand, and Vietnam: an observational cross-sectional study. *The Lancet Global Health* 2015 Mar; 3(3): e154-e161.

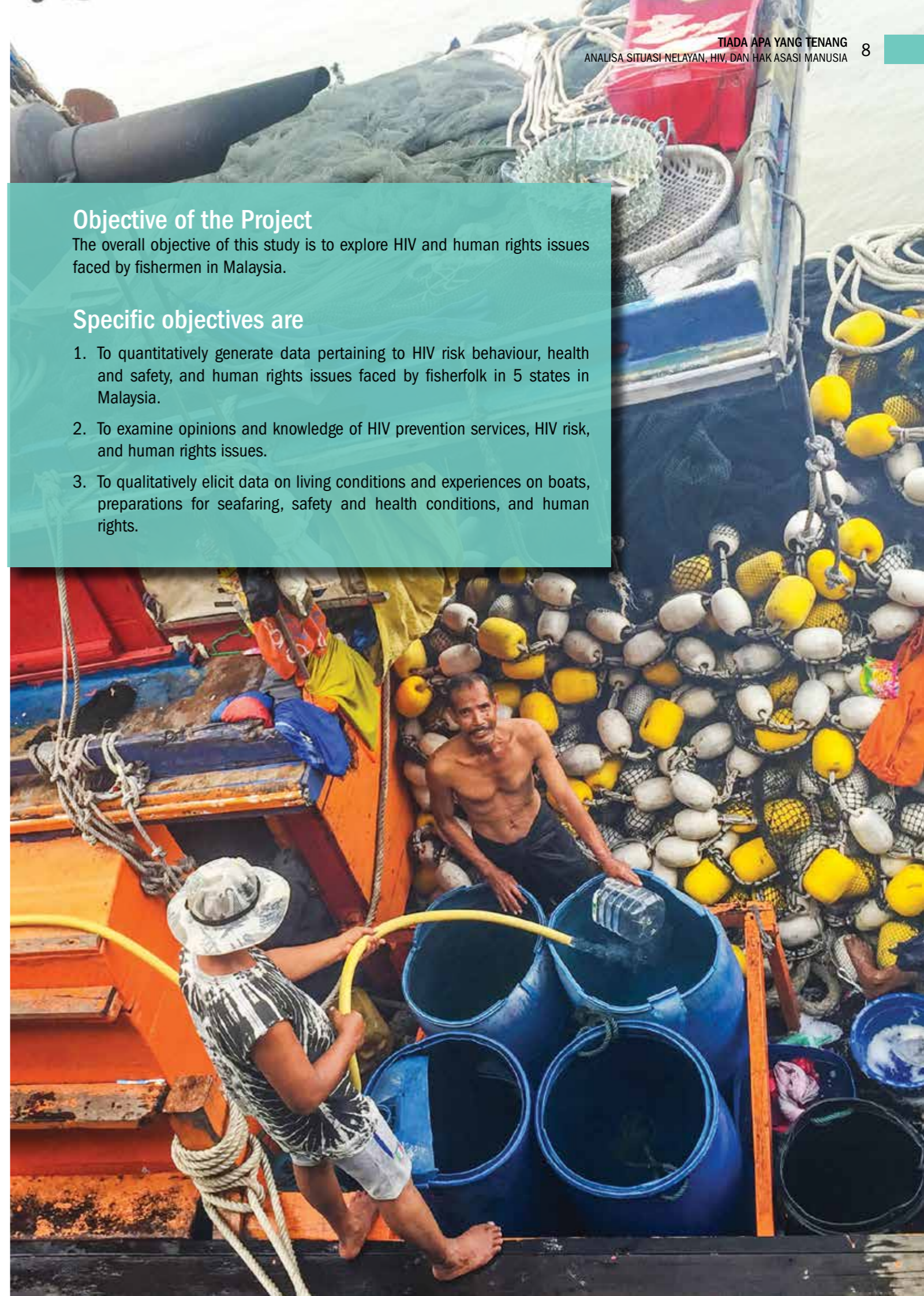
¹⁹ Mohd Yusuff R, Hussain MR, Latif N, Abdul Rahman A, Syed Abdul Rashid SN, Abdullah H. Occupational safety issues at workplace among older fishermen in Malaysia. In: Yamamoto S, Shibuya M, Izumi H, Shih Y-C, Lin CJ, Lim H-K, editors. *New ergonomics perspective: selected papers of the 10th Pan-Pacific conference on ergonomics*, Tokyo, Japan, 25-28 August 2014. London: Taylor & Francis Group; 2015. p. 31-36

Objective of the Project

The overall objective of this study is to explore HIV and human rights issues faced by fishermen in Malaysia.

Specific objectives are

1. To quantitatively generate data pertaining to HIV risk behaviour, health and safety, and human rights issues faced by fisherfolk in 5 states in Malaysia.
2. To examine opinions and knowledge of HIV prevention services, HIV risk, and human rights issues.
3. To qualitatively elicit data on living conditions and experiences on boats, preparations for seafaring, safety and health conditions, and human rights.



METHODOLOGY & LIMITATIONS



We conducted a mixed methods study among deep sea fishermen in 6 states in Malaysia, namely Kelantan, Terengganu, Perak, Pahang, Kedah, and Johor. This study included a structured quantitative questionnaire built and modified from a validated survey instrument used in a previous study, and in-depth interviews.

Survey participants were a convenience sample recruited from ports in all 6 states, and with assistance from harm reduction outreach workers. Inclusion criteria was that they were 18 years old and above, and worked on zone C boats (i.e. larger boats that, depending on states, can travel up to 30 nautical miles)²⁰.

Interviews in Kelantan were conducted with the assistance of an interviewer familiar with the local dialect. Interviews with migrant fishermen were conducted with the assistance of translators, online translation software, and hard copies of translated questions. All study respondents were given an honorarium of MYR30 (USD\$7.45). For the qualitative portion of the study, we used topic guides. All in-depth interviews were audio recorded, transcribed verbatim, and translated to English.

The purpose of the qualitative study was to elicit contextual narratives regarding socioeconomic backgrounds, HIV

risk behaviour, and human rights violations. The purpose of the structured survey was to quantitatively assess frequency of particular occurrences.

The study has several limitations. The sampled fishermen in this study may not be representative of the fishing community in Malaysia as it is a convenience sample of registered and unregistered fishermen, rather than a stratified sample of both. Also, findings on these 6 states may not represent Malaysian fishing industry as a whole. As drug use is seen as an illegal practice that could lead to criminalization and imprisonment in Malaysia, self-reports on injecting drug use behaviour should be extrapolated with caution. Similarly, self-reports on sexual behaviour, especially, extra-marital sex should be interpreted with caution, as sex out of wedlock is non-normative in Malaysia. Same sex relationships are also likely to be underreported, given conservative Islamic culture, and penal law that criminalises same-sex relations.

²⁰ For Zone C in Pahang, Kelantan, Terengganu, Johor, they can operate within the 12-30 NM while in Perak and Kedah they can travel within 15nm to the exclusive economic zone (borders). [cited 2016 Nov 16]. Available from: <https://drive.google.com/open?id=0B6oFILhc5aokMlg4TzRYZxNEdGM>

C boats are larger vessels with 2 or 3 levels that may travel up to 40 nautical miles and above. Generally, C boats travel on longer trips, but there also some of our respondents that worked on C boats that returned overnight. Researchers were welcomed onto a few boats and were able to take a tour of the cooking area, 'toilets', sleeping quarters, and the bridge (the third level where the captain steers the ship). On the second level, there is a cramped sleeping area, which fishermen crawl into to sleep. In some, it was possible to sit upright in these quarters, but in none of the boats was there sufficient space to stand. Cooking areas were often dirty and overrun by cockroaches. Toilets were non-flushing holes

in slightly raised wooden platforms. In the bridge, boats had global positioning systems (GPS) and some had sonar capabilities to determine where to find fish. Fish are stored in the belly of the boat, underneath the deck. The machinery to reel in the nets is either at the back or the front of the boats. In addition, the deck area around the reeling machinery was slippery. The decks are piled with tangles of thick rope, and were difficult to navigate. When the tide is low, fishermen (and researchers) had to climb down onto the boat via slippery metal ladders sans harnesses, or alternatively via horizontal ladders linking the port and the boat.



CASE STUDIES

Ahmad, 35

As the scorching Malaysian sun beats down on him, Ahmad, 35 years old, casts his woven bell-shaped traps into the shallow waters, hoping that crabs will crawl in. There's a long scar running down half of the length of his arm, sustained at sea when he slipped on deck and hurtled into a piece of metal. He was bandaged on the boat, but they had to come in to land and take him to the hospital. He received 15 stitches.

He tells us he doesn't earn enough working on deep-sea boats, and so must supplement his income with crab fishing. It's a tough life, he says, with at least 10 hours of work per day at sea, reeling nets in, and then sorting fish. Because he doesn't have a contract, his earnings are unstable and irregular.

He speaks quickly, in Thai-accented Malay, and tells us that he has to earn enough to support his daughter, who is in Thailand attending primary school. He reminisced how he was unable to go to school, and seemed motivated by this fact, stating: "I wanted to go to the village school to learn religion, but my family couldn't afford it."

A long time ago, he says, he was dependent on crystal methamphetamine, and regularly visited sex workers. Estimating having visited at least 50 sex workers, he said that because of his daughter, all of that was behind him. "I don't care about anybody any more. I only care about her."



“

I wanted to go to the village school to learn religion, but my family couldn't afford it.”

Ahmad
35 years old, Kedah

RESULTS OF THE STUDY



Demographics.

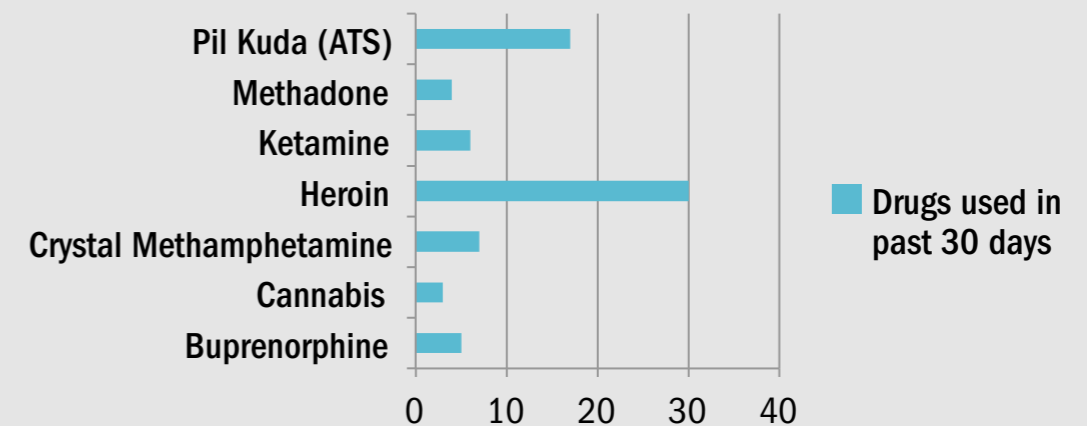
Of the 27 persons who underwent in-depth interviews, there were 18 Malaysians of Malay descent, 1 Malaysian of Chinese descent, 3 Thais, and 5 who were Burmese or identified as Burmese-Thai. Respondents were aged from 37-66 years old, with median age of 40 years old. Of those who reported drug use (N=16), mean age of initiation was 22.6 years old, with the youngest being 12 at initiation. 12 respondents did not complete schooling. Median age of recruitment as fishermen was 19 years old, with 8 having been recruited below the age of 18. Four respondents reported having 6 or more living children.

100 persons were recruited for the quantitative portion of the study. Of these 100, 65 were Malaysians of Malay descent. 34 were migrant workers, composing of 16 Burmese, 12 Thais, 4 Vietnamese, and 2 Indonesians. Respondents were aged from 18.3-51.7 years old, with median age of 38.4 years old. Median age at recruitment as fisherman was 20 years old, with 34 persons having been recruited below the age of 18. The youngest was recruited at the age of 7. Of those who reported household income (N=69), mean household income was RM1595.24 (USD\$397.95) per month. 37% reported having used drugs in the past 30 days. Of those who reported ever frequenting sex workers (N=16), 7 reported ever using condoms with their primary partner. Only two respondents identified as men who have sex with men (MSM), with one having 20 lifetime sexual partners, and the other unable to recollect number of partners.

Table 1:
Background Characteristics of Respondents (N=100)

CHARACTERISTIC	PERCENTAGE (%)
Age (Median Age = 38.4 years old)	
<30	15
30-40	44
41-50	34
>50	7
Nationality/Ethnicity	
Malaysian	
Malay	65
Chinese	3
Migrants	
Burmese	15
Thai	11
Vietnamese	4
Indonesian	2
Age at recruitment as fisherman	
<18	34
18-24	30
>24	33
Unknown	33
Average household income (MYR)	
0-1000	34
1001-2000	37
2001-3000	10
>3000	4
Data unavailable	15

Drugs used in past 30 days





“

The first three days we lower the net²¹. We leave it there quite long. After about 3-4 hours we pull the net up. After we pull the net and all the fish, and we choose the fish and put it in the deck, after that we gather around and eat food. I like it. With the atmosphere, at that time it's almost dawn, the ground is about to light up. We choose the fish, put it in the deck, wash it all up with sea water, go to the back of the boat and eat. It's like that every day.”

“Tiga hari pertama tu kita turun pukak, turun pukak ni kadang-kadang malam. Biar dulu, lama jugak. Lepas tu 3-4 jam tarik pukak tu. Lepas tarik pukak, ikan, semua, dah pilih masuk dalam deck, lepas tu makan ramai-ramai, suka jugak. Dengan suasana, masa tu nak subuh, nak cerah-cerah tanah dah. Pilih ikan tu, masuk dalam deck, basuh-basuh semua, dengan air laut lah, pergi kat belakang, makan. Gitu lah, hari hari.”

Malay fisherman
44 years old, Terengganu

²¹ All boats were equipped with either purse seine nets or dragnets. Seine nets hang vertically in the water with the bottom edge held down by weights and its top edge buoyed by floats. They are hauled in with the use of a power block, a mechanised pulley that rolls the nets up on a large spool, akin to sewing thread.

Researcher Observations

This section compiles observations and conversations obtained outside the scope of this research, for example experiences of researchers while collecting data or observations from boat owners (who are outside inclusion criteria for this research study).



Researchers faced significant difficulties obtaining interviews in Hutan Melintang, Perak. Fishing companies and boat owners were reluctant to give consent for their workers to be interviewed, and were at times hostile.

One fisherman from that area spoke to researchers with the boat owner present, expressing his disdain at increased regulation of the fishing industry. He expressed anger that recent regulations now required that the gaps in nets be wider, so as to allow small fish and baby fish to escape. This potentially illustrates a lack of understanding of the environmental objectives behind regulations, but further research is needed to examine this.

There were also occurrences where female researchers faced hostility, due to the age-old belief among fishermen that women on boats would bring bad luck and result in a low catch. When a female researcher was interviewing a respondent on a boat in Kuantan, a captain of the adjacent boat threatened her: "I'll smash your head so hard against the wall, it will break."

In Mersing, Johor, one boat owner expressed anger at local police for consistently arresting his workers for drug use, and expressed annoyance at having repeatedly be required to pay RM1000 (USD\$247.61) to have his workers released. Crucially, he stated, "I am doing charity work. When people are employed with me, they do honest work and don't go out snatching handbags. Now because the police are arresting people, they don't want

to be fishermen anymore and prefer to snatch bags." This raises important questions about iatrogenic policing and whether police are aware that arresting results in more instability and crime in local environments.

In Kelantan and Terengganu, researchers observed that migrant fishermen were not allowed to keep their passports or seaman's passes on their persons, but rather these documents were stored with the captain. This may increase vulnerability of migrant fishermen to arrest, detention, and deportation for being undocumented.

Themes from Analysis

Nine key themes emerged from our analysis of the data. These were:

- 1 / Living In Squalor: The Norm On The High Seas**
unsanitary living conditions on fishing vessels
- 2 / Treacherous waters, persistent fears**
describing the dangers and fears faced by fishermen
- 3 / Transient and unstable working conditions**
detailing a lack of employment rights and financial stability
- 4 / Knowledge and neglect: a spotlight on health**
lack of access to basic healthcare and HIV services
- 5 / Drugs and labour: the necessary nexus**
how drugs are used occupationally
- 6 / Sexual risk behaviour and sexual health literacy**
trends in condom use, disease awareness, and/or sex work
- 7 / Food, water and nutrition**
balanced diets and drinkable water
- 8 / Vulnerability, exploitation, and migration**
depicting vulnerabilities arising from differential treatment of migrant fishermen
- 9 / Fishing as a last resort**
fishermen having a lack of other options, and thus remain in employment as fishermen

1 / Living In Squalor: The Norm On The High Seas



Only 28% of respondents reported poor or very poor living conditions on the fishing boats. This finding must be interpreted with caution, given that standard of living conditions is relative, and the majority of respondents are in the low income group.²² Self-reported average household income in our sample is MYR1595.24 (USD\$367.61).

None of the boats had a flushing toilet. A 35-year old Malay respondent from Kelantan stated that in lieu of a toilet, 'they made a little place at the back of the boat.' Other interviews clarified that this 'place' was simply a hole. Researchers observed that this hole dumps the human waste directly into the sea. This shows the absence of proper sanitation facilities in fishing boats. This has important implications for disease prevention, transmission and care.

Sleeping areas were described as unclean:

"In the sleeping place, there's a lot of us, right? It's different if we have our own bedroom and it's clean. But if there's a lot of us you can't say it's clean. With the smell of oils and sawang... Sawang is when the fire from the engine, the black stuff that comes out. It sticks on the walls. It's dusty and there are a lot of fish bones. If you want to sleep there you have to sweep it out."

~Malay, 27 years old, Terengganu

²² Based on categorisation contained in the 11th Malaysia plan, i.e. earning less than USD\$740. The average poverty line income for Peninsular Malaysia is MYR930 (USD\$214.31). Mohamed MZ, Xavier JA. Poverty alleviation strategies and new economic model in Malaysia. International Academic Research Journal of Economics and Finance. 2015 Mar; 3(4): 17-31; 11th Malaysia Plan. Prime Minister's Office: Economic Planning Unit [Internet]. [cited 2016 Nov 16]. Available from: <http://rmk11.edu.gov.my/book/eng/Elevent-Malaysia-Plan/RMKe-11%20Book.pdf>

2/ Treacherous Waters, Persistent Fears



82% of respondents stated that they had received a safety briefing from the captain of the boat. However, briefings did not seem to be based on a uniform protocol. When asked what was explained to him during the safety briefing, one respondent explained:

“Be careful and don’t go near the machinery (robot) to roll up the net, you don’t want your hand to get severed... you could get tangled in the rope.”

~Malay, 40 years old, Terengganu

The following quotation further clarifies the quality of the safety briefings or absence of standard safety protocols:

“No one teaches you how to do this job. You just follow what other people do.”
“Kerja ni takde orang ajar. Kita ikut je orang buat.”

~Malay, 27 years old, Terengganu

As such, the high figure that reported that they had safety briefings must be interpreted with caution. It is suggested that a separate study be conducted to examine the quality, depth, and uniformity (or lack thereof) of safety briefings.

Only 23% of survey respondents stated that they had ever been injured on the boat.²³ This is inconsistent with data from a larger study among fishermen in Malaysia above the age of 45 stating that the majority of fishermen surveyed reported injury caused by machinery.²⁴ Key differentials between this study and ours may be age, however, the difference may be insignificant as our median age was 38.4 and in addition, our median age at recruitment was 20. The latter study also defined injury in more depth, segregating injuries by machinery, injuries inflicted by animals, and also noted how many respondents complained of slippery floors.

Qualitative data illustrated experiences of danger in more depth:

“If I’m careless, I’m dead”

~Malay, 38 years old, Perak

However, the data may not illustrate the true extent of injuries as many consider minor injuries as normal thus may have not thought to report these as injuries per se:

“Like you get pricked by the thorns on fish, that’s normal. Sometimes we fall (down) because the waves are very strong, right? You walk a little bit and you fall, so you get injured a little bit. We have medicine for wounds. It’s normal.”

~Malay, 45 years old, Pahang

These narratives are consistent with existing research that showed that in a sample of 397 fishermen surveyed in Malaysia, 95.7% were not provided any personal protective equipment.²⁵

65% of survey respondents stated that had heard of fishermen dying at sea, and 50% stated that they were worried or very worried of dying at sea. A 59-year old fisherman from Kedah illustrated his first hand experience encountering a sinking fishing vessel:

“Quite recently, 5 years ago, there was a boat that sunk. We had heard them (over the radio) saying their boat was sinking. As we sailed up to them all of them had lifejackets on (in the water), and one (without a lifejacket) was dead in the water.”

~Malay, 59 years old, Kedah

When probed further, the fisherman explained that there were an adequate number of lifejackets, however the individual perceived that it was unnecessary to use a lifejacket as he perceived he could swim safely back to

land. While his motivations were unclear in not wearing a lifejacket, this necessitates standardised safety briefings that truly emphasise and assess fisherman’s perception of risk. It also raises important questions about the role and responsibility of the captain in ensuring safety protocols are adhered to.

The same respondent spoke of his mother’s response to him wanting to be a soldier or a police officer, and perhaps illustrates a lack of understanding of non-fishers of the dangerous nature of fishing work:

“I wanted to work but my mum didn’t let me. I wanted to go and work in the army or join the police force, but she didn’t let me. They (parents) were scared of me being a soldier.”

~Malay, 59 years old, Kedah

Occupational safety issues also extend to misconceptions about HIV and the impact on responses to injuries. When asked whether he was worried about contracting HIV, a 49-year old respondent from Perak stated:

“We all have our own bowls and they are cleaned thoroughly. If there are any injuries that involve blood, you’ll have to deal with it yourself.”

~Malaysian-Chinese, 49 years old, Perak

This quote raises important questions about HIV stigma and support and assistance for persons who suffer injuries at sea. This finding suggests a possibility that misconceptions about HIV, rather than HIV per se, can be a serious health hazard among fishermen.

²³ One respondent reported that payment for his injury was provided for by the boat owner. However, this was not examined in depth in this study.

²⁴ Mohd Yusuff R, Hussain MR, Latif N, Abdul Rahman A, Syed Abdul Rashid SN, Abdullah H. Occupational safety issues at workplace among older fishermen in Malaysia. In: Yamamoto S, Shibuya M, Izumi H, Shih Y-C, Lin CJ, Lim H-K, editors. New ergonomics perspective: selected papers of the 10th Pan-Pacific conference on ergonomics, Tokyo, Japan, 25-28 August 2014. London: Taylor & Francis Group; 2015. p. 31-36

²⁵ Mohd Yusuff R, Hussain MR, Latif N, Abdul Rahman A, Syed Abdul Rashid SN, Abdullah H. Occupational safety issues at workplace among older fishermen in Malaysia. In: Yamamoto S, Shibuya M, Izumi H, Shih Y-C, Lin CJ, Lim H-K, editors. New ergonomics perspective: selected papers of the 10th Pan-Pacific conference on ergonomics, Tokyo, Japan, 25-28 August 2014. London: Taylor & Francis Group; 2015. p. 31-36

3/ Transient and Unstable Working Conditions

None of the respondents had been given work contracts, and thus are excluded from social security benefits (SOCSO), Employees Provident Fund (EPF), and are unable to obtain paid leave. One stated that he had, but when probed, he stated that the contract only specified that he was bound to work for one company, but nothing else was stipulated, including wage and social security entitlements. All respondents reported having unstable incomes based on volume of catch. As aforementioned, average household income was reported to be MYR1595.24 (USD\$395) per month, 3.8 times lower than the national average (MYR6141.00).²⁶ 64% of respondents stated that they had been unable to save money within the past 90 days.



As a result of not having work contracts, respondents often move between boats, and have no recourse to 'dismissal' or conflicts within one boat:

"The boat captains around here, its like we're the new person asking for a job, right? They of course get angry a lot at us. We're not allowed to rest for a bit. If we don't do (something), we go against what he said, we can't work with him any more. It's like that. Fish and all, if he asks us to sort them, we sort them... Or else he'll tell this boss (boat owner) that and the other boss another thing, and then we can't work. We can rest, but the resting period isn't long. The most we get is half an hour.

~ Malay, 27 years old, Terengganu

Respondents were predominantly paid based on catch and being paid was dependent on whether they went to sea or not. They are paid differently based on geographical location, and migrant fishermen were more likely to report going longer periods without wages. This is described further in the section on vulnerability and exploitation below.

A lack of a standardised pay scale results in internal migration:

"There is fishing work in Kelantan, but the earnings are a little bit less than here. It's so cheap there. Here is a bit higher because it's further away."

~Malay, 32 years old, Johor

4/ Knowledge and Neglect: A Spotlight on Health

77% of respondents stated that they did not have a regular doctor or physician. Of those that reported suffering injuries on the boat, many considered or reported those injuries to be minor, and stated that reliance on medication alone was sufficient. A 45-year old man from the state of Pahang, in justifying not seeing a doctor, stated: "I've had little injuries. It's normal. Sometimes you walk a little bit (on deck) and accidentally trip over a piece of metal."

A fisherman, despite being diagnosed with HIV in prison, had not received adequate pre- and post-test counselling for HIV. He was completely unaware that medication was free in government health facilities for Malaysians, and stated:

"He (the prison medical staff) said I have HIV. While living outside (prison), I've never shared needles, and I don't feel like I've got HIV. I doubt (the results). But he said I've got it. And I still haven't gone to hospital."

~Malay, 27 years old, Terengganu

The fact that the respondent stated that he didn't feel like he had HIV demonstrates a lack of understanding about the disease in general. The belief that signs & symptoms must exist as prerequisites for HIV testing pleads for policy attention on early testing. Routine, asymptomatic HIV screening must be encouraged.

5/ Drugs and Labour: The Necessary Nexus

A study conducted by Muntaner et al. (1995) found that limited skilled individuals employed in physically demanding and high strain jobs were five times more likely to be dependent on drugs.²⁷

Out of the 37 persons who reported using drugs in the past 30 days, a majority (N=32) stated that they had used drugs on the boat. Respondents illustrated that drug use was necessary to carry out their work duties:

"Usually during the rest time, people like us, if our bodies are weak and all that we have to take a hit (drugs), then cook rice, and if we're feeling particularly hardworking we repair the nets."

~Malay, 27 years old, Terengganu

"It's good for work, to take ATS when I'm working. But if it's runs out of power (if the effects wear off), I lose all my energy for work.

~Thai, 35 years old, Kelantan

These findings are consistent with a 2004 study conducted among fishermen in the state of Pahang, which found occupational HIV and drug use risks.²⁸ Additionally, in that study, fishermen reported asking their captains for loans so they could purchase drugs for the trip's supply, and that boat captains ignored drug use so long as work was carried out.²⁹

²⁶ Department of Statistics, Malaysia. Report of Household Income and Basic Amenities Survey 2014. [Internet]. [cited 2016 Aug 29]. Available from: https://www.statistics.gov.my/index.php?r=column/cthemByCat&cat=120&bul_id=aHhtTHVWNVYzTFBua2dSUIBRL1Rjdz09&menu_id=amVoWU54UTI0a21NWmdhMjFMMWcyZz09

²⁷ Muntaner C, Anthony JC, Crum RM, Eaton WW. Psychosocial dimensions of work and the risk of drug dependence among adults. *American Journal of Epidemiology* 1995; 142(2): 183-190.

²⁸ West BS, Choo M, El-Bassel N, Gilbert L, Wu E, Kamarulzaman A. Safe havens and rough waters: networks, place, and the navigation of risk among injecting drug-using Malaysian fishermen. *International Journal of Drug Policy* 2014 May; 25(3): 575-82

²⁹ Ibid

6/ Sexual Risk Behaviour and Sexual Health Literacy



The majority of respondents (56%) stated that they had never used condoms during vaginal sex with their primary partner. Out of the 2 respondents who stated that they had sex with multiple male partners, only one reported condom use.

16 fishermen surveyed had ever paid for sex with female sex workers. This not only increases HIV risk, but also exposure to other STIs for example herpes, gonorrhoea, etc. Only 7 of these persons reported using condoms with their main female partner. The finding identifies the knowledge gap in condom usage. While fishermen understood that there was a higher risk of disease with sex workers, they believed that their condom use would prevent transmission of all STIs, and thus it was safe to have unprotected sex with their primary female partner.

“I usually go to the sex workers from the karaoke in Thailand... With my wife I don't use condoms. But outside (the marriage) I do.”

~Thai, 35 years old, Kelantan

Several respondents, in stating that they did not use condoms, insisted that they were able to pick disease-free women by their appearance alone:

“There's no satisfaction (with condoms)... I don't know the women. If she's unkempt I don't pick her. I have standards.”

~Burmese, 49 years old, Pahang

A 45-year old respondent from Pahang stated that he had multiple casual sexual partners, and when asked about condom use, he stated, “We don't pay. Those are really nice women. We already know them.”

Several studies conducted on Malaysian young people (both male³⁰ and female³¹) show low scores for knowledge of reproduction, contraceptives, and STIs, with rural respondents demonstrating less knowledge than their urban counterparts.

³⁰ Awang H, Wong LP et al. Knowledge of sexually transmitted diseases and sexual behaviours among Malaysian male youths. J Biosoc Sci. 2014 Mar; 46(2): 214-224. doi: 10.1017/S0021932013000114.

³¹ Wong LP. An exploration of knowledge, attitudes and behaviours of young multi-ethnic Muslim-majority society in Malaysia in relation to reproductive and premarital sexual practices. BMC Public Health 2012; 12: 865-877.

7/ Food, Water and Nutrition

2009 data collected among fishermen in Sarawak, East Malaysia, found that a majority of fishermen were only given rice and leftover fish while working on boats.³² In our study, however, all respondents were provided at least 3 meals a day and felt like they had more than enough food. Provisions for basic food supplies (rice, soy sauce, coffee) were always provided by the boat captain. When probed qualitatively, however, it was discovered that vegetables and fruits were missing from their diets:

“Rice, instant noodles, sardines; we have everything. And we just get the fish from the sea. The fish is fresh. In terms of dishes for the rice, we don't have any problems... Eating times vary. Because on the boat there is one chef. And then it's up to you when you want to eat. When you're hungry, at the back there there's always food. Rice, bread, water, milo (chocolate drink), coffee, tea, it's all there.”

~44 years old, Malay, Terengganu

There was a contrasting perception reported, with one of them stating:

“Of course I use a condom. I'm quite scared of diseases. In fact, right now I have a condom in my pocket.”

~Malay, 44 years old, Johor

In addition to misconceptions about condoms, there were also misconceptions about HIV transmission dynamics, for example that it can be transmitted via eating utensils. Thus, any proposed sexual health education targeted to fishermen must detail and explain STIs that condoms do not prevent.

This suggests that fishermen would benefit from sexual health education detailing diseases that condoms do not prevent.

Majority stated they had clean drinking water, but researchers observed that this was unfiltered pipe water rather than drinkable water. This is inconsistent with the United Nations Sustainable Development Goals that state: Member States must ensure universal access to safe and affordable drinking water for all and requiring that Members States invest in adequate infrastructure, provide sanitation facilities, and encourage hygiene at every level.³³

³² The Global Catch. Kuala Lumpur: Tenaganita; 2009.

³³ Sustainable Development Goal 6. United Nations Development Programme [Internet]. [cited 2016 Sep 13]. Available from: <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-6-clean-water-and-sanitation.html>

8/ Vulnerability, Exploitation and Migration



11 of the 34 migrant respondents were recruited as fishermen below the age of 18, with one being recruited at the age of 8. This finding highlights issues regarding child labour and the possibility of these children being trafficked. In a study which included 344 children and 671 adults in post-trafficking services in Cambodia, Thailand, and Vietnam, a majority of trafficked fishermen reported never being free to do what they wanted or go where they wanted.³⁴

Migrants reported not knowing when or how much they would be paid. Some were given loans by the boat owner that were forgiven at later dates:

“It’s quite difficult. When the catch is low and we get back to land, the boss doesn’t pay us. Sometimes we come back once a month, and the boss gives us MYR200 only. And that’s a loan. One day when I get my salary, he forgives the debt. He cuts it (from my salary).”

~Thai, 38 years old, Kelantan

Some respondents reported harassment by police. Elsewhere, in internal data collected from 210 migrant

workers in Malaysia, it was documented that the entire sample had been harassed by police officers, who often used the checking of documents as a pretext for soliciting bribes.³⁵ The following quote from our study is illustrative of similar practices in the fishing industry:

“I was sick. The police arrested me and told me I was HIV positive. I’ve been living with HIV for 8 months now... (There are) a lot of disturbances. Police disturb me. I (showed my) UNHCR card, but they still take money from me, RM800. They took money from me many times. Three or four times, they took it all... (I make) RM600 when I go out to sea. And they take it all!”

~Burmese, 49 years old, Pahang

Differential treatment is also exhibited in the case of imprisonment and health screening. A 38-year old Thai national interviewed in Kelantan stated that he was arrested for drug use and imprisoned in Terengganu, and not HIV tested, whereas all Malaysians are. This raises important concerns as to migrants’ right to access to healthcare in closed settings and reveals discrepancies in relation to fundamental human rights principles and domestic application of those principles.

³⁴ Kiss L et al. Health of men, women, and children in post-trafficking services in Cambodia, Thailand, and Vietnam: an observational cross-sectional study. *Lancet Glob Health* 2015; 3: e154-61

³⁵ Tenaganita. Migrant Rights Protection Department, Petaling Jaya; 2016. (Unpublished data).

9/ Fishing As A Last Resort



A majority of respondents in the qualitative portion reported having to fish due to a lack of choice, and stated that they would not allow their children to follow in their footsteps in the fishing industry:

“I won’t allow him to - from the beginning I would prevent it. I wouldn’t want him to follow in my footsteps. I know that this work is dangerous and exhausting, and getting fish is really difficult now. I’d ask him to study and look for other work... I want to raise capital to work on my own, open up a small business. Because working as a fisherman is just too tough. My late father was a fisherman, and he’d told my mum: “We shouldn’t allow the children to be fishermen.” But now I can’t get other jobs so it’s just like that I guess, I have to be a fisherman. Before my father died he’d been fighting it too, so for my children I won’t allow it as well.”

~Malay, 38 years old, Kelantan

HOW DO OUR FINDINGS SCORE IN TERMS OF HUMAN RIGHTS VIOLATIONS?



Given that the scope of our study centres on Southeast Asian waters, we felt that it would be most relevant to link findings with the ASEAN Declaration on Human Rights (ADHR). This does not, of course, preclude it from being analysed from the perspective of the Universal Declaration of Human Rights (UDHR). The ADHR is for all purposes consistent with the UDHR and the below analysis is intended to provide a more regional perspective.

Article 3. Every person has the right of recognition everywhere as a person before the law. Every person is equal before the law. Every person is entitled without discrimination to equal protection of the law; AND

Article 12. Every person has the right to personal liberty and security. No person shall be subject to arbitrary arrest, search, detention, abduction or any other form of deprivation of liberty.

Our findings and observations show that migrant fishermen, fishermen who use drugs, and employers of fishermen who use drugs are a particular focus of police harassment. These fishermen, who already have unstable lives due to work rights and healthcare-related deficiencies inherent in their jobs, are exposed to additional instability as a result of repeated arrests.

Differential treatment observed in the treatment of migrants in terms of work rights, and treatment in incarcerated settings, mandate a review based on this Article. In addition, ASEAN Member States must individually and collectively undertake a review on cross-border rights violations on this ground.

Article 13. No person should be held in servitude or slavery in any of its forms, or be subject to human smuggling or trafficking in persons, including for purpose of trafficking in human organs.

Our findings show that migrant fishermen are not allowed to keep their own passports, do not have guarantees of regular payment, and have no employment protections. Given that the definition of trafficking highlights the element of exploitation, which includes the recruitment of a person in a position of vulnerability or via an abuse of power, among others, all of our respondents can be categorised as trafficked persons for the purpose of the Article.

Article 27(1). Every person has the right to work, to the free choice of employment, to enjoy just, decent and favourable conditions of work and to have access to assistance schemes for the unemployed.

A majority of respondents in our study entered the fishing industry as a last resort, citing dangerous working environments and unstable incomes as the key reason. Observations from researchers and qualitative interviews showed that sleeping areas were cramped and unsanitary. One respondent stated that the sleeping area was filled with fumes from the engine.

None of the boats had a flushing toilet, which raises important questions about sanitation and disease transmission (including dysentery etc.).

Malaysian fishermen are able to access a miniscule fishermen's monthly support payment of MYR200 (USD\$48.48), but only if they are registered with the Fisheries Department and possess a card issued therefrom.

Article 27(3) No child or any young person shall be subjected to economic and social exploitation. Those who employ children and young people in work harmful to their morals or health, dangerous to life, or likely to hamper their normal development, including their education should be punished by law.

11 out of 34 migrant respondents, and one-third of all respondents in this study were recruited as children. While it is unclear whether they were recruited by the Malaysian fishing vessels or foreign fishing vessels, this underlines an urgent imperative for ASEAN Member States to review practices in Southeast Asian waters as regards to child fishers.

Article 29(1). Every person has the right to the enjoyment of the highest attainable standard of physical, mental and reproductive health, to basic and affordable health-care services, and to have access to medical facilities.

The majority of respondents did not have access to a regular doctor or physician. Given that the mean length of fishing trips were 7.9 days, with 29% reporting trips of 10 days or longer, and only a day to rest before the next trip, this leaves very little time for fishermen to not only access healthcare, but participate in necessary personal time for mental wellbeing.

Respondents exhibited a lack of knowledge on sexual and reproductive health. Those who accessed sex workers believed that appearance alone was an indicator of sexual health. In the qualitative sample, 10 out of 27 respondents (37%) reported having more than 2 children, raising questions about accessibility to family planning.

Contrasted to Malaysian fishermen, migrant fishermen do not receive subsidised healthcare, nor do they receive HIV services in closed settings. In terms of HIV, first line treatment for Malaysians is fully subsidised, but second line medications are not. The lack of employment contracts mean that individuals have trouble accessing insurance, and they cannot claim expenses for injuries occurring by accident within the ambit of the Workmen's Compensation Act 1952.

Based on the above, it can be argued that fishermen are not able to access the highest attainable standard of physical, mental and reproductive health.

Article 29(2). The ASEAN Members shall create a positive environment in overcoming stigma, silence, denial and discrimination in the prevention, treatment, care and support of people suffering from communicable diseases, including HIV/AIDS.

Migrant respondents who were incarcerated did not have equal access to HIV services, when compared to Malaysian inmates. Over and above this, the criminalisation of drug use is internationally recognised as a major driving factor of HIV epidemics - with incarceration failing to address poverty, the lack of human connection, HIV risk behaviour, and instability that results in problematic drug use. This reality contravenes the creation of a 'positive environment' as mentioned in the above Article.

Article 30(1). Every person shall have the right to social security, including social insurance where available, which assists him or her to secure the means for a dignified and decent existence.

As aforementioned in this report, fishermen in Malaysia are not given work contracts, have unspecified wages dependent on catch, and do not have access to social security and therefore stable retirement funds. Thus, current practice contravenes this Article.

POLICY RECOMMENDATIONS



The study has significant policy implications for fisheries in Malaysia and beyond, in terms of HIV care, human rights, and marine sustainability.

The following are derived from the data presented in this report:

General Recommendations

- Fishing industry practices to be in line with the ASEAN human rights declaration (including Articles 13, 27(1), 29, and 30(1)) (see above, page __)
- Given that fishermen work without contracts, and generally work in environments of coercion, as per the definition provided by the Palermo protocol, they should be categorised as trafficked persons and given necessary protections.
- Financial literacy training and support to be provided to fishermen.
- Immediate steps to be taken to ensure that migrant fishermen keep their own passports and other travel documentation on their persons, in line with the Passports Act 1966⁴⁰.
- Parties working on or educating Malaysians on marine sustainability must ensure emphasis on the ethical and responsible sourcing of fish, including from a human rights standpoint.

Employment

- A review of employment conditions for fishermen, and immediate regulation to ensure fishermen are hired on a contractual basis.
- Given that one-third of respondents⁴¹ were recruited below the age of 18, immediate action must be taken to monitor and prevent further incidents of child labour, keeping in mind that Malaysia has ratified the UN Convention on the Rights of the Child.
- Improvement of occupational safety and health, including provision of safety equipment, standardised safety briefings, and upgrading living conditions.

Health & Safety

- Relevant agencies to consider feasibility of programmes to address nutritional deficiencies in fishermen.
- Inclusion of proper sanitation, e.g. flushing toilets on boats.
- Sustained and frequent sexual health literacy programmes to be targeted to fishermen.
- Pre- and post-test HIV counselling in closed settings to be reviewed and could be potentially augmented with a checklist of necessary information for prison medical staff to convey to the inmates.
- Routine asymptomatic HIV and STI testing to be encouraged in order to prevent delay in care.
- Emphasis to be placed on equitable access to healthcare for migrants. This would include resource allocation for migrant health, including in closed settings.
- Given that 37% of respondents were people who use drugs, harm reduction strategies to be adapted to take into consideration the mobility of fishermen.
- Relevant agencies to ensure fishermen get access to safe and clean drinking water.

CONCLUSION



Findings of this study indicated the transient and unstable nature of the lives of fishermen in Malaysia as an image of transgenerational poverty and a violation of basic human rights.

This intersects with lack of health knowledge and occupational drug use. The inseparable connection between human rights and dismal living conditions was more apparent among migrant fishermen. The findings of this study are prescient because there are as yet no known comprehensive intervention that includes basic human rights and HIV issues targeted at fishermen. The results suggest a need for a multi-level intervention program with multi-prong strategies. We emphasize 'multi-level intervention programs' as needs of the fishermen are multiple and varied: starting from transgenerational poverty, child labour, discontinuation in education, the normalisation of unsanitary surroundings, occupational safety hazards, harassment by law-enforcing agencies; occupational drug use behaviour and risky sexual behaviour.

The study also has implications for marine sustainability as it is often suggested that where human rights standards are not met, there is also the presence of illegal fishing activities. Further, given the increased international emphasis on ensuring that fish are ethically and responsibly sourced, in addition to ensuring fishing is environmentally sustainable. The U.S. Department of State, for example, who monitors and classifies countries involved in human trafficking by tiers, has noted widespread documented labour abuse in deep sea fishing vessels and seafood processing centres, long working hours, inhumane working and living conditions, and unreliable access to food, water and healthcare.⁴² All of these were documented in this report, and for the aforementioned reasons, must change.

⁴⁰ Passports Act 1966, Laws of Malaysia (Act 150), s12(1)(f)
⁴¹ From both quantitative and qualitative surveys.

⁴² Turning the Tide: Harnessing Innovation and Partnerships To Combat Human Trafficking in the Seafood Sector. U.S. Department of State [Internet]. 2016 Sep 14 [cited 2016 Nov 16]. Available from: <http://www.state.gov/r/pa/prs/ps/2016/09/261874.htm>

CERiA (the Centre of Excellence for Research in AIDS) is one of the leading research centres working in the field of HIV/AIDS and substance use, working nationally and internationally in collaboration with universities and research centres elsewhere to better understand HIV vulnerability and develop scientific best practice.

MALAYSIAN AIDS COUNCIL is an umbrella body of 47 partner organisations all over Malaysia, working to reduce barriers to accessing prevention, diagnostics, and treatment for HIV and associated medical conditions. Established in 1992, it stands for the decriminalisation of all key affected populations, the provision of services without discrimination, and reduction of instability in our target populations.

TENAGANITA is a women and migrant workers organization with the mission to promote and protect the rights of all women and migrant workers within a globalized world. Born out of the struggles of women and migrant workers in Malaysia in 1991, the organization has grown from strength to strength, challenged with trials and a growing response from the communities with increased expectation to deliver.

WWF MALAYSIA (World Wide Fund for Nature-Malaysia) was established in Malaysia in 1972. It currently runs more than 90 projects covering a diverse range of environmental conservation and protection work, from saving endangered species such as tigers and turtles, to protecting our highland forests, rivers and seas. The national conservation organization also undertakes environmental education and advocacy work to achieve its conservation goals. Its mission is to stop the degradation of the earth's natural environment and to build a future in which humans live in harmony with nature, by conserving the nation's biological diversity, ensuring that the use of renewable natural resources is sustainable, and promoting the reduction of pollution and wasteful consumption.



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