

An underwater photograph showing a dense field of bubbles of various sizes rising from the bottom. Light rays penetrate the water, creating a shimmering effect. The overall color palette is a range of blues and teals.

**REPORT SUMMARY:
FISHERY WORKERS
AND THE RIGHT TO
FOOD**

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INTRODUCTION Paras. 1-4

Fishery workers are instrumental to the progressive realization of the right to food and nutrition, and are increasingly important in the fight against global hunger, as articulated in Goal 2 of the 2030 Agenda for Sustainable Development (A/RES/70/1). The fishery sector is responsible for supporting the livelihoods of approximately 880 million people, many of whom are among the world's poorest. Yet, paradoxically, those who rely on fisheries for work and serve as the driving force for the realization of the right to food of others, encounter formidable barriers to realizing this right for themselves. Failure of States to implement adequate protections for workers perpetuates continued exploitation and impunity for those responsible.

STATE OF FISHERIES

A. MARINE AND INLAND CAPTURE FISHERIES Paras. 5-8

Global fish consumption per capita has doubled since the 1960s, outpacing population growth by half. Current estimates indicate that fish provides 3.2 billion people with almost 20% of their average intake in animal protein. This percentage is even higher in less developed countries and in small island developing states. Although inland capture fisheries play a smaller role in contributing to the global food supply, they are critically important to local food security and poverty alleviation in many developing countries. Africa contributes approximately 25% of inland catches, second only to Asia, which provides more than half of the global inland fishery catch, with China, alone, accounting for 20%. Due to the lack of sector-specific information and data, small-scale fisheries (SSF) are less visible, and their importance is overlooked, especially in developing countries. However, SSF are integral to food security, poverty alleviation, and sustainable development, consistent with SDGs 1, 2, and 14.

B. RISE OF AQUACULTURE Paras. 9-11

Aquaculture is the fastest growing food-producing sector, and provides the remaining half of the world's consumed fish and fishery products, mostly salmon, tuna and shrimp. More than 80 per cent of global aquaculture production is from small to medium scale fish farmers, nearly 90 per cent of whom live Asia. Aquaculture operations require fewer workers than capture fisheries; the most recent estimates suggest that 19.3 million individuals work in aquaculture, compared to 40.3 million in capture fisheries. However, aquaculture has stimulated more jobs in recent decades, while employment in capture fisheries has steadily declined. Aquaculture has the potential for more efficient supply chains and higher production than capture fisheries, but may pose threats to surrounding populations and ecosystems.

C. GLOBALIZATION OF FISHERIES Paras. 12-13

Technological advances in storage and transportation, the liberalization of markets, economic growth in developing countries, and rising local and regional demands for fish products have catalysed the expansion of fishery markets worldwide. Urban populations with greater access to diverse markets, and those with higher disposable income, are more likely to incorporate meat and fish into their diets.

Global fisheries have thus become comprised of a web of complex, opaque, and longer supply chains. Export-oriented supply chains may span thousands of miles, and involve several middlemen who handle, process, and eventually sell the product.

The most common and severe abuses are reported in the harvest and processing stages of capture fishery chains where there is a lack of adequate safeguards and accountability mechanisms.

CHALLENGES TO ACHIEVING THE RIGHT TO FOOD FOR FISHERY WORKERS

Overview: Quick Facts on Fishery Workers Paras. 14-19

An estimated **660 to 880 million** people, or **10-12%** of the world's population, directly or indirectly depend on fisheries. **120 million** people directly depend on fishery-related activities for their livelihoods. **60 million** people who are directly employed, full-time, part-time, or informally, in the primary sector. Of the **19.3 million fish farmers and 40.3 fishers**, **37%** are employed full-time, **23%** are employed part-time, and over **15 million** work on fishing vessels. **85%** of workers live in Asia, **10%** live in Africa, **4%** live in Latin America and Caribbean.

Women account for **14%** of those employed in primary sector, and **50%** of the secondary sector workforce, as fish traders, sellers, and processors.

Small-scale fisheries catch nearly the same amount of fish as industrial fisheries, but employ **25 times more** workers. More than **90%** of the world's **34 million fishers** derive their livelihood from the small-scale sector and contribute to **80%** of the total world catch.

Women occupy **47%** of SSF employment.

Inland fisheries, most of which are small-scale, account for **2.5-6%** of the global agricultural workforce. **Women** represent **50%** of inland fishery workers.

Occupational Safety and Health Hazards Paras. 20-22

According to the ILO, fishery work is notoriously “dirty, dangerous, and difficult,” yet Sates often fail to implement applicable national health and safety regulations due to lack of resources, and difficulties monitoring the sector. In commercial fisheries, approximately 24,000 workers die each year. Most fatal incidents occur at sea, either from over-exposure to heat, sun, and salt water, or dangerous equipment used to catch, sort, and store fish. Workers of inland fisheries are similarly without adequate safety equipment and may suffer fatal accidents from unstable fishing platforms. In arctic regions, ice-fishers may develop hypothermia. The health of fish farmers is also compromised by prolonged exposure to toxic disinfectants and dangerous antibiotics in the water.

Right to a Living Wage Paras. 23-30

1. Wages and Contracts: No basic minimum wage figure exists under ILO for fishery workers, and salaries are usually less than national minimal wages. An estimated 5.8 million small-scale fishery workers earn less than USD 1 per day. As many activities are seasonal, workers may only receive periodic include, and scheduled payments are paid late or withheld.

2. Working hours and quotas: Fishers aboard commercial vessels reportedly work 14-16 hours/day, contrary to international labour standards which impose minimum resting requirements. In aquaculture and seafood processing, average working times also often exceed recommended labour standards. Employers unilaterally impose quotas similar to those used in agriculture, forcing workers to work unpaid hours or cut necessary breaks.

3. Limited Collective Bargaining: Fishery workers are often unable to exercise their right to freedom of association. Fishery workers work in remote and isolated settings that are not conducive to unionization. Even in less-secluded settings, such as seafood processing plants, employers often warn against unionization.

4. Lack of Social Protection: Many fishery workers depend on informal work that falls outside the scope of national labour protections. As a result, they do not benefit from social protection schemes. In SSF, most workers operate under oral agreements that lack fixed terms or benefits.

AT-RISK POPULATIONS Paras. 31-47

Women

Even when States adopt measures consistent with international law, including CEDAW, women are often without adequate protection from exploitation, due in part, to their informal employment within the fishery sector. In SSF, women's responsibilities as fishers, processors and traders may be considered occasional activities, Formal employment for women is often in the post-harvest sector, where women rarely receive child-care or other accommodations and may experience physical and sexual abuse from employers. Women face gender discrimination, with less secure employment than men, and receive lower wages than their male counterparts.

Children

The ILO and FAO estimate that 60% of child labourers, or 129 million children, are working in the agricultural sector, which includes fisheries and aquaculture. Employing children in the industry is considered among the worst forms of child labour, yet it is prevalent in small-scale and aquaculture enterprises. Occupational safety and health hazards associated with the sector have aggravated consequences on children's health, as they are more susceptible to illness, fatigue, and injury. In Bangladesh, El Salvador, Ghana and the Philippines, fisheries are responsible for two to five per cent of all child labour, and the practice is well-documented in Senegal, the Baluchistan region of Pakistan, Myanmar, and African lake regions.

Migrants

Migrant workers suffer the most severe forms of abuse, including contemporary forms of slavery, i.e. forced labour, bonded labour, and human trafficking. Despite protections under international human rights law, an estimated 40 million people are trapped in modern slavery, 71% of whom are women, and 62% of whom are forced into labour. Labour trafficking has been on the rise in Europe, and documented in Ireland, Hawaii, Russia, and Africa, but is most frequently reported in South Asia, where high-ranking brokers traffic thousands of migrants from Cambodia, Lao PDR and Myanmar to Thailand, China, and Indonesia each year. Trafficking and forced labour is especially prevalent on the high seas, and is often connected with IUU fishing practices.

Indigenous & Coastal Populations

Nearly 2.5 billion, or 40% of the world's population, live in coastal zones and rely on fisheries as a source of food, income, and a buffer against economic shocks. This includes indigenous peoples, for whom fisheries are the main source of animal protein, up to 15 times more than the global average, and sites of cultural expression. The UN Declaration on the Rights of Indigenous Communities acknowledges traditional, long-standing rights to fishing areas and resources, however, the creation of conservation or marine protected areas, large-scale development projects, tourism, natural resource extraction, and industrial aquaculture, threaten rights of indigenous and non-indigenous communities alike.

The depletion of coastal fish stocks due to industrial fishing, marine pollution, and climate change further force small-scale fishing communities further from shore, often without adequate equipment. In some cases, communities are simply forcibly evicted without adequate notice, consultation or compensation, which adversely affects their right to food.

LEGAL FRAMEWORK: ROLE OF STATE

International human rights law Paras. 50-55

States bear the primary duty to respect, protect, and promote the right to food and all human rights of fishery workers under international human rights law. Article 25 of the UDHR, together with Article 11 of the ICESCR charges States with the obligation to respect, protect, and fulfill the realization of fishery workers' human rights. Relevant to the protection of fishery workers are Article 12 of the ICESCR, which provides for the right to the highest attainable standard of health, and Articles 6,7, and 9, which provide for the right to just and favourable conditions of work including the right to a "living wage," the right to rest and to reasonable working hours.

While not binding on States, the 1995 FAO Code of Conduct for Responsible Fisheries and the 2001 Plan of Action to prevent, deter, and eliminate IUU fishing established within the Code of Conduct, set forth recommendations for States to ensure the economic, social, and cultural rights of fishery workers. Guidance for States on realization the right to food generally are included in the 2004 Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, and for small-scale fishery workers, specifically, in the 2015 Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the context of food security and poverty eradication.

International labour law Paras. 56-60

The International Labour Organization (ILO) provides a formative framework for States to better regulate working conditions within the fisheries sector. The ILO 2007 Work in Fishing Convention (No. 188) sets basic standards of decent work for the 38 million workers employed on commercial fishing vessels. The Convention may be extended to the smaller vessels that constitute 90 percent of all fishing vessels, but does not apply to shore-based workers. The Convention also provides jurisdiction of States to inspect compliance of both domestic and foreign vessels. Guidelines for administering the inspections are detailed in supporting resolutions and the Work in Fishing Recommendations (No. 199).

Other relevant ILO instruments include the 2014 ILO Forced Labour Protocol, the ILO Convention No. 29 on Forced Labour, the Palermo Protocol, the ILO Convention on Occupational Safety and Health (No. 155) and the ILO Maritime Labour Convention of 2006. State ratification of these Conventions has been quite slow and most States have not adopted comprehensive international labour or safety standards applicable to the fishery sector. Still, some States have made notable efforts to address on-board exploitation of fishery workers.

Other relevant international treaties Para. 61

Protections for fishery workers may also be derived from commitments in multilateral and bilateral treaties. Unfortunately, States do not always take advantage of relevant provisions, as is the case for the UN Convention on the Law of the Sea 1982, which could be used to combat contemporary forms of slavery in commercial fisheries.

LEGAL FRAMEWORK: ROLE OF STATE

Monitoring Compliance and Administration of Remedies Paras. 62-65

States are responsible for protecting the rights afforded to fishery workers and for administering appropriate remedies for violations consistent with international law. Yet, human rights cases involving fishery workers is quite limited, despite well-known abuses throughout the sector. In part, this is due to weak inspection regimes that fail to seriously investigate allegations of abuse. Many workers lack the opportunity to seek remedy due to informal working arrangements or migrant status. Unregulated recruitment agencies often escape liability for fraudulent or illegal practices and depriving workers of legal recourse against vessel owners or recruiters. Recognizing the heightened difficulty of monitoring treatment of fishery workers aboard vessels on high-seas, some States have turned to vessel monitoring and global positioning systems, though not all States have the capacity to do so.

Extraterritorial Obligations of States Paras. 66-70

It is the principal duty of States to regulate, monitor and investigate the activities of their domiciled corporations under national law or through intergovernmental instruments and voluntary codes of conduct such as the Guiding Principles on Business and Human Rights (2011). The Special Rapporteur has addressed the particular challenges in holding transnational corporations accountable for human rights violations in global supply chains where jurisdictions are often blurred. The 2017 United States case *Ratha v. Phatthana Seafood*, demonstrated the difficulty in holding a demand State responsible for the violations of its suppliers. Collaborative regulation among States can therefore help crack down on violations. For example, the Agreement on Port State Measures (PSMA) is the first binding international agreement to specifically target IUU fishing activities.

LEGAL FRAMEWORK: ROLE OF PRIVATE SECTOR

Private actors along the supply chain must take proactive measures to eliminate Paras. 71-73 exploitative working conditions and to implement protections consistent with international law. Instituting fair recruitment practices that prohibit the use of brokers or agents may reduce the risk of human trafficking and forced labour. Seafood suppliers and major retailers may also adopt risk assessment tools that screen for high-risk zones of forced labour and reveal potential abuses within their supply chains. Third-party audits, for example, have the potential to increase transparency and hold companies accountable to the public, but it remains up to private actors who commission the audit whether to publicly release the findings of these studies, and of course, how to address violations. Privately-funded initiatives and partnerships with States designed to track IUU fishing have the potential to further identify violations of fishery workers' rights at sea. Global Fishing Watch, Project Eyes on the Seas, and Fish-I Africa, for example, help governments and the private sector flag illegal activity. In 2017, nine of the world's biggest fishing companies with a combined annual revenue of about USD 30 billion signed the Seafood Business for Ocean Stewardship initiative to protect the world's oceans, pledging to help stamp out illegal activities, including the use of slave labour. This effort marks the first time that industry actors from Asia, Europe and the United States have jointly committed to ending unsustainable practices.

ROLE OF FISHERY ORGANIZATIONS Paras. 74-78

The FAO, the ILO, and International Maritime Organization continue to advance awareness of the socio-economic value of fisheries and conditions facing workers. The ILO is leading international dialogue on forced labour and trafficking in fisheries, while the FAO has introduced programs, such as GLOBEFISH, and collaborated with other UN Agencies to monitor the sustainability of global fisheries and call for State commitments consistent with the SDGs. The FAO is also working to understand the specific needs of small-scale inland and capture fisheries and to promote policies and programs that enable them to build resilience in the face of dual challenges from globalization and climate change.

Civil society and non-government organizations, including those with fishery workers as members, are critical for supporting these initiatives, empowering workers and ensuring that States are engaging in efforts to provide protective measures. There is also a broader Global Fisherman's Movement, with chapters in the United States, Canada, Japan, Senegal, Chile, Italy and Norway, that focuses on safeguarding common access to oceans and protecting food security of the world's fishers.

Particularly in the context of small-scale fisheries, fishery organizations can help challenge the prevailing assumption that small-scale fisheries do not significantly contribute to macroeconomic indicators. The World Forum of Fisher Peoples, for example, is comprised of 29 member organizations from 23 countries and represents over 10 million fish people. The Forum has helped promote a human rights-based approach to the implementation of the SSF Guidelines and advocated for more inclusive decision-making. The International Collective in Support of Fishworkers similarly monitors issues that relate to the livelihoods of fishery workers and help prepare guidelines for policy makers that often integrate a gender perspective on issues facing small-scale fisheries.

ROLE OF CONSUMERS Paras. 79-82

Fish rank third in the top five products at risk of modern slavery imported into G20 countries—approximately USD 12.9 billion worth of seafood may be products of modern slavery. Most consumers who purchase fish are unknowingly part of an abusive supply chain. Certification and labelling schemes relevant to fish are voluntary and primarily focused on the sustainability of the product rather than conditions of supply chain workers and do not take a human rights-based approach when evaluating labour practices.

Persistent consumer demand for specific types of fish, such as tuna, salmon, shrimp, not only perpetuate overfishing practices, but are more likely to result in worker exploitation, as companies will try to cut worker protections to maximize profit. Meanwhile, global trade guarantees the availability of fish at affordable prices. Diversifying consumption of fish species beyond shrimp, salmon and tuna, and seeking out additional information will indirectly reduce the risk of worker abuses. Consumers should also consider purchasing fish through a Community Supported Fishery model, which seeks to directly link small-scale fishermen to consumers.

SELECT RECOMMENDATIONS

Paras. 83-86

The Special Rapporteur recommends that States:

- a) Improve human rights protection for fishery workers, including those informally employed, especially those in presently vulnerable categories.
- b) Adopt and enforce legislations criminalizing contemporary forms of slavery practices in the fisheries sector.
- c) Collect data pertaining to human trafficking and labour exploitation.
- d) Adopt laws, programmes and policies to decrease child labour.
- e) Implement binding rules introducing due diligence mechanisms to allow those affected to hold supply chain actors accountable for human rights abuses.
- f) Ratify all ILO and IMO conventions relevant to workers in the fishery sector.
- g) Adopt and enforce laws and regulations to improve working conditions.
- h) Set a minimum wage corresponding to a “living wage” for all workers.
- i) Adopt and implement binding safety regulations adapted to the specificities of fisheries sector, based on, among others, the 2005 Code of Safety for Fishermen and Fishing Vessels.
- j) Implement social protection schemes.
- k) Guarantee the right, including for migrant workers, to establish and join trade unions.
- l) Devote appropriate resources for an effective functioning of labour inspectorates in fisheries, as per the ILO Labour Inspection Convention, 1947 (No. 81).
- m) Inform workers of underlying rights and available remedies
- n) Provide safe channels for undocumented migrant workers so that they can anonymously report violations without fear of retribution.
- o) Enact, implement and enforce national legislation that addresses structural violence and discrimination against women in the fishery sector.
- p) Require use of mandatory labelling systems and enable consumers to participate in defining relevant policies.
- q) Fulfil their commitments with respect to SDGs 1, 2 and 14.
- r) Fully implement the SSF Voluntary Guidelines.
- s) Prevent overfishing and IUU by developing and protecting fish sanctuaries.
- t) Adopt measures to address fish waste and marine pollution.

The Special Rapporteur recommends that International organizations, including ILO, FAO, UNICEF and OECD:

- a) Develop policy recommendations and guidance for States
- b) Increase transparency into supply chains and guiding the private sector.
- c) Develop regulatory mechanisms for commercial fishing and aquaculture

The Special Rapporteur recommends that private actors:

- a) Ensure that wages and working conditions for fisheries workers improve.
- b) Eliminate exploitative working conditions and implement protections
- c) Fund third-party audits to increase transparency to reveal exploitation.

The Special Rapporteur recommends that consumers:

- a) Diversify purchases to include fish and fish products that in lower demand and not associated with IUU fishing practices and exploitative working conditions.
- b) Purchase fish and fish products directly from fishers, cooperatives, or suppliers with more transparent, and less expansive supply chains.