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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Right to food****Report of the Special Rapporteur on the right to food****Summary*

Following the interim report devoted to the rights of agricultural workers and the paradoxical challenge they face in realizing their right to food (A/73/164), the present report focuses on two aspects of fishery workers' rights. First, it details the essential role that fishery workers play in contributing to the food security and nutrition of others, thus enabling the greater realization of the right to food. Secondly, it discusses the unique barriers that fishery workers face to the enjoyment of their own human rights, specifically the right to food, with special attention to vulnerable groups of fishery workers, including women, children, migrants and indigenous communities. Finally, it focuses on the obligations of States under international legal frameworks and the potential contribution of the private sector, international and regional organizations and consumers to enabling the realization of the right to food of fishery workers in a changing global food system.

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I. Introduction

1. 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. The fisheries sector is responsible for supporting the livelihoods of approximately 880 million people, many of whom are among the world's poorest.¹ 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.

2. Fishery workers face tremendous human rights violations and labour abuses in an inherently dangerous industry. Failure of States to implement adequate protections for workers perpetuates continued exploitation and impunity for those responsible. Over the past five years, investigations by news organizations and advocacy groups have brought to light the horrific abuses that fishery workers suffer throughout the supply chain.² Reported incidents have revealed human trafficking; forced, slave and child labour; sexual exploitation and violence; low or unpaid wages; and a lack of access to clean water, adequate food and basic services in workplaces. Despite those reports, rising demands for cheap seafood, loopholes in existing legal frameworks and the weak implementation and enforcement of fishing activities in domestic and international waters continue to result in the most serious violations of workers' rights.

3. While the two previous Special Rapporteurs on the right to food presented their respective thematic reports on fisheries (A/59/385 and A/67/268), the present report will emphasize the rights of fishery workers and the exploitation they face in a changing global food system. For the purposes of the report, "fishery workers" will include "any person working in marine or inland fisheries, both capture and aquaculture, regardless of their contract type or payment arrangement".³ This definition is intended to include fishers, fish farmers and those engaged in post-harvest processing activities. It also includes subsistence fishers and fish farmers who catch or raise fish primarily for their own consumption but sell their residual catch or fish product.⁴

4. The present report will describe recent trends in global fisheries and fish consumption, acknowledging the fishery workers who are critical to meeting the rising global demand for fish, but who suffer persistent human and labour rights violations. These violations undermine the ability of workers to secure accessible, available and adequate food for themselves and for their families. Particular attention is afforded to women, children, migrant populations and indigenous and coastal communities, who face a heightened risk of exploitation, despite relevant legal protections. Finally, the report will consider the role of the State in protecting, promoting and fulfilling the right to food of fishery workers consistent with international law and the potential influence of the private sector and other actors in supporting the rights of fishery workers in an ever-expanding global food system.

¹ Food and Agriculture Organization of the United Nations (FAO), *Scoping study on decent work and employment in fisheries and aquaculture: Issues and actions for discussions and programming* (Rome, 2016), p. 22.

² See, for example, Kate Hodal and Chris Kelly, "Trafficked into slavery on Thai trawlers to catch food for prawns", *The Guardian*, 10 June 2014; Robin McDowell, Margie Mason and Martha Mendoza, "AP investigation: slaves may have caught the fish you bought", Associated Press, 25 March 2015; Ian Urbina, "'Sea slaves': the human misery that feeds pets and livestock", *New York Times*, 27 July 2015; Human Rights Watch, "Hidden chains: rights abuses and forced labour in Thailand's fishing industry", 23 January 2018.

³ Tomi Petr, ed., *Inland fishery enhancements. Papers presented at the FAO/DFID Expert Consultation on Inland Fishery Enhancements. Dhaka, Bangladesh, 7–11 April 1997, FAO Fisheries Technical Paper, No. 374* (Rome, FAO, 1998).

⁴ The present report recognizes that the human rights situation of fishery workers varies tremendously depending on the type, size and location of the subject fishery, as well as the particular activity in which the worker is engaged.

II. State of fisheries

A. Marine and inland capture fisheries

5. Global fish consumption per capita has doubled since the 1960s,⁵ outpacing population growth by half.⁶ Current estimates indicate that fish provides 3.2 billion people with almost 20 per cent of their average intake in animal protein.⁷ This percentage is even higher in less developed countries and in small island developing States where fish is typically more affordable than other animal-source foods.⁸ Populations in Bangladesh, Cambodia, Ghana, Indonesia, Kiribati, Maldives, Sierra Leone, Solomon Islands and Sri Lanka, for example, obtain more than half of their animal protein from fish.⁹ Fish also contain essential micronutrients, vitamins, minerals and omega-3 fatty acids, which are necessary to improve malnutrition and reduce vulnerability to non-communicable diseases.¹⁰

6. 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. Inland capture fisheries are often located in remote rural areas where communities are highly dependent upon natural resources for their livelihoods.¹¹ Countries that are landlocked or otherwise lack access to marine resources may turn to inland fisheries for protein and micronutrients. Such is the case for several African countries including the Central African Republic, Chad, Malawi, Mali, Uganda and Zambia.¹²

7. Africa contributes approximately 25 per cent of inland catches, second only to Asia, which provides more than half of the global inland fishery catch,¹³ with China alone accounting for 20 per cent.¹⁴ Asia has an abundance of wetlands, rice fields and other inland ecosystems conducive for fish production. The per capita contribution of Africa is far higher than that of Asia, however, as Africa does not have a major aquaculture industry and relies more heavily on its inland capture operations for food and employment.¹⁵

8. Although pivotal, the majority of inland fisheries are small in scale, and thus their contribution to the greater fisheries sector often goes unrecognized. Due to the lack of sector-specific information and data, small-scale fisheries are less visible, and their importance is overlooked, especially in developing countries. However, fishing in nearshore waters as a source of food and employment can provide major social, economic and ecological benefits for coastal communities. Small-scale fisheries are thus integral to food security, poverty alleviation and sustainable development, consistent with Sustainable Development Goals 1, 2 and 14, as well as to the greater realization of economic, social and cultural rights.

⁵ FAO, *The State of World Fisheries and Aquaculture 2018: Meeting the Sustainable Development Goals* (Rome, 2018), p. 113.

⁶ FAO, *The State of World Fisheries and Aquaculture 2016: Contributing to Food Security and Nutrition for All* (Rome, 2016), p. 2.

⁷ World Bank, "Oceans, fisheries and coastal economies", 25 September 2018.

⁸ Laurence Schiller and others, "High seas fisheries play a negligible role in addressing global food security", *Science Advances*, vol. 4, No. 8 (August 2018).

⁹ FAO, *The State of World Fisheries and Aquaculture 2018*, p. 70.

¹⁰ *Ibid.*

¹¹ FAO, *Review of the state of world fishery resources: inland fisheries* (Rome, 2018), p. 201.

¹² *Ibid.*

¹³ FAO, *The State of World Fisheries and Aquaculture 2018*, p. 5.

¹⁴ FAO, *Review of the state of the world fishery resources*, p. 2.

¹⁵ *Ibid.*

B. Rise of aquaculture

9. The rise of aquaculture has shifted the landscape of modern fisheries, creating new potential for production and employment within the industry. 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 in Asia.¹⁶

10. Aquaculture operations require fewer workers than capture fisheries; the most recent estimates suggest that 19.3 million individuals work in aquaculture, compared with 40.3 million in capture fisheries. However, aquaculture has created more jobs in recent decades, while employment in capture fisheries has steadily declined. Between 1990 and 2016, the proportion of fishery workers employed in aquaculture increased by 15 per cent, but decreased by 15 per cent in capture fisheries.¹⁷

11. Aquaculture has the potential for more efficient supply chains and higher production than capture fisheries, but may pose threats to surrounding populations and ecosystems. Fish farms are associated with land grabbing and the displacement of local populations when States seek to expand intensive aquaculture operations. The conversion of agricultural land for aquaculture operations may cause farmers to lose their revenue stream, as aquaculture cannot provide alternative employment for all those displaced.

C. Globalization of fisheries

12. 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.

13. As the Special Rapporteur has previously addressed, exploitative working conditions exist in global supply chains that seek to maximize outputs at the lowest economic cost and at the expense of workers (A/71/282, paras. 11-20, and A/73/164, paras. 7-9). 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. Expanding supply chains may also cause detriment to small-scale and subsistence fishers and fish farmers, who must compete with industrial fishing operations for access to resources and markets.

III. Challenges to achieving the right to food for fishery workers

14. Although much attention is given to food insecurity and malnutrition, the extent to which fisheries impact the human rights of those employed in the sector, including the right to food, is often ignored. Fisheries are sources of livelihoods, sites of expression of cultural values and buffers against shocks for poor communities, all of which are prerequisites to realizing the right to food.

15. Barriers to achieving the right to food may vary among States and the specific circumstances of employment, for example whether the worker is engaged in a marine or inland fishery, in capture fishery or aquaculture, in industrial or small-scale operation and

¹⁶ FAO, *The State of World Fisheries and Aquaculture 2018*, p. 5; High Level Panel of Experts on Food Security and Nutrition, *Sustainable fisheries and aquaculture for food security and nutrition*, Report 7 (Rome, 2014), p. 37.

¹⁷ For further information, see FAO, *The State of World Fisheries and Aquaculture 2018*, p. 5.

in primary or secondary activities. The formality of employment is also relevant. Due to the inherent dangers of the fisheries sector, most workers experience precarious working conditions that cumulatively undermine their realization of the right to food. Women, children, migrant workers and indigenous and coastal populations face heightened barriers to realizing this right.

A. Overview

16. It is estimated that a total of 660 to 880 million people, or 10 to 12 per cent of the world's population, directly or indirectly depend on fisheries.¹⁸ That estimate includes 120 million people who directly depend on fishery-related activities for their livelihoods¹⁹ and 60 million people who are directly employed, full-time, part-time, or informally, as fishers or fish farmers in the primary sector. Approximately 85 per cent of workers live in Asia, which is also host to 96 per cent of all aquaculture workers.²⁰ Around 10 per cent of workers in the sector are employed in Africa, and 4 per cent in Latin America and the Caribbean.²¹ According to the International Labour Organization (ILO), each fishery worker, on average, provides for three dependants or family members.²²

17. Of the 19.3 million fish farmers and 40.3 fishers,²³ 37 per cent are employed full-time, 23 per cent are employed part-time and over 15 million work on board fishing vessels.²⁴ ILO estimates that “for each person employed in capture fisheries, there are about four jobs produced in the secondary activities”,²⁵ including fish trading, processing and selling, many of which are performed by women. Women account for 14 per cent of those employed in the primary sector²⁶ and comprise almost half of the secondary sector workforce, playing a prominent role in the processing, sale and trade of fish.²⁷

18. Small-scale fisheries catch nearly the same amount of fish as industrial fisheries but employ 25 times more workers and use an eighth of the amount of fuel annually.²⁸ They also represent a huge diversity of cultures and practices, including subsistence and artisanal fishers, who use small vessels to catch fish for household needs and sale. More than 90 per cent of the world's estimated 34 million full-time and part-time fishers derive their livelihood from the small-scale sector, and they contribute to 80 per cent of the total world catch used for domestic human consumption.²⁹ Women occupy 47 per cent of small-scale fishery employment and 56 million jobs in developing countries.³⁰

19. Small-scale fisheries include most inland capture fisheries, which account for 2.5 to 6 per cent of the global agricultural workforce. Inland capture fisheries employ between 16.8 million and 20.7 million people in the primary sector and another 8 to 38 million in the

¹⁸ FAO, *The State of World Fisheries and Aquaculture 2012* (Rome, 2012), p. 46; FAO, *Scoping study on decent work and employment in fisheries and aquaculture*, p. 22.

¹⁹ High Level Panel of Experts on Food Security and Nutrition, *Sustainable fisheries and aquaculture for food security and nutrition*, Report 7 (Rome, 2014), p. 16.

²⁰ FAO, *The State of World Fisheries and Aquaculture 2018*, p. 5.

²¹ Ibid.

²² ILO, *Work in Fishing Convention and Recommendation, 2007: Action Plan 2011–2016* (Geneva, 2011), p. 1.

²³ FAO, *The State of World Fisheries and Aquaculture 2018*, p. 5.

²⁴ ILO, “Fisheries”. Available at www.ilo.org/global/industries-and-sectors/shipping-ports-fisheries-inland-waterways/fisheries/lang-en/index.htm (accessed on 15 January 2019).

²⁵ ILO, *Work in Fishing Convention and Recommendation, 2007: Action Plan 2011–2016* (Geneva, 2011), p. 1.

²⁶ FAO, *The State of World Fisheries and Aquaculture 2018*, p. 5.

²⁷ FAO, *The State of World Fisheries and Aquaculture 2016*, p. 5.

²⁸ Catherine A. Courtney and Nayna J. Jhaveri, *Looking to the sea to support development objectives: A primer for USAID staff and partners* (Washington, D.C., 2017), p. 5.

²⁹ High Level Panel of Experts on Food Security and Nutrition, *Sustainable fisheries and aquaculture for food security and nutrition*, Report 7 (Rome, 2014), p. 34.

³⁰ Ibid., p. 17.

secondary sector.³¹ Women represent half of those workers and 20 per cent of inland fishers who forage, glean and catch fish from shore or from small boats.³²

B. Occupational safety and health hazards

20. According to ILO, fishery work is notoriously “dirty, dangerous and difficult”, yet States often fail to implement applicable national health and safety regulations due to a lack of resources and difficulties in monitoring the sector. In commercial fisheries, approximately 24,000 workers die each year.³³ There are also high rates of injury and disease.³⁴ Most fatal incidents occur at sea, either from overexposure to heat, sun and salt water or because of the dangerous equipment used to catch, sort and store fish. Accidents can also result from inoperative tools and machinery and inadequate safety equipment. Simple life-saving measures such as life vests and medical supplies are often absent on board, and captains may be unwilling to return to shore for medical attention. Moreover, the prolonged isolation of crew in long-distance fishing fleets and poor living conditions on board undermine workers’ health and well-being.

21. Inland fishery workers are similarly lacking in adequate safety equipment and may suffer fatal accidents from unstable fishing platforms. Drowning has been reported among fishers, especially children who are forced to dive without protective equipment, in artificial reservoirs such as Lake Volta, the largest reservoir in the world, and in Lake Kariba. 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. In open-seas aquaculture, as in Norway, fish farmers encounter dangerous winds, waves and currents and cold temperatures.

22. Post-harvest workers, mostly women, experience unique hazards associated with damp processing facilities, where they stand for long hours and often work without gloves or other basic protective clothing. Many of these workers inevitably develop serious health problems. Even when States require safety measures for processing facilities, workers may lack proper training and awareness of potential risks.

C. Right to a living wage

23. Despite the occupational hazards that fishery workers endure in an effort to earn a living, most of them remain unable to pay for basic needs and services for themselves and their families. As the right to food requires the guarantee of a living wage, workers must be able to afford food, clothing, housing, education and health care.

1. Wages and contracts

24. Contrary to the ILO standards relating to seafarers,³⁵ no minimum basic wage figure exists under the ILO framework for fishery workers.³⁶ As a result, salaries are usually less than national minimum wages and rank among the lowest per capita income (A/67/268, para. 26). For example, in Bangladesh, 87 per cent of fishers find themselves below the poverty line, with a per capita annual income of around \$412, three times lower than the national average. Wages are especially low in the small-scale fisheries sector, where most fishery workers are self-employed or work without formal contracts. It is estimated that 5.8

³¹ FAO, *Review of the state of the world fishery resources*, p. xiv.

³² FAO, *Review of the state of the world fishery resources*, p. 264.

³³ See also FAO and ILO, *Guidance on addressing child labour in fisheries and aquaculture* (Turin, 2013), p. 85.

³⁴ *Ibid.*

³⁵ ILO Recommendation No. 187 concerning Seafarers’ Wages, Hours of Work and the Manning of Ships.

³⁶ ILO, “The Work in Fishing Convention, 2007 (No. 188): getting on board”, issues paper for discussion at the Global Dialogue Forum for the promotion of the Work in Fishing Convention, Geneva, 15–17 May 2013, p. 4.

million small-scale fishery workers earn less than \$1 per day. The Committee on Economic, Social and Cultural Rights highlighted the high incidence of absolute poverty among small-scale fishers in the Philippines (E/C.12/PHL/CO/5-6, para. 45).

25. As many activities are seasonal, workers may only receive periodic income, and scheduled payments are reportedly made late or withheld entirely throughout the supply chain. Workers frequently receive far less remuneration than initially promised or expected. Employers of marine fishers deduct various on-board costs from wages, including for food, water and hygiene products. Such deductions may lead to “debt bondage”, especially for migrant workers who may owe an initial debt to recruiters. Some employers also delay the transfer of wages to fishers’ families once fishers are isolated at sea.

2. Working hours and quotas

26. Long hours of continuous, strenuous labour cause fatigue among workers and increase the likelihood of accidents. Fishers aboard commercial vessels reportedly work 14 to 16 hours per day, and in the most extreme cases up to 20 hours per day, taking only 2 hours of rest between shifts lasting 7 to 13 hours. Such schedules of work are contrary to international labour standards, which impose a minimum rest requirement of 10 hours in a 24-hour period and 77 hours in any seven-day period.

27. In aquaculture and seafood processing, average working time varies by region, but often exceeds recommended labour standards. ILO advised seafood processors in Thailand to limit working hours to 8 hours per day or 48 hours per week, and to cap overtime at 36 hours per week.³⁷ Yet, over 60 per cent of women surveyed at Thai shrimp processing facilities routinely work extensive overtime, earning such low wages that they remain severely food insecure.³⁸ In Ecuador and India, aquaculture workers work up to 16 or 18 hours per day.³⁹ Use of drugs, such as amphetamines, is prevalent among workers, especially women in processing facilities, to help cope with the long working hours (CEDAW/C/LKA/CO/8, para. 40).

28. Employers may unilaterally impose quotas similar to those used in agriculture (A/73/164, para. 17), thus forcing workers to work longer hours just to meet minimum wage requirements. Women in Indonesia reported working unpaid hours or cutting breaks in violation of the local minimum wage law just to make shrimp peeling targets.⁴⁰ Quota systems are imposed on board vessels in conjunction with revenue-sharing among crew members, thus incentivizing excessive working hours to increase the communal catch. In France, for example, remuneration is usually based on a share of the revenue minus the operational costs of the vessel. A similar system is utilized throughout capture fisheries, including in commercial fisheries in the United States of America and by most artisan and coastal fisheries in Morocco.⁴¹

3. Limited collective bargaining

29. Collective bargaining is crucial for workers to improve their working conditions and ensure their right to food, yet fishery workers are often unable to exercise their right to freedom of association. Like agricultural workers, fishery workers work in remote and isolated settings that are not conducive to unionization (A/73/164, paras. 19–20). Even in less secluded work settings where workers can assemble more easily, such as seafood

³⁷ ILO, “Good labour practices: guidelines for primary processing workplaces in the shrimp and seafood industry of Thailand”, pp. 9–10.

³⁸ Oxfam International and the Sustainable Seafood Alliance Indonesia, “Supermarket responsibilities for supply chain workers’ rights: continuing challenges in seafood supply chains and the case for stronger supermarket action”, June 2018, pp. 6 and 23–24.

³⁹ Environmental Justice Foundation, “Smash & grab: conflict, corruption and human rights abuses in the shrimp farming industry”, p. 22.

⁴⁰ Oxfam International and the Sustainable Seafood Alliance Indonesia, “Supermarket responsibilities for supply chain workers’ rights”, p. 6.

⁴¹ Jordi Guillen and others, “Remuneration systems used in the fishing sector and their consequences on crew wages and labor rent creation”, *Maritime Studies*, vol. 16, No. 3 (February 2017).

processing plants, employers often warn against the creation of unions and may threaten to fire union leaders and participating workers. In 2013, the Citra Mina Group of Companies, one of the largest tuna exporters in the Philippines, terminated the contracts of 234 workers for unionizing. That action launched a union-driven campaign for “worker safe” tuna and compelled government intervention.⁴² Despite efforts to increase union membership, including campaigns by the International Transport Workers’ Federation and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations, it is estimated that only 1 per cent of workers employed in fisheries are unionized.⁴³

4. Lack of social protection

30. States are responsible for establishing social protections against the risk of poverty caused by sickness, disability, maternity leave, employment injury, unemployment, age, the death of a family member and health-care and childcare costs. However, like agricultural workers (A/73/164, para. 18), 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, including social security, workers’ compensation and health insurance. In small-scale fisheries, most workers operate under oral agreements that lack fixed or enforceable terms and benefits. Despite the well-recognized dangers of the sector, most fishery workers and their dependants lack a social safety net in the event of work-related injury or death.

D. Populations needing special protection

31. Over the past five years, many news agencies and non-governmental organizations (NGOs) have published scathing investigative reports about the horrific conditions of fisheries, tracing the exploitation of workers along the supply chain to the fish that is harvested, processed and sold by the world’s largest retailers and distributors.⁴⁴ The highest incidences of exploitation are reported in South-East Asia, where the majority of fishery workers are employed; however, human trafficking and other abuses have been documented in Africa, particularly in Ghana, in Ireland, New Zealand and the Russian Federation, and in Hawaii.

32. Women, children and migrant workers are particularly vulnerable to the most severe forms of exploitation, including human trafficking, fraudulent and deceptive recruitment, forced labour, physical, mental and sexual abuse, homicide, child labour, abandonment and discrimination. Indigenous and coastal populations experience unique and significant challenges to realizing their right to food.

1. Women

33. Women are widely involved in the fisheries sector, but they often lack adequate protection from exploitation, even when States adopt measures consistent with international law, including the Convention on the Elimination of All Forms of Discrimination against Women (A/73/164, paras. 37–42). The lack of protection is largely attributed to the prevalence of informal work arrangements. In small-scale fisheries, women’s responsibilities as fishers, processors and traders may be considered occasional activities, complementary to housework. Women who help family members are not acknowledged or paid as part of the workforce. In aquaculture, women are often “hidden” within the value

⁴² International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations, “Organising globally to fight exploitation in fisheries and aquaculture: international meeting of fishing industry and aquaculture workers’ unions, Oslo, Norway, 23–24.11.2015”, p. 17.

⁴³ For more information, see the From catcher to counter joint programme by the International Transport Workers’ Federation and the International Union of Food Workers.

⁴⁴ See Hodal and Kelly, “Trafficked into slavery”; McDowell, Mason and Mendoza, “AP investigation: slaves may have caught the fish you bought”; Urbina, “‘Sea slaves’: the human misery”; Human Rights Watch, “Hidden chains”.

chain, as their husbands or other male household members are likely to be the final decision makers or formal owners of operations.

34. Most women with formal employment work in the post-harvest sector, where they are disproportionately impacted by the safety and occupational hazards associated with processing activities. Articles 11 and 12 of the Convention on the Elimination of All Forms of Discrimination against Women address women's right to protection of health and safety, with particular focus on pregnant women and young mothers. However, childcare and other accommodations are rarely available at processing sites, thus forcing many women to accept informal, part-time work that does not offer protection against occupational hazards or other social benefits such as maternity leave. Many women employed at processing facilities are also victims of physical and sexual abuse from their supervisors or employers, but they mostly remain silent for fear of losing their employment.

35. Women workers face gender discrimination throughout the industry, with less secure employment than men and fewer opportunities to unionize. A study of aquaculture operations in Nigeria and Viet Nam concluded that women often perform the lowest-paying jobs, while men perform more secure, managerial roles.⁴⁵ In the shrimp processing sector in Bangladesh and Thailand and in the salmon processing industry in Chile, women are less likely to have a permanent contract than men and are more likely to be engaged in seasonal employment.⁴⁶ Women are also likely to receive lower wages than those their male counterparts receive for the same work. Even when women work as full-time, independent fishers, they are often underpaid by intermediaries and other actors along the supply chain.

36. In some places, the practice of "fish for sex" is common among inland fishers and female fish traders seeking to secure their supply of fish at a better price.⁴⁷ The practice is thought to contribute to high HIV/AIDS figures in the affected communities.

2. Children

37. Children are responsible for a range of activities throughout the fisheries sector, often consistent with traditional gender roles. The occupational safety and health hazards associated with those activities have particularly severe consequences on children's health, as they are more susceptible to illness, fatigue and injury. Since fisheries are notoriously dangerous, employing children in the industry is considered among the worst forms of child labour, yet it is prevalent in small-scale and aquaculture enterprises. ILO and the Food and Agriculture Organization of the United Nations (FAO) estimate that 60 per cent of child labourers, or 129 million children, are working in the agricultural sector, which includes fisheries and aquaculture.⁴⁸

38. In Bangladesh, El Salvador, Ghana and the Philippines, fisheries are responsible for 2 to 5 per cent of all child labour, and children account for 9 to 12 per cent of all fishery workers; in Senegal and in the Baluchistan province of Pakistan, children constitute 28 per cent of fishery workers. Inland fisheries in Africa and in Myanmar also utilize child labour.⁴⁹

39. Despite that, many existing policies fail to include targeted protections for children (A/73/164, para. 45), despite international instruments setting forth protections for children, including the Convention on the Rights of the Child, and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). Child labour in fisheries, as in agriculture, is not only

⁴⁵ Froukje Kruijssen, Cynthia L. McDougall and Imke J.M. van Asseldonk, "Gender and aquaculture value chains: a review of key issues and implications for research", *Aquaculture*, vol. 493 (August 2018), pp. 328–337.

⁴⁶ Ibid.

⁴⁷ FAO, *Review of the state of the world fishery resources*, p. 264.

⁴⁸ FAO and ILO, *Guidance on addressing child labour in fisheries and aquaculture*, p. 11.

⁴⁹ Trafficking of children for labour in small-scale and artisan fisheries is well-documented on Lake Volta in Ghana. See International Justice Mission, *Child Trafficking into Forced Labor on Lake Volta, Ghana: A Mixed-Methods Assessment* (Washington, D.C., 2016). Child labour has also been reported on Lake Chilwa and Lake Malawi in Malawi, and on Lake Victoria in Uganda. See FAO, *Review of the state of the world fishery resources*, p. 260.

a human rights violation but a symptom and a self-reinforcing cause of poverty (A/73/164, para. 44). Indeed, widespread poverty in fishing and aquaculture communities is conducive to child labour, as it is considered both as a source of cheap labour and as necessary for realizing the right to food for children and their families.

3. Migrant workers

40. Migrant workers comprise a significant segment of the fisheries workforce, yet they suffer the most severe forms of abuse, including contemporary forms of slavery such as forced labour, bonded labour and human trafficking. States may seek to curtail such practices, in compliance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime, the supporting Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

41. Despite those protections, an estimated 40 million people, 71 per cent of whom are women and 62 per cent of whom are forced into labour, are trapped in modern slavery.⁵⁰ Labour trafficking has been on the rise in Europe, including in Belgium, Portugal and the United Kingdom of Great Britain and Northern Ireland, since 2015.⁵¹ In the context of fisheries, contemporary slavery has been reported in South Asia, where high-ranking brokers traffic thousands of migrants from Cambodia, the Lao People's Democratic Republic and Myanmar, including women and children, to China, Indonesia and Thailand every year (A/HRC/30/35, para. 26, and A/HRC/33/46, paras. 17 and 30). Recent testimony from Egyptian, Filipino and Ghanaian migrant fishermen working on Irish-registered trawlers has contained allegations of conditions of modern slavery and susceptibility to trafficking under the State's work permit scheme.⁵² The International Organization for Migration (IOM) has warned against recruiting Rohingya refugees in Bangladesh into forced labour in the fishing industry with false offers of paid work.⁵³

42. Trafficking and forced labour among migrant workers are especially prevalent on the high seas, often beyond the reach or oversight of relevant State authorities. The connection between human trafficking and illegal, unregulated and unreported fishing is well established. The practice of trans-shipment further enables vessels to traffic and exploit workers without detection, as vessels may remain at sea for months or years at a time. Vessels operating away from shore, due to overfishing and the depletion of coastal fish stocks, are more likely to look to migrants for cheap or unpaid labour as long-distance fishing entails higher fuel and production costs.

43. Even without forced labour conditions, migrant workers are more vulnerable to discrimination and exploitation than their national counterparts, encountering language barriers and racist comments. In Ireland, and in Hawaii, for example, workers from Asia and Africa reported working long hours with little rest and were paid less than national workers.⁵⁴

44. Recruitment agents and employers may confiscate identification and legal documents to prohibit migrants from seeking compensation or protection from government officials. Migrant workers, particularly those without documentation, are at risk of detention and deportation in several countries, such as Algeria, Bolivia (Plurinational State of), Ecuador, Guatemala, Guinea, Nigeria, Peru, the Philippines, the Republic of Korea, Sri

⁵⁰ Global Slavery Index 2018.

⁵¹ Anuradha Nagaraj, "Europe's immigration barriers branded 'a gift to traffickers'", Reuters, 15 November 2018.

⁵² On 8 December 2018, the High Court of Ireland denied the injunction bid by the International Transport Workers' Federation on behalf of migrant workers. See Ann O'Loughlin, "Judge dismisses scheme injunction", *Irish Examiner*, 8 December 2018.

⁵³ IOM, "UN migration agency warns of trafficking, labour exploitation, sexual abuse of Rohingya refugees", 14 November 2017.

⁵⁴ Migrant Rights Centre Ireland, "Left high and dry: the exploitation of migrant workers in the Irish fishing industry", 2017, p. 4.

Lanka, Thailand and Timor-Leste, and they are unable freely to join or form unions to collectively advocate for their rights.

4. Indigenous peoples and coastal communities

45. Nearly 2.5 billion people, or 40 per cent of the world's population, live in coastal zones and rely on fisheries as a source of food and income and as a buffer against economic shocks.⁵⁵ They include indigenous peoples, for whom fisheries are the main source of animal protein – up to 15 times more than the global average⁵⁶ – and sites of cultural expression. The United Nations Declaration on the Rights of Indigenous Peoples acknowledges and upholds traditional, long-standing rights to fishing areas and resources (art. 26).

46. Nevertheless, the creation of conservation or marine protected areas, large-scale development projects, tourism, natural resource extraction and industrial aquaculture threaten the rights of indigenous and non-indigenous communities alike. A proposal to designate the Eastern Shore Islands of Nova Scotia as a marine protected area, for example, has raised concerns among the Nova Scotia Mi'kmaq chiefs about the potential impacts of a “no-take” zone on indigenous fishers, a concern shared by the local non-indigenous lobster fishers.⁵⁷ The depletion of coastal fish stocks due to industrial fishing, marine pollution and climate change is further forcing small-scale fishing communities to attempt long-distance fishing, despite fishers lacking the equipment necessary to protect themselves against unpredictable weather conditions. Small-scale fishers may also seek employment with larger industrial operations, which are more dangerous and exploitative.

47. In some cases, communities are simply forcibly evicted without adequate notice, consultation or compensation, which adversely affects the realization of their right to food. In the aftermath of Hurricane Irma, for example, the central Government in Antigua and Barbuda passed legislation privatizing landownership in order to attract investment, thus dispossessing the 1,600 inhabitants of Barbuda who rely on fisheries for their livelihoods.⁵⁸

IV. Legal framework

48. The full enjoyment of human rights and labour rights for all fishery workers is a necessary precondition for the realization of the right to food (A/73/164, para. 27). To that end, and as labour rights and human rights are interdependent, indivisible and mutually inclusive, fishery workers are entitled to all the relevant human rights and labour rights protections that are guaranteed under international and domestic law. Unfortunately, rising demand for cheap seafood and cheap labour along with it have undermined efforts to create a comprehensive legal framework to protect fishery workers at the State level. Jurisdictional uncertainty arising from extraterritorial activities and operations on the high seas and a lack of resources for implementation and enforcement have created additional gaps in protection.

49. To account for the fragmented legal frameworks, the private sector, international organizations and consumers should take measures to incentivize greater protections for fishery workers, eliminating labour exploitation along supply chains and ensuring that fishery workers are included in decision-making processes.

⁵⁵ Lauretta Burke and others, *Reefs at Risk Revisited* (Washington, D.C., World Resources Institute, 2011), p. 21.

⁵⁶ Abigail Bennett and others, “Contribution of fisheries to food and nutrition security”, 2018, p. 14.

⁵⁷ Paul Withers, “Mi'kmaq chiefs reject any ban on Indigenous fishing in marine protected areas”, CBC News, 17 September 2018.

⁵⁸ Joanne C. Hillhouse, “Barbuda's Hurricane Irma story is about devastation and resilience”, *HuffPost*, 1 September 2018.

A. Role of the State and relevant international commitments

50. States have the primary duty to respect, protect and promote the right to food and all the human rights of fishery workers under international human rights law. Consistent with international labour law and relevant international commitments, States should take all necessary measures, such as the adoption of laws, regulations, policies and programmes, to implement their international obligations towards all fishery workers.

1. International human rights law and standards

51. Article 25 of the Universal Declaration of Human Rights and article 11 of the International Covenant on Economic, Social and Cultural Rights charge States with the obligation to respect, protect and fulfil the realization of fishery workers' human rights, including the right to food. The Committee on Economic, Social and Cultural Rights explained in its general comment No. 12 (1999) on the right to adequate food that that right should be considered not in a narrow and restrictive sense but as being interdependent with all the other human rights and fundamental freedoms guaranteed by the core treaties on human rights, in particular the right to life, the right to health and the right to have decent work.

52. As the Special Rapporteur discussed previously, article 12 of the Covenant provides for the right to the highest attainable standard of health and its underlying determinants (A/73/164, para. 32). Fishery workers are thus entitled to adequate safe and hygienic conditions, adequate food and drinking water and safe working conditions, as the Committee has set out in its general comments No. 14 (2000) on the right to the highest attainable standard of health and No. 15 (2000) on the right to water. For workers aboard vessels at sea or engaged in especially dangerous work, States are obliged to prevent or minimize occupational and safety hazards to the extent reasonably practicable.

53. Articles 6, 7 and 9 of the Covenant provide for the right to just and favourable conditions of work, including the right to a living wage, the right to rest and the right to reasonable working hours. Despite the high rate of informality in the sector, fishery workers are entitled to opportunities that provide steady income and employment security. States must also ensure that vessels engaged in trans-shipment do not impose excessive working hours or interfere with opportunities for rest. Article 9 of the Covenant and the Committee's general comment No. 19 (1998) further define the parameters of the right to social security, a system that fails to include most agricultural workers and fishery workers alike (A/73/164, para. 31).

54. While it is not binding on States, the Code of Conduct for Responsible Fisheries recommends that States ensure that fishing facilities and equipment as well as all fisheries activities allow for safe, healthy and fair working and living conditions (art. 6.17), consistent with obligations set out in the Covenant. The Code of Conduct also indicates that States should enhance the training and competency of fishers (art. 8.1.7) and ensure compliance with health and safety standards (art. 8.1.5). Finally, the Code provides that crew members are entitled to repatriation to their home country at the end of their contracts (art. 8.2.9). The International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, which was established under the Code of Conduct, further details the economic, social and environmental impacts of illegal, unregulated and unreported fishing under its social responsibility clause (para. 9.3).

55. Guidance for States on realizing the right to food is set forth in general in the 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 Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication. The Guidelines represent the first international instrument dedicated entirely to small-scale fisheries, promoting a human rights-based approach to the realization of the right to adequate food and the equitable socioeconomic development of fishers and fishing communities. Some States are actively using the Guidelines to develop a regulatory framework that recognizes the contribution of fisheries

to food security, poverty eradication and nutrition and that guarantees specific rights such as the right to decent work.

2. International labour law

56. ILO provides a normative framework for States to better regulate working conditions within the fisheries sector. The ILO Work in Fishing Convention, 2007 (No. 188) sets basic standards of decent work for the 38 million workers employed on commercial fishing vessels, including conditions of service, a minimum working age, accommodation and food, occupational safety and health, medicinal care and social security.

57. The Convention expands the jurisdiction of ratifying States to inspect the compliance of both domestic and foreign vessels, and provides reporting, monitoring and complaint procedures, penalties and corrective measures. In July 2018, one year after the Convention entered into force, the first detention of a fishing vessel under the Convention took place in Cape Town, South Africa, following complaints by the crew concerning working conditions on board.⁵⁹ The South African Maritime Safety Authority found a lack of documentation for workers on board, insufficient food, and poor accommodation, safety and health conditions.⁶⁰ Guidelines for administering such inspections are set forth in one of four supporting resolutions, and the ILO Work in Fishing Recommendation, 2007 (No. 199) provides general guidance on implementation.⁶¹

58. States may extend the protection of the Work in Fishing Convention to smaller vessels of less than 24 m,⁶² which constitute 90 per cent of fishing vessels worldwide.⁶³ When applied to small-scale fishing, the Convention allows for the progressive realization of certain provisions, such as the need to have written contracts, a list of crew members, medical certificates and protection in case of work-related injury, sickness or death, provided the boat is not at sea for more than seven days.⁶⁴ The Convention does not, however, extend to shore-based workers in the fishing sector, such as those engaged in land-based aquaculture operations or processing activities.⁶⁵ States may apply the ILO eight core conventions that address the fundamental rights of workers, although they are not specific to the fisheries sector (A/73/164, para. 34).

59. Other international labour instruments relevant to fishery workers include the ILO Forced Labour Convention, 1930 (No. 29) and its Protocol of 2014 and the Trafficking in Persons Protocol, which include forced labour in the fishing sector within their scope of application. The ILO Occupational Safety and Health Convention, 1981 (No. 155) is also relevant, although it is not specific to the fisheries sector, where dangers are numerous and widespread. While the Maritime Labour Convention, 2006 (MLC), which sets out global standards on the working and living conditions of seafarers, explicitly excludes fishers from its scope, there are national laws and regulations in some States that address seafarers' working conditions, including in application of the MLC, and that also cover (or extend to) fishery workers, at least in part.⁶⁶

60. State ratification of those conventions has been quite slow, and most States have not adopted comprehensive international labour or safety standards applicable to the fisheries sector. Nevertheless, some States have made notable efforts to address exploitation of

⁵⁹ ILO, "First fishing vessel detained under ILO Fishing Convention", 17 July 2018.

⁶⁰ Ibid.

⁶¹ The two other resolutions concern the tonnage measurement and accommodation and the promotion of welfare for the fishers.

⁶² Art. 2 (3) of the Convention provides that "any Member, after consultation, may extend, in whole or in part, to fishers working on smaller vessels the protection provided in this Convention for fishers working on vessels of 24 metres in length and over". See also ILO, *Handbook for improving living conditions on board fishing vessels* (Geneva, 2010), p. 29.

⁶³ ILO, "Decent working conditions, safety and social protection: Work in Fishing Convention No. 188 and Recommendation No. 199", 2007.

⁶⁴ ILO, "The Work in Fishing Convention, 2007 (No. 188): getting on board", p. 18.

⁶⁵ ILO, "Guideline to undertake a comparative analysis of the Work in Fishing Convention, 2007 (No. 188) and national laws, regulations or other measures", 1 May 2011, p. 2.

⁶⁶ ILO, "Decent working conditions", p. 7.

workers, particularly those on board vessels. New Zealand, for example, introduced legislation requiring foreign vessels to adopt the New Zealand flag when operating within its waters, thus extending full and exclusive State jurisdiction over a vessel's safety and employment practices.⁶⁷ The United Kingdom passed the Modern Slavery Act 2015, enabling law enforcement officers to board vessels and order them back to port on suspicion of modern slavery or human trafficking.⁶⁸

3. Other relevant international treaties

61. Protections for fishery workers may also be derived from commitments in multilateral and bilateral treaties. Unfortunately, States parties do not always take advantage of relevant provisions, as is the case for the United Nations Convention on the Law of the Sea. The Convention requires States to control the social matters of their registered vessels (art. 94 (1)), provides for States to prevent and punish the transport of slaves in ships flying their flag (art. 99) and grants a right of visit to any high-seas vessel that a State suspects is involved in the slave trade (art. 110 (1)). States hardly ever use that instrument to combat contemporary forms of slavery in commercial fisheries.

4. Monitoring compliance and administration of remedies

62. States are responsible for protecting the rights afforded to fishery workers and administering appropriate remedies for violations consistent with international law. Yet, despite known human rights and labour rights violations throughout the sector, few workers receive redress. Human rights case law involving fishery workers is quite limited, and often concerns access rights of indigenous peoples in developed countries.

63. In part, that is because most States have weak inspection regimes and fail to seriously investigate allegations of abuse. In a 2015 report, for example, the Government of Thailand noted that inspections of 474,334 fishery workers failed to identify a single case of forced labour – a surprising result, given the well-publicized exploitation within the industry.⁶⁹ As of 2016, the United States Department of Justice had not conducted any criminal prosecutions relating to human trafficking in United States-bound fishery supply chains, despite having legal authority to do so.⁷⁰

64. The failure of States to effectively monitor and investigate potential abuses is significant, as most fishery workers face major barriers to accessing justice. Even workers who are aware of the available protections may lack the opportunity to seek a remedy due to their informal working arrangements or migrant status. In the case of migrant workers, vessel owners and operators may escape liability by hiding behind unregulated recruitment agencies that engage in fraudulent or illegal practices, further depriving workers of legal recourse against either party. Workers with the opportunity and means to report abuse may remain silent to avoid losing employment or spending time on lengthy complaint procedures that result in minimal sentences for abusers.

65. Opportunities to report abuses are rare for fishery workers who experience human rights and labour rights violations while at sea. Recognizing that it is difficult to monitor or control commercial fishing vessels on open waters, some States have turned to vessel monitoring and global positioning systems. Such systems better enable States to track vessels and identify signs of human trafficking and forced labour on board. Unfortunately, not all States have the capacity to invest in monitoring technology and not all vessels employ such devices.

⁶⁷ FishCRIME, "ILO report on labour exploitation in the fishing sector", 25 November 2016.

⁶⁸ Ibid.

⁶⁹ Thailand, *Trafficking in Persons Report 2015: The Royal Thai Government's Response, January 1 - December 31, 2015* (Bangkok, 2016), p. 75.

⁷⁰ Trevor Sutton and Avery Siciliano, "Seafood slavery: human trafficking in the international fishing industry", 2016.

5. Extraterritorial obligations of States

66. It is a 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. The Special Rapporteur has addressed the particular challenges of holding transnational corporations accountable for human rights violations in global supply chains where jurisdictional lines are often blurred (A/73/164, para. 76).

67. In the 2017 United States case, *Ratha v. Phatthana Seafood*, for example, a federal judge dismissed a civil lawsuit brought by seven Cambodian labourers seeking compensation for exploitation while forced to work in two shrimp processing plants of major suppliers to large United States retailers.⁷¹ The judge determined that, even if the plaintiffs could demonstrate that they were held in slavery and that products manufactured as a result of their forced labour were sold to the United States, the United States held no jurisdiction over its extraterritorial suppliers.

68. Given that maritime boundaries are unclear and imprecise, it is difficult to implement extraterritorial responsibility in the fishing industry. It is even more complicated in the context of marine fisheries or in waters of multiple jurisdiction, where flag States, or the State under which the vessel is registered, maintain primary responsibility to implement international obligations, regardless of where the vessel is operating. On the high seas, this regulation may be supplemented by relevant international agreements that allocate regulatory authority among States to prevent, deter and eliminate illegal, unregulated and unreported fishing. Similarly, if a vessel is in the waters or at the port of another State, that coastal or port State also has certain rights and responsibilities.

69. According to ILO, some fishing companies register vessels in open international registers to avoid law enforcement measures or purposefully to register vessels in flag States that are unable or unwilling to exercise jurisdiction.⁷² Collaborative regulation among States can help crack down on such evasive practices. The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, for example, is the first binding international agreement to specifically target illegal, unregulated and unreported fishing activities with which human rights abuses are often intertwined.

70. States have also initiated a global dialogue with academics, fishery experts and international agencies to address extraterritorial obligations towards fishery workers. The first international fisheries crime symposium, FishCRIME, was held in 2015. The fourth annual symposium was held in October 2018, and resulted in the adoption of a non-binding Ministers' Declaration on Transnational Organised Crime in the Global Fishing Industry by nine States from four continents.

B. Role of the private sector

71. Private actors along the supply chain must take proactive measures to eliminate 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 the private actors who commission the audits whether to publicly release the findings of the studies and, of course, how to address violations.

72. Privately funded initiatives and partnerships with States that are designed to track illegal, unregulated and unreported fishing have the potential to further identify violations of fishery workers' rights at sea. Global Fishing Watch, Project Eyes on the Seas, and

⁷¹ Southern Shrimp Alliance, "Cambodia". Available at www.shrimpalliance.com/tag/cambodia/.

⁷² ILO, *Fishers first: Good practices to end labour exploitation at sea* (Geneva, 2016), p. 13.

Fish-i Africa, for example, help Governments and the private sector flag illegal activity through vessel monitoring systems and tracking a vessel's automatic identification system via satellite. The private sector should consider providing additional funding support for that type of research and for collaboratively responding to findings that may reveal patterns of illegal, unregulated and unreported fishing and worker exploitation.

73. In 2017, nine of the world's biggest fishing companies, with a combined annual revenue of about \$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. Such involvement of large-scale industry operators is important, as 13 multinational companies produce 11 to 16 per cent of global marine catches and control 19 to 40 per cent of the largest and most vulnerable stocks, such as tuna and grouper.⁷³

C. Role of international and regional fishery organizations

74. FAO, ILO and the International Maritime Organization (IMO) continue to raise awareness of the socioeconomic value of fisheries and the conditions facing workers. ILO is leading the international dialogue on forced labour and trafficking in fisheries, while FAO has introduced programmes such as the Computerized System of Fish Marketing Information, or GLOBEFISH, and has collaborated with other United Nations agencies to monitor the sustainability of global fisheries and call for State commitments consistent with the Sustainable Development Goals.

75. FAO is also working to understand the specific needs of small-scale inland and capture fisheries and to promote policies and programmes that enable them to build resilience in the face of dual challenges from globalization and climate change. The Hidden Harvest 2 study by FAO is expected to be the most extensive compilation to date of the available information on the diverse contributions of small-scale fisheries to communities and countries around the world, and will include case studies from the coastal and island States where most of the world's small-scale fishers live and work.

76. Civil society and NGOs, including those with fishery workers as members, are critical for supporting such initiatives, empowering workers and ensuring that States are engaging in efforts to provide protective measures. In August 2018, for example, several civil society organizations issued a joint statement urging Thailand to ratify the Work in Fishing Convention by the end of the year.⁷⁴ There is also a broader global fishermen's movement, with chapters in Canada, Chile, Italy, Japan, Norway, Senegal and the United States, which focuses on safeguarding common access to oceans and protecting the food security of the world's fishers.⁷⁵

77. 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 but are simply a social welfare net that supports the basic livelihoods of large swathes of the rural poor. On the contrary, organizations such as the World Forum of Fisher Peoples, which comprises 29 member organizations from 23 countries and represents over 10 million fisher people, has helped portray small-scale fisheries as critical to global food security. The Forum has promoted a human rights-based approach to the implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication and has advocated for more inclusive decision-making.

⁷³ Henrik Österblom and others, "Transnational corporations as 'keystone actors' in marine ecosystems", *PLoS ONE*, vol. 10, No. 5 (May 2015).

⁷⁴ "Joint civil society statement concerning ratification of the Work in Fishing Convention, 2007 (No. 188)", 17 August 2018.

⁷⁵ Matthew Quest, "Barbuda fisher folk fight for community control", Black Agenda Report, 19 July 2018.

78. The International Collective in Support of Fishworkers similarly monitors issues that relate to the livelihoods of fishery workers and helps prepare guidelines for policymakers that often integrate a gender perspective on issues facing small-scale fisheries. In 2014, for example, the Collective supported women fish workers of Mumbai to prevent the eviction of a fish market and to demonstrate the importance of cooperatives, especially in enabling women vendors to access markets and credit.

D. Role of consumers

79. Fish rank third in the top five products presenting a risk of modern slavery imported into the Group of 20 countries: approximately \$12.9 billion worth of seafood may be the product of modern slavery. While some States have taken action to stop sourcing goods and services at risk of being produced by forced labour, most consumers who purchase fish are unknowingly part of an abusive supply chain. Even when consumers express concern over revelations of human trafficking and the abuse of workers in fishery supply chains, they often lack sufficient information to effectively use market demand and purchasing power to effect change.

80. As for agricultural products, certification and labelling schemes relevant to fish are voluntary and primarily focused on the sustainability of the product rather than on the conditions of supply chain workers (A/73/164, para. 83). Even those certifications that meet United Nations benchmark requirements under the Global Sustainable Seafood Initiative, including Marine Stewardship Council and Best Aquaculture Practices certification, do not take a human rights-based approach when evaluating labour practices.⁷⁶

81. Persistent consumer demand for specific types of fish, such as tuna, salmon and 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. Even if a particular species is on the brink of collapse in one particular area, it may be thriving in another region, or may be raised in aquaculture. For example, even though domestic demand for shrimp in the United States has outpaced national production since 1982, consumers continue to enjoy the once-luxury food item at low prices year-round, due to aquaculture and global supply chains. As discussed above, the shrimp industry is among the worst offenders of workers' rights.

82. Diversifying consumption of fish species beyond shrimp, salmon and tuna and seeking out additional information from sources such as the Monterey Bay Aquarium and the Seafood Watch programme 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 fishers to consumers, thus shortening the supply chain and minimizing the risks of worker exploitation. Such models provide fishers with roughly 30 per cent more revenue⁷⁷ than the traditional market, and consumers learn about fishing methods, seasonality in seafood and the role of fisheries in supporting the livelihoods of communities.

V. Conclusion and recommendations

83. **States should:**

(a) **Improve human rights protection for fishery workers, including those who are informally employed and especially those in categories that are currently vulnerable, including women and children, migrant workers, members of indigenous peoples and coastal communities;**

⁷⁶ FAO, *The State of World Fisheries and Aquaculture 2018*, pp. 151–152.

⁷⁷ Anna Child, "The community supported fishery (CSF) model", FAO, GLOBEFISH.

- (b) **Adopt and enforce legislation criminalizing contemporary forms of slavery practices in the fisheries sector, as both flag and port States, and legislation applying to vessels on the high seas suspected of engaging in such practices;**
- (c) **Collect data pertaining to human trafficking and labour exploitation in fisheries supply chains and make that information publicly known;**
- (d) **Adopt laws, programmes and policies to decrease child labour, in particular in informal and small-scale fisheries, including by responding to the root causes of child labour, and withdraw children currently working in the worst forms of labour from the workforce;**
- (e) **Implement binding rules introducing due diligence mechanisms to allow the affected individuals and communities to hold accountable all supply-chain enterprises that profit from human rights abuses;**
- (f) **Ratify all ILO and IMO conventions relevant to workers in the fisheries sector and ensure their effective implementation, in particular ILO Work in Fishing Convention, 2007 (No. 188), which should be extended to all fishery vessels;**
- (g) **Adopt and enforce laws and regulations to improve the working conditions of fishery workers so that all workers benefit from decent work;**
- (h) **Set a minimum wage corresponding to a living wage for all workers, regardless of the work sector, as required by international human rights standards;**
- (i) **Reduce the occupational hazards of fishery workers by adopting and implementing binding safety regulations adapted to the specificities of the fisheries sector, based on the Code of Safety for Fishermen and Fishing Vessels, and the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, as developed by the International Maritime Organization, among other regulations;**
- (j) **Implement social protection schemes that strengthen the incomes of families throughout the year, that protect those who are informally employed or self-employed and that offer enhanced protection to women, in particular when they are pregnant or have recently given birth;**
- (k) **Guarantee the right, including for migrant workers, to establish and join trade unions, which empower workers and facilitate dialogue and cooperation among Governments, employers and workers in the formulation of labour standards and policies, consistent with the principle of tripartism;**
- (l) **Devote appropriate resources for an effective functioning of labour inspectorates in fisheries, in accordance with the requirements of the ILO Labour Inspection Convention, 1947 (No. 81);**
- (m) **Inform workers of their underlying rights and the available remedies in case of human rights violations, labour exploitation or abuse and provide relevant legal assistance;**
- (n) **Provide safe channels for undocumented migrant workers so that they can anonymously report violations without fear of retribution, respecting the principle of non-refoulement and ensuring that migrants have access to the regular labour market in the host country, in cooperation with United Nations agencies and programmes and international organizations;**
- (o) **Enact, implement and enforce national legislation that addresses structural violence and discrimination against women in the fisheries sector;**
- (p) **Ensure that consumers have the opportunity to make informed decisions about rights violations in supply chains through the use of mandatory labelling systems and, further, to participate in defining relevant policies;**
- (q) **Fulfil their commitments with respect to Sustainable Development Goals 1, 2 and 14 in order to end hunger and poverty, achieve food security, improve**

nutrition and conserve and sustainably use the oceans, seas and marine resources for sustainable development, and fulfil the decent work goal for all by 2030;

(r) Fully implement the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, which recognize the role of small-scale fisheries as a more sustainable source of income for many people than industrial fisheries, including by limiting catches;

(s) Take drastic measures to prevent overfishing as well as illegal, unregulated and unreported fishing by developing and protecting fish sanctuaries, with the consent of and in cooperation with the affected indigenous and coastal communities;

(t) Adopt measures to prevent, limit and combat the waste and discard of captured fish, marine and water pollution and environmental damage affecting the ecosystem and marine biodiversity, including as a result of intensive aquaculture, and more generally strengthen measures to limit climate change.

84. International organizations, including ILO, FAO, the United Nations Children's Fund (UNICEF) and the Organization for Economic Cooperation and Development, should:

(a) Continue to develop policy recommendations and guidance for States on the protection of fishery workers globally, paying particular attention to the implementation of legally binding norms, and strengthen their data collection about small-scale fisheries, illegal, unregulated and unreported fishing, including on human rights abuses and violations committed in the fisheries sector;

(b) Work towards increasing transparency on supply chains and guiding the private sector on how to implement and maintain responsible work practices;

(c) Develop binding or voluntary regulatory mechanisms for commercial fishing and aquaculture similar to the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication.

85. Private actors in the fisheries sector should:

(a) Ensure that wages and working conditions for fishery workers improve as global supply chains continue to expand;

(b) Take proactive measures to eliminate exploitative working conditions and to implement protections consistent with international law;

(c) Consider providing funding support for third-party audits to increase transparency and to reveal patterns of illegal, unregulated and unreported fishing and worker exploitation.

86. Consumers of fish and fish products should:

(a) Diversify purchases to include fish and fish products that are in lower demand and are not associated with illegal, unregulated and unreported fishing practices and exploitative working conditions;

(b) Seek out opportunities to purchase fish and fish products directly from fishers, cooperatives or suppliers with more transparent and less expansive supply chains.