

THE DANISH
INSTITUTE FOR
HUMAN RIGHTS



A HUMAN RIGHTS DUE DILIGENCE GUIDE FOR COMPANIES IN THE FISHERIES VALUE CHAIN

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The Danish Institute for Human Rights (DIHR) is Denmark's National Human Rights Institution. Its mandate is to promote and protect human rights and equal treatment in Denmark and abroad. The guide was developed and published with financial support from the Swedish International Development Cooperation Agency (Sida) through the project 'Sustainable Oceans – Pursuing a human rights-based approach to fisheries and aquaculture'.

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ABBREVIATIONS

AAAQ:	Availability, Accessibility, Acceptability and Quality
CONADEH:	Comisión Nacional de Derechos Humanos (National Human Rights Institution of Honduras)
CSOs:	Civil Society Organisation
DIHR:	Danish Institute for Human Rights
EJF:	Environmental Justice Foundation
FAO:	Food and Agriculture Organization of the United Nations
FIP:	Fishery Improvement Project
FPIC:	Free, Prior and Informed Consent
GRI:	Global Reporting Initiative
HRIA:	Human Rights Impact Assessment
HRRA:	Human Rights Risk Assessment
HRDD:	Human Rights Due Diligence
ILO:	International Labour Organization
ITF:	International Transport Workers' Federation
IUF:	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
IUU:	Illegal, Unreported and Unregulated Fishing
MSC:	Marine Stewardship Council
NCP:	National Contact Points
NHRI:	National Human Rights Institution
OECD:	Organisation for Economic Co-operation and Development
OECD Guidelines:	OECD Guidelines for Multinational Enterprises
SDG:	Sustainable Development Goal
SME:	Small and Medium-sized Enterprises
SWIA:	Sector-wide Impact Assessment
UDHR:	Universal Declaration of Human Rights
UNGPs:	UN Guiding Principles on Business and Human Rights
WBA:	World Benchmarking Alliance
WWF:	World Wildlife Fund

1. INTRODUCTION, PURPOSE AND STRUCTURE OF THIS GUIDE

Companies in all business sectors have a responsibility to respect human rights, to take accountability for their adverse impacts and to provide remedy. How this responsibility is implemented varies based on contextual risks and impacts inherent to each business sector, as well as the size of the enterprise, the geopolitical context of operation and other factors. However, the UN Guiding Principles on Business and Human Rights (UNGPs) provide a universal blueprint on operationalising business responsibility for human rights through the human rights due diligence (HRDD) framework. The framework applies to enterprises of all sizes, functions and business sectors. Fisheries and aquaculture are rapidly growing business sectors that are characterised by myriad positive and negative impacts on human rights and human development worldwide. Due to increasing public attention, there have been a number of developments targeting social impacts in these industries through reports on salient issues or frameworks on social responsibility.

Regardless of the growing attention to human rights in the fisheries and aquaculture sectors, no comprehensive guidance exists for implementing HRDD in these two respective value chains. This document aims to fill the gap between the demand for human rights-compliant fishing and the lack of practical guidance for companies on implementing human rights in their value chains by guiding companies in the fisheries sector through the HRDD process. This guide provides an understanding of:

- What salient human rights issues exist in the fisheries sector;
- What a human rights policy commitment entails;
- How to assess impacts and risks;
- How to respond to identified impacts and risks;
- How to track performance;
- How to communicate and report on human rights;
- How to provide remedy and grievance management; and
- How to engage with relevant stakeholders.

The document is principally based on the framework of the UNGPs and follows its model of human rights integration into the corporate structure. It contextualises the UNGPs' general principles to fisheries value chains.

The primary audience for this guide is companies involved in the entire fisheries value chain, regardless of their size, field and geographical context of operation. The document can also provide information and guidance to investors, certification schemes for the fisheries sector, civil society organisations (CSOs), human rights experts, National Human Rights Institutions (NHRIs) and consultants and academics working or planning to work at the intersection of fisheries, human rights and responsible business conduct. Finally, national governments or specific ministries or departments may also use this guide to design targeted regulations or policies for the fisheries sector.

The structure of the document is as follows:

- Chapter 1 lays the foundation for this guide by describing the international human rights framework, the scope of the responsibility of businesses to protect rights, and how businesses in the fisheries industry can have both positive and negative human rights impacts.
- Chapter 2 offers an analysis of crosscutting salient human rights issues in the fisheries sector that can affect several diverse groups of rights-holders.
- Chapter 3 outlines the challenges that exist or may arise in each stage of the fisheries value chain from preparatory stages to distribution, marketing and retail.
- Chapter 4 provides tailored, step-by-step guidance to practicing HRDD for fisheries companies. It aims to provide concrete steps and recommendations for each HRDD step in accordance with the UNGPs and the Organisation for Economic Cooperation and Development's (OECD) Guidelines for Multinational Enterprises (OECD Guidelines). It includes company examples and a summary of relevant resources, tools and guidance for each HRDD step, which companies in the fisheries sector can use and adapt based on their own business operations.

Disclaimer: The case studies featured in this guide are neither endorsements of particular companies or organisations, of their approach to human rights as such, nor of their business models in general. The case studies have been included for their relevance to illustrate how companies have taken steps to incorporate elements of HRDD in (parts of) their value chain. The examples are only illustrative of current practice and do not reflect all commitments or actions by any given company, organisation or initiative. The Danish Institute for Human Rights (DIHR) has not evaluated the human rights outcomes or impacts of mentioned company-led policies, processes and activities or multi-stakeholder initiatives. The DIHR is not responsible nor liable for any direct, indirect, consequential, special, exemplary, punitive or other damages arising out of, or in any way related to, the application or use of this report and its information.

1.1 WHAT ARE HUMAN RIGHTS?

Human rights are a set of values, principles and norms that guarantee that all human beings can live life in dignity. They are based on the principles of universality, indivisibility and equality.

Human rights and freedoms are enumerated in national and international legal acts or laws. While national laws are malleable to political changes, international human rights instruments provide individuals and groups with recourse to realise their rights and freedoms through international enforcement mechanisms such as courts or human rights bodies.

The international framework of human rights is grounded in the content of the Universal Declaration of Human Rights (UDHR), which consists of 30 human rights and freedoms that are divided between civil and political rights, and economic, social and cultural rights. These two sets of rights are given binding power through the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which together with the UDHR make up the International Bill of Human Rights.

BASIC PRINCIPLES OF HUMAN RIGHTS

Universality: Human rights apply to all human beings.

Indivisibility: Human rights are horizontal and interdependent; none can be fully enjoyed without the others.

Equality: Human rights are enjoyed by every human being, without any discrimination.

1.2 WHAT IS THE BUSINESS RESPONSIBILITY TO RESPECT HUMAN RIGHTS?

Conventionally, the international human rights framework only recognised states as duty-bearers, which are actors with a duty to protect, respect and fulfil human rights, including from third party impacts. However, this approach has proven less effective in the face of economic globalisation and the rise of transnational companies with complex value chains and financial resources comparable to those of states.

UN GUIDING PRINCIPLE 11

“Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved”.

The UN addressed this gap in global governance by recognising the international responsibility of companies for their human rights impacts under the UNGPs, which were unanimously adopted by the UN Human Rights Council in 2011 and since then are recognised as the authoritative framework for states and companies on the matter. The UNGPs are built on three pillars:

- Pillar I: The state’s duty to protect human rights against third party harms, including businesses;
- Pillar II: The corporate responsibility to respect human rights in their value chains; and
- Pillar III: The requirement for states and corporations to provide remedy for adverse human rights impacts of business activities.

1.3 WHY SHOULD COMPANIES IN THE FISHERIES SECTOR MEET THEIR RESPONSIBILITY TO RESPECT HUMAN RIGHTS?

The business responsibility to respect human rights, to avoid adverse risks and to address impacts is established and recognised at international and national level.

- The responsibility of businesses to respect human rights is an **internationally recognised standard**, which is **embedded in international instruments** on different levels, such as those adopted by the UN General Assembly, the OECD and the International Labour Organization (ILO).

- Many national and regional legal frameworks protect individuals from human rights abuses committed by third parties, including companies. Therefore, the human rights impacts of companies may have legal consequences that can vary from large fines to criminal charges against the management of the company. **Acknowledging that they are responsible for their human rights impacts and implementing pre-emptive measures to identify risks and avoid their realisation helps companies to avoid legal consequences.**
- Apart from these above-mentioned legal frameworks, there is a generally increasing demand for socially responsible fish and seafood globally. As consumers expect the product to be sourced under higher standards, these expectations travel through the value chain and apply in different ways in fisheries and aquaculture. For instance, large retailers are increasingly conducting human rights impact assessments (HRIAs) in their value chains and implement supplier codes of conduct with stricter human rights requirements. On the other hand, social responsibility is increasingly integrated in fish and seafood industry standards (such as the Monterey Bay Aquarium Framework or the Food and Agriculture Organization of the United Nations' (FAO) Code of Conduct for Responsible Fisheries), voluntary sustainability standards and certification schemes (such as the Marine Stewardship Council (MSC) Fisheries Standard). However, full incorporation of human rights into these certification standards is still rather weak, as voluntary standards are not sufficiently robust from a human rights perspective. Most voluntary certifications and standards were initiated as standards with an environmental focus and a social component was added on, but the issues are very different. This has been discussed in various research studies and analyses by different organisations looking at the seafood sector or certifications and certifications audits more generally (such as Human Rights at Sea, World Wildlife Fund (WWF), Human Rights Watch, European Centre for Corporate Justice, and others). Finally, actual cases of adverse human rights impacts often severely damage a company's reputation, which reflects on its business relationships and consumer demand for its products. **Companies that do not keep up with the demand for socially responsible conduct and fail to prevent or address human rights impacts in their value chains can face severe financial and reputational risks, for example being excluded from access to new markets.**
- Companies' operations in the fisheries sector are dependent on access to resources, such as fish, which, also provide for local users. These local users are rights-holders. In cases where companies do not understand the context and their accountability for impacts, there are heightened risks of conflicts with local communities. Integrating management systems that account for human rights impacts and are based on the human rights based-approach helps companies to understand the local context and potential impacts and to effectively engage with stakeholders. **Responsible business conduct provides for the opportunity to obtain the so-called 'social license to operate' in a specific context and avoid and manage potential conflicts with other resource users, such as small-scale fishers and Indigenous Peoples.**
- Human rights are an integral part of the social, economic and environmental pillars of sustainable development as recognised by the 2030 Agenda for Sustainable Development. Companies that want to make their operations sustainable should guide their efforts by taking the human rights framework into consideration. Integrating HRDD in their management systems will help companies identify and address not only social issues, but environmental issues too. Furthermore, this may help to future-proof the industry as well as ensure a good working environment.

Apart from the UNGPs, there are other international instruments that recognise the responsibility of businesses to respect human rights. These include:

- **The OECD Guidelines for Multinational Enterprises** provide recommendations to business enterprises on responsible business conduct, including with regard to human rights. The OECD Guidelines are aligned with the UNGPs and reiterate basic measures for companies to implement respect for human rights in their value chains. These include policy commitments, HRDD processes and remedy for impacts.
- **The ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy** provides recommendations for business enterprises on implementing social policy, inclusive, responsible and sustainable workplace practices in the areas of employment, work and life conditions and industrial relations. The Declaration reiterates the UNGPs' main principles and recommends enterprises to adopt these measures and processes.
- **The UN Global Compact** establishes principles in the areas of human rights, labour rights, environmental protection and anti-corruption for companies to adhere to. The guidance for human rights-related principles also instructs companies to follow principles and processes established by the UNGPs, including human rights policies, HRDD and remedy for actual impacts.
- The **Framework Principles on Human Rights and the Environment (2018)** proposes 16 principles related to human rights and the environment. They were drafted by the UN Special Rapporteur on Human Rights and Environmental Issues John Knox, who served in this position from 2012 until 2018.
- In 2022, the **UN Special Rapporteur on Toxics and Human Rights**, Dr Marcos A. Orellana, published a report on the impact of toxic substances on the human rights of Indigenous Peoples. Particular attention is paid to mining, oil and gas exploration and extraction, toxic pesticides and the dumping of hazardous waste and how this affects the health of Indigenous People and of their lands, waters, food, wildlife and plants.
- In the context of Indigenous Peoples and local communities, the **Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment Regarding Developments Proposed to Take Place On, or Which are Likely to Impact On, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities** is a relevant framework, which provides a collaborative structure for the active involvement of Indigenous and local communities in the assessment of cultural, environmental and social impacts of proposed developments on lands and waters traditionally occupied by Indigenous Peoples and local communities.

DEVELOPMENTS REGARDING MANDATORY HRDD LEGISLATION

HRDD is a key requirement for companies to meet their human rights responsibilities. Several states have adopted legislation that makes HRDD a mandatory requirement for companies meeting certain conditions. Mandatory HRDD laws differ in every country, but they generally apply to big companies with a great number of employees and/or large annual turnovers and require them to analyse their value chains for human rights risks and impacts, to address them and to report on their performance in this regard. These laws include:

- The UK's Modern Slavery Act;
- France's Law on the Corporate Duty of Vigilance;
- The Netherlands' Child Labour Due Diligence Act;
- Switzerland's Supply Chain Law;
- Germany's Act on Corporate Due Diligence Obligations in Supply Chains;
- Norway's Transparency Act;
- California's Transparency in Supply Chains Act; and
- Australia's Modern Slavery Bill.

Beyond national mandatory HRDD legislation, there is ongoing work on regional and international mandatory frameworks. This includes the EU Corporate Sustainability Due Diligence Directive, where the European Commission reached a deal on 14 December 2023 for EU-wide legislation mandating human rights and environment due diligence for EU companies, and the process regarding the work on a legally binding UN treaty on Business and Human Rights.

Sources: International Organisation of Employers and the Konrad Adenauer Stiftung, 'Key developments in mandatory human rights due diligence and supply chain law', September 2021, <https://www.ioe-emp.org/index.php?eID=dump-File&t=f&f=156042&token=ee1bad43bfa8dbf9756245780a572ff4877a86d5>; European Coalition for Corporate Justice, 'Comparative table: corporate due diligence laws and legislative proposals in Europe', 21 March 2022, <https://corporatejustice.org/publications/comparative-table-corporate-due-diligence-laws-and-legislative-proposals-in-europe-2/>; Council of Europe, 'Corporate sustainability due diligence: Council and Parliament strike deal to protect environment and human rights', 14 December 2023, <https://www.consilium.europa.eu/nl/press/press-releases/2023/12/14/corporate-sustainability-due-diligence-council-and-parliament-strike-deal-to-protect-environment-and-human-rights/>.

1.4 FISHERIES AND AQUACULTURE INDUSTRIES: IMPORTANCE, STATISTICS AND IMPACTS

In recent years, the demand for seafood¹ has reached record levels. Fish and seafood play a key role in satisfying the nutritional needs of the growing global population, especially in developing countries. According to the FAO, the annual consumption of aquatic foods per capita has more than doubled to 20.2 kilograms since the 1960s and is expected to reach 21.4 kilograms by 2030². In 2019, aquatic foods accounted for 17% of animal protein intake globally, while the number reached at least 20% for more than 3.3 billion people and was as high as 50% in certain parts of Africa and Asia³.

Fisheries and aquaculture sectors concern similar types of aquatic product (fish or seafood) and share similar value chains after these products are processed. However, methods of obtaining aquatic products and other aspects of value chains differ:

- Fisheries or fishing refers to the capture of fish and aquatic animals in their natural habitat.
- Aquaculture refers to the farming of fish, aquatic animals or algae in water.

Source: USAID, 'Sustainable fisheries and responsible aquaculture: a guide for USAID staff and partners', <https://www.crc.uri.edu/download/FishAquaGuide14Jun13Final.pdf>, pp. 2–4.

Fisheries and aquaculture provide jobs and employment worldwide, particularly in underdeveloped contexts. In 2020 the FAO estimated that 58.5 million people were directly engaged in fisheries and aquaculture, 84% of them in the Asia-Pacific region, 10% in Africa and 4% in Latin America and the Caribbean⁴. Indirectly, the industry supports the livelihoods of more than 600 million people⁵. With their impact on global food security and employment, fisheries and aquaculture have a positive impact on the global economy and are an important sector in the fight against poverty, hunger and economic inequalities.

FISHERIES, AQUACULTURE AND SUSTAINABLE DEVELOPMENT

Fisheries and aquaculture are key industries for achieving sustainable development. This has been reflected in the 2030 Agenda for Sustainable Development with its Sustainable Development Goal (SDG) 14 dedicated to the sustainability of oceans, seas and marine resources. SDG 14 targets unsustainable practices such as marine pollution, ocean acidification, overfishing, illegal, unreported and unregulated fishing (IUU fishing) and destructive fishing, and promotes sustainable management and use of resources, restoration efforts and small-scale artisanal fisheries. The targets of SDG 14 strive for environmental as well as social objectives and aim to curb the irresponsible sole focus on economic growth. The Agenda 2030 pays particular attention to small-scale fisheries development also under SDG 2, which is dedicated to ending hunger and achieving food security.

Source: UNGA, The 2030 Agenda for Sustainable Development, <https://sdgs.un.org/2030agenda>.

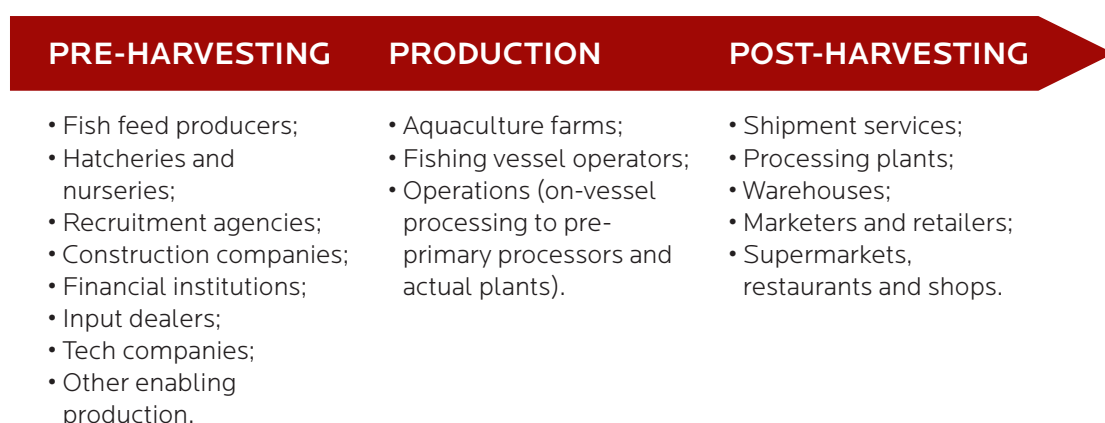
However, fisheries and aquaculture are also rife with negative impacts on rights-holders. Workers throughout the fisheries and aquaculture value chains and local communities are subject to frequent human rights violations, with disproportionate impacts on disadvantaged groups such as Indigenous Peoples, women, migrant workers and children. The list of documented human rights impacts in the industry includes forced labour and other labour rights issues such as:

- Lack of overtime pay, long working hours and low pay;
- Discrimination;
- Impacts on access to fish resources, land and water;
- Ethical issues such as corruption and bribery; and
- Impacts deriving from environmental pollution, climate change and destruction of local ecosystems.

In addition to this, on a global level, the density of trade unions in fishing is low. For a more detailed discussion of the key salient human rights issues in the fisheries sector, see chapter 2 of this guide.

The prevalence of negative human rights impacts is due to a variety of causes. Many of these factors are connected to the complexity of the fishery and aquaculture value chains, which complicates the enforcement of laws and the exercise of oversight. However, one of the root causes is the lack of knowledge and guidance for companies engaged in fisheries and aquaculture with regard to their human rights responsibilities. As a result, companies in these industries are less likely to have effective measures and procedures in place to avoid potential human rights impacts or address the actual ones. For instance, the World Benchmarking Alliance's (WBA) 2022 Insights Report on Seafood Stewardship benchmarked the world's 30 largest seafood companies against various indicators in four measurement areas including social responsibility. The report revealed that the companies fall short on addressing their human rights impacts. In particular, while around 50% of these companies have committed to protect human rights and labour rights and provide grievance mechanisms, only a fraction engages with impacted stakeholder and identifies, assesses or addresses their human rights impacts⁶. In this regard, seafood companies performed worse than the 200 most influential companies in general assessed by the WBA.⁷

FIGURE 1: COMPANIES INVOLVED IN THE FISHERIES AND AQUACULTURE VALUE CHAINS



COMPLEXITIES IN THE FISHERIES VALUE CHAIN AND NEGATIVE HUMAN RIGHTS IMPACTS

Fishery and aquaculture value chains are known for their complexity and transnational character. For instance, a value chain of aquatic products obtained through fishing can involve numerous countries in different stages of the chain. It may happen that:

- A fishing vessel is owned and operated by a Taiwanese company;
- The flag state of the vessel is Vanuatu in a flag of convenience type of arrangement;
- Fishers and the crew on the vessel are migrant workers from the Philippines, Myanmar and Indonesia;
- Fishing operations are carried out in international waters;
- The vessel offloads the catch in Kiribati port;
- The catch is shipped to and processed in processing plants in Thailand; and
- Retailers and restaurants in the US and EU import and market the product for consumer use.

All these stages involve humans who may be negatively impacted. However, the realisation of their human rights and protection from harms is dependent on matters of jurisdictional reach, of whether national legal systems provide protection from harms, if they enforce normative frameworks and if the affected persons have access to remedy.

These barriers complicate the full and effective protection of human rights by states. Therefore, there is a heightened need for companies to meet their human rights responsibilities in the fisheries and aquaculture value chains.

2. SALIENT HUMAN RIGHTS ISSUES IN THE FISHERIES VALUE CHAIN

Human rights impacts are prevalent in the fisheries sector worldwide. For instance, according to a 2017 Global Estimate of Modern Slavery, the fisheries sector is one of the industries where forced labour is most rampant.⁸ Moreover, the human rights issues in the seafood value chains are not limited to specific countries or regions, but rather have a global reach. For instance, fish was in the top ten goods with the most child and forced labour listings by number of countries in the US Department of Labor's 2020 List of Goods Produced by Child Labor or Forced Labor⁹.

Risks and impacts in the industry are as diverse and complex as the value chain and cover a wide range of human rights risks and impacts on workers, local communities, consumers and groups at risk of marginalisation. While this guide prioritises 'salient' human right issues, this is not to say that non-salient impacts should be ignored.

The below table provides an overview of the human rights stakeholders at risk, and which human rights issues are at stake and impacted along the full fisheries value chain.

TABLE 1: KEY STAKEHOLDERS IN THE FISHERIES VALUE CHAIN AND POTENTIAL HUMAN RIGHTS IMPACTS

Stakeholders	Phase of the value chain	Key human rights issues	Examples of human rights impacts	Human rights impacted
<p>Workers (women, men, migrant workers, members of the LGBTI community, etc.)</p>	<ul style="list-style-type: none"> • Preparatory phase; • Fishing and catching operations; • Fish and seafood processing; • Fish farming operations. 	<ul style="list-style-type: none"> • Forced labour, human trafficking and modern slavery; • Hazardous working and living conditions in preparatory stages, aboard fishing vessels, at fish processing plants and fish farms; • Wage deductions and excessive work hours; • Workplace harassment and discriminatory treatment of women, migrant workers and other at-risk groups. 	<ul style="list-style-type: none"> • The equipment for fishing operations may be made or repaired through forced and/or child labour or other exploitative labour practices. For example, in 2021, it was reported that prisons in Thailand forced inmates to make fishing nets that were sold to private companies by using physical violence, intimidation and delay of release dates¹⁰. • Seafarers and fishers hired as part of the crew of fishing vessels are often required to pay exploitative recruitment fees, are not aware of contractual conditions, and are not given written contracts. A study revealed that almost all workers, especially migrant workers, are required to pay these fees to third party facilitators such as labour recruiters or overseas employment agencies.¹¹ Other abusive practices as part of recruitment of seafarers include human trafficking and bonded labour. • In Maryland, USA, women workers in crab processing have reported being in debt to recruiters, being paid lower-than-promised wages and being subjected to wage deductions over trivial reasons. They also faced abuse and no access to a grievance mechanism¹². • In Malaysia, an ammonia leak in a seafood warehouse resulted in the deaths of six workers¹³. A similar case involving the death of a warehouse worker was reported in Boston, USA.¹⁴ • Furthermore, numerous cases of bonded labour in fisheries in Thailand involving migrant workers from Myanmar have been reported¹⁵. 	<ul style="list-style-type: none"> • The right to life; • The right to health; • The right to liberty; • The right to work; • The right to just and favourable conditions of work; • The right to social security; • The right to equality.

Stakeholders	Phase of the value chain	Key human rights issues	Examples of human rights impacts	Human rights impacted
<p>Broader community, coastal and Indigenous communities including small-scale, artisanal and subsistence fishers</p>	<ul style="list-style-type: none"> • Preparatory phase; • Fishing and catching operations; • Fish processing; • Distribution, marketing and retail. 	<ul style="list-style-type: none"> • Overfishing of subsistence species (which can impact the right to food of small-scale fishing communities); • IUU fishing; • The use of unsustainable methods of fishing by companies; • Companies violating permits and local regulations; • Destruction of local ecosystems affecting livelihoods. 	<ul style="list-style-type: none"> • In Accra's Jamestown in Ghana, a fishing community was demolished for the development of a Chinese-funded fishing harbour. The demolition affected over 300 structures including a school, businesses and places of worship¹⁶. • Fishing gear can be lost in the ocean and have adverse impacts on fish, sea mammals, and can affect habitat and navigation. This is referred to as 'ghost gear' or derelict fishing gear and can affect potential catch for small-scale fishers, as the gear competes through 'ghost fishing'. • Industrial fishing operations often lead to overfishing of one or more species that are vital for local food security or ecosystems. Trawlers and super-trawlers in the Chinese¹⁷ or EU fishing fleets¹⁸ that use particularly destructive methods such as bottom trawling can cause damage to the seabed and marine ecosystems, as well as exacerbate the impacts of climate change¹⁹. • IUU fishing is a threat to both humans and the ecosystem and is estimated to produce up to 20% of catch in the world²⁰. Because it operates outside regulatory frameworks, IUU fishing represents the source of the worst labour practices, impacts on small-scale fisher's rights to fish stocks and other resources, and of adverse impacts on the environment. 	<ul style="list-style-type: none"> • The right to development; • The right to land and property; • The right to food; • The right to water; • The right to social security; • The right to a healthy environment; • The right to an adequate standard of living; • The right to be consulted; • The right to practice cultural traditions and customs; • The right to Free, Prior and Informed Consent (FPIC); • The right to equality and non-discrimination.

Stakeholders	Phase of the value chain	Key human rights issues	Examples of human rights impacts	Human rights impacted
			<ul style="list-style-type: none"> • Administrative processes related to obtaining necessary permits and licences for fishing may be linked to illegal practices such as petty or grand corruption. Corruption has been known to be linked to the democratic decision-making and the rule of law as it disrupts good governance and, as a result, can negatively impact on the human rights to development and adequate standard of living of people. • Transportation of seafood products can cause environmental pollution and contribute to climate change. The impact in this regard depends on the transportation method. For instance, a company's carbon footprint drastically increases if the method used is airfreight which, for instance, the tuna industry often uses²¹. 	
Consumers	<ul style="list-style-type: none"> • Fish processing; • Distribution, marketing and retail. 	<ul style="list-style-type: none"> • A product is not stored and warehoused properly, which poses a risk to consumers' health; • A product is not handled and/or processed in accordance with food health and safety standards during transportation and processing, which poses a risk to consumers' health; • A product is marketed and advertised as sustainable, yet social, environmental and human rights impacts continue to exist, which may mislead consumers. 	<ul style="list-style-type: none"> • Fish and seafood may be mishandled at the processing stage including handling, storing, warehousing, freezing, secondary processing and transporting. This can result in contamination and cause severe impacts on consumers' health and lives. A 2020 study found salmonella contamination in almost 21% of the analysed finfish samples from landing centres and retail markets in Mumbai, India.²² 	<ul style="list-style-type: none"> • The right to life; • The right to health; • The right to information.

The section below outlines the potential human rights risks and impacts to specific rights-holder groups affected by or in the fisheries sector, namely the rights of women and girls, children, migrant workers, local communities and Indigenous Peoples.

2.1 WORKERS' RIGHTS

According to Eurofish, 200 million workers worldwide were employed in the harvesting, processing and sales sector in 2017²³, with 80% of them in Asia²⁴. The workforce in the fisheries value chain is comprised of:

- Fishers and shipping vessel crews;
- Workers involved in preparatory stages, such as manufacturing fishing equipment and repairing fishing vessels;
- Workers involved in primary and secondary processing of fish and seafood;
- Workers involved in the transportation and distribution of the catch;
- Workers in marketing and retail of seafood; and
- Workers in other sectors and industries that support the fisheries value chain.

Workers in the fisheries value chain are often subject to harsh labour conditions, sometimes amounting to forced labour and other forms of modern slavery. Specific abuses include reports of physical and mental abuse, discrimination, excessive working hours, low wages, hazardous working conditions, inhumane living and working conditions on vessels and the lack of basic necessities.

WORKING CONDITIONS AT SEA

Fishing is performed through different methods. While some methods do not involve spending more than a few hours in the water, industrial and distant water fisheries require fishers and fishing crews to spend weeks and sometimes months in open waters, including the high seas. This makes it easier for severe labour abuses to go unnoticed and makes it more challenging to hold responsible companies involved accountable.

Workers on fishing vessels are required to perform demanding work for extended periods of time, sometimes for 20 hours a day and every day of the week. Fishing is also a highly hazardous occupation, and health and safety standards are rarely observed on vessels, which makes workers vulnerable to severe accidents that may end fatally. In some cases, fishing vessels have also been reported to not offer adequate living conditions and accommodation to workers. They often lack beds or blankets, facilities needed for maintaining sanitation and hygiene, potable water and sufficient or nutritious food. As a result, workers are vulnerable to diseases stemming from vitamin deficiencies, poisoning, exposure to harmful conditions or infections that spread easily in close quarters.

In most cases workers on fishing vessels do not hold sufficient leverage to influence their conditions. Workers have limited communication with the outside world and, even if they do, there is chance they have been hired through unclear recruitment schemes, have no written contracts or trade union affiliations, and may be of migrant origin, which

exacerbates their vulnerability. Moreover, exploitation on fishing vessels is usually enforced through verbal and physical violence, which can be severe enough to result in deaths.

Sources: Katharine Jones, David Visser and Agnes Simic, Fishing for export: calo, recruiters, informality, and debt in international supply chains, *Journal of the British Academy*, 7(s1), 107–130; ILO, Fishers first - Good practices to end labour exploitation at sea, pp. 15–17.

While labour issues are prevalent at every stage of the value chain, each stage is characterised by contextual factors that exacerbate the scale and severity of these issues. For instance, distant water fishing involves spending extended time on the high seas beyond territorial waters. This allows companies operating fishing vessels to operate beyond authorities' oversight, which makes it very difficult for workers to assert their rights. Fish processing facilities frequently use informal labour, which allows them to disregard existing labour laws and regulations and provide their workers with unfair labour conditions. Other factors that exacerbate negative impacts on workers' rights include:

- The use of trans-shipment;
- The multiplicity of states involved in the fishing operations as convenience flags, vessel origin or port states;
- Increasing expenses due to decreasing fish resources; and
- The lack of ratification of international standards related to fisheries and mechanisms to protect workers' rights.

Various common practices prevalent in the fisheries sector that negatively impact the enjoyment of workers' rights and lead to grave human rights violations have been documented in the fisheries value chain. Some examples are provided below.

- **Practices amounting to modern slavery:** Forced labour, the withholding of identification documents, human trafficking, debt bondage, physical confinement to the vessel with no means of taking a break let alone of escaping and reporting the abuse²⁵ and other practices are prevalent in the fisheries value chain and included on the ILO's list of indicators of forced labour. Informal employment agreements and exploitative recruitment conditions often build the basis for practices amounting to modern slavery to continue during employment. Since these practices disproportionately affect migrant workers, a more detailed discussion will be provided in section 2.4.
- **Physical and verbal abuse and other forms of intimidation:** Informal employment conditions and the lack of oversight of activities related to fish and seafood by authorities make workers in the fisheries value chain highly vulnerable to experiencing physical abuse, such as hitting, violence with weapons and deprivation of rest, verbal abuse, such as yelling, threats and offensive words, and even murder on board fishing vessels.²⁶ According to a report by the Business and Human Rights Resource Centre, a fisherman working on a Chinese-owned fishing vessel

interviewed reported that the vessel only docked once during the entire duration of his employment there, and that was only because three crew members died.²⁷

- **Freedom of association:** Workers in the fisheries value chain are rarely affiliated to trade unions. This is due to the common practice of having informal contractual arrangements, many seasonal and casual work arrangements as well as a lack of strong labour policies within companies or States with jurisdiction, which disproportionately affects migrant workers and prevents them from joining, forming and/or leading unions. This lack of affiliation with trade unions and other associations allows many of the human rights abuses connected to the fisheries value chains to occur in the first place and to remain under- and unreported, as impacted individuals find themselves unable to seek access to remedy and other support. Section 2.2 will provide a more detailed description of the right to freedom of association and collective bargaining.
- **Lack of formality of contracting:** Working on fishing vessels often means being employed on the basis of a verbal agreement made with the vessel owner or the captain, and formal written contracts specifying the employment conditions rarely follow. Not only does this allow vessel owners to circumvent their obligation to register crew members working on board and thereby hinder authorities from conducting adequate inspections, the lack of formal contracting also increases vulnerability to indecent and exploitative work conditions such as forced labour, human trafficking, excessive working hours and restricted access to social protection services. According to a report published by the [Environmental Justice Foundation \(EJF\) on Vietnam's fishing sector](#), only 17 out of 239 individuals interviewed 'reported having a written contract'²⁸.
- **Inadequate remuneration:** Workers in the fisheries value chain are vulnerable to receiving inadequate salaries. Amongst others, they tend to not receive regular monthly salaries or their wages are withheld for extended periods of time, which, according to the [ILO's list of indicators of forced labour](#), constitutes an indicator for forced labour. Interviews conducted in 2019 revealed that the wages earmarked for workers employed on fishing vessels in Indonesia were used to replace a broken freezer, and the workers were not paid for three months²⁹. Moreover, as the EJF reports, it is common practice on Vietnamese fishing vessels to pay wages on a catch share basis. This means that vessel owners pay wages on the basis of what is left once expenses such as food, water and fuel, and their own profit, which amounts to approximately 70%, have been deducted from the sales price of the catch. Not only does this mean that if a fishing vessel returns with a poor or no catch at all, workers do not receive remuneration and therefore might end up in a situation of debt bondage if they borrow money from the vessel owner, it also incentivises IUU fishing³⁰.
- **Excessive working hours:** Due to the lack of oversight aboard vessels on high seas that fish up to 24 hours a day, workers often have to work long hours without breaks³¹. For example, according to reports, Indonesian fishers employed on a Chinese-owned vessel operating in Fiji had to work excessive hours.
- **Inadequate accommodation and sanitation:** Workers in the fisheries value chain often experience poor hygiene, food and accommodation standards. Amongst others, this includes fishing vessels carrying "low-quality, expired, or even rotting food"³², cramped sleeping quarters and inadequate or even non-existent sanitation facilities on vessels and in processing plants. An investigation on fishing vessels in Sierra Leone and at the Spanish port of Las Palmas recounted a general lack of

separation between crew quarters and fish processing areas, consisting merely of planks and cardboard, and crew members showering in the fish processing areas³³.

- **Lack of health and safety:** Fishing is considered an extremely hazardous sector due to exposure to noise, water, salt and sun, often without or inadequate protective equipment, challenging work surfaces, the use of sharp tools, the lack of fresh food and water and the intensity of labour of activities such as setting nets, hauling catch or packing seafood on ice³⁴. The workplaces of workers in the fisheries value chain need to be equipped with appropriate health and safety equipment in order to ensure the wellbeing and physical integrity of workers. However, these standards are often not in place: According to a report, it is not uncommon that captains receive rudimentary or no certified training for commercial fishing vessel captains. In combination with a lack of equipment such as life jackets, first aid kits and medical supplies, this endangers the health and safety of workers on fishing vessels in every aspect related to fishing activities³⁵. In processing, working conditions can also be substandard. For example, workers in shrimp processing facilities in Bangladesh were denied access to restroom facilities for the duration of an entire shift³⁶.

All categories of workers in the fisheries value chain are subjected to exploitative labour practices, but some groups are more vulnerable to negative impacts due to various factors, including discriminatory social norms, the lack of legal protection due to their status and other grounds. This applies particularly to migrant workers, women and girls, children and members of Indigenous communities who work in, or are affected by, different aspects of the fisheries value chain.

Some examples exist in other industries where workers have been at the forefront of responsible labour practices. One such initiative is the Worker-Driven Social Responsibility Program by Fair Food, a model that provides a proven new form of power that ensures workers' human rights are protected. It is founded on the understanding that, in order to achieve meaningful and lasting improvements, human rights protections in corporate supply chains must be worker-driven, enforcement-focused, and based on legally binding commitments that assign responsibility for improving working conditions to the global corporations at the top of those supply chains.³⁷

The program has been implemented in various sectors and adapted to different contexts. A similar model could be applicable in the fisheries or wider seafood sector.

2.2 THE RIGHT TO FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

Freedom of association³⁸ is a fundamental human right as per the UDHR. It is an enabling right that allows for effective participation of non-state actors in economic and social policy and ensures that workers and employers have a voice and are represented. The right of workers and employers to form and join organisations of their own choosing is an integral part of a free and open society. Often, in countries where there is no democracy, there are restrictions to freedom of association.

Closely linked to freedom of association is the topic of collective bargaining. Collective bargaining is included in the ILO Declaration on Fundamental Principles and Rights

at Work and provides the basis for sound labour relations. It is a key means through which employers and their organisations and trade unions can establish fair wages and working conditions and ensure equal opportunities for women and men. Typical issues on the bargaining agenda include wages, working time, training, occupational health and safety and equal treatment. The objective of such negotiations is to arrive at collective agreements that regulate terms and conditions of employment. Collective agreements may also include the rights and responsibilities of workers and employers³⁹.

Legal trade unions provide a key channel for workers to voice their concerns, and, through collective bargaining, improved working conditions can be ensured and can be a means to prevent labour exploitation.

Unionisation and collective bargaining create a more balanced power structure in the workplace. For example, it can allow workers to voice their concerns without fear of retaliation. By reporting issues regularly and systematically, labour rights violations can be detected, addressed and prevented in a timely manner. Also, workers may feel safer addressing issues collectively through a union, and for employers it is a benefit as they do not have to address issues per individual case.⁴⁰

However, workers in the fisheries sector workers are often unable to exercise their right to freedom of association and collective bargaining. In particular, the remoteness and isolation of fishery workers leads to limited unionisation.

In fish processing, unionisation is limited. There are examples of seafood processing plants where unionisation has been discouraged and union leaders and members are threatened with sacking.⁴¹ An example of this can be found in the box below.

RESTRICTIONS ON UNIONISATION IN SEAFOOD PROCESSING

In 2013, the Citra Mina group of companies, one of the largest tuna exporters in the Philippines, terminated the contracts of 234 workers for unionising. Of the 3,200 employees, only around 500 have regular employment contracts. This action launched a union-driven campaign for 'worker safe' tuna and compelled government intervention.

Source: IUF, 'Human rights violator Citra Mina in the focus of the PHL parliamentary debate on ending contractualization in the tuna industry' (6 March 2017). See: <https://www.iuf.org/news/human-rights-violator-citra-mina-in-the-focus-of-the-phl-parliamentary-debate-on-ending-contractualization-in-the-tuna-industry/>

Despite efforts to increase union membership in the fisheries sector, such as campaigns by the two main global trade union federations for workers in the fisheries sector, International Transport Workers' Federation (ITF) and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), in 2019, it was estimated that only 1% of workers employed in fisheries are unionised⁴².

Unionisation can also promote other rights. An example of this is demonstrated by the unionisation of female fish vendors in Maharashtra, India. In 2014, the women's wing of the Maharashtra Macchimar Kruti Samittee, a trade union that has been pushing for women fish vendors' rights, increased its say in the city's development by convincing the Municipal Corporation of Greater Mumbai to agree to a joint mapping exercise of the city's formal and informal fish markets. Together with other organisations, the women fish workers of Mumbai used this mapping and photographic evidence to prevent the eviction of a fish market, which in turn supported securing their rights and livelihoods⁴³.

INTERNATIONAL FRAMEWORK AGREEMENTS BETWEEN GLOBAL UNION FEDERATIONS AND FOOD AND BEVERAGE COMPANIES

In 2013, the food company Nestlé signed an international framework agreement with IUF to establish a constructive and ongoing engagement on global labour topics. Since its inception, company leadership and IUF affiliates from different regions have agreed to meet bi-annually and discuss labour topics based on a set agenda.

Danone and IUF have nine framework agreements on a number of global labour-related topics, including equality, trade union rights, health and safety, and working conditions and, most recently, on precarious employment. The international framework agreements apply to all Danone's subsidiaries around the world.

Source: IUF, Global agreements, <https://www.iuf.org/what-we-do/global-agreements/>.

At the global level, there are a number of initiatives that can promote and encourage improved labour relations and, in turn, better working conditions. International framework agreements with global union federations are one such positive tool to support workers' rights. An international (or global) framework agreement is an instrument negotiated between a multinational enterprise and a global union federation aimed at establishing an ongoing relationship between the parties and ensure that the company respects the same standards in all countries where it operates. Sectoral trade unions from the home country of a multinational company also participate in the negotiation of the agreement⁴⁴. To date, there is no international framework agreement in the fisheries sector, but the industry could take inspiration from the food and beverage sector, as the box above illustrates.

For workers on fishing vessels, the ability to unionise is much more challenging due to their remote working conditions in isolated locations. Moreover, the fisheries sector employs large numbers of migrant workers, and foreign migrants are often excluded from national-level unionisation processes.

In order to address labour rights violations, unionisation and building workers on fishing vessels' power across the supply chain is crucial. This does not only mean that employers need to take responsibility to allow for freedom of association and collective bargaining, but also that governments must do so too.

A number of positive developments with regard to labour rights of workers on fishing vessels have been recorded recently through the involvement of unions.

In 2021, a migrant fishermen's union, Keelung Migrant Fishermen Union, was established in Taiwan. This Union is the second migrant fishermen's union to gain legal status in Taiwan after cases of abuse against Southeast Asian migrant fishermen came to public attention. The objective of the union is to advance labour rights protections for migrant fishermen from Indonesia, Vietnam and the Philippines⁴⁵.

Another example is Ireland, where, for a decade, ITF campaigned to improve the rights of migrant fish workers. In October 2022, Ireland decided to move fishers' residency status from being linked to their ongoing employment with a vessel owner and replace it with visa routes that provide migrant workers with the legal safeguards enjoyed by Irish nationals⁴⁶.

In Thailand, ITF has assisted migrant fishers from Cambodia and Myanmar to establish and build the Fishers Rights Network. The network mobilises fishers to stand up and protect their rights by bargaining seafood supply chain agreements and health and safety agreements with suppliers and vessel owners⁴⁷.

In 2020 in the Maldives, the new yellowfin tuna fishers union Bodu Kanneli Masveringe Union was formed. It unionised a great number of fishers in the large Maldivian tuna industry⁴⁸. Since its inception, it has raised issues to government on, for example, better incomes and higher prices for yellowfin tuna fish and lower fuel prices for fishermen⁴⁹.

The above examples demonstrate that freedom of association is a driving force to improve working conditions and that without it, there is an increased risk of violations of human rights of workers in the fisheries sector, from workers on fish vessels, to processing of seafood.

2.3 THE RIGHTS OF WOMEN AND GIRLS

Women represent more than half of the workforce in the fisheries and aquaculture value chains⁵⁰. While women hold just 15% of harvesting jobs, they represent 90% of the workforce at the processing stage, and there is an emerging trend of women owning their own fishing cooperatives and buying boats. Furthermore, seaweed farming, which is one of the world's fastest-growing form of aquaculture, is increasingly lucrative for women in the Philippines and helps to sustain the livelihoods of entire families.^{51, 52}

The high-risk nature of the fisheries sector exacerbates societal discriminatory norms and, as a result, women often suffer from discrimination in the form of unequal pay and conditions of work, access to opportunities, participation in trade unions and access to complaint mechanisms⁵³. Because there is a gendered division of labour in fisheries, women often work in the least profitable parts of the industry, such as in fish processing plants⁵⁴. Moreover, women are often excluded from holding management positions and from planning and decision-making processes in the industry⁵⁵.

WOMEN RIGHTS IN THE TUNA INDUSTRY OF THE PACIFIC ISLANDS

The fishing industry contributes to a variety of direct and indirect challenges to the rights of women and girls on every level of the tuna fisheries value chain. For instance, women and girls working in the tuna processing sector in Pacific Island countries have to balance their caregiving and family duties with performing low-paid manual labour in factories, while being subject to gender stereotypes and societal expectations.

According to reports, women have also endured physical abuse and sexual exploitation, sometimes at a very young age, from seafarers and fishers when they return to ports after spending a considerable time at sea in the environment that reinforces discriminatory and misogynist social norms.

Source: Kate Barclay, 'Gender and tuna industries in the Pacific Islands', Women in Fisheries Bulletin #33, March 2021.

Due to the gendered nature of labour division in the fish value chain, women face distinctive health risks. For instance, smoking of fish as part of the processing stage is often carried out by women whose health may be affected by smoke inhalation⁵⁶. Women working in fish processing plants also suffer from occupational health issues caused by humidity, cold and monotonous heavy labour and plastic washed ashore⁵⁷.

Women in the fish value chain are also at risk of becoming victims of sexual abuse and violence. In some cases, in East African countries such as Kenya and Malawi, women have been subjected to sexual exploitation and required to perform sexual services in exchange for access to fish markets⁵⁸. These risks are exacerbated by the prevalence of informality and the lack of security at fish processing sites⁵⁹.

Women often experience the so-called triple burden, as they have to carry out informal household and community work and take care of children while being engaged in income-generating employment. Considering these roles, different aspects of discrimination against women in the fisheries sector reinforce the existing structural inequalities and aggravate poverty and economic struggles in local communities⁶⁰. Due to their key role in ensuring the wellbeing of their families and communities, women are disproportionately burdened by adverse socioeconomic impacts of industrial fishing. For instance, the overexploitation of small pelagic fish for non-human consumption and export in West Africa directly affects food and nutritional security of small-scale fishers, coastal communities and women working in processing and artisanal fishing⁶¹.

Similar conditions exist for girls in fisheries: Girls often have to take care of domestic chores, look after their siblings and work, all while working and going to school and during leisure time. Furthermore, girls can be exposed, and be more vulnerable, to sexual exploitation and abuse.

SOLTUNA'S SOLUTIONS TO REDUCE EMPLOYEE ABSENTEEISM AND TURNOVER IN THE SOLOMON ISLANDS

SolTuna is the only tuna processing facility on the Solomon Islands and employs approximately 1,800 employees, of whom 64% are women. The plant was facing high percentages of absenteeism (18%), in particular among women, which has led the company to employ extra staff for each shift and pay overtime to meet orders. Women were absent due to taking care of children or elderly relatives. Workers were also missing work due to domestic violence. To address this, SolTuna has been working with the International Finance Corporation to implement a series of gender-smart initiatives to help the company to address the above-mentioned challenges.

SolTuna already had some gender-related actions, such as a non-discrimination policy and procedures, in place. Together with the International Finance Corporation, the company implemented the following interventions to address the root causes of women not coming to work:

- Training in financial literacy, household budgeting and understanding pay slips, which contributed to significant improvements in financial attitudes and behaviour, as well as increased attendance by trainees;
- Support workers who face domestic violence with a team of first responders on how to handle disclosure of violence at work and how to resolve grievances;
- An agreement was reached within SolTuna to spend the entire 5% wage-bill increase approved by the board of directors on raises for the lowest earning four grades, positions mostly held by women; and
- SolTuna targeted women for recruitment in non-traditional but better-paying roles, such as forklift drivers, and top positions in production and quality control.

Sources: International Finance Corporation, '[Case study: Gender-smart solutions reduce employee absenteeism and turnover in Solomon Islands](#)', and International Finance Corporation, '[Sustainable markets: facing gender inequality head-on helps SolTuna succeed](#)'.

2.4 MIGRANT WORKERS

Many workers migrate to work in the fisheries sector of other states. This means that they work on vessels flying another flag than that of their country of origin, and in other parts of the value chain such as processing plants or transportation services.

DIFFERENT STATE ROLES FOR MIGRANT RIGHTS ON FISHING VESSELS

The treatment of migrant workers on fishing vessels is often impacted by the different legal systems of countries involved in their recruitment and labour on the vessel. These include:

- Source state: Countries of recruitment and transit;
- Flag states: Countries that fishing vessels are registered in;
- Coastal states: States which issue fishing licences and permits;
- Port states: States where trans-shipment and/or discharge of the catch happens; and
- Trade and market states: States involved in the processing and retail of fish products.

Source: ILO, 'Fishers first – Good practices to end labour exploitation at sea', 2016.

While there are no exact numbers for migrant workers in the fisheries sector, the ILO estimates that there are 169 million migrant workers worldwide and 71% work in agriculture, including aquaculture and fishing⁶². The number of migrant workers is disproportionately high in some countries. European countries such as Greece, Ireland, Italy and the UK employ a considerable number of migrant workers in the fisheries sector, while Asian countries such as Malaysia, Taiwan, Japan and Thailand also rely heavily on migrant workers in this sector⁶³.

Labour migration in the rapidly growing fisheries sector can be a valuable source of income for workers and their families. Companies in the sector are also likely to hire cheaper foreign labour from developing countries. However, labour migration can also be linked to severe human rights impacts and exploitation for many workers.

Because of their migrant, and therefore often undocumented, status, migrant workers are less likely to assert their rights and more likely to accept poor working conditions. These factors increase the likelihood of human rights impacts for migrant workers. The impacts of labour rights of migrant workers can occur at any stage of their labour relationship and across the value chain. However, there are a number of human rights risks specific to migrant workers.

The abuses often start at the beginning of the labour relationship, as workers tend to be required to pay high recruitment fees to labour brokers and private agents. Moreover, they are often not provided with written contracts and can encounter working conditions worse than those agreed at the recruitment stage.

WAGE PAYMENTS IN THAILAND

A survey conducted by ILO in 2018 revealed that migrants working in Thailand's fisheries receive around 250 Euros equivalent to Thai Baht per month. While 52% of the respondents were paid monthly, 24% were subjected to delayed and partial payments and wage deductions, which ranged at 31% of the initial salary. In 94% of cases, it was the boat owner who withheld the salary.

Sources: ILO, Ship to Shore Rights 2018 [Baseline Report](#) and 2020 [Endline Findings Report](#).

While forced labour and modern slavery are a general issue in the fisheries sector, migrant workers are especially vulnerable to these practices in many countries. A 2020 Greenpeace report revealed that there were high risks of forced labour of migrant workers in the Taiwanese fisheries sector, including excessive overtime, debt bondage and retention of identity documents⁶⁴. Another survey of Burmese and Cambodian workers in the Thai fisheries sector determined that up to 85% of the surveyed persons had possibly been the victims of human trafficking⁶⁵. A recent report showed that between 2017 and 2018, four migrant workers in Ireland, among other victims, were forced to work on fishing vessels for no pay⁶⁶.

Migrant workers often become victims of labour abuses related to health and safety, wage theft, poor living conditions, excessive overtime, and other labour abuses. Migrant workers from Indonesia and Ghana working on vessels in the Chinese distant water fleet have reported that the majority of them had experienced wage deduction or debt bondage, document confiscation, excessive working hours and abusive working and living conditions, intimidation and even physical violence⁶⁷.

LINKS BETWEEN IUU FISHING AND HUMAN RIGHTS IMPACTS

Risks of negative human rights impacts on migrant workers are exacerbated in distant water fishing and IUU fisheries. IUU fishing encompasses different methods, including, among others, the use of destructive gear, violation of environmental laws, operation in restricted areas, overfishing beyond quotas and the forging of statistics or licences.

A 2019 report by the EJF demonstrated the links between modern slavery practices and IUU fishing. The report described a destructive cycle of overexploitation and unsustainable fishing through IUU methods and increasing economic costs of fishing depleted fish resources. The result is that fishing vessels need to spend more resources and time to catch less fish while having to cut expenses where possible. While expenses such as fuel, gear and materials are fixed, costs related to labour tend to be viewed as more flexible.

While IUU fishing methods affect the rights of all workers, migrant workers are especially vulnerable due to their disadvantaged legal, social and cultural status, and are less likely to speak up or be listened to by authorities.

Source: 'Blood and Water', EJF, [Blood And Water: Human Rights Abuse in The Global Seafood Industry](#), 2019, pp. 9–11.

Based on research by a migrant rights organisation, migrant workers mainly from South Asia have faced unacceptable working conditions in the fisheries sector in the Gulf region. According to reports, they are mistreated at every stage of their employment by being charged unfair recruitment fees, facing discrimination and slave-like treatment, being employed without contracts, and being subjected to unbearable living conditions. There is a lack of work-related insurance, and wages are low and sometimes paid as a percentage of the catch⁶⁸. This is not only a practice taking place in the Middle East and Asia; a 2021 survey of non-EEA migrant workers on Irish fishing vessels revealed

that the majority of the surveyed workers report that they have to work between 15 to 20 hours a day and that they experience a lack of safety on the vessels and verbal racial abuse in the workplace⁶⁹.

Additionally, there are several cases where migrant workers have been detained or arrested due to breaching nautical borders. Meanwhile, they lack accessible means to defend themselves and are often abandoned by the countries they were employed in.⁷⁰

DHAKA PRINCIPLES FOR MIGRATION WITH DIGNITY

Developed by the Institute for Human Rights and Business on the basis of the UNGPs after extensive consultation, the Dhaka Principles for Migration with Dignity are “supported by business, government, trade unions and civil society”.

Launched in 2012, these ten non-binding principles are designed to enhance business responsibility for human rights of migrant workers by tracing “the worker from recruitment, through employment, to the end of the contract” and by providing “key principles (...) to ensure migration with dignity”. They apply to all industries, including fisheries, and are based on two core principles: (1) equal and non-discriminatory treatment, and (2) the protection of employment law for migrant workers.

The Dhaka Principles are accompanied by a guide for implementation that provides companies with necessary knowledge on the steps for implementing each principle, a checklist, a list of relevant international instruments and further resources.

Additionally, in 2019, the ILO published its non-binding General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs. Their purpose is to “inform the current and future work of the ILO and of other organisations, national legislatures, and the social partners on promoting and ensuring fair recruitment” (p. 11).

Prevalent labour abuses in the fisheries sector are exacerbated by general prejudices and discriminatory attitudes that may exist towards certain groups of foreigners, especially those who migrate for low-paid work.

Migrant workers are also at higher risk of being disproportionately affected by global crises such as climate change or the COVID-19 pandemic. For instance, the first victims of the COVID-19 pandemic in the fisheries value chain were migrant workers. Since they were not included in pandemic relief policies, migrant workers were least likely to be covered under other social protection schemes and lockdowns. Furthermore, travel restrictions extended the stays of migrant workers, which resulted in increased living expenses⁷¹.

LEGISLATION AGAINST MODERN SLAVERY IN THE PRIVATE SECTOR

The UK and Australia have adopted laws that set out a range of measures on how modern slavery and human trafficking should be dealt with. Along with other provisions, these acts include an annual reporting requirement for large corporations that meet certain financial criteria, which is turnover in the UK and consolidated revenue in Australia.

Companies are required to submit to authorities a modern slavery statement that covers:

- A mapping of the operations and supply chain;
- A mentioning of modern slavery risks in the value chain;
- Actions taken to counter these risks (including policies, HRDD and remedy mechanisms); and
- An assessment process of these actions.

To comply with these requirements, large-scale companies in the fish and seafood value chain have adopted modern slavery statements. Examples of such statements include:

- New England Seafood International's Modern Slavery [Statement 2022](#);
- Seafresh Group's Modern Slavery [Statement 2020](#);
- Young's Seafood's Modern Slavery [Statement 2020/21](#);
- Cooke Aquaculture's Modern Slavery [Statement 2020](#);
- Whitby Seafoods' Modern Slavery [Statement 2020](#);
- Nestlé's Human Trafficking and Modern Slavery [Report 2020](#);
- Woolworths Group's Respecting Human Rights: Modern Slavery [Statement 2021](#);
- and
- Austral Fisheries' Modern Slavery [Statement 2021](#).

Sources: Australia's [Modern Slavery Act 2018](#) and the UK's [Modern Slavery Act 2015](#).

2.5 CHILD LABOUR

Children are especially susceptible to the impacts of engagement in labour. According to the ILO, 160 million children were in child labour in 2020, with more than half of them in hazardous work that impacts their health, safety and development⁷².

In the highly hazardous stages of the fisheries value chain, children are extremely vulnerable to modern slavery and other severe exploitative practices. In Ghana, 700 children have been rescued from the fisheries sector around Lake Volta since 2002. Yet, 20,000 children were estimated to still be subject to modern slavery there in 2019. Children are sold to fishers as bonded labourers at a young age and work as modern slaves. Thereby, they are subjected to excessive work hours, physical abuse, malnourishment and hazardous work, such as hauling and untangling heavy fishing nets, and are denied basic education⁷³.

In Vietnam, children aged from five to 17 have reportedly been engaged in the fisheries value chain, and a large majority of the children employed in fish processing were involved in hazardous work.⁷⁴ An investigation into Vietnamese fishing vessels published by EJF revealed that 17% of the surveyed vessels had at least one child on board, some as young as eleven years old.⁷⁵

In the Honduran lobster industry, which is mainly destined for export to the USA, young boys work as canoeists and helpers who bring divers into the high seas, watch the boats and monitor while adult divers dive for lobsters. Sometimes, the boys also dive to indicate where lobsters can be found. This practice poses a high risk for them both physically and mentally, as they do not use any personal protective equipment. Moreover, boys frequently face verbal and physical abuse from the adults who often consume alcohol and drugs⁷⁶.

Prohibited forms of child labour have a negative impact on children's physical and mental development, hamper education and contribute to intergenerational poverty and social exclusion.

Children working in the fish value chain are less likely to attend school and get an education due to the excessively demanding nature of the activities. Children's tasks are often divided according to their gender, which may reinforce existing discriminatory hierarchies and treatment of women and girls⁷⁷. Boys often work on fishing boats and spend long periods of time on the open sea, while girls are involved in post-harvest activities and attend to family chores at the same time.⁷⁸ However, there could be a potentially positive impact for young workers engaged in fisheries activities when working with their communities allows for the transmission of intergenerational and traditional knowledge on fishing and nature.

INTERNATIONAL LABOUR STANDARDS ON MINIMUM AGE

ILO fundamental conventions on child labour (Conventions No. 138 and 182) determine the minimum age of work as 15 years, or the age of completion of mandatory education at school. Employment of persons below this threshold will be considered child labour. Moreover, 18 years is the minimum age for work which, by nature or circumstance, threatens health, safety and moral wellbeing. However, there are exceptions to this. The following types of work are not considered child labour:

- Work done in educational institutions as part of education;
- Work done by children from 14 years of age as an integral part of education, training, guidance in educational institutions, in undertakings approved by authorities or to facilitate the choice of occupation; and
- Nationally permissible light work for persons between 13–15 years of age which does not harm health or development and does not jeopardise their education or vocational training in any way.

Additionally, the ILO Convention on Work in Fishing (No. 188) specifies different age limits for work on fishing vessels. It establishes the minimum age of work as 16 years, and 15 years if a person is no longer subject to compulsory schooling as provided by national legislation for light work.

In many parts of the world, helping their family members in day-to-day fishing, processing and trade is the main source of learning about fishing practices and methods for younger generations. This is especially true in the case of small-scale, artisanal and subsistence fishers and Indigenous communities, who often transfer unique traditional methods of cultural significance through practice.

While assessing child labour in their value chains, companies should be mindful of social and cultural contexts. However, it is also necessary to remain diligent about the high-risk nature of the seafood value chain. These risks include the prevalence of human rights impacts such as excessive work hours, forced labour, hazardous and burdensome work, physical, mental and sexual abuse and other factors that can be detrimental for children's physical and mental development.

Sources: Minimum Age Convention, 1973 (No. 138); The Worst Forms of Child Labour Convention, 1999 (No. 182); Work in Fishing Convention, 2007 (No. 188).

As a high-risk and demanding occupation, fisheries work is linked to increased risks of alcohol, tobacco and drug abuse, which is often practiced in order to be able to endure the hardships of this occupation as well as increased risk of sexual violence and prevalence of HIV/AIDS⁷⁹. Exposure to these risks can be detrimental for the physical and mental health of children.

Many children work in household and small-scale enterprises as well as accompany and help their parents who provide manual labour in larger companies. This complicates the monitoring of child labour practices. At the same time, children may be involved in labour across the value chain, such as participating in preparatory stages, which include the preparing of fishing equipment as well as capturing fish, and post-harvest activities, which entail the processing and marketing of fish and seafood⁸⁰. These factors often do not allow child labour in the value chains of companies to be discovered⁸¹.

HOW TO ADDRESS THE IMPACTS OF CHILD LABOUR IN THE FISHERIES VALUE CHAIN?

How companies should address child labour depends on whether the company has caused the impact, i.e. child labour is found in its own fishing operations, contributes to the impact by for example employing children in supplier operations or is directly linked to the impact, for example if industrial overexploitation of fish causes local socioeconomic distress and drives children to work.

While addressing child labour in a company's own operations and structure is more straightforward, if the impact is located in other segments of the value chain, it becomes more complicated. However, companies always have certain leverage through their financial, contractual and informal relationships within the value chain to have a positive impact and work with suppliers, stakeholders and affected individuals to address the root causes of child labour. These forms of leverage and the scope of potential responses to child labour are broader and more effective for larger corporations.

Apart from responding to individual cases, companies should make efforts to identify and address the root causes of negative impacts and design their responses based on the broader context. Child labour as a systemic issue is often a symptom of poverty, inequality, low income and lack of social security. Moreover, provided that almost every state's legal system complies with the international requirements for minimum age of employment, child labour often happens in the informal and irregular side of the economy. Considering these factors, companies should combine their responses to child labour with efforts towards paying decent wages, preventing discrimination, providing social security and ensuring the formalisation of work.

While their positive impacts may be modest, companies can create or join local partnerships for eliminating child labour with other businesses, CSOs and governments.

2.6 THE RIGHTS OF LOCAL COMMUNITIES

Fisheries operations inevitably have an effect on communities. These impacts may be positive when businesses create jobs and promote local trade and economy along the entire value chain. However, fisheries activities use local resources, and this can often collide with the needs of local communities. These resources include fish stocks, land, water and other aspects of local ecosystems.

Furthermore, industrial fishing can have a devastating impact on coastal fishing communities. Industrial and small-scale, artisanal or subsistence small-scale fishing often target the same species. Moreover, industrial overfishing and fishing too close to the coast where there are no exclusion zones for industrial fishing can diminish or reduce fish stocks near the coastline. This means that artisanal and small-scale fishers are required to venture further out to sea and spend more time fishing with inadequate equipment to meet local demands. These increases the risks to their right to life and health and negatively impacts their economic standing as they may need to upgrade their equipment for less catch. For example, for Kenyan artisanal fishers, the presence of foreign trawlers in their coastal waters was directly linked to the reduction of their catch and caused damage to their gear, the sea floor and coral reefs⁸². Furthermore, there is evidence that large-scale fishing vessels violated the law by illegally fishing on grounds reserved for small-scale fishing⁸³.

Moreover, if local communities depend on fish resources for their own consumption and for trade purposes, their depletion compromises their food, nutrition and income security⁸⁴. In Sierra Leone, illegal overfishing by foreign trawlers has led to declining fish populations and has had a critical impact on jobs and food⁸⁵. Sierra Leone is one of the six African nations that were estimated to lose 2.3 billion US dollars in revenues due to illegal fishing in 2017⁸⁶.

The fisheries value chain can also contribute to environmental harm. Certain destructive fishing techniques and the use of dynamite or cyanide has impacts on the environment. Moreover, fishing practices such as dredging and bottom trawling harm seafloor habitat. The loss of fishing gear as well as the dumping of plastic debris has harmful impacts on the environment, on marine animals and consequently also

on humans⁸⁷. Pollution from fish processing plants can also cause serious harm to the marine environment, since trash fish, which is fish not used for direct human consumption, and other waste from different stages of processing such as loading, unloading, processing, storage, transportation and marketing due to spoilage is often discarded and dumped into the sea. Postharvest waste such as offal needs to be contained, as this organic material harms aquatic ecosystems through the release of bacteria via the leakage of body fluids and can cause lower oxygen levels at the seabed, affecting aquatic organisms and the spreading of infections. When disposed of on land, trash fish and other waste can have serious implications for the environment, such as fish bones releasing calcium, which can negatively impact the soil⁸⁸.

2.7 ENVIRONMENTAL AND HUMAN RIGHTS DEFENDERS

Coastal environments and populations alike can be threatened by the impacts of ocean-based economic development, the dumping of pollution or hazardous wastes or the unsustainable harvesting of local marine resources. In light of this, environmental and human rights defenders, fisheries observers and other rights-holders who speak up against adverse impacts in the fisheries sector (sometimes also called 'ocean defenders') play a vital role in the protection of environmental resources and human rights. Their tactics include "mobilising social networks for collective action, organising protests and occupations, researching and documenting the issues, communicating with media and raising awareness of the public, advocating for policy change or corporate responsibility, and engaging in legal battles"⁸⁹. Furthermore, they may engage in informal monitoring and law enforcement activities.

Due to their close relationship with water- and marine resources, small-scale fishers, coastal communities, and Indigenous Peoples are particularly important stewards of freshwater, coastal and marine biodiversity. By striving to protect their human rights related to the environment, such as the right to food, the right to a healthy environment and the right to participate in cultural life, they can act as environmental human rights defenders. For example, in 2012, a number of small fishing towns at the Gulf of California in Mexico set up eleven small areas where fishing was banned in order to fight overfishing in the Gulf⁹⁰. Not only does this protect marine biodiversity, but it also safeguards the right to food of local fishing communities. Furthermore, in Ghana, women have acted as environmental human rights defenders by refusing to buy fish that was caught illegally and with the use of chemicals such as petrol or dynamite, thereby effectively aiming to safeguard the health and livelihoods of communities as well as the environment.

Due to their activism, environmental and human rights defenders have reportedly faced grave repercussions such as attacks, threats, torture and killings. For instance, fisherfolk and human rights activists in the Philippines have been murdered for their activism against the construction of tourist resorts, which was associated with the forced displacement of coastal residents and the privatisation of communal fishing waters⁹¹.

Fisheries and environmental observers are independent compliance officers who observe fishing boats' activities at sea and in port and report not only unsustainable fishery and abusive human rights practices, but also fishing catches and methods to their employer, which are often fisheries ministries⁹². While they have no power to

enforce rules, their primary role is to observe, collect, record and report on fishing activities and they are essentially the 'eyes and ears' of fishing authorities. This allows the latter to verify activities and informs important fisheries management decision-making processes, which makes observers a crucial link in the accountability of fishers and fisheries companies. In 2020, a fisheries observer employed by the Kiribati Ministry of Fisheries, Eritara Aati Kaierua, was found dead with a severe head injury while working on a Taiwanese tuna fishing vessel⁹³. Since 2010, ten fisheries observers have died on the Pacific high seas, of which five have been in suspicious circumstances⁹⁴. In another case, a Ghanaian fisheries observer disappeared from a Chinese-owned trawler where he was placed to document the devastating effects of overfishing in Ghana⁹⁵. These cases are examples of many deaths of independent fisheries observers in open seas where jurisdictional responsibilities are blurred, and investigations scarcely take place⁹⁶. The severity of impacts on human and environmental rights defenders in the fisheries value chain was also recently demonstrated by the murder of two defenders in the Javari Valley in the Amazon rainforest by illegal fishermen⁹⁷.

Companies have used different strategies against environmental and human rights defenders. One of such strategies to target such defenders is through so-called strategic lawsuits against public participation⁹⁸ (also called SLAPPs), a method where a company sues defenders in often lengthy lawsuits which cost a lot of financial resources and time, and which are often disproportionate to the company's resources.

Moreover, certain groups of defenders are more vulnerable to specific risks and harms. For instance, women environmental and human rights defenders frequently experience gender-based violence and discrimination in the form of intimidation, defamation, threats and warnings, harassment and sexual violence⁹⁹.

CONFLICTS IN THE FISH AND SEAFOOD VALUE CHAIN

The fisheries sector contains high risks of negative environmental, social and economic impacts and can cause social conflicts. This is especially the case when large-scale companies start new projects in vulnerable contexts such as decreasing fish stocks, scarcity of land and water, and vulnerable ecosystems. Local resource users such as artisanal, small-scale and subsistence fishers, farmers, conservationists and environmental defenders have to enter into unfair competition with these companies, which are often equipped with advanced technology and have strong financial standing and government support.

For instance, conflicts related to fisheries are frequent in the African context, where key issues include the increase of the fishmeal industry, overexploitation of key species and competition over resources. In Ghana, local fishers often find themselves in conflict with industrial fishing boats, and both parties resort to extreme measures such as using guns, explosives, poisons or spraying hot water. In the Gambia, social conflict surrounding environmental and socioeconomic impacts related to Chinese fishmeal plants led to a riot where local youths torched one of the factories alongside dozens of fishing boats supplying the factory and a police station.

Conflicts between a company and local resource users can be a sign of disagreement, miscommunication or ignorance about contextual issues and concerns and illustrate that the company does not have a 'social licence to operate'. To avoid potential conflicts or address existing ones, companies should adopt a conflict management strategy, including:

- Duty of the company to carry out environmental and social-cultural assessments with communities to fully understand potential and actual issues and develop appropriate approaches to prevent current and future conflicts;
- Conflict management techniques that are applied throughout the project life-cycle;
- Identification and assessment of human rights impacts that may lead to conflicts such as impacts on socioeconomic situations, on the access to land and water and on fish resources;
- Address these impacts by preventing and mitigating them. This may take the form of sustainable resource management plans or other measures to set off and compensate for existing impacts;
- Enhanced engagement with local resource users that enables their participation in important decisions. This should include:
 - A channel for submitting grievances and complaints to the company;
 - A remediation mechanism within the company;
 - The facilitation of an external remediation mechanism, such as mediation or governmental remediation mechanisms;
 - The provision of information on important elements of company operations, including on impacts and the effectiveness of company measures to offset them;
 - Negotiations to acquire the agreement of the community and to meet the requirements for FPIC in case of Indigenous communities; and
 - Participatory approach to design better projects, not as a crisis response.
- Use independent mediators such as Ombudsman offices.

Sources: [UNGPs](#), [Inter-American Development Bank - Conflict Management and Consensus Building For Integrated Coastal Management In Latin America And The Caribbean](#).

2.8 INDIGENOUS PEOPLES' RIGHTS

Fisheries operations can have a disruptive effect on Indigenous People's rights to enjoy the resources on their customary land or to obtain food through traditional fishing practices. Fish represent a vital source of food security and nutrition for Indigenous Peoples, and it is estimated that the use of fish per capita is 15 times higher for coastal Indigenous communities than the global average¹⁰⁰.

HUMAN RIGHTS RISKS OF INDIGENOUS PEOPLES IMPACTED BY FISHERIES ACTIVITIES

- The rights to self-determination and development;
- The right to land, territories and natural resources;
- The rights to enjoy one's culture and to take part in cultural life;

- The rights to an adequate standard of living, to work, and to the enjoyment of just and favourable conditions of work;
- The rights to consultation, participation and access to information;
- The right to a healthy environment; and
- The right to remedy.

Indigenous Peoples who rely on fishing for their livelihoods often have to assert their rights to fish. An example is the case of the Sámi people from Norway and Finland. Sámi fishing communities were brought to court for violating Finnish laws while fishing outside the seasonally accepted period and for fishing without a legally required permit. However, according to the Finnish Constitution, the Sámi people have a right to their culture. Fishing in general is recognised as an exercise of the Sámi, and the Constitution Law Committee of the Finnish Parliament has deemed fishing for salmon in the Tenjoki River a constitutional Sámi right. Based on this, the Finnish Supreme Court ruled that members of the Sámi Indigenous People were not legally responsible for having violated joint Finnish-Norwegian rules on fishing¹⁰¹.

In many contexts, commercial fishers compete with Indigenous Peoples' rights to natural resources, including land and ocean. In Canada, the supreme court granted the Mi'kmaw people the right to engage in moderate livelihood fishing outside commercial fishing rules. However, this provoked commercial fishermen, and they committed acts of violence against Indigenous Peoples, their equipment and storage¹⁰².

Indigenous communities that depend on fishing suffer adverse socioeconomic impacts due to the encroachment of commercial fisheries on their territory. Industrial overfishing has contributed to the depletion of fish in coastal waters and forced Indigenous fishers to take more risks by expanding their activities into precarious deep waters¹⁰³. In many cases, the consequences of unsustainable industrial fishing become a disproportionate burden on Indigenous communities due to the lack of meaningful participation of Indigenous Peoples in environmental management processes. For example, the Gnobe people in Panama are severely affected by the fishing ban on lobster, which represents their main source of income and food¹⁰⁴.

Unfair competition with industrial fisheries over limited resources undermines traditional Indigenous practices of subsistence fishing and may force members of fishing communities to agree to unfair labour arrangements, including child labour, hazardous work or modern slavery¹⁰⁵.

In many States, Indigenous communities struggle to assert their rights to ancestral land, waters and resources. In such contexts, commercial fishing operations and processing facilities can become the source of human rights impacts if they:

- Are conducted and built through land- and/or ocean-grabbing;
- Are conducted on the basis of faulty environmental and other impact assessments;
- Lack FPIC;
- Use excessive amounts of water or other resources; or
- Pollute and damage the environment that Indigenous Peoples' traditionally have a close relationship with¹⁰⁶.

INTERSECTIONALITY WITHIN INDIGENOUS COMMUNITIES

The concept of intersectionality refers to the interconnection of different identities that carry with them unique advantages and disadvantages. Many groups within Indigenous communities face additional threats or discriminatory treatment due to their intersectional identities. For example, women ocean defenders from Indigenous communities may become targets of harassment and defamation from commercial fishers, face legal obstacles in finding justice due to the marginalisation of Indigenous communities and face distrust, exclusion and lack of support from their own communities for violating social gender norms. Moreover, coastal Indigenous Peoples already face double vulnerability compared to industrial fisheries because of their Indigenous identity and their dependence on small-scale fisheries.

Companies should be aware that certain individuals face extreme forms of discrimination due to their intersectional identities and that they should therefore address such human rights impacts by developing sensitive policies and practices and community engagement activities.

The presence of industrial fisheries has the potential to affect cultural rights of Indigenous Peoples and disrupt their ways of life. For instance, IUU fishing threatens isolated tribes since this type of fishing ignores rules and regulations and encroaches on Indigenous territories. Furthermore, this brings them into contact with diseases, substances and activities that may be fatal for the members of these tribes. Such cases have been observed in relation to the tribes of the Andaman Islands in India¹⁰⁷ and Javari Valley in the Amazon¹⁰⁸. Freshwater, fish and other resources also play a role in ceremonial traditions¹⁰⁹. The pollution from fish processing plants, overfishing and other impacts of the industry can also threaten these traditions and affects Indigenous Peoples' right to self-determination and cultural identity.

There have been examples documented where Indigenous Peoples engaged as workers in the sector face abuses of their right to the enjoyment of just and favourable conditions of work. These abuses may often amount to forced labour and/or modern slavery or have irreversible impacts such as loss of life or severe damage to health. In Honduras, fishers in the Indigenous Miskito community are dependent on lobster fishing as well as sea cucumber and snails through diving. Most of the lobster are exported to the USA, while sea cucumber and snails are mostly exported to China¹¹⁰. Due to lack of regulations and pressure from their private employers, many divers have been working excessive hours without proper equipment or maintenance. As a result, many divers have suffered from severe health damage such as decompression sickness. Moreover, half of them have been left partially or totally disabled and many divers have died or disappeared. These impacts and the rights of Miskito divers were affirmed by the Inter-American Court of Human Rights, which found in 2021 that the State of Honduras had violated the human rights of affected individuals by failing to protect them from dangerous practices of private companies in the industry. The ruling is unique, as the court elaborated the human rights responsibilities of corporations, including the responsibilities to avoid and address the impacts they have caused or contributed to, to conduct HRIAs, to mitigate risks and to provide remedy¹¹¹. A sectoral analysis on the human rights impacts of the Miskito divers was conducted in 2023

and was published by the Comisión Nacional de Derechos Humanos de Honduras (CONADEH), which is the NHRI of Honduras, and the DIHR. This analysis provides an overview of the impacts as well as recommendations for different stakeholders.¹¹² As a result of the sentence of the Inter-American Court for Human Rights and the work done by CONADEH, a working group has been established to work on the recommendations.

Indigenous Peoples have long been a salient issue for business, including the fisheries and aquaculture sectors. The DIHR has provided guidance aimed at understanding and respecting the rights of Indigenous communities by businesses:

- The Rights of Indigenous Peoples in the Context of Fisheries and Aquaculture explains which rights of Indigenous Peoples are impacted by the industry, provides examples of their application and outlines key resources for Indigenous rights;
- Respecting the Rights of Indigenous Peoples: A Due Diligence Checklist for Companies provides guidance for implementing HRDD with a focus on Indigenous rights. The guidance is organised around four steps: Screening, impact assessment, consultation and implementation and monitoring.

Sources: Birgitte Feiring and Francesca Thornberry, *Respecting the Rights of Indigenous Peoples: A Due Diligence Checklist for Companies*, DIHR, 2019; Stefania Errico, *The Rights of Indigenous Peoples in the Context of Fisheries and Aquaculture*, DIHR, 2021.

3. HUMAN RIGHTS ISSUES ALONG THE FISHERIES VALUE CHAIN

This section of the guide provides an overview of the key human rights issues at the different stages of the fisheries value chain, from preparing to go out to sea to marketing and sale of fish.

3.1 PREPARATORY STEPS IN FISHERIES

Description

Before undertaking fishing operations, preparations need to be made by the company, the vessel owner, the crew and others involved in the preparatory phase. The steps connected to this phase may differ depending on the scale, methods and the species targeted. However, certain preparatory measures always need to be in place, including:

- Preparing fishing equipment;
- Renting or procuring a vessel;
- Hiring a crew;
- Securing public administrative services such as acquiring the right licences, permits or access agreements; and
- Facilitating the necessary infrastructure and operational services.

As these steps encompass substantially diverse activities, there are unique human rights risks and impacts associated with each of them.

GHOST GEAR

Fishing gear can be lost into the ocean and have adverse impacts on fish, sea mammals and can affect habitat and navigation. This is referred to as 'ghost gear' or derelict fishing gear and can affect potential catch for small-scale fishers, as the gear competes through 'ghost fishing'. Furthermore, fishing with longlines puts non-target species such as sea turtles, sharks, seals and seabirds at risk, as they might "become hooked on baited lines and suffer injury or even mortality".

In recognition of this issue as a global pollution challenge, many stakeholders have launched initiatives against ghost gear. These include the [Global Ghost Gear Initiative](#), which is a multi-stakeholder response to the issue and includes more than 150 members from the private sector, CSOs, intergovernmental organisations, governments and academia.

The equipment for fishing operations may be made or repaired through forced and/or child labour or other exploitative labour practices. For example, in 2021, it was reported that prisons in Thailand forced inmates by using physical violence, intimidation and delays of release date to make fishing nets that were sold to private companies¹¹³.

Seafarers and fishers hired as crew for fishing vessels are often required to pay exploitative recruitment fees, are often not aware of contractual conditions and are not given written contracts. A study revealed that almost all workers, especially migrant workers, are required to pay these fees to third party facilitators such as labour recruiters or overseas employment agencies¹¹⁴. Other abusive practices as part of recruitment of seafarers include human trafficking and bonded labour (see section 2.4).

In some cases, this stage of the value chain requires setting up infrastructure for fishing activities that may adversely impact the livelihoods and wellbeing of local communities and small-scale fishers. In Accra's Jamestown in Ghana, a fishing community was demolished for the development of a Chinese-funded fishing harbour. The demolition affected over 300 hundred structures including a school, businesses and places of worship¹¹⁵.

In vulnerable contexts, administrative processes related to obtaining necessary permits and licences for fishing may be linked to illegal practices such as petty or grand corruption that can have adverse impacts, particularly for rights-holders such as small-scale fishers. Fish depletion of areas due to IUU fishing forces small-scale fishers to sail further offshore, which is not only costly for them but may also put their physical safety at risk¹¹⁶.

Corruption has been known to be linked to the corrosion of democratic decision-making and the rule of law as it disrupts good governance and, as a result, can negatively impact the human rights to development and adequate standard of living. According to a UN Office on Drugs and Crime report, corruption is a threat at every stage of the fisheries value chain and may contribute to illegal fishing, forged licences and permits, underreporting of the catch, sale of mislabelled products and other illicit activities. The fisheries sector is especially vulnerable to corruption as it is a truly global industry, involves increasing competition due to a limited resource, and lacks transparency¹¹⁷.

What should companies do?

- Companies have the responsibility to identify, avoid and address human rights risks that exist in the preparatory stage of the fisheries value chain.
- Companies that are directly involved at this stage should ensure that their activities comply with national and international human rights principles and exceed national requirements if they are lower than the international requirements as per the UNGPs. This includes fair recruitment and other labour practices, responsible sourcing of materials and adhering to strong ethical principles when dealing with administrative processes. Regarding labour practices, employers should use the 'employer pays' principle as a guidance to ensure fair recruitment. The principle entails that "No worker should pay for a job – the costs of recruitment should be borne not by the worker but by the employer". The Institute for Human Rights and Business has developed a six-step guidance that details specific steps that companies can take to ensure responsible recruitment in accordance with this principle¹¹⁸.

- Suppliers, contractors and sub-contractors in companies' value chains have the responsibility to ensure that their practices are responsible from start to end. This can be achieved by embedding requirements for fair recruitment practices, responsible sourcing of materials and services and a commitment to anti-corruption in their interactions with public officials in supplier codes of conduct.
- Companies should also monitor their suppliers and contractors' compliance with such codes of conduct through internal and external independent audits and assessments, site visits and other measures. However, it is important to note that these external independent certification audits do not rely on stakeholder input from workers and other rights-holders and can potentially cause a conflict of interest where one private company is paid to audit another and might not want to risk not being awarded a future contract when it finds poor labour practices. Therefore, it is important that companies are involved in other types of measures, such as direct engagement with unions and other groups that represent rights-holders and participation in credible multi-stakeholder initiatives.

3.2 FISHING AND CATCHING OPERATIONS

Description

Fishing and harvesting wild marine species is the central part of the fisheries value chain. This stage combines various methods of catching wild fish. Main fishing methods can be grouped under three general categories: Fishing with nets, fishing with lines and methods used to harvest invertebrates¹¹⁹. Along with other contextual elements of the operation, the method of fishing directly influences the environmental, social and human rights impacts of fishing operations.

TABLE 2: COMMON METHODS IN COMMERCIAL FISHING¹²⁰

Name	Description	Potential impacts
Fishing with nets	<ul style="list-style-type: none"> • Purse seine: Precise capture with a net of a pre-located school of fish; • Trawling: Capture of fish by dragging a net through the water on the seafloor or above it; • Gillnet: A net that is designed to capture fish that swim through it. 	<ul style="list-style-type: none"> • High bycatch is an issue for fisheries using gillnets, longlines and purse seining, with fish aggregating devices. Bycatch often contains endangered and protected species, damages marine ecosystems by disrupting the food chain, creates waste and affects local, small-scale and artisanal fisheries' access to fish stocks. • Bottom trawling and dredging indiscriminately destroy and damage seafloor ecosystems. While in some cases, ecosystems may regenerate quickly, this is often not the case for vulnerable habitats such as corals and sponge gardens. Such environmental impact may, in turn, affect coastal communities' safety from disasters and access to marine resources.
Fishing with lines	<ul style="list-style-type: none"> • Longlines: Long fishing lines with a number of hooks; • Pole and lines: Fishing with a pole and line to capture one fish at a time. 	<ul style="list-style-type: none"> • Gillnets, traps and other types of gear often drift away and risk becoming 'ghost gear'. A 2019 Greenpeace report revealed that ghost gear represents 10% of the plastic waste in the oceans. It impacts ecosystems by killing ocean creatures and damaging habitats and has socioeconomic impacts as it creates issues for marine navigation and safety and local, artisanal fisheries by competing through 'ghost fishing'¹²¹.
Harvesting shellfish	<ul style="list-style-type: none"> • Dredging: Similar to bottom trawling, a rake or cage is dragged to collect scallops, clams or mussels buried on the seafloor; • Traps: Dropped to the seafloor, baited to lure crab and lobster; • Diving: Among others, divers are used to harvest lobsters, sea urchins, sea cucumber, snails and geoduck. 	<ul style="list-style-type: none"> • Harvesting shellfish by divers is known to carry extreme negative impacts on divers' health and safety. Due to the lack of safety gear, standards and knowledge, thousands of divers have died or been left disabled by decompression accidents. These impacts are exacerbated by the lack of social security, insurance and other types of safety net in the affected communities, for instance in the wider Caribbean region¹²².

Up to 88% of captured fish comes from marine waters. Yet, inland fishing also remains an important aspect of fishing¹²³. Different fishing operations have their own distinct human rights risks and impacts.

Forced labour, modern slavery and other severe exploitative labour practices are prevalent on fishing vessels, especially in distant water fishing (see sections 2.1 and 2.4). In one case, four migrant Indonesian fishermen died on a tuna fishing vessel owned by a Chinese Company operating in the Pacific and Atlantic Oceans. The investigation revealed that the victims faced physical and psychological abuse, excessive overtime, lack of or inadequate food and water supplies and unbearable living conditions, and that other migrant workers from Indonesia had faced similar treatment¹²⁴. Migrant workers have also had to pay excessive recruitment fees and their passports had been taken from them, which lead to debt bondage.

In another example, non-European Economic Area workers faced abuse in the Irish fisheries sector in the form of verbal abuse, racist insults, excessively long hours and low wages¹²⁵. Beyond abusive practices, fishing is a highly hazardous activity with more than 24,000 casualties per year and a high number of occupational injuries¹²⁶. Fishing vessels often lack occupational health and safety standards and equipment to prevent injuries from fishing gear, fish, seawater and sun¹²⁷. Sanitary and accommodation facilities on board of vessels have also been reported to be substandard. For instance, in a recent case, two persons died in an accident related to an ammonia leak on a tuna vessel.¹²⁸ Ammonia is used to refrigerate fish and is highly hazardous if it is not handled with care.

Industrial fishing operations often lead to overfishing of one or more species that are vital for local food security or ecosystems. Trawlers and super-trawlers in the Chinese¹²⁹ or EU fishing fleets¹³⁰ that use particularly destructive methods such as bottom trawling can inflict enormous damage to the seabed and marine ecosystems as well as exacerbate risks of climate change¹³¹.

IUU fishing is a particular threat to both humans and the ecosystem and produces up to 20% of catch globally¹³². Because it operates outside of regulatory frameworks, this shadow sector represents the source of the worst labour practices, abuses of coastal and small-scale fishing communities' rights to fish stocks and other resources, and adverse impacts on the environment. A recent report revealed the illegal activities of the Chinese distant water fleet trawlers in Ghanaian waters and their devastating impacts on the livelihoods of local communities, including the depletion of vital fish sources¹³³. The report describes the practice of 'saiko', where Chinese trawlers illegally catch severely depleted small pelagic fish, which is the main catch for local artisanal fishers. The fish is then sold back to the community at a high price¹³⁴.

What should companies do?

- Companies should ensure that the recruitment of crew is done in a rights-compatible manner. They should keep an official crew list and they should have written contracts or agreements with crew, and they should use formalised labour or recruitment agencies that are compliant with local legislation. Crew should not have to pay recruitment fees.

- Companies should integrate labour risks and impacts on fishing vessels into their HRDD processes. Special attention should be paid to the issues of forced labour and modern slavery, discrimination and abusive treatment, living conditions on board vessels, working hours and occupational health and safety.
- With regard to occupational health and safety, companies should ensure that:
 - Vessels are equipped with communication devices and medical equipment;
 - First aid is available on board and medical access points in ports should be identified;
 - Repatriation of crew is facilitated when required;
 - All crew receive safety training;
 - Working hours and rest times are respected on board and recorded; and
 - Adequate drinking water, food, and sanitation as well as adequate living/ accommodation conditions on board are provided.
- Companies should emphasise the rights of disadvantaged groups such as children and young persons on board. Companies should not employ children under the age of 16¹³⁵ to work on fishing vessels and they should ensure that those under 18 years of age do not engage in hazardous work.
- Companies should ensure that the rights of migrant workers are safeguarded. They should provide equal conditions and work terms to migrant crew members as for nationals, which can be ensured through collective bargaining agreements. This includes that they should not have to pay recruitment fees, that their passports or IDs should not be retained and remain accessible to them, that they should have access to telecommunications, and that they should be able to leave their employment situation when desired.
- Companies should establish a grievance mechanism for crew members to report complaints, for example through SMS, WhatsApp or other instant messaging apps, satellite connections, and/or through access points in arrival ports or other means. There must be no penalties for reporting and reporting needs to be paired with capacity to remediate.
- Companies should avoid overexploitation and unsustainable fishing methods and adhere to international or national guidance for responsible fishing practices that allow regeneration and replenishment of fish resources and meet the needs of local fishers, in particular small-scale, artisanal and subsistence fishers.
- Companies should ensure that their value chains are free of IUU catch by:
 - Analysing their value chain for high sectoral or local IUU risks. Factors to be taken into consideration in this regard may be sectoral such as: target species, fishing methods, vessel type, gear or existence of trans-shipment, or local such as: legal grey areas, lack of enforcement of regulations, past prevalence of IUU fishing or ongoing risks. Companies should make use of existing tools such as, for instance, the Global Initiative's IUU fishing index¹³⁶;
 - Increasing traceability, data collection and transparency within the value chain. Companies should require relevant information from their suppliers as well;
 - Collaborating with international and local actors to address IUU risks if they exist. This may include collaborating and sharing of information with law enforcement or other authorities, international organisations, regional fisheries management agencies or local stakeholders such as CSOs, experts and local communities to increase transparency and sharing of data; and
 - Remedying any adverse human rights impacts that could not be avoided. This may include contributing to conservation efforts, providing compensation to the victims of labour exploitation and providing assistance for socioeconomic impacts on local communities.

3.3 FISH PROCESSING

Description

Fish processing includes the processes that seafood goes through between the time of catching or harvesting to transporting for distribution and retail. Processing involves fish handling or the initial cutting and cleaning, freezing, canning, storing and transportation.

Fish processing often takes place in processing plants and onboard on industrial fishing vessels, which are known for their adverse human rights impacts on workers and on surrounding communities, as cases of forced and child labour, excessive working hours, poor occupational health and safety standards, verbal and physical abuse, low wages and other labour impacts have been reported¹³⁷. These often disproportionately affect women, as they constitute the majority of the workforce in the processing stage. For example, women workers in a crab processing facility in Maryland, USA, reported being in debt with recruiters, being paid lower-than-promised wages and being subjected to wage deductions for trivial reasons. Moreover, they faced abuse and had no accessible grievance mechanism against these impacts¹³⁸.

A 2017 investigation revealed that seafood and fish processed in Chinese facilities, where North Korean women worked under modern slavery-like conditions, was sold on the US market¹³⁹. Female workers face stigmatisation, discrimination and harassment in Bangladesh's small-scale fisheries, where they engage in post-harvest activities¹⁴⁰.

Poor workplace safety at processing plants can result in adverse impacts on workers and local communities. For instance, there have been several accidents involving ammonia gas leaks in processing plants. In Malaysia, an ammonia leak resulted in the death of six workers¹⁴¹, and a similar case involving the death of a seafood warehouse worker was reported in Boston, USA¹⁴². Processing plants also have impacts through their discharge and waste and can affect surrounding communities.

Fish and seafood may be mishandled at the processing stage, including handling, storage, warehousing, freezing, secondary processing and transporting. This can result in contamination and cause severe impacts on consumers' health and lives. A 2020 study found salmonella contamination in almost 2% of the analysed finfish samples from landing centres and retail markets in Mumbai, India¹⁴³. Another study from the same location revealed faecal matter contamination in almost 23% of the fish and seafood products¹⁴⁴. Yet another study found that fish imported from Asian countries to US supermarkets contained a high level of formaldehyde, which is a carcinogen used for preserving fish instead of refrigerating¹⁴⁵. Also, dried fish products have been found to contain fungal contaminants¹⁴⁶.

What should companies do?

- Companies should ensure human rights policies apply to their own operations as well as to all suppliers, contractors and sub-contractors in the value chain by including human rights into contractual requirements and supplier codes.

- Companies should ensure non-discrimination and unionisation or workers' representation policies and clauses in agreements with suppliers are agreed upon in order to identify, prevent and solve labour rights issues in the workplace.
- Companies should pay attention to gendered professions within the fisheries value chain and apply gender-sensitive approaches when needed, for instance in processing plants.
- Companies should ensure occupational health and safety standards are followed, including having in place an occupational health and safety policy and emergency plans, identification of hazards and risk assessments, provision of relevant training, communicating with workers and appointment of designated person with necessary qualifications.
- Companies should have automatic identification systems on board the vessels.
- Companies should prevent and avoid negative impacts of trans-shipment by:
 - Avoiding trans-shipment at sea where possible;
 - Adhering to the FAO Voluntary Guidelines for Transshipment¹⁴⁷;
 - Applying special attention to the use of trans-shipment in their value chain;
 - Ensuring that trans-shipment processes comply with legal standards and authorisation conditions, as well as best practices and guidelines such as trans-shipment policies of regional fisheries management organisations¹⁴⁸, for example returning to port regularly;
 - Ensuring that vessels are monitored and provide detailed data on their routes and encounters with other vessels; and
 - Enlisting modern technology for analysing risks associated to trans-shipment. Recent studies have demonstrated the effectiveness of using satellite data to track illegal fishery activities¹⁴⁹.
- Companies should ensure that the value chain is protected from chemical contamination and other hazards to guarantee that food safety and quality standards are met for the end consumer. This can be done through effective implementation of the hazard analysis critical control point system in processing plants¹⁵⁰, as well as good hygiene practices on boats and fish landing sites¹⁵¹.

3.4 DISTRIBUTION, MARKETING AND RETAIL

Description

After primary and secondary processing, fish and seafood need to be packaged, labelled, transported and distributed to their retail destinations. Distribution from a fish processing plant may include different steps of the supply chain. Fish and seafood products may be directly supplied to retailers such as supermarkets and restaurants, which sell them to consumers, or they could go through a wholesale market where retailers purchase their products. Supplying fish and seafood to consumers also entails marketing and advertising.

Seafood is one of the most internationally traded food commodities in the world. If done unsustainably, the transportation of seafood products can cause environmental impacts and contribute to climate change. While the fishing industry itself is not a major source of carbon emissions compared to other industries, it still needs to minimise its impacts. The impact of fish transport depends on the transportation method. For instance, a company's carbon footprint drastically increases if the method

used is airfreight, which for instance the tuna industry often uses to transport tuna from the areas where it is caught to export markets¹⁵². The methods of transportation are considered to be one of the key aspects increasing carbon emissions in fisheries along with the method of fishing, length of the operation, species and other contextual elements¹⁵³. Other means of transportation can also leave a trail of impacts such as air, water and noise pollution.

Secondly, safety and quality of fish products may be compromised if proper conditions are not maintained during storage and transportation. Spoilage of fish and seafood is an issue across the value chain but can be a particular challenge at the transportation stage where shipping vessels and vehicles are not equipped to safely store the product for a long period of time. In addition, there have been reports that during the COVID-19 pandemic, outbreaks in China can be linked to contaminated imported frozen food packaging materials containing seafood¹⁵⁴.

If necessary HRDD is not exercised in the value chain, the health and wellbeing of consumers may be harmed. Irresponsible use of pesticides, pharmaceuticals and other chemicals to preserve or treat the fish may further lead to transferral of these dangerous substances from farms to consumer plates.

Fraud and mislabelling of fish products are other practices that threaten sustainable seafood production. These practices usually entail substituting one fish species with another or providing erroneous information on labelling such as information about origin, dates, allergens, toxins, the proportion of water or other elements. For instance, studies have shown that 20% of all seafood sold in the USA is mislabelled, and some species are substituted by less valuable species¹⁵⁵. Beyond the reputational risks of mislabelling and fraud contain to value chain actors, they also contain the risk of threatening health and safety of consumers due to allergies, toxic contaminants and pollutants. At the very least, mislabelling makes it difficult for consumers to trust the companies in the value chain. Furthermore, it creates unfair competition for law-abiding companies.

An important aspect of being an ethical seafood company is transparency and disclosure towards customers and consumers regarding the origin of the product and traceability, but also regarding the social, environmental and human rights conditions under which the fish has been sourced. The right to information for consumers to be able to make an informed decision is considered a basic human right. Seafood consumers are increasingly demanding independently verified sustainability claims¹⁵⁶. For example, one eco-label in the seafood industry certified fish as 'sustainable' for a long time, without examining labour or human rights issues in fishing. Since then, the certification standard has adapted its labour standard but still only focuses on forced and child labour, leaving broader labour and human rights issues out of scope¹⁵⁷. Moreover, given the rising value of continually scarce wild fish stocks, fishing access deals have become increasingly untransparent and marred by bribery¹⁵⁸. As recently as May 2023, bribery investigations have uncovered that an Irish fishing company "had paid bribes to an African leader for access to fishing rights"¹⁵⁹.

What should companies do?

- Companies in the fisheries sector should ensure their practices are responsible at the distribution stage of the value chain. This includes:
 - Decarbonising transportation routes such as relying more on sea freight rather than air freight, cutting emissions from fish feed, powering fleets with alternatives to diesel such as hybrid fuel technologies, and switching to renewable electricity such as solar and wind energy for refrigeration of fish; and
 - Maintaining food safety and health standards during storage and transportation, taking into consideration the temperature, length and potential issues during transportation.
- Companies should make efforts to avoid fraud and mislabelling in their value chains. A recognised tool to counter these issues is the implementation of a comprehensive traceability system, which traces fish from hatching or being caught to consumer plate and collects data on every stage, activity and operation related to it. FAO has issued guidance for food traceability, which provides detailed instructions for different actors in the value chain such as farmers, packers, distributors, traders, processors, manufacturers, retailers and food service operators¹⁶⁰.
- Companies should be proactive about transparency of their value chain by communicating information about their products and associated social, environmental and human rights impacts to consumers.
- Companies should ensure decent working conditions not only on fishing vessels but also during the transport of seafood given the reported issues such as exploitation, smuggling and human trafficking, poor health, safety and sanitation.
- Companies which have been benchmarked by for instance the WBA's Seafood Stewardship Index should try to improve their scores on transparency and human rights more broadly¹⁶¹.
- Companies should not solely rely on external processes such as certification standards and audits to understand their social and human rights risks, but they should conduct their own HRDD including other methods to understand and address social and human rights impacts, such as HRIAs with the involvement of workers and other rights-holders or their legitimate representatives.
- Companies should ensure that fish and seafood do not contain impermissible levels of contaminants, pollutants or other chemicals that could potentially harm consumers as well as dock workers who off-load vessels.

4. PRACTICING HUMAN RIGHTS DUE DILIGENCE: DUE DILIGENCE STEPS AND PRACTICAL RECOMMENDATIONS FOR COMPANIES ALONG THE FISHERIES VALUE CHAIN¹⁶²

In 2021, in its Seafood Stewardship Index, the WBA assessed the performance of the 30 most influential multinational seafood companies. It stated that companies have made progress regarding environmental sustainability, but that most seafood companies still fell short on addressing human and labour rights and they perform poorly on critical social issues. Moreover, the benchmark showed that of the 30 companies benchmarked, all but one company failed to demonstrate respect for human rights by implementing the first three steps of a HRDD process. Without such HRDD processes in place, seafood companies have no mechanism to assess and address human rights risks and impacts in their own activities and supply chains¹⁶³. Encouragingly, compared to 2021, the 2023 benchmark saw seven more companies start to implement HRDD. This brings the total to nine out of 30 companies, which is a positive signal towards the uptake of HRDD in the seafood sector. However, according to the WBA, most companies continue to fall short on their responsibility to respect human rights by not demonstrating any steps towards implementing HRDD¹⁶⁴.

This section offers companies in the fisheries sector practical guidance on the steps to take to implement HRDD in accordance with the UNGPs and the OECD Guidelines.

The requirements for implementing HRDD are applicable to all companies working in the fisheries sector. However, how exactly companies should and can meet this responsibility will differ based on the company's size, geography in which it operates, the severity of impacts, available resources, and other factors. Therefore, this guide should be adapted to the particular company and operational context. Examples in this guide should be used as inspiration for companies, bearing in mind that no one size fits all. The company examples used are not an endorsement of the companies' practices and human rights track records and serve solely as illustrative examples.

The guide consists of six steps which describe what is required to adequately implement HRDD in the fisheries sector. These steps are as follows:

1. Policy and structural commitment to human rights (Section 4.1);
2. Identification and assessment of impacts (Section 4.2);
3. Response to identified impacts (Section 4.3);
4. Monitoring of performance (Section 4.4);
5. Reporting on progress (Section 4.5);
6. Remediation of impacts (Section 4.6); and
7. Stakeholder engagement (Section 4.7), which is a crosscutting feature that applies to all HRDD steps and stages.

Finally, this section of the guide offers a list of relevant resources for each HRDD step for companies in the fisheries sector to support them in practising HRDD in accordance with the UNGPs and OECD Guidelines.

4.1 DEVELOPING A HUMAN RIGHTS POLICY

A strong commitment to human rights is the first step for companies in implementing effective HRDD in their value chains. Human rights policies should serve as the basis for integrating human rights into corporate management processes, operations and value chains, as well as informing other policies and activities.

There is no one-size-fits-all guidance for developing a human rights policy, and, as such, it should be tailored to a company's business model, sector and its activities, as well as contextual risks and impacts, and the size and nature of the company's operations.

Human rights policies may take the form of a standalone document or a section with a commitment to human rights, which can be integrated into other policies, such as overarching corporate sustainability policies. They can also represent a collection of multiple policy documents. Regardless of its form, a human rights policy must meet several criteria regarding its process, content and shape.

THE INTERNATIONAL HUMAN RIGHTS FRAMEWORK

Corporate HRDD, including the process and content of human rights policies, should be guided by the corporate responsibility to respect human rights. Key guiding instruments in what businesses need to do to meet their human rights responsibilities are the UNGPs and the OECD Guidelines.

According to the UNGPs and OECD Guidelines frameworks, the corporate HRDD process should be based on international human rights standards provided in hard and soft law instruments. According to Principle 12 of the UNGPs, at a minimum, these standards should include:

- The International Bill of Human Rights:
 - The Universal Declaration of Human Rights;
 - The International Covenant on Civil and Political Rights;
 - The International Covenant on Economic, Social and Cultural Rights.
- Fundamental ILO Conventions:
 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
 - Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol);
 - Abolition of Forced Labour Convention, 1957 (No. 105);
 - Minimum Age Convention, 1973 (No. 138);
 - Worst Forms of Child Labour Convention, 1999 (No. 182);
 - Equal Remuneration Convention, 1951 (No. 100);
 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Further information on which specific rights are included in these instruments can be found in the UNGPs' Interpretive Guide (Annex I).

However, other international instruments should also be consulted and employed for dealing with specific human rights challenges. Companies should prioritise human rights standards that are relevant to the most pressing and salient human rights risks and impacts in their value chains. The table below provides a selection of relevant instruments in relation to some of the most salient human rights issues in the fisheries sector.

TABLE 3: RELEVANT HUMAN RIGHTS INSTRUMENTS CONNECTED TO SALIENT HUMAN RIGHTS ISSUES IN THE FISHERIES SECTOR

Impacts on workers	<ul style="list-style-type: none"> • ILO Core Conventions; • ILO Private Employment Agencies Convention, 1997 (No. 181); • ILO Work in Fishing Convention, 2007 (No. 188); • ILO Work in Fishing Recommendation, 2007 (No. 199); • International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
Gender inequality	<ul style="list-style-type: none"> • Convention on the Elimination of All Forms of Discrimination against Women
Child labour	<ul style="list-style-type: none"> • Convention on the Rights of the Child; • ILO Minimum Age Convention, 1973 (No. 138) and its Recommendation No. 146; • ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and its Recommendation No. 190.
Indigenous Peoples' rights	<ul style="list-style-type: none"> • UN Declaration on the Rights of Indigenous Peoples; • International Covenant on Civil and Political Rights; • International Covenant on Economic, Social and Cultural Rights; • International Convention on the Elimination of All Forms of Racial Discrimination; • ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).
Impacts on local communities	<ul style="list-style-type: none"> • FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication; • UN Declaration on the Rights of Peasants and Other People Working in Rural Areas; • UN Declaration on Human Rights Defenders • Declaration on the Right to Development.

The Process

With regard to the process of developing a human rights policy, companies should consider a number of steps.

1. The content of a human rights policy should be based on **inclusive consultations** with relevant internal and external stakeholders, such as company employees involved in different stages and levels of the company structure, suppliers and supply chain workers, or their representatives, such as trade unions, and representatives of relevant communities and other stakeholders, such as CSOs, subject-matter experts and government representatives.
2. Companies should **prioritise stakeholders** that may be at risk of human rights impacts themselves, rights-holders, and those who possess expert knowledge about not only high-risk contexts, stages and phases in the value chain, but also those with local knowledge and spiritual and cultural connections to the ocean, as many Indigenous communities have, in order to understand how cultural rights could potentially be violated.
3. Human rights policies should be **adopted at the highest level of the corporate structure** such as CEO level, senior management and/or the company board. However, they should not remain as just a high-level commitment but should be disseminated, distributed and cascaded throughout the corporate hierarchy and the company's value chain, including its business partners, suppliers, contractors and workers.
4. Human rights policies should be **regularly revised** to reflect and address emerging challenges, changes in the company and its operations, or findings of risk and impact assessments or issues identified through a company's operational-level grievance mechanism.

EXAMPLE: BOLTON GROUP'S HUMAN RIGHTS POLICY

Bolton Group is a multinational company with 11,000 employees worldwide and owns an array of food brands including products made of tuna, mackerel and sardines.

Bolton Group's human rights policy, which is available in 13 languages, includes a commitment to monitor its implementation through analysis and evaluations in accordance with recognised methodologies such as the OECD Guidelines and the ISO 26000 Guidelines.

The policy also pledges that the company will act on findings and "redefine policies, actions and behaviours".

The Content In terms of the content of a human rights policy, companies should consider the following elements:

1. The development of a human rights policy should explicitly outline **who it aims to protect**. Companies are responsible for human rights impacts that they are **causing, contributing to or directly linked with**. In the fisheries sector, relevant

rights-holders may include workers in their own operations, workers along the full fisheries value chain, local communities, Indigenous Peoples, artisanal fishers, and human rights defenders as well as consumers. Other groups and individuals may be also identified as rights-holders depending on the context.

2. While all potentially and actually impacted human rights need to be addressed, human rights policies should prioritise the **most salient human rights issues** in the company's value chain. Therefore, policies should consider the full scope and extent of actual or potential human rights impacts. This can be guaranteed through a baseline analysis or a HRIA that identifies specific rights-holders in the value chain. Most salient issues could be addressed through a separate, standalone policy such as a child labour policy or a policy related to Indigenous Peoples' rights.
3. Human rights policies should clearly determine **who holds specific responsibilities**. This may entail the determination of concrete mechanisms for making the policy operational and emphasising which entities within the corporate structure are responsible for rollout, implementation and monitoring of the policy commitments.
4. Companies should also outline in their policy their **expectations of suppliers**. While direct, substantive requirements apply to first-tier suppliers, they should also be notified about the expectations of second and third-tier suppliers that the company is linked to through the first-tier suppliers.

WHO TO ENGAGE WITH WHEN DESIGNING A HUMAN RIGHTS POLICY AND WHAT TO PRIORITISE IN THE PROCESS

In the process of designing or revising a human rights policy, companies should consult with relevant internal and external stakeholders to inform the content of the policy.

For fisheries companies, external stakeholders they could consult in the process of the policy development include, for example:

- NHRIs;
- Trade unions at all levels, including relevant global unions such as ITF and IUF;
- Local and/or international NGOs working on different issues related to the human rights impacts of fisheries and aquaculture, for example organisations such as Fishwise, EJF, WWF, Conservation International, Greenpeace, Issara Institute, International Collective in Support of Fishworkers, as well as local organisations working on relevant topics;
- Consultancies/firms that provide advice to fisheries companies on sustainability, social and human rights issues, such as Elevate, Verité and others;
- Industry associations and multi-stakeholder initiatives in the sector, such as SeaBOS, UN Global Compact Ocean Stewardship Coalition, Global Tuna Association, FisheryProgress, SEA Alliance, and others;
- Other stakeholders with knowledge on the human rights impacts of fisheries and aquaculture sector impacts, such as One Ocean Hub, Monterrey Bay Aquarium Seafood Watch, federations, certification standards such as MSC, Responsible Fishing Vessel Standard and others, as well as NGOs such as Global Seafood Alliance; and

- In terms of government actors to engage with, these could be civil servants working for fisheries ministries or departments, labour ministries and departments, in particular related to migration, those in charge of inspections, permits, health and safety, and environmental topics as well as just marine matters.

Companies should base the content of their human rights policy on the existing human rights risks and impacts in the value chain. These risks and impacts can be derived from human rights risk or impact assessments conducted by independent experts with the participation of affected communities, or if such assessment has not been conducted, through a scoping study based on industry or location-specific salient human rights issues. For instance, in the fisheries sector, companies should prioritise the issues related to distant-water vessels, recruitment practices, fish and seafood processing plants, labour conditions and vulnerable geopolitical contexts. Such contextual priorities will help companies focus their resources on actual issues, maximise their positive impact and ensure that they meet their responsibility to respect human rights.

Availability and Accessibility

Human rights policies should be made publicly available, transparent and accessible to all stakeholders. Companies are responsible to ensure this throughout their value chain. This may include:

- Translating the policy to the languages of foreign countries they operate in;
- Adapting the content of the policy to the country context;
- Providing physical copies in contexts where stakeholders do not have easy access to the internet; and
- Creating user-friendly and simplified versions which avoid corporate language and jargon.

Companies are also responsible for taking sufficient measures to disseminate human rights policies and for making sure that they are **resourced, implemented and enforced**. Large and multinational companies should also adopt standalone guidance for their suppliers and provide training when needed. Lastly, companies should be monitored and evaluated regularly by an independent actor.

EXAMPLES: CHAROEN POKPHAND FOODS' AND THE MARUBENI GROUP'S STANDALONE POLICIES ON SALIENT HUMAN RIGHTS ISSUES

Companies sometimes opt to distinguish and emphasise the most salient human rights issues and adopt a separate policy to address these. For the fish and seafood value chains, such policies often cover child and/or forced labour, gender equality, Indigenous Peoples' rights and/or specific labour issues. Some examples are the following:

- Charoen Pokphand Foods, a Thai food company, has a general human rights policy but has also dedicated separate policies in relation to the issues of foreign labour hiring, discrimination and harassment, and modern slavery.

- The Marubeni Group, a multinational corporation with head offices in Japan, distinguishes issues related to children's rights, the rights of Indigenous Peoples and the use of security services within the content of its human rights policy.

Embedding human rights policies within the company

To effectively avoid and address their human rights impacts, companies need to embed human rights into their corporate structure and culture. To ensure this, companies should take the following steps:

1. Company's senior management should oversee the development and implementation of human rights policies.
2. Companies should also provide training and awareness-raising activities for key personnel such as relevant departments, mid and low-level managers, recruiters, suppliers and the workforce in high-risk contexts.
3. Companies should also promote an environment where human rights are openly discussed based on internal and external experiences, create a system of incentives and disincentives, and factor in human rights in all financial and non-financial policies and processes within the company.

RELEVANT FUNCTIONS TO DISSEMINATE HUMAN RIGHTS POLICIES WITHIN COMPANIES

At the general level, relevant departments could include, but are not limited to:

- Human Resources;
- Legal Affairs;
- Human Rights Department;
- Public and/or Corporate Affairs;
- Corporate Social Responsibility;
- Health, Safety and Environment;
- Procurement;
- Responsible sourcing;
- Community Engagement; and
- Marketing and Advertising.

Source: Shift, Oxfam and Global Compact Network Netherlands, 'Doing Business with Respect for Human Rights: A Guidance Tool for Companies.' 2016.

In the fisheries sector, relevant personnel could include captains, operators and crews on fishing vessels, as well as managers and the workforce in processing plants and on vessels.

While small and medium-sized enterprises (SMEs) may not have the capacity to dedicate a department to human rights issues, all companies should assign specific

responsibilities for implementing and disseminating human rights policies, identifying human rights issues, addressing them and addressing grievances.

HUMAN RIGHTS POLICIES AND SUPPLIERS

In 2021, the Japanese NGO Human Rights Now conducted a survey of nine Japanese seafood companies, which focused on the companies' human rights policies and their implementation of the policy, including in their supply chains.

The findings of the survey, which can be found in [this report](#) (in Japanese), showed that all nine companies had a human rights policy, but that seven of the nine did not share their policy with their suppliers nor require suppliers beyond Tier 1 to comply with the policy. This is concerning, given that research has shown that often human rights impacts are most likely to occur beyond Tier 1.

Company examples

The below table includes examples of companies in the fisheries sector that have published dedicated human rights policies, policies on specific salient human rights issues or other corporate commitments to embed human rights in the company structure. The below serve as examples of efforts made to develop human rights policies in the fisheries sector. However, these examples do not constitute an endorsement of the companies' human rights practices.

TABLE 4: COMPANY EXAMPLES OF HUMAN RIGHTS POLICIES

Human rights policy	<ul style="list-style-type: none"> • Thai Union's 2021 Human Rights Policy; • Nissui's Human Rights Policy; • Kyokuyo Group's Human Rights Policy; • Marubeni Corporation's Human Rights Policy; • Maruha Nichiro's Human Rights Policy.
Separate policies for salient human rights issues	<ul style="list-style-type: none"> • Thai Union's Ethical Migrant Recruitment Policy; • Thai Union's Employer Pays Principle Policy; • Thai Union's Anti-discrimination and Anti-harassment Policy; • Marubeni Corporation - The Rights of Children and Indigenous Peoples and the use of Security Services; • Marubeni Corporation's Human Trafficking and Slavery Statement.
Supplier policies and codes of conduct that include human rights requirements	<ul style="list-style-type: none"> • Nissui's Supply Chain Commitment to Human Rights; • High Liner Foods' Supplier Code of Conduct; • Marubeni Corporation's Supply Chain Policy; • Maruha Nichiro's Supplier Guidelines.

Embedding a separate department or committee responsible for human rights	<ul style="list-style-type: none"> • Nissui's Sub-committee on Human Rights; • Maruha Nichiro's Committee; • Nestlé's Internal Human Rights Community
Training and awareness raising for company staff	<ul style="list-style-type: none"> • Nissui; • Maruha Nichiro; also here.

Further tools and guidance

The below list includes general and fisheries sector-specific tools and guidance for companies on developing a human rights policy.

- [UNGP's, Principle 16 'Policy Commitment'](#), pp. 16–17.
- UN, '[The Corporate Responsibility to Respect Human Rights: An Interpretive Guide](#)', New York and Geneva, pp. 26–30.
- UN Office of the High Commissioner for Human Rights, '[Frequently Asked Questions about the Guiding Principles on Business and Human Rights](#)', New York and Geneva, 2014, pp. 26–27.
- UN Global Compact and the UN Office of the High Commissioner for Human Rights, '[How to Develop a Human Rights Policy: A Guide for Business](#)', New York: UN, 2015 (Spanish language version is available [here](#)).
- UN Global Compact Network Netherlands, Shift, and Oxfam, '[Policy Commitment](#)' and '[Embedding](#)' Doing Business With Respect for Human Rights, 2014.
- Institute for Human Rights and Business, '[Stage 1 - Developing a Policy Commitment](#)', Guidance for the Commodity Trading Sector, 2018, <https://commodity-trading.org/guidance/stage-1-commit/>
- InterPraxis Sustainability, '[How to Develop a Human Rights Policy for Your Organisation/Company](#)', 2020.
- Global Business Initiative for Human Rights (GBI), '[Making a Policy Commitment](#)', n/d.
- Shift and Mazars, UNGP Reporting Framework '[Part A – Governance of Respect for Human Rights](#)', 2015.
- Accountability Framework Initiative, '[Operational Guidance: Specification of Commitments and Company Systems and Processes to Drive Effective Implementation](#)'.
- Accountability Framework Initiative, '[How to write a strong ethical supply chain policy](#)'.
- Save the Children and UNICEF, '[Children's rights in policies and codes of conduct: a tool for companies](#)', 2013 (Available [here](#) in Spanish).

Sector-specific tools and guidance

- FisheryProgress, '[The Fishery Progress Human Rights and Social Responsibility Policy](#)'.

4.2 ASSESSING HUMAN RIGHTS RISKS AND IMPACTS

Identifying and assessing a company's human rights risks and impacts is the second step in the HRDD process. This process should inform human rights policies, as well as be guided by it. The aim of human rights risk and impact assessments should be to identify actual and/ or potential human rights risks and impacts that the company is **causing, contributing to or is directly linked with**.

EXAMPLE: CHAROEN POKPHAND FOOD'S ASSESSMENT OF HUMAN RIGHTS RISKS

Charoen Pokphand Foods has had a HRDD process in place since 2016. In 2021, the company conducted a human rights risk assessment to identify and prevent human rights violations or other adverse impacts on human rights from occurring in its operations and value chain. The human rights risk assessment covered 100% of its operational sites in Thailand and overseas, including its subsidiaries and joint ventures with management control and covering the company's food's value chain and business activities (i.e. feed, farm, food and business support functions). The assessment also covered Charoen Pokphand Food's suppliers and business relationship, including joint ventures without management control.

Source: Charoen Pokphand Foods, 'CP Foods Human Rights Due Diligence', p. 4.

Human rights risk assessment (HRRAs) is a methodology that can be employed to identify human rights risks mainly through a desk-based analysis. In contrast to HRIAs, HRRAs do not require companies to assess impacts through thorough evidence collection and field-based exercises.

Instead, HRRAs assesses the existence of general human rights risks that may stem from contextual challenges due to poor governance and regulatory frameworks, the prevalence of specific human rights abuses or a supplier's poor human rights performance record. HRRAs allow companies with large value chains to identify and prioritise high-risk contexts and direct resources to conduct HRIAs or other types of impact assessments or studies where they are needed¹⁶⁵.

An increasingly accepted method for identifying and assessing human rights impacts is HRIAs. A HRIA is a context-specific process for identifying, understanding, assessing and addressing the adverse impacts of a business project, activity or operations on the human rights enjoyment of impacted rights-holders such as workers, community members and/or consumers¹⁶⁶.

When it comes to HRIAs, this can be an independent exercise, or integrated into other processes such as social impact assessments or environmental impact assessments, which are often mandated by law, but do not always consider human rights aspects. Regardless, HRIAs or the integration of human rights into other forms of impact assessment should be based on internationally recognised human rights principles.

GOVERNMENT EFFORTS TO IMPLEMENT HRDD IN THE FISHERIES SECTOR: INDONESIA'S FISHERIES HUMAN RIGHTS CERTIFICATION SYSTEM

A few examples exist of state-prescribed HRDD models, and the Indonesian regulations are a pioneer in this respect. Considering the fast-paced tendency of national codification of mandatory HRDD rules around the world, this model illustrates what domestic HRDD requirements states may adopt for the sector in the future.

Two Indonesian regulations adopted by the Indonesian Ministry of Marine Affairs and Fisheries in 2015–2017 together establish a human rights certification system for the Indonesian fisheries sector. The system requires companies in the fisheries sector to adopt a human rights compliance scheme at the enterprise level consisting of (1) a human rights policy; (2) due diligence measures; and (3) mechanisms for remediation.

The certification process for fisheries companies includes three external key stakeholders: the human rights team, the assessment agency and the training institute. The process starts with implementing the human rights system within the company, which is assessed by an accredited assessment agency for compliance. The agency provides a recommendation to the human rights team or the Ministry of Marine Affairs and Fisheries on the certification of the company. The failure to obtain certification may negatively affect company's fishing labour use permits.

So far, the Indonesian model has not proven as effective as hoped due to implementation difficulties, but it provides useful guidance on implementing a HRDD system at state level and a glimpse into what future HRDD regulations in the sector may look like. As a limitation, it should also be noted that this regulation proposes a certification system, and as described elsewhere in this guidance, certification has various shortcomings from a human rights perspective.

Source: ILO, Working Paper: '[Indonesia's fisheries human rights certification system: assessment, commentary, and recommendations](#)' (2019), p. iv.

In terms of HRIA process, a company should consider a number of elements:

- HRIAs are not one-off exercises and should be undertaken on an ongoing and regular basis, for instance before new operations or activities start, when the company enters a new (high-risk) country or when there are significant changes to the existing operations. It is particularly important that companies conduct HRIAs before new operations, activities and projects with the involvement of Indigenous and local communities, as recommended by former UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya.
- HRIAs should always assess both potential and actual impacts that exist in the full value chain and that can impact the entire workforce and other rights-holder groups. HRIAs should cover the company's own operations as well as those they are directly linked to. This includes the practices of the company's suppliers, recruitment agencies, contractor companies and others in the company's value chain. For instance, in the fisheries value chain, linkages exist between recruiters, fishing vessels, processing plants and retailers.

- To cover the whole extent of human rights impacts, companies need to conduct a thorough mapping of their supply chains. However, this is a complex task and only a fraction of companies in the seafood and fish value chains have conducted such a mapping, according to a study by the Business and Human Rights Resource Centre¹⁶⁷.
- HRIAs should assess a variety of elements which may differ based on the local context, the role of the company in the value chain and existing business practices. This may include the assessment of whether it operates in high-risk contexts, the risks and impacts in its own operations, the performance of its suppliers, the capacity for addressing impacts, and most vulnerable points and stages in the value chain.
- HRIAs should assess the severity of human rights impacts¹⁶⁸. Companies may also identify issues and areas that are most problematic and salient for human rights. HRIAs should prioritise assessing the most severe human rights impacts and salient human rights issues that have been identified by previous assessments.
- HRIA processes should be mindful of groups in the value chain that are most at risk of human rights abuses and should adopt sensitive approaches to engaging with such groups (see further in section 4.7). In the fisheries sector, such groups can include migrant workers, women, children, local communities and Indigenous People, human rights defenders and third party workers (see chapter 3)¹⁶⁹. For these groups, it is important that companies rely on worker-driven mechanisms such as unions for input on how to engage with sensitive groups in order to help amplify worker's voices.
- HRIA processes should be based on extensive consultations with relevant stakeholders and should make use of internal and external knowledge and expertise. Along with rights-holders, these may include, among others, local CSOs, trade unions, Indigenous communities, human rights and environmental defenders, academia, and human rights expert organisations, such as NHRIs as well as inter-governmental organisations including UN agencies. For instance, a HRIA conducted by a Japanese food and beverage company, which also includes seafood, mentioned that it was informed by the interviews with international NGOs, human rights organisations and industry groups in the fisheries sector¹⁷⁰.
- Companies that conduct a HRIA should rely on independent and external expertise. Developing terms of reference for the HRIA that outlines the HRIA process, the profile of the independent organisation, transparency requirements, and others, is a good way set the right expectations upfront. More companies in the seafood sector are commissioning third party organisations to conduct such HRIAs. For further company or sector-level examples of HRIAs, see the box below.

Other tools that exist for companies to assess their social and human rights impacts include the [Social Responsibility Assessment Tool](#) by Conservation International, the Conservation Alliance for Seafood Solutions and the Sustainable Seafood Coalition. It can serve as a diagnostic or rapid assessment tool to assess the risk of social issues, to identify areas in need of improvement, and to inform the development of a fishery improvement project (FIP) workplan.

HRIA GUIDANCE AND TOOLBOX

The Danish Institute for Human Rights has developed the [Human Rights Impact Assessment Guidance and Toolbox](#). This resource provides relevant information for companies and other stakeholders based on five phases in HRIA:

1. Planning and scoping;
2. Data collection and baseline development;
3. Analysing impacts;
4. Impact mitigation and management; and
5. Reporting and evaluation.

According to the Toolbox, HRIA should be based on ten key criteria:

1. Participation;
2. Non-discrimination;
3. Empowerment;
4. Transparency;
5. Accountability;
6. Benchmark;
7. Scope of impacts;
8. Assessing impact severity;
9. Impact mitigation measures; and
10. Access to remedy.

The Guidance and Toolbox further informs on cross-cutting issues such as stakeholder engagement and contains a dedicated section that provides information for businesses.

Source: The Danish Institute for Human Rights, '[Human Rights Impact Assessment: Guidance and Toolbox](#)', 2020.

EXAMPLE: THAI UNION GROUP'S IDENTIFICATION OF SALIENT HUMAN RIGHTS ISSUES

The identification of salient human rights issues is a key part of the HRDD process as a whole. It allows companies to strategically direct their resources to the issues that are of high priority. As compared to materiality, saliency assesses the risk to rights-holders rather than to the company.

There are a few examples of companies in the fish and seafood value chain that have identified salient issues. For instance, Thai Union Group's HRDD framework identified eight salient human rights risks in its operations and value chains, namely:

1. Forced labour or modern slavery;
2. Indebted or bonded labour arising from excessive recruitment fees;
3. Lack of freedom of association or the lack of a worker voice to negotiate;
4. Child labour;

5. Excessive overtime;
6. Unsafe and unhealthy working conditions;
7. Community health and safety in the event of major accidents in production plants; and
8. Consumer health and safety (HRDD framework – pillar 2 – assess risks).

Source: Thai Union, '[Human Rights Due Diligence Framework](#)', p. 13.

Company examples

The box below includes a number of examples of companies in the fisheries and seafood sector who have carried out HRIAs and published their reports.

COMPANY-LED HRIAS IN THE FISH AND SEAFOOD VALUE CHAIN

- Ergon Associates for Aldi Nord Group, '[Human rights impact assessment report: wild catch fish & seafood with focus on tuna](#)', January 2022;
- Charoen Pokphand Foods, [Human Rights Impact Assessment](#);
- The Global Alliance for Sustainable Supply Chain, [Ajinomoto Group Human Rights Due Diligence Impact Assessment Report](#), Thailand 2019;
- Elevate, The Kroger Co., [Human Rights Impact Assessment, Farmed Shrimp India](#), May 2023.

Another emerging form of HRIA is a sector-wide impact assessment (SWIA), a methodology that assesses the human rights impacts of a sector or sub-sector in a national context rather than an individual company. SWIAs are instruments to assess and address systemic human rights issues in relation to a sector in a given country, including gaps and challenges in relation to the legal and policy framework.

Companies in the sector are invited to and can take part in SWIAs in different phases: As part of the scoping phase to identify key human rights issues, as informants or interviewees during the SWIA fieldwork, and in follow-up activities to start addressing the findings and recommendations of the SWIA.

A number of SWIAs have been carried out in the fisheries and aquaculture sectors, as the box below illustrates.

EXAMPLES OF SWIAS

The CSOs BILS, COAST and Manusher Jonno Foundation, with the support of the DIHR, conducted a [sector-wide Human Rights Impact Assessment \(SWIA\) in small-scale artisanal fishing communities in Barguna and Cox's Bazar district of Bangladesh](#). This study assessed the impacts on small-scale fishers and their families through a human rights lens.

CONADEH, in collaboration with the DIHR, has conducted an SWIA of the Honduran lobster industry, which assesses the human rights and labour rights of the predominantly Indigenous Miskito community. The report was published in May 2023 and can be found [here](#) (in Spanish).

The DIHR, together with the National Human Rights Institute of Chile, has carried out a SWIA of the Chilean salmon aquaculture industry. This study also touches upon topics relevant for the fisheries sector, namely labour, health and safety conditions of divers, working conditions of those working in fish processing, as well as impacts on Indigenous Peoples' rights who depend on fisheries for their livelihoods. The report and other resources related to the SWIA can be found [here](#).

More information on SWIAs, the approach and methodology as well as examples of results from previous SWIAs can be found [here](#).

Further tools and guidance

The below section provides a list of tools and guidance on human rights risk and impact assessment, both generally and specific to the fisheries sector.

General guidance on this phase

- [UNGP](#)s, Principle 18 'Assessing Human Rights Impacts', pp. 19–20.
- UN, '[The Corporate Responsibility to Respect Human Rights: An Interpretive Guide](#)', New York and Geneva, pp. 36–46.
- DIHR, '[Respecting the rights of Indigenous Peoples: a due diligence checklist for companies](#)', June 2019.

Human rights risk assessments

- Shift, '[Business and human rights impacts: identifying and prioritising human rights risks](#)', 2014.
- BSR, 'Human rights assessment: identifying risks, informing strategy', December 2021.
- Mark Wielga and Kendyl Salcito, '[Human Rights Risk Assessment: A Practitioners' Guide](#)', Nomogaia, 2019.
- Sedex, '[A guide to risk assessment in supply chains](#)', March 2020.
- Madeleine Koalick, Deniz Utlu and Philipp Bleckmann, '[Assessing human rights risks and impacts: perspectives from corporate practice](#)', Global Compact Network Germany and German Institute for Human Rights, July 2016.

Human rights impact assessments

- The International Business Leaders Forum and the International Finance Corporation, '[Guide to Human Rights Impact Assessment and Management \(HRIAM\)](#)', 2010.
- Nomogaia, '[Human Rights Impact Assessment Toolkit](#)', 2013¹⁷¹.
- BSR, '[Conducting an effective human rights impact assessment](#)', 2013.
- UN Global Compact Network Netherlands, Shift and Oxfam, '[Assessing impacts](#)', Doing Business With Respect for Human Rights, 2014.
- Institute for Human Rights and Business, '[Stage 2 – identifying and assessing impacts](#)', guidance for the commodity trading sector, 2018.
- DIHR, '[Human Rights Impact Assessment: Guidance and Toolbox](#)', 2020.
- DIHR, '[What is required of an impact assessment for it to adequately consider human rights?](#)', March 2020.
- Shift and Mazars, UNGPs Reporting Framework '[Assessing Impacts](#)', 2015
- GBI, '[Identifying human rights impacts](#)', n/d.

Other types of impact assessments

- Rights & Democracy, '[Getting it right – community-driven HRIA guide](#)', n/d.
- Oxfam America, '[Community voice in human rights impact assessments](#)', 2015.
- Columbia Center on Sustainable Investment, DIHR and Sciences Po Law School Clinic, '[A collaborative approach to human rights impact assessments](#)', March 2017.
- DIHR and UNICEF, '[Children's rights in impact assessments: a guide for integrating children's rights into impact assessments and taking action for children](#)', 2013.
- DIHR, '[Sector-wide impact assessments](#)', 2021.
- IPIECA and DIHR, '[Integrating human rights into environmental, social and health impact assessments: a practical guide for the oil and gas industry](#)', 2013.

Sector-specific reports, tools and guidance

- Ergon Associates for Aldi Nord Group, '[Human rights impact assessment report: wild catch fish & seafood with focus on tuna](#)', January 2022.
- The Global Alliance for Sustainable Supply Chain, '[Ajinomoto Group Human Rights Due Diligence Impact Assessment Report](#)', Thailand 2019.
- Elevate, The Kroger Co., '[Human rights impact assessment, farmed shrimp India](#)', May 2023.
- BILS, COAST Trust and Manusher Jonno Foundation, '[Sector-wide Human Rights Impact Assessment \(SWIA\) in small-scale artisanal fishing communities in Barguna and Cox's Bazar district of Bangladesh](#)', March 2021.
- CONADEH, '[Sector-wide impact assessment of the human rights impacts in the Honduran diving fishing sector](#)' (in Spanish), May 2023.
- Conservation International, '[Social responsibility assessment tool for the seafood sector](#)', 2021.
- WorldFish, '[A practical guide for ex-ante impact evaluation in fisheries and aquaculture](#)', September 2018.
- Patricia M. Clay and Lisa L. Colburn, '[A Practitioner's Handbook for Fisheries Social Impact Assessment](#)', 2020.

4.3 INTEGRATING HUMAN RIGHTS RISKS AND IMPACTS INTO COMPANY OPERATIONS

Assessing human rights risks and impacts may expose areas and issues within the value chain that need to be addressed. The company’s response must aim at preventing human rights impacts, mitigating them or providing a remedy where the last two options are not possible. Furthermore, what the response looks like will largely depend on the nature of the impact:

- **Potential impacts and risks** require actions that prevent or mitigate them.
- **Actual impacts** require remedy, as well as prevention of further happening.

TABLE 5: ASSESSING THE SEVERITY OF HUMAN RIGHTS IMPACTS

Criteria for the assessment of severity	Questions to ask	Examples
Scale	How grave or serious is the impact?	If young, underage workers carry out hazardous work at a fish processing plant, it will constitute a severe impact regardless of the number of young workers involved.
Scope	How widespread is the impact?	If the company has a policy or practice to pay all of its female employees’ 30% less salary than male employees for equal work, it will constitute a severe impact.
Potential for remediation	How difficult would it be to remedy the impact?	If the construction of a fishmeal plant results in the destruction of a traditional ritual site for the local Indigenous population and it cannot be restored, the impact will be considered severe regardless of its scope or scale, given that the impact cannot be remediated. Targeted abuses such as torture and pre-meditated killings and deaths have detrimental physical, mental or emotional impacts that are, for instance in the case of the death of a worker, irremediable and irreparable.

Companies need to integrate the findings of HRRAs and HRIAs into their corporate structures and decision-making. This includes assigning specific responsibilities to units and personnel for addressing human rights impacts, providing training and awareness-raising to the staff and where possible to suppliers, workers organisations and contractors.

As mentioned in section 4.1, in establishing different departments or units within a company, these departments can be responsible for human rights issues and should be part of human rights training and awareness raising. They should be allocated with sufficient human and financial resources to be able to address human rights impacts. For smaller companies, these steps may be more informal and integrated into other formats. This should also include worker involvement.

SME COMPASS

The SME Compass is an online tool that provides guidance for SMEs on implementing environmental and HRDD along their value chain.

The guidance is available in English and German and covers five stages of HRDD:

1. Strategy development;
2. Risk analysis;
3. Taking action;
4. Measuring and reporting; and
5. Complaint management.

The company's key decisions, budgetary considerations and oversight processes must be influenced by the findings of HRRAs and HRIAs and relevant departments and management functions should participate in addressing them.

Companies may develop an action plan targeting human rights issues and aiming to prevent and mitigate them. The response should prioritise the most severe impacts and address these first. Severity should be assessed according to the scale, scope and irremediability of the impact as described above.

DIFFERENT CATEGORIES OF COMPANIES' IMPACTS ON HUMAN RIGHTS

Companies' negative impacts on human rights differ based on the degree of a company's responsibility. According to the UNGPs, companies may cause, contribute to or be directly linked to an impact:

- Impacts that companies cause are, as a rule, under their direct control. In such cases, companies have a direct responsibility to address them.
- Negative impacts that companies contribute to are those that they have through a business relationship and they do not have direct or sole control over the impact. In such cases, they should address their share of the impact and use leverage to address the rest.
- Impacts that companies are directly linked to are not under direct company control. In such cases, companies should use any leverage to avoid, mitigate or remedy such impacts.

Type of human rights impact	Example in the fisheries sector
Impacts that companies cause	Forced labour that happens on fishing vessels is caused by companies that own, operate and control these fishing vessels.
Impacts that companies contribute to	A fishing company is part of a fleet that is operating in a certain location. Although this individual company uses sustainable methods and fishes within its legal boundaries, the cumulative impact of all the fishing companies operating in this area contribute to the depletion of fish stocks and therefore have negative impacts on local artisanal fishers.
Impacts that companies are directly linked to	A company invests in a producer of processed tuna products that supplies tuna caught through IUU fishing practices. The investor is directly linked to the human rights impacts of IUU fishing of tuna.

USING CORPORATE LEVERAGE FOR HUMAN RIGHTS

In complex global value chains, even the smallest companies have the power to drive change. However, large transnational corporations are key actors as buyers and sellers in fisheries value chains. Companies can leverage their business relationships to drive positive change and address human rights impacts in the fish and seafood value chains.

In this context, leverage refers to a company's ability to influence other entities' adverse impacts on human rights. Depending on the nature of a company's operations, it may use various types of leverage to influence the performance of governments, upstream and downstream suppliers, horizontal business partners, clients, end-users and other actors in its value chain.

Amongst others, the following aspects of business relationships can be used as leverage to positively change others' human rights performance:

- Commercial leverage such as contract negotiations and revisions with suppliers, audits and inspections and incentives. For instance, fishing companies can leverage their purchasing power to influence and make sure fish feed suppliers address the impacts of overfishing caused by the trawlers from whom they buy small pelagic fish through contractual clauses.
- Non-commercial leverage such as formal and informal connections that can be used to provide capacity-building, awareness raising campaigns and other activities within a company or with suppliers beyond traditional commercial matters. For instance, large seafood retailers may provide training on fair recruitment to their suppliers or equip them or support them with the establishment of accessible grievance mechanisms.

- Partnership-based leverage such as multi-stakeholder collaborations with other businesses, CSOs, governments and other stakeholders with the objective of achieving change. For instance, fisheries companies often team up and join in initiatives to create sector-wide initiatives and efforts to promote sector-level responsible fishery practices. An example of such an initiative that aims to drive industry-level social change in the seafood sector at CEO level is SeaBOS. SeaBOS members include nine of the largest global seafood companies, covering 500 seafood species and almost 20% of the international seafood trade. One of SeaBOS' commitments is reducing IUU fishing and eliminating modern slavery. According to SeaBOS' impact report, seven out of the nine companies have assessed IUU fishing risks and forced, bonded and child labour in their supply chains through audits, HRIAs, partnerships with NGOs and monitoring efforts.

Source: adapted from Shift, '[Using Leverage in business relationships to reduce human rights risks](#)', November 2013 and SeaBOS, '[Charting a sustainable course: the SeaBOS initiative](#)', October 2023.

Using leverage can be challenging for SMEs, especially in their relationships with larger companies. However, SMEs can exercise leverage through taking part in multilateral business partnerships or multi-stakeholder, collaborative initiatives.

FISHERY IMPROVEMENT PROJECTS (FIPS)

FIPs are multi-stakeholder initiatives aimed at sustainable transformation of the sector. As a rule, FIPs have a specific scope that is determined by geographic location, target species and method of fishing.

Traditionally, FIPs had an environmental focus. Recently, these projects have started to incorporate social aims and have adopted a number of human rights requirements.

For instance, [FisheryProgress](#), a key tool for FIP reporting, adopted a [Human Rights and Social Responsibility Policy](#) in 2021 and expects all FIPs to make improvements in this direction. This includes requirements for FIPs to have a policy commitment, human rights data, conduct self-assessments for forced labour and trafficking risks, provide awareness campaigns for fishers, and have a grievance mechanism. Currently, there are 152 active FIPs in the FisheryProgress directory, and some of them have already started providing information on social indicators (see an example FIP on [Indian Ocean tuna and large pelagics – longline \[Afrutex\]](#)).

FIPs represent an example of multi-stakeholder collaboration to achieve environmental and social progress. They enable individual companies, especially those with limited resources, to address their human rights risks and impacts with the help of financial resources and expertise from within the project. Additionally, these collaborations offer the opportunity to address industry-wide human rights challenges and effect change in the supply chain that would otherwise be unattainable for individual companies. However, it must be mentioned that FIPs have been criticised for the fact that they use market incentives to drive environmental and/or social change,

for being a voluntarisation of what should be binding, for moving benchmarks that lack meaning for workers and an absence of worker-defined remedy and resource processes, which cannot replace the role of trade unions or representative workers organisations.

Sources: FisheryProgress, 'Human Rights and Social Responsibility Policy', 2021 and '[Fishery improvement projects: a voluntary, corporate "tool" not fit for the purpose of mitigating labour abuses and guaranteeing labour rights for workers](#)'. ScienceDirect.

Company examples

The below section provides examples of companies in the fisheries sector, from companies that catch to retailers of fish, that have undertaken risk and impact assessments to assess and address adverse human rights impacts.

TABLE 6: COMPANY EXAMPLES OF IMPACT ASSESSMENTS

<p>Addressing impacts or avoiding risks</p>	<p>Coles Group's ethical sourcing policy: Coles Group is one of the largest retailers in Australia with 2,500 retail outlets. Coles Group's human rights strategy considers human rights such as protection from forced labour and modern slavery, child labour, decent working conditions, discrimination, and environmental and land rights among others. Their ethical sourcing policy is a key aspect of the strategy and applies to direct suppliers, their sub-contractors and indirect suppliers. Suppliers are required to provide information to Coles regarding their human rights performance through the supplier ethical data exchange or another portal, partake in desktop or on-site audits performed by Coles or third party auditors, and participate in training and development programmes. These requirements also apply to Coles' seafood and fish value chain as outlined in Coles' responsible sourcing charter. The Business and Human Rights Resource Centre's report on the supply chains of canned tuna provides a specific example according to which Coles Group has required processing plants in Thailand to register with supplier ethical data exchange and provide full relevant information.</p>
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<p>Addressing impacts or avoiding risks</p>	<p>Positive impact through collaboration</p> <p>The seafood company Thai Union has partnered with different stakeholders to implement various projects to address its human rights impacts and risks. Together with the food company Nestlé and NGO Verité, it launched a <u>demonstration boat</u> to promote human rights in the Thai fisheries sector. The boat is a renovated standard fishing boat that demonstrates how standard fishing practices can be transformed in order to comply with human rights requirements, including those provided by the ILO Convention No. 188. The aim of the boat was to promote and raise awareness on best practices to ensure the fair, safe and legal treatment of workers on vessels in the Thai fishing industry.</p> <p>In another example, <u>Thai Union teamed up with the ITF</u> to deliver a series of health and safety training workshops to its workers in 2018 and 2019. The campaign involved more than 300 workers and trained them in responding to hazardous and dangerous situations at sea including through first aid and basic medical aid techniques such as CPR.</p> <p>Leveraging supplier relationships for responsible practices</p> <p>A <u>2019 report</u> assessing business responses to modern slavery in the Thai seafood industry provides a number of good examples and practices employed by companies. These practices involve different types of tools and strategies to ensure that their value chains are free of forced labour, human trafficking and other modern slavery practices. One of the key aspects of these strategies is building direct, long-term and hands-on relationships with suppliers. Businesses emphasised the importance of avoiding short-term and non-committing procurement agreements and building long-term commercial relations with partners who share the same social values. Long-term commitments improve accountability, incentivise good practices and increase leverage for responsible practices.</p> <p>In other cases, <u>companies resort to buying fish directly</u> from fishing vessels to increase traceability and ensure accountability. This increases company's direct oversight and allows companies to inspect vessels, interview the crew and push for more responsible and human rights-compliant practices.</p>
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<p>Examples of companies using or listing specific leverages (for example in policies)</p>	<p>Strategies for ensuring supplier compliance with human rights requirements</p> <p>While companies are increasingly adhering to human rights requirements, not all of them reflect the full scope of these requirements.</p> <p>A 2019 study of modern slavery in Pacific supply chains of canned tuna revealed that almost all of 20 surveyed companies reported having requirements for their immediate suppliers to adhere to modern slavery standards. However, only three of them had the system to “cascade modern slavery prohibitions through their entire supply chains” and apply the standards to sub-contractors within their value chain.</p> <p>Another 2019 report elaborates on how companies can integrate social and environmental compliance requirements for their suppliers in price negotiations. Having the price reflect suppliers’ social and environmental performance incentivises responsible business practices and works against human rights risks and impacts in the value chain. This also entails understanding that purchasing products and services for low prices may force suppliers to cut their expenses somewhere, which often happens at the expense of their workers or other stakeholders’ human rights.</p>
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Further tools and guidance

The below section provides further tools, guidance and examples for assessing human rights risks and impacts, both generally and in relation to the fisheries sector.

- [UNGPs](#), Principle 19 ‘Addressing Human Rights Impacts’, pp. 20–21.
- UN, ‘[The Corporate Responsibility to Respect Human Rights: An Interpretive Guide](#)’, New York and Geneva, pp. 46–52.
- DIHR, ‘[Human Rights Impact Assessment: Guidance and Toolbox](#)’, 2020. pp. 93–102.
- Global Compact Network Germany, ‘[What does effective human rights risk management look like? 5 insights from practice](#)’, December 2021.
- Institute for Human Rights and Business, ‘[Stage 3 – preventing and mitigating adverse impacts](#)’, guidance for the commodity trading sector, 2018.
- UN Global Compact Network Netherlands, Shift and Oxfam, [Doing Business with Respect for Human Rights, ‘Integrating and acting’](#), 2014.
- Shift and Mazars, UNGPs Reporting Framework ‘[Part C4 - Integrating findings and taking action](#)’, 2015.
- Shift, ‘[Using leverage in business relationships to reduce human rights risks](#)’, 2013.
- Shift, ‘[Using leverage to drive better outcomes for people](#)’, 2020 (for financial institutions).
- UNGP Reporting Framework: Salient Human Rights Issues, see video [here](#).
- UN Development Programme Business and Human Rights in Asia, [HRDD Training Facilitation Guide](#), (2021).
- Pillar Two, [Managing business-related human rights risks during and after C-19](#).
- Accountability Framework Initiative, [Operational guidance: managing for supply chain compliance](#).

4.4 TRACKING AND MONITORING HUMAN RIGHTS PERFORMANCE

Monitoring the performance of the responses to human rights risks and impacts is an essential step for an effective HRDD process. Companies need to follow up and evaluate the measures and their implementation to ensure they have effectively addressed the impacts, as well as to allow experiential learning, capacity building and development, to avoid similar situations in the future.

Effective monitoring of how human rights risks and impacts are addressed across a company requires a sound methodology. This methodology can be quantitative or qualitative in nature, depending on the nature of human rights impacts, the size and operations of the company and other contextual elements.

INDICATORS FOR MEASURING HUMAN RIGHTS PERFORMANCE

The DIHR has created the platform Human Rights Indicators for Business, which gives companies and other stakeholders the measurement criteria for their compliance with human rights requirements. The Human Rights Indicators for Business [platform](#) is an open-source database of over 1,000 indicators that enable companies to assess corporate policies, procedures and practices on human rights.

The DIHR has published another set of indicators specific to the right to water in the [Availability, Accessibility, Acceptability and Quality \(AAAQ\) Manual and the Right to Water – Contextualising Indicators](#). The publication is part of the DIHR AAAQ Toolbox, which aims to operationalise socioeconomic human rights and provide contextualised indicators based on the recognised core criteria of Availability, Accessibility, Acceptability and Quality (AAAQ). The manual aims to raise awareness and provide tools for the private sector on how to fulfil their responsibilities related to the right to water.

Monitoring requires clearly defined goals and objectives that the measures aim to achieve. For instance, if a salient human rights issue for the company is forced labour, the goal that it aims to achieve through the responses would be the elimination of forced labour in the full value chain.

In order to track and evaluate performance, companies cannot solely rely on generally formulated goals and they need to develop specific indicators. These indicators should be quantifiable or measurable. They can be created based on internal experiences but should take into account existing external indicators that have been created for measuring human rights impacts. Such external indicators include those created by international organisations, CSOs, trade unions, other companies or other initiatives. An example of such an initiative is the [Responsible Recruitment Toolkit](#), which is an [online capacity building tool to help businesses understand, achieve and demonstrate responsible recruitment](#). Amongst other areas of responsible recruitment, the toolkit covers forced labour, child labour, recruitment fees, wages, freedom of association and safe working conditions. Another useful tool is the [FAIR Hiring Initiative](#), which is a non-profit organisation based in the Philippines that develops, tests and promotes global ethical recruitment models and technologies that address forced labour, debt bondage and human trafficking.

GLOBAL REPORTING INITIATIVE (GRI) – GRI 13: AGRICULTURE, AQUACULTURE AND FISHING SECTORS 2022

The GRI is an independent international organisation that has created a set of sustainability reporting standards that, on the one hand, help companies to better report on their impacts and, on the other, allow interested parties to assess corporate reporting on its merits.

The GRI has created universal, sectoral and topical standards. The GRI 13 is a sectoral standard that applies sustainability reporting in crop and animal production, aquaculture and fishing value chains. The standard provides guidance to companies about material topics for their reporting, which includes most significant sectoral impacts on the economy, environment and people.

The scope of these impacts applies to human rights in a broad sense. It includes references to the rights of local communities and Indigenous Peoples, non-discrimination and equality, core labour issues such as child labour and forced labour, freedom of association and collective bargaining, occupational health and safety, employment practices, living income and wage, economic inclusion and anti-corruption. Together with this inclusion of a wide array of human rights, the GRI 13 refers to the UNGPs to define core terms such as 'human rights,' 'business relationships' and 'grievance'. The GRI 13 determines the scope of human rights in the same way as the UNGPs by referring to international human rights frameworks such as core UN and ILO instruments.

While informing fisheries and aquaculture companies on how to report their human rights impacts, the GRI 13 also provides inspiration on what material impacts to look at in other stages of the HRDD, such as identification and assessment of impacts, as well as measurement and tracking. The GRI 13 comes into force for the relevant companies from 2024 but advises that it should start to be applied in advance as well.

Source: GRI, [Sector Standard for Agriculture, Aquaculture, and Fishing](#); GRI 13: Agriculture, aquaculture and fishing sectors 2022 (see the [leaflet here](#); users need to download the standard to access it fully).

An example of an internationally recognised set of indicators can be found as part of the GRI which has adopted a set of standards, including the GRI 13 for Agriculture, aquaculture and fishing (see box on GRI), which can support companies in the fisheries sector to understand what material impacts to report on. While the GRI is a reporting standard, the material topics it defines logically apply to the measurement and tracking stages of the HRDD process as well.

The indicators and performance evaluation in general should take into account the broader context and ensure that root causes and other aggravating factors for the impact are addressed. For instance, in the case of forced labour, effective measurement should not only look at the number of cases of forced labour but also the conditions of work, recruitment policies and practices, wages, hours and treatment of workers.

The below table provides some examples of indicators that companies in the fisheries sector can use to track and evaluate performance with regard to forced labour on fishing vessels and impacts on local communities affected by fish processing plants.

TABLE 7: QUANTITATIVE INDICATORS FOR SALIENT HUMAN RIGHTS ISSUES

Salient issue	Goal	Examples of quantitative indicators
Forced labour on fishing vessels	Elimination of forced labour	<ul style="list-style-type: none"> • The number of cases of forced labour identified after the measures have been taken; • The number of workers on fishing vessels without a written contract; • The number of reports of physical or verbal abuse on fishing vessels; • The number of cases where workers were not paid their salary/wages; • The number of hours workers need to work daily; • The number of vacation days; • Whether leave is paid and how much; and • Whether there is a pension scheme in place.
Negative impacts on local communities impacted by fish processing plants	Prevention or mitigation of negative impacts on Indigenous Peoples' rights	<ul style="list-style-type: none"> • The number of discussions/ meetings/ communications held with community representatives; • The number of conflicts between the company and the community or communities; • The number of complaints received pertaining to community impacts caused or contributed to by the fish processing plant; • The percentage of resolved complaints; • The number of lawsuits pertaining to the community or communities; • The number of lawsuits filed by or on behalf of the community which the company has settled; and • The number of lawsuits which the company lost and fulfilled the judgement.

Companies should also monitor the human rights performance of suppliers and other business partners in their value chains. However, the approach for suppliers will be different. Large companies create expectations of suppliers through supplier codes of conduct or other mutual agreements. Supplier compliance with these requirements is often monitored through suppliers' self-assessments/reports or by conducting external social audit initiatives of supplier's operations.

However, various studies have demonstrated the shortcomings of social audits. Depending solely on top-down, externalised social audits or self-assessments may

fail to cover the full scope of human rights impacts and does not allow for adequate identification and addressing of human and labour rights impacts¹⁷². To guarantee full compliance, companies should create other channels of cooperation with their suppliers to monitor and track compliance with human rights. This may include capacity-building activities, especially for suppliers that are micro and SMEs, advisory and technical assistance, knowledge-sharing and creating a culture based on cooperation and trust.

WORKER-DRIVEN SOCIAL RESPONSIBILITY

A number of alternative models exist to drive suppliers' social change with the involvement of unions and workers. One such example is the work initiated by the Worker-driven Social Responsibility Network. The Worker-driven Social Responsibility Network is led by the ITF and the Fair Food Program of the Coalition of Immokalee Workers. The Worker-driven Social Responsibility Network employs a worker-centred approach that aims to monitor and enforce workplace protections in food industry supply chains in cooperation with a wide range of relevant actors, and to provide support and resources for worker-led efforts to replicate the model. Efforts are underway to explore application of this model in the UK fisheries sector.

Sources: [Worker-driven Social Responsibility Network](#) and [Coalition for Immokalee Workers](#).

For smaller companies, tracking performance through conventional means such as employee surveys, social audits and quantitative studies, can be much more challenging and resource-draining. However, they can use other means of collecting information and utilise existing company resources. Employee surveys can be substituted for regular interviews with human resources, audits can be replaced with visits by company management, and own company staff and training can be substituted with informal knowledge sharing or by applying less resource-intensive tools such as online human rights e-learning for example.

Company examples

The below table provides a number of examples of how some companies are tracking and monitoring their human rights performance after assessing their risks and impacts.

TABLE 8: COMPANY EXAMPLES OF HOW TO TRACK AND MONITOR HUMAN RIGHTS PERFORMANCE

<p>Addressing impacts</p>	<p>Addressing issues through an action plan: Nestlé’s shrimp value chain in Thailand</p> <p>In 2015, Nestlé commissioned the NGO Verité to assess forced labour and other human rights in its Thai shrimp value chain. The <u>assessment report</u> found indicators that, amongst others, workers were subject to forced labour, human trafficking and child labour. The hotspots included recruitment practices, grievance mechanisms, pay practices and working conditions.</p> <p>In the same year, Nestlé adopted a responsible sourcing <u>action plan</u> for Thailand, which aimed to achieve traceable supply chains, incorporation of human rights considerations into commercial relationships, provision of information about these requirements to boat owners and captains through active communication and training, awareness raising among workers, collaboration with external partners and reporting on the results.</p> <p>In 2020, Nestlé published an <u>overview of the progress</u> made on the action plan. According to this document,</p> <ul style="list-style-type: none"> • 100% of suppliers have incorporated Nestlé’s Responsible Sourcing Standard requirements in their policies and require their suppliers to do the same; • Nestlé has implemented robust traceability for all vessels and almost all seafood of Thai origin; • They employ vessel audits to identify base issues and the findings inform their strategies; and • Nestlé collaborates with external partners such as suppliers, trade unions and CSOs to address core issues such as occupational health and safety, IUU fishing, responsible recruitment, problems with ‘worker voice’ and remediation among others.
<p>Thai Union</p>	<p>Thai Union’s <u>Human Rights Due Diligence Framework</u> mentions that its human rights reporting is in alignment with the standards established by the GRI reporting standards and the UN Global Compact Communication on Progress.</p> <p>Thai Union also provides an example of an indicator that they report on; the percentage of Tier 1 suppliers who have signed an acknowledgement of the <u>Business Ethics and Labour Code of Conduct</u>, including fish, shrimp, logistics, packaging and ingredient suppliers.</p>
<p>FCF</p>	<p>The company FCF Co. Ltd., one of the world’s top three tuna traders, has an explicit policy in place with regard to working and living conditions aboard fishing vessels and complements these commitments by having monitoring procedures in place and publishing these monitoring results regularly¹⁷³.</p>

Further tools and guidance

The below section provides a list of tools, guidance and examples of how companies should track and monitor their human rights performance. The list includes general and fisheries sector-specific guidance:

- [UNGPs](#), Principle 20 'Tracking the effectiveness of the response to human rights impacts', pp. 22–23.
- UN, '[The Corporate Responsibility to Respect Human Rights: An Interpretive Guide](#)', New York and Geneva, pp. 52–57.
- Institute for Human Rights and Business, '[Stage 4 - Tracking Performance](#)', Guidance for the Commodity Trading Sector, 2018.
- UN Global Compact Network Netherlands, Shift and Oxfam, '[Tracking Performance](#)', Doing Business With Respect for Human Rights, 2014.
- Shift and Mazars, UNGPs Reporting Framework '[Part C5 - Tracking Performance](#)', 2015.
- Shift, '[Indicator design tool: a people-centred approach to measuring the progress and effectiveness of human rights initiatives and programs](#)', 2021.
- Shift, '[Evaluating Human Rights Performance](#)', 2018.
- Casey O'Connor and Sarah Labowitz, '[Putting the 'S' in ESG: Measuring human rights performance for investors](#)', NYU Stern Center for Business and Human Rights, 2017.
- DIHR, '[Human Rights Indicators for Business](#)', 2019.
- UN Development Programme Business and Human Rights in Asia, '[HRDD Training Facilitation Guide](#)', 2021.
- Kompass, '[Sustainability by the numbers – key performance indicators for corporate due diligence](#)'.
- UN Human Rights Office of the High Commissioner, '[Human rights indicators, a guide to measurement and implementation](#)', 2012.
- Shift, '[Dissecting disclosure: setting targets and tracking performance](#)', 2020.
- Accountability Framework Initiative, '[Operational guidance: monitoring and verification](#)'.
- Accountability Framework Initiative, '[Common methodology for assessment of progress towards deforestation-free supply chains](#)'.

Sector-specific tools and guidance

- WBA, '[Methodology for the Seafood Stewardship Index 2023](#)', December 2022.
- GRI 13, '[Sector standards for agriculture, aquaculture, and fishing](#)', June 2022.

4.5 REPORTING AND COMMUNICATING ON HUMAN RIGHTS RISKS AND IMPACTS

Companies are expected to be transparent about their human rights impacts and the efforts they make to address them. Active communication with the public is expected throughout the entire HRDD process. However, at this stage, companies should focus on disclosing the information to the stakeholders rather than taking insights from them. Moreover, access to information is a basic human right under a number of international human rights norms, including Article 19 of the UDHR¹⁷⁴.

Communication can take different shapes and forms. It may be in the form of a formal, standalone human rights report. This is a responsibility for companies whose operations or the context they operate in involve severe human rights impacts. However, smaller companies and SMEs may opt to communicate through less resource-demanding and more informal means, such as meetings with workers and suppliers, and use various public fora, such as town halls, for communicating with local communities or may use digital platforms.

COMMUNICATING ON PERFORMANCE IN THE FISHERIES AND SEAFOOD VALUE CHAIN

Communicating and transparency-related responsibilities differ based on the size of the company, severity of its human rights impacts, circumstances surrounding most of the stakeholders and other contextual factors. Companies may choose to communicate about their HRIA processes, to publish a general HRDD report, standalone human rights studies or reports, to integrate human rights into their annual sustainability reports, or to publish modern slavery statements in accordance with national legislation.

In the fisheries sector, reporting on human rights has been relatively limited. For example, according to the [WBA's 2021](#) research, only a few companies in the sector are providing additional disclosure on how they are addressing and progressing on key impacts.

- While reporting on human rights has been relatively limited in the fisheries sector, there are some examples of companies along the seafood value chain that are communicating on human rights. An example of a sector-specific HRIA is ALDI's report on wild catch fish and seafood with focus on tuna.
- Thai Union's [Human Rights Risk Assessment Report 2021](#) consolidates several HRIAs that the company carried out and provides information about HRIAs conducted in the past as well as more recent ones. Each HRIA has a dedicated summary with the most relevant information.
- [Charoen Pokphand Foods'](#) document on HRDD describes its general processes and methodology connected to its HRDD process.
- Verité's [independent assessment](#) of recruitment practices and migrant labour conditions in Nestlé's Thai shrimp supply chains examines and documents forced labour and other human rights risks endemic to the Thai seafood sector.
- In 2022, the Fishing Industry Association of Papua New Guinea, consisting of 26 members, released its first [sustainability report](#) that included a focus on human rights.

In any case, communication should be in the form and of a frequency that reflect the context of the company's human rights impacts, including their severity, accessibility needs of affected and other relevant stakeholders and the company's resources. For example, on the one hand, communication with female workers who have experienced a gender pay gap at the company's headquarters can take a digital form and be linked to monthly payment of the wage. On the other hand, companies should communicate their efforts and results to Indigenous communities whose food security was affected in a written or verbal form, in a language that is appropriate, and with a frequency that reflects the need for remedial actions.

The information provided through communication should be sufficient to give stakeholders the opportunity to understand potentially negative impacts on human rights, the companies' prevention measures and to judge the effectiveness of the efforts themselves. What this means in practice may vary greatly from context to context. For instance, on the one hand, evaluating the sufficiency of the efforts to restore a damaged ecosystem will require an ecological study or environmental impact assessment by a specialised agency or organisation and should be presented in a form and language that is comprehensible for a layman. On the other hand, communicating how the company addresses labour issues such as low wages, absence of written contracts and excessive work hours would require demonstrating that company policies and practices have been altered.

HUMAN RIGHTS REPORTING: KEY PRINCIPLES AND CHALLENGES

The [UNGPs Reporting Framework](#) is a guidance framework for companies to report on human rights issues and comply with the UNGPs. The framework provides step-by-step guidance that centres around reporting but can be useful at every stage of the HRDD process. Apart from identifying its substantive aspects, the framework also discusses the key principles and common challenges of human rights reporting.

According to the framework, reporting should be based on [seven key principles](#):

1. Setting human rights reporting in the business context;
2. Meeting a minimum threshold of information;
3. Demonstrating ongoing improvement;
4. Focusing on respect for human rights;
5. Addressing the most severe impacts on human rights;
6. Providing balanced examples from relevant geographies; and
7. Explaining any omission of important information.

The framework also identifies [common pitfalls, questions and misconceptions](#) in human rights reporting that companies should be aware of and provides responses to these. For instance, the framework notes that disclosure of impacts of certain value chain partners may upset their relations and responds that a great deal depends on framing and formulation and that companies should strive for positive reinforcement rather than 'naming and shaming'.

Source: Shift, ['The UN Guiding Principles Reporting Framework'](#).

Content of communications in any form should meet several qualitative criteria.¹⁷⁵ Communication should:

- Be clear and understandable for the public, especially for affected rights-holders (this includes language, format and availability);
- Be accessible to everybody, including persons with disabilities (amongst others, provided in an audio format, accessible text and language);
- Explain the corporate structure and HRDD process for human rights impacts;
- Outline the findings of impact assessments and evaluations, emphasising human rights impacts;
- Provide specific examples of measures, their effects and outcomes;
- Point to key challenges in effecting change;
- Refer to relevant data, information and indicators;
- Focus on stakeholder perspectives;
- Emphasise synergies, partnerships and opportunities;
- Provide information on future plans for advancing its efforts and improving disclosure; and
- Provide information on the company's operational-level grievance mechanism.

Company and sectoral examples

The below table provides examples of communication, transparency and reporting by companies or sectoral initiatives regarding social and human rights issues.

TABLE 9: COMPANY EXAMPLES ON REPORTING AND COMMUNICATING

<p>Ocean Disclosure Project</p>	<p>The <u>Ocean Disclosure Project</u> was launched by the Sustainable Fisheries Partnership as a reporting framework for seafood companies, including retailers, suppliers, fish feed manufacturers and others, to voluntarily disclose their wild-caught seafood sourcing alongside information on the environmental performance of each source. Supporting SDG 14, the Ocean Disclosure Project aims to make the production of seafood more sustainable by coordinating efforts to deliver greater transparency in the global seafood supply chain. The platform shows where seafood companies source products, which production methods are used and how these resources are certified by third parties. This helps to foster accountability in conducting business and to improve current practices and policies by identifying and supporting sustainable operations.</p>
<p>The Sourcing Transparency Platform, an initiative by the International Pole and Line Foundation</p>	<p>The <u>Sourcing Transparency Platform</u> is a platform to educate consumers and the tuna industry on social and environmental sourcing credentials of one-by-one tuna fisheries. Companies can upload sourcing information directly onto the Sourcing Transparency Platform in order to publicly disclose important information regarding their fish-sourcing activities, social responsibility policies and HRDD actions.</p>

<p>Company examples of human rights in sustainability reporting</p>	<p>It has not been common for companies in the fisheries sector to produce standalone human rights reports. Rather, they include human rights issues in their sustainability reporting. While this is not a problem in itself, companies should ensure that human rights are not side-lined and are covered in their full extent, especially in terms of salient human rights issues. A few examples of fisheries companies who have integrated human rights into their sustainability reporting can be found below:</p> <ul style="list-style-type: none"> • Blue Star Foods is a US headquartered international seafood company specialising in crab meat, salmon and other seafood products. Its 2020 sustainability report indicates that it is based on GRI standards: Core option, validated by internal audit and approved by senior management. The report covers the human rights impacts on key stakeholders such as employees, migrant workers, communities and end-consumers. The issues discussed in the report touch on diversity and inclusivity, occupational health and safety, recruitment practices, employee benefits and development and grievance mechanisms. However, the report lacks specificity and details about human rights impacts as well as responses, and it discusses human rights only broadly. • Another approach is Leroy Seafood's 'Sustainability library', which is their annual sustainability report. The library contains entries under ten general topics, including "strengthen our communities". This topic contains several material sub-topics such as human rights, equal opportunities and occupational health and safety and provides concrete information on existing policies, challenges and activities under them. Other general substantive topics also contain issues relevant for human rights. The library also provides information on its methodological foundations such as its Key Performance Indicators, relevant policies and the GRI content index.
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Further tools and guidance

The below list provides tools, guidance and examples of communicating on human rights for fisheries companies.

- [UNGPs, Principle 21 'communicating the performance externally'](#), pp. 23–24.
- [UN, 'The Corporate Responsibility to Respect Human Rights: An Interpretive Guide'](#), New York and Geneva, pp. 57–63.
- [DIHR, 'Human Rights Impact Assessment: Guidance and Toolbox'](#), 2020, pp. 106–116.
- [Institute for Human Rights and Business, 'Stage 5 - communicating performance'](#), Guidance for the Commodity Trading Sector, 2018.
- [UN Global Compact Network Netherlands, Shift and Oxfam, 'Communicating](#)

- performance', *Doing Business With Respect for Human Rights*, 2014.
- Shift and Mazars, '[UN Guiding Principles Reporting Framework](#)'.
- UN Global Compact, '[The Guidebook on Communication on Progress](#)'.
- Shift, '[Dissecting Disclosure Series](#)', 2020¹⁷⁶.
- Accountability Framework Initiative, '[Operational guidance: reporting, disclosure, and claims](#)'.
- Accountability Framework Initiative, '[Using existing reporting systems to report on commitments](#)'.

Sector-specific tools and guidance

- GRI, '[GRI 13: agriculture aquaculture and fishing sectors 2022](#)'.
- WBA, '[Seafood Stewardship Index Insights Report](#)', April 2022.
- Global Dialogue on Seafood Traceability, '[GDST Standards and Materials](#)'.
- International Pole and Line Foundation, '[Sourcing Transparency Platform](#)'.
- Sustainable Fisheries Partnership, '[The Ocean Disclosure Project](#)'.
- Fisheries Transparency Initiative, '[FiTI Standard](#)'.
- IFFO – The Marine Ingredients Organisation, '[Knowledge Hub](#)'.
- The Global Sustainable Seafood Initiative, '[The Global Benchmark Tool](#)'.
- Ocean Disclosure Project, '[Transparency in Seafood](#)'.

4.6 ESTABLISHING AND IMPLEMENTING EFFECTIVE OPERATIONAL-LEVEL GRIEVANCE MECHANISMS AND PROVIDING ACCESS TO REMEDY

In those cases where a community claims that a company has caused or contributed to impacts or where a company identifies that it has caused or contributed to actual impacts, its responsibility to respect human rights requires the company to provide an effective remedy to those individuals or groups that have been adversely impacted. The objective of remediation is to restore the situation where possible and remedy any physical or moral harm that has been inflicted. When this is not possible, companies should provide compensation in financial or non-financial form¹⁷⁷.

Remediation may take different forms such as providing an apology, compensation, restitution, rehabilitation or even criminal sanctions, depending on the impact and context. Companies should decide on what is an appropriate remedial measure based on specific circumstances and dialogue with affected stakeholders.

Companies should set up a so-called operational-level grievance mechanism, where rights-holders or those who represent them can lodge a human rights-related grievance or complaint. Such a grievance mechanism should be available and safely accessible to all potentially affected stakeholders within and outside of the company, including rights-holders, NGOs or consumer groups that represent them and others. Human rights grievances may be handled through an independent mechanism or integrated within existing grievance mechanisms. Regardless, the system needs to effectively address human rights impacts and should comply with the eight effectiveness criteria for non-judicial grievance mechanisms, as per the UNGPs (Principle 31).

TABLE 10: EFFECTIVENESS CRITERIA FOR NON-JUDICIAL GRIEVANCE MECHANISMS ACCORDING TO THE UNGPS

Criteria	Definition	Examples in the fisheries sector
Legitimacy	Grievance mechanisms should be trusted by the stakeholders, especially those affected by human rights impacts.	Women in an anchovy fish processing plant believe and have expressed to the union they are members of that the grievance mechanism for discrimination cases functions satisfactorily.
Accessible	All relevant stakeholders should know about and be able to understand and use the mechanism if needed, while feeling that they can safely lodge their grievance(s) without implicating their safety or the safety of others or receiving threats from employers.	In addition to Spanish, Haitian migrant workers in a Chilean fish processing plant receive information about the grievance mechanism in French and Creole.
Predictability	The grievance process should be clearly defined and determine the timeframe of every action.	A retailer that sells fish provides an online mechanism for consumer complaints. The platform explains the next steps after submitting the complaint and provides timeframes for the investigation, final decision, appeal and receipt of compensation if awarded.
Equitability	Aggrieved parties should have access to resources necessary for fair, informed and effective participation in the process.	When a group of migrant workers are planning to submit a complaint, a fisheries company provides information and directs them towards sources of financial support for legal assistance and translation services.
Transparency	Companies should communicate the progress on complaints to aggrieved parties and inform all relevant stakeholders on the progress related to the grievance mechanism at large.	A tuna fish processing plant provides online and on-site notifications about its grievance mechanism for labour-related issues. The mechanism encompasses weekly updates sent to complainants in the format and to the address of their choice.

Criteria	Definition	Examples in the fisheries sector
Rights-compatibility	Outcomes of grievance mechanisms should comply with internationally recognised human rights.	A multinational fisheries company has committed to pay back recruitment fees to a group of migrant workers who work in their supply chain. The company has consulted with NGOs and with workers about the type of remedy and way it should be delivered.
Dialogue and engagement-based	The design of the grievance mechanism, as well as its outcomes on specific cases, should be based on active communication with relevant stakeholders.	A fish feed company holds consultation rounds with representatives of workers, CSOs and communities and has updated its grievance mechanism based on the feedback received.
Continuous learning	Companies should continuously strive to learn from their mistakes, identify shortcomings and improve grievance mechanisms.	A fisheries company has a policy of reviewing and updating its grievance mechanism on an annual basis, based on the feedback received from rights-holders such as workers, including those working on fishing vessels at sea, and stakeholders, including external reviewers.

Smaller companies and SMEs may not have the resources to establish an elaborate grievance mechanism. However, they should still provide an effective remedy to affected stakeholders through different means. For instance, smaller processing plants can develop a physical or digital communication line with local communities, which allows them to communicate their grievances.

While many human rights impacts occur in the seafood sector, the existence and functioning of operational-level grievance mechanisms is still limited and remediation measures often fall short. According to the WBA's 2023 Seafood Stewardship Index, which has benchmarked the 30 largest seafood producers, only 16 out of the 30 companies benchmarked demonstrate having a grievance mechanism for workers, and only ten of the 30 companies have a grievance mechanism for external individuals and communities¹⁷⁸. It must be noted that having a grievance mechanism in place does not automatically mean that it is being used and that it is effective at addressing human rights impacts. The WBA benchmarking has not assessed the use and effectiveness of such grievance mechanisms. Some of the main challenges related to grievance reporting and handling in the fisheries sector relate to the nature of the industry, namely:

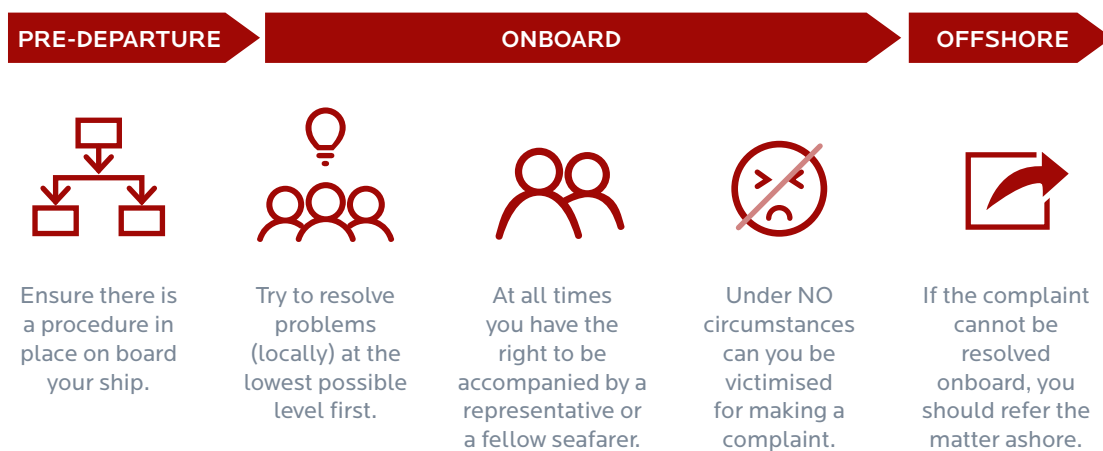
- Often remote locations of fishing vessels;
- Limited understanding of workers of who the employer is;
- Limited time in port and corresponding limited access to land-based authorities or mechanisms;

- Low-literacy levels of workers, especially among migrant workers who do not speak the local languages;
- Lack of telephone, internet access or other reliable means of communication; and
- Cost associated with effective grievance mechanisms.

Despite these challenges, companies in the fisheries sector should provide rights-holders with access to complaint mechanisms, including on board. The below illustration shows what such a process should look like.

FIGURE 2: COMPLAINTS PROCEDURES ONBOARD OF VESSELS

There must be a procedure in place on board your ship enabling you to make a complaint about breaches to your human and labour rights. It must be handled fairly, effectively and promptly.



Source: [Webinar by Elevate, FishChoice & Conservation International: 'A trusted voice for workers on fishing vessels – accessing effective grievance mechanisms'](#), March 2021.

In addition to establishing their own operational-level grievance mechanisms, companies should also cooperate and collaborate in good faith with other state or non-state grievance mechanisms, such as OECD National Contact Points (NCPs) and NHRIs, when they are investigating or handling a case, and encourage worker-driven mechanisms for grievance reporting and remedy. This can be done through CSOs and unions, as they can be more effective and trusted by workers. OECD NCPs are mechanisms that contribute to the resolution of issues that arise from the alleged non-observance of the guidelines in specific instances through mediation between complainant(s) and company or companies. There have been several cases lodged against fisheries companies at OECD NCPs in the past, some of which have been resolved successfully.

OECD NCP CASE IN THE FISHERIES SECTOR: FISHERIES AND FISH PROCESSING IN WESTERN SAHARA (2011)

This request for review by the Norwegian NCP alleged that the Norwegian company Sjovik A.S., which conducted fishing and processing operations in Western Sahara through its subsidiaries, had failed to respect the right to self-determination of the Sahrawi people.

The NCP initiated a mediation process, as a result of which the parties issued a joint statement which stated that the company should carry out an environmental and social impact assessment in accordance with the OECD Guidelines and the UNGPs, as well as publish the findings in the form of a report. Additionally, it was recommended to adopt a code of conduct. Read more about the case [here](#).

Certification standards also have their own grievance or complaint mechanisms or procedures. In the seafood sector, fisheries and aquaculture companies are often certified through certification schemes against voluntary sustainability standards. The MSC is most used by fisheries companies. Some certification scheme complaint procedures allow for third parties, including communities, workers, NGOs and others, to file a complaint on an issue with regard to the company vessel or plant that has received certification, if within the scope of the standard¹⁷⁹. However, certification schemes in the fisheries sector rarely reflect the full scope of human rights requirements, including for remedial mechanisms. This limits the likelihood that their complaint mechanisms lead to remedy¹⁸⁰.

Workers on fishing vessels that become victims of, or witness labour or other human rights abuses, can also use port state authorities as a mechanism to lodge complaints. A complaint may be submitted by a fisher, a professional body, an association, a trade union or generally any person with an interest in the safety of the vessel, including an interest in safety or health hazards to the fishers on board. Port state control officers can receive complaints and conduct an inspection based on a valid complaint¹⁸¹. There are campaigns to have WiFi onboard of fishing vessels, which may increase the possibility to get in touch with authorities to lodge a grievance¹⁸².

Company and sectoral examples of remedy mechanisms

The below table provides several examples of sectoral or company initiatives related to access to remedy in the fisheries sector.

TABLE 11: EXAMPLES OF REMEDY MECHANISMS

<p>Issara Institute</p>	<p>The Issara Institute applies a method called Inclusive Labour Monitoring™, which is a more accurate alternative method to social audits in identifying and addressing labour rights issues, including in the fisheries sector. The Inclusive Labour Monitoring method allows for the continuous monitoring of partner supply chains through direct engagement with workers who report issues and seek assistance through the Issara Institute’s hotline. The multinational company Nestlé has cooperated with the Issara Institute to provide independent channels for workers across all segments of the value chain to safely share feedback about workplace conditions and workers’ rights.</p>
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Thai Union	<p>Thai Union has a complaint channel and process for its employees that is accessible through different means, such as directly speaking to management, using a complaint or suggestion box, which is available at 16 factories, calling a 24-hour hotline, through the website and using the Line App¹⁸³.</p> <p>Thai Union also has a non-reprisal policy, which mentions that whistle-blowers or filers of complaints who are whistle-blowers will have their rights protected and defended according to the law or guidelines set by the company¹⁸⁴.</p>
ITF	<p>The ITF has more than 140 inspectors and contacts in over 50 countries who can provide assistance. For fishers working on a vessel requiring assistance, ITF inspectors can be contacted under fishsupport@itf.org.uk¹⁸⁵.</p>

Further tools and guidance

The below section provides further tools and guidance on access to remedy and operational-level grievance mechanisms.

- [UNGPs](#), Principle 22 'Remediation', Principle 29 'Effective operational-level grievance mechanisms' and Principle 31 'Effectiveness criteria for non-judicial grievance mechanisms', pp. 24–25; 31–32; and 33–35.
- UN, '[The Corporate Responsibility to Respect Human Rights: An Interpretive Guide](#)', New York and Geneva, pp. 63–76.
- DIHR, '[Human Rights Impact Assessment: Guidance and Toolbox](#)', 2020, pp. 105–106.
- UN Global Compact Network Netherlands, Shift and Oxfam, [Doing Business With Respect for Human Rights, 'Remediation and Grievance Mechanisms'](#), 2014.
- Shift and Mazars, [UNGPs Reporting Framework, 'Part C6 Remediation'](#).
- DIHR, '[Access to remedy for business-related human rights abuses](#)', February 2018.
- Accountability Framework Initiative, '[Operational guidance on remediation and access to remedy](#)', 2020.
- Ethical Trading Initiative, '[Access to remedy: practical guidance for companies](#)', 2019.
- Lonneke Bakker and Sandra van Hulsen, '[Advice on the development of a grievance mechanism](#)', September 2021.
- Global Compact Network Germany, '[Worth listening understanding and implementing human rights grievance management: a business guide](#)', November 2019.
- BSR, '[Access to remedy](#)', September 2021.
- Accountability Framework Initiative, '[Operational guidance: access to remedy and environmental restoration](#)'.
- Caroline Rees, '[Piloting principles for effective company–stakeholder grievance mechanisms: a report of lessons learned](#)', Corporate Social Responsibility Initiative, 2011.
- DIHR, '[Project-level grievance mechanisms and human rights and impact assessment](#)', 27 Mar 2020.

Sector specific tools and guidance

WBA, '[Seafood Sustainability Index 2021](#)', pp. 20–22.

4.7 ENGAGING STAKEHOLDERS AND RIGHTS-HOLDERS EFFECTIVELY

Active and meaningful engagement with relevant stakeholders is a key feature at every stage of effective HRDD.

Apart from being a central part of the HRDD process, stakeholder engagement can offer many benefits. Companies can learn from stakeholders' perspectives and avoid or mitigate human rights risks and impacts both to the company itself, but most importantly impacts to rights-holders that are or could be adversely affected by company operations or activities. At the same time, ongoing dialogue with stakeholders can help companies avoid social conflicts.

Stakeholder engagement should be guaranteed at every stage of the HRDD process:

- Human rights policies and impact assessments should consider stakeholder perspectives on salient issues and, in particular, the perspectives of rights-holders.
- The response to human rights impacts and remedial measures should account for stakeholders' positions on the best way to address the impacts.
- Monitoring performance and communicating should also focus on stakeholders' demands and expectations, as they are the main audience at these stages.

Companies should identify which stakeholders and rights-holders to engage with. This will depend on the operational context, but should include all stakeholders that are affected or may be affected by the impacts that the company causes or contributes to. Whenever possible, companies should engage with those that are or can be affected directly. Companies should not only engage with leaders and representatives but should provide opportunities and channels to all interested. Where it is challenging to engage directly with affected rights-holders, companies should engage with individuals and entities that act as proxies for the stakeholders or have expert knowledge on the issues related to specific impacts.

ENGAGING WITH INDIGENOUS PEOPLES

Companies should approach stakeholders and engage with respect and sensitivity in specific circumstances and contexts.

The [DIHR's due diligence guide for companies on respecting Indigenous rights](#) offers specific guidance for companies' relationships with Indigenous communities. One of the key questions under step four is monitoring and implementation, which assesses whether the company has developed an engagement plan with Indigenous communities and if it has been agreed with the communities concerned. This question relates to the guiding principle of FPIC and respectful and trust-based approaches to Indigenous communities.

For example, in the case where a company cannot directly engage with workers on a fishing vessel due to the fact that these workers spend most of the time offshore, the company should engage with workers' organisations or councils, labour and/or trade unions, NGOs and others that represent and/or know about the working conditions of these workers. Relevant state agencies as well as the Ombudsman offices or NHRIs may also have relevant knowledge. Companies can also apply worker voice tools, including on board vessels, to gather information about workers they cannot directly engage with.

The form that meaningful engagement with stakeholders and rights-holders takes will depend on a variety of factors, and it will change proportional to how far removed from company's direct control the specific impact is and who the stakeholder is. For instance, engagement will differ between a worker on a vessel and an affected community member. However, companies should provide opportunities for engagement to stakeholders in all stages of the value chain. For instance, certification standard-setting bodies or retailers and supermarkets that sell seafood should allow for receiving communication from and engaging with the workers of processing plants or communities affected by overfishing.

ENGAGING WITH WORKERS THROUGH TECHNOLOGY

This category of engagement tools refers to any technology used to engage workers and inform them. Amongst others, this may be done through remote surveys, calls and text messages. Worker Voice technologies enable companies to aggregate data about working conditions, provide a grievance mechanism to workers as well as give them updates. Regardless of the approach used, the technology should adhere to some basic principles to make worker engagement effective and meaningful. Worker-driven mechanisms are particularly recommendable for this end. Several organisations have created a framework for this called [Worker Engagement Supported by Technology Principles](#), which include eight principles under the topics of designing, engaging, analysing and utilising data.

There are many worker engagement tools using different types of technology on the market. Some examples include:

- [Ulula](#) offers tech solutions for worker and community engagement in many sectors, including the fisheries sector. Its [OWL app](#) supports worker engagement through different means.
- [Verifik8](#) provides a mobile and web application which enables data collection from farms, suppliers and processors.
- [&Wider](#) has a range of services, including its flagship tool that provides solutions for monitoring work conditions and human rights impacts in companies' value chains.
- [Issara Institute](#) is an independent non-profit organisation that works on worker voice and responsible labour practices. It has developed a [Golden Dreams app](#), which empowers workers through information, community forums and grievance mechanisms.
- Other worker engagement or worker voice tools include: [Laborlink Mobile Platform](#); [The Labor Rights Promotion Network's Worker voice programme](#) and [24-hour hotline](#); [Seafarer Welfare Hotline](#) run by ISWAN.

Read more about Worker Voice technologies in this [Infonote prepared by Proforest](#).

For smaller companies and SMEs, the responsibilities and opportunities for engagement are guided by their size and resources. However, they can still create low-cost and low-effort channels of communication with stakeholders including rights-holders. This may include informal discussions with workers, posting newsletters on the website, creating online surveys, visiting local communities and suppliers' sites and using third party instruments for meaningful engagement.

A 2023 study by the WBA has shown that companies in the seafood sector need to increase disclosure on their engagement with human rights stakeholders, as only 2% of the thirty companies benchmarked by the WBA reported fully engage with affected and potentially affected stakeholders, while five companies partially meet this indicator¹⁸⁶.

CONTEXTUAL CHALLENGES IN ENGAGING WITH SPECIFIC GROUPS

Stakeholder engagement is not a one-size-fits-all exercise and requires contextual analysis within the HRDD process to identify the needs and necessities of the stakeholders to be engaged. There are certain contextual challenges that are characteristic of specific stakeholder groups, especially if they are under a heightened risk or disadvantaged. The table below discusses the challenges of engaging with the key groups in fisheries, and offers what effective engagement would look like in such cases. However, these are just examples to demonstrate the existence of contextual necessities and there are more factors that should be taken into consideration in every individual case.

One such factor is the **intersectionality of identities**, which entails two or more high-risk identities creating unique set of risks and disadvantages. An example of this would be women human rights defenders who face increased threats of human rights abuses. Read more about women human rights defenders in this [brief by the International Union for Conservation of Nature](#).

Engaging with third parties who have expertise in local socioeconomic dynamics or particular groups' needs is key to understanding the contextual challenges related to HRDD. These third parties include international organisations, government authorities, international and local CSOs, academics and human rights experts as well as NHRIs and Ombudsmen offices.

TABLE 12: CONTEXTUAL CHALLENGES IN ENGAGING SPECIFIC GROUPS

Group	Contextual challenges	Effective engagement	Resources and tools
Workers including migrant workers	<p>Migrant workers may not speak the national language and may not be able to actively engage in the HRDD process. The absence of social, economic and legal safety nets makes them vulnerable to discrimination, harassment and intimidation, and less likely to take initiatives. Migrant workers are often disproportionately employed in low-level positions or at outlier geographical</p>	<ul style="list-style-type: none"> • Go beyond established labour representation in the engagement process and factor daily contracted workers into the broader value chain; • Identify the informal aspects of the value chain and engage with workers there as well; • Adapt the engagement process to include minority groups by translating documents, using visuals, hiring interpreters for relevant processes such as health and safety training, assigning 'buddies' to support migrant workers when they have questions, and other means; 	<p>Issara Institute, What is 'Worker Voice' in the context of global supply chains?; Global Seafood Alliance, GSA-White-Paper-on-Worker-Voice-on-Fishing-Vessels-Complete-004.pdf (globalseafood.org).</p>
Workers including migrant workers	<p>locations such as offshore fishing sites or as manual workers in processing plants. Offshore workers on deep sea fishing vessels are particularly challenging to engage meaningfully. Migrant workers may also be undocumented and lack a legal resident status. In such a situation, they are likely to avoid engagement with formal processes to avoid legal consequences.</p>	<ul style="list-style-type: none"> • Ensure that the engagement process is free from discrimination, harassment and includes measures to prevent future intimidation, such as interviewing workers away from the worksite and implementing effective sanctions regarding intimidation; • Diversify the engagement process so that it is representative and includes workers in lower-level positions, at outlier geographical locations, from diverse backgrounds (minorities, women, temporary and contract workers); and • Guarantee that workers are not faced with legal or other reprisals and consequences due to the information shared in the engagement process. 	

Group	Contextual challenges	Effective engagement	Resources and tools
Women	<p>Women in fisheries are often subject to work-related discrimination, which affects their work status, wages, career advancement and other aspects of labour, including their representation in worker organisations. Therefore, women are less likely to be actively engaged in and listened to in stakeholder engagement processes.</p>	<ul style="list-style-type: none"> • Understand the labour situation of women; • Establish measures that provide disaggregated data not only based on gender, but that also reflect what positions women occupy, the wage gaps, reported incidents involving gender-based violence and other indicators related to the rights of women and girls; • Proactively engage women workers and community members in the HRDD process. This may require reaching beyond the established or nominated representatives and actively inviting selected women for interviews, surveys and other forms of engagement; 	<p>OECD-FAO, 'Integrating a gender perspective into supply chain due diligence'; the Geneva Academy of International Humanitarian Law and Human Rights, 'Gender-Responsive Due Diligence for Business Actors: Human Rights-Based Approaches';</p>
	<p>Women often face intimidation and abuse at work, which may be directed at silencing their grievances, among other things. Social and cultural prejudices about women speaking up will also add to this. Women workers' additional roles as caregivers and community caretakers subject them to the 'triple burden', which makes them more vulnerable to the effects of losing work and may translate into them refraining from engaging during HRDD.</p>	<ul style="list-style-type: none"> • Employ measures for guaranteeing the anonymisation of data, confidentiality and the absence of repercussions for women engaging in the HRDD process; • Separate female and male members in the team when conducting HRDD and leading sensitive interviews on for instance sexual abuse and violence; and • Develop programmes, activities and measures that promote inclusivity and diversity in stakeholder engagement. 	<p>BSR, 'Making Women Workers Count: A Framework for Conducting Gender Responsive Due Diligence in Supply Chains'; BSR, 'Gender Equality in Social Auditing Guidance'.</p>

Group	Contextual challenges	Effective engagement	Resources and tools
Children	<p>Children are especially vulnerable to grave exploitative practices such as forced labour and modern slavery, as they are usually employed informally, and informality complicates engagement with them. Employers may use intimidation strategies and violence against children to keep them quiet and away from scrutiny. Children often lack the knowledge to identify exploitative labour practices.</p>	<ul style="list-style-type: none"> • Adopt an approach that is based on the principle of the best interests of the child and employ age-sensitive strategies in stakeholder engagement; • Employ measures for guaranteeing confidentiality and safety as well as prevention of repercussions for children engaging in the HRDD process; and • Resort to external expertise specialising in engagement with children to design and conduct interviews and other forms of engagement that manage to obtain necessary information without traumatising children or otherwise harming their mental health. 	<p>DIHR and UNICEF, 'Children's Rights in Impact Assessments: A guide for integrating children's rights into impact assessments and taking action for children''; UNICEF and the Global Child Forum, 'Children's Rights and Business Atlas''; UNICEF, 'Engaging stakeholders on children's rights: a tool for companies''.</p>
	<p>Children are more mentally vulnerable to discussing traumatic experiences, such as physical or emotional abuse and sexual exploitation.</p>		

Group	Contextual challenges	Effective engagement	Resources and tools
Local communities	<p>Engagement with local communities often relies on the engagement with community leaders. In some cases, this may not be representative of all the groups, community attitudes and perspectives or may serve the interests of local elites.</p> <p>Human rights and environmental defenders in local communities may be subject to intimidation, violence and persecution from companies, government authorities or community members. Engaging them in the HRDD process may aggravate this and put them under heightened threat.</p>	<ul style="list-style-type: none"> • Seek to engage with a representative sample in local communities; • Sometimes engaging with community leaders may be sufficient; other times it might not; • Assess the context in this regard and make decisions accordingly; • Obtaining consent should be the result of sensitive and respectful engagement; • Engage with human rights and environmental defenders with heightened confidentiality measures and never expose them to external or internal threats resulting from company activities. Their safety and security should be a high priority of effective HRDD; • Factor broader socio-economic issues into the engagement with local communities. Ask questions related to their wellbeing and the changes as a result of company activities during interviews, surveys and focus groups; and 	<p>Oxfam America, ‘Community Voice in Human Rights Impact Assessments’; Accountability Framework, ‘Free, Prior and Informed Consent’.</p>
	<p>In their engagement with local communities, companies may overlook broader socioeconomic impacts of their activities such as changing local markets, effects on food and housing security, the quality of water and land among others.</p>	<ul style="list-style-type: none"> • Make efforts to understand how company activities have altered existing social and economic dynamics and how you can address the negative impacts in this regard. 	

Group	Contextual challenges	Effective engagement	Resources and tools
Indigenous Peoples	<p>Engagement with Indigenous peoples often relies on the engagement with community leaders. In some cases, this may not be representative of all the groups, community attitudes and perspectives or serve the interest of local elites. Indigenous Peoples may have customs, rules and social norms and are protected by specific laws that require a unique approach to stakeholder engagement and its different aspects. Due to their activism, they may be subject to intimidation, violence and persecution from companies, government authorities or community members.</p>	<ul style="list-style-type: none"> • Seek to engage with a representative sample in Indigenous communities (Sometimes engaging with community leaders may be sufficient, and other times it might not); • Assess the context in this regard and make decisions accordingly; • Start the engagement process with Indigenous Peoples by working to understand their customs, traditions and rules, and employ due respect towards these; • Obtaining FPIC should be the result of sensitive and respectful engagement; • Engage with them with heightened confidentiality measures and never expose them to external or internal threats resulting from company activities. Their safety and security should be a high priority of effective HRDD; 	<p>Oxfam America, 'Community Voice in Human Rights Impact Assessments'; OECD Guidelines for Multinational Enterprises, 'Guide for National Contact Points on the Rights of Indigenous Peoples when Handling Specific Instances'; Accountability Framework, 'Free, Prior and Informed Consent'; DIHR, 'Respecting the rights of Indigenous Peoples: a due diligence checklist for companies'.</p>

Group	Contextual challenges	Effective engagement	Resources and tools
Indigenous Peoples	Engaging them in the HRDD process may aggravate this and put them under heightened threat. In their engagement with Indigenous Peoples, companies may overlook broader socioeconomic impacts of their activities such as disturbing traditional ceremonies and other cultural aspects of their lives, changing local markets, effects on food and housing security and the quality of water and land.	<ul style="list-style-type: none"> • Factor broader socioeconomic issues into the engagement with Indigenous communities; • Ask questions related to their wellbeing and the changes as a result of company activities during interviews, surveys and focus groups; and • Make efforts to understand how company activities have altered existing social and economic dynamics and how you can address the negative impacts in this regard. 	

Company and sectoral examples

The below table includes a number of company examples on stakeholder engagement in relation to human rights.

TABLE 13: COMPANY EXAMPLES OF STAKEHOLDER ENGAGEMENT

Thai Union and Mars Pet Foods	A project carried out by Thai Union and Mars Pet Foods explored, documented, and piloted a worker voice mechanism on vessels in Thailand that they source from. The project explored the potential of Inmarsat's 'Fleet One' terminals being activated on Thai fishing vessels. The project introduced audiences to the crew members, captains and fleet owners trained on chat applications, which enabled them to connect with families and peers while at sea. The project had some success. However, the mechanisms were aimed at providing connectivity to the fishers and did not establish a grievance procedure for them to report issues relating to working conditions and to provide remediation ¹⁸⁷ .
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Charoen Pokphand Foods	<p><u>Charoen Pokphand Foods</u> has established engagement channels with communities on issues such as participation in promoting quality of life of communities and environmental and natural resources consumption management through:</p> <ul style="list-style-type: none"> • Annual community surveys; • Complaint channels at least once a year; • Field visits for performing activities with communities; and • Annual ongoing dialogues and visits.
Ajinomoto Group	<p>Ajinomoto Group conducted a <u>HRIA</u>. As part of the HRIA, the company engaged with various human rights stakeholders, including:</p> <ul style="list-style-type: none"> • The Labour Rights Promotion Network is a Thai NGO focused on labour rights. Ajinomoto conducted interviews with the NGO on migrant workers' issues, managing of the grievance mechanism and collaboration with companies and efforts on issues in the fisheries industry. • The National Human Rights Commission of Thailand is an independent monitoring body that investigates and reports on a wide range of human rights issues related to politics, economy, society and culture, and disseminates and promotes respect for human rights. • The Issara Institute and Ajinomoto conducted a dialogue to confirm the grievance mechanism for workers operated by the Issara Institute, and the situation regarding the poultry industry and shrimp aquaculture. • International Organization for Migration.
Woolworths	<p>Woolworths offers a telephone hotline in Thailand for workers of its suppliers available in Thai, Burmese, English, Malay and Khmer.¹⁸⁸</p>

Further tools and guidance

The below section provides a list of resources on stakeholder engagement and engagement with rights-holders, including specific groups, for companies.

General resources

- UNGPs, more specifically see Principles 18, 20, 21, 28 and 30.
- UN, 'The Corporate Responsibility to Respect Human Rights: An Interpretive Guide', New York and Geneva, pp. 33, 43–45.
- DIHR, 'Human Rights Impact Assessment: Guidance and Toolbox', 2020, pp. 116–153.
- UN Global Compact Network Netherlands, Shift and Oxfam, Doing Business With Respect for Human Rights, 'Stakeholder Engagement', 2014.
- Shift and Mazars, UNGPs Reporting Framework, 'Part C2 Stakeholder Engagement'.
- Shift, 'Assessing the Quality of Relationships', 2021.
- Ethical Trade Norway, 'Engaging stakeholders in due diligence: a beginner's roadmap for small and medium sized companies (SMEs)', 2020.

- BSR, '[Legitimate and meaningful: stakeholder engagement in human rights due diligence](#)', 2014.
- UN Global Compact Network Germany, '[Stakeholder Engagement in Human Rights Due Diligence: a Business Guide](#)', 2014.
- DIHR, '[Human rights impact assessment toolbox - stakeholder engagement introduction](#)', 6 Mar 2020.
- International Finance Corporation, '[A Guide to Community Engagement for Public-Private Partnerships](#)', 2019.
- Inter-American Development Bank, '[Guidelines on Consultation and Stakeholder Engagement in IDB Projects](#)', 2013.

Engaging with specific groups

- Oxfam America, '[Community Voice in Human Rights Impact Assessments](#)', 2015.
- Shift, '[Dissecting Disclosure Series: Engagement with Vulnerable Stakeholders](#)', 2020.
- Proforest, '[Infonote on Worker Voice Technologies](#)', July 2020.
- Accountability Framework, '[Free, Prior and Informed Consent](#)'.
- OECD Guidelines, '[Guide for National Contact Points on the Rights of Indigenous Peoples when Handling Specific Instances](#)', 2022.
- OECD-FAO, '[Integrating a Gender Perspective into Supply Chain Due Diligence](#)', OECD Publishing, Paris, 2021.
- The Geneva Academy of International Humanitarian Law and Human Rights, '[Gender-responsive due diligence for business actors: human rights-based approaches](#)', 2018.
- BSR, '[Making women workers count: a framework for conducting gender responsive due diligence in supply chains](#)', 2019.
- BSR, '[Gender Equality in Social Auditing Guidance](#)', 2018.
- DIHR and UNICEF, '[Children's rights in impact assessments: a guide for integrating children's rights into impact assessments and taking action for children](#)', 2013.
- UNICEF and the Global Child Forum, '[Children's Rights and Business Atlas](#)'.
- UNICEF, '[Engaging stakeholders on children's rights: a tool for companies](#)', 2014.
- Issara Institute, '[What is 'Worker Voice' in the context of global supply chains?](#)'.
- Global Seafood Alliance, '[GSA-White-Paper-on-Worker-Voice-on-Fishing-Vessels-Complete-004.pdf \(globalseafood.org\)](#)'.

ANNEX: USEFUL TOOLS, GUIDANCE AND OTHER RESOURCES ON HUMAN RIGHTS IN THE FISHERIES SECTOR

1. WORKERS' RIGHTS IN THE FISHERIES SECTOR

- [Tragedy in the Marine Commons: The Intertwined Exploitation of Ocean Ecosystems and Fisheries Workers](#), Joint statement of human rights organisations, 2016.
- Business and Human Rights Resource Centre, [All at Sea: an Evaluation of Company Efforts to Address Modern Slavery in Pacific Supply Chains of Canned Tuna](#), 2021.
- Greenpeace, [Sustainability, Labour & Human Rights, and Chain of Custody Asks for Retailers, Brand Owners and Seafood Companies](#), 2020.
- Greenpeace, [Choppy Waters: Forced Labour and Illegal Fishing in Taiwan's Distant Water Fisheries](#), 2020.
- EJF, [Blood and Water: Human Rights Abuse in the Global Seafood Industry](#), 2019.
- EJF, [Illegal Fishing and Child Labour in Vietnam's Fishing Fleet](#), 2019.
- International Labor Rights Forum (ILRF), [Taking Stock: Labor Exploitation, Illegal Fishing And Brand Responsibility in the Seafood Industry](#), 2018.
- ILO, Background Paper: [Consultative Forum on Regional Cooperation Against Human Trafficking, Labour Exploitation, and Slavery at Sea](#), 2018.
- ILO, [Fishers First - Good Practices to End Labour Exploitation at Sea](#), 2016.
- FAO, [Scoping Study on Decent Work in Fisheries and Aquaculture. Issues and Actions for Discussion and Programming](#), 2016.
- Verité, [Cost of a Catch: Systemic Forced Labor and other Abuses in the Fishing Sector](#), 2016.
- Katharine Jones, David Visser and Agnes Simic, 'Fishing for export: calo, recruiters, informality, and debt in international supply chains', *Journal of the British Academy*, 7(s1), 107–130.
- DIHR, [The Human Rights Guide to Fisheries](#).
- [Aligned Guidance for Worker Rights | NGO Tuna Forum](#).

2. GENDER AND FISHERIES

Relevant international standards

- UN, [Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#).
- ILO Convention No. 111, [Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#).
- ILO Convention No. 100, [Equal Remuneration Convention, 1951 \(No. 100\)](#).

General resources on gender and fisheries

- Alison Graham and Ariella D'Andrea, Gender and Human Rights in Coastal Fisheries and Aquaculture: a Comparative Analysis of Legislation in Fiji, Kiribati, Samoa, Solomon Islands, Tonga and Vanuatu, Noumea, New Caledonia: Pacific Community, 2021.
- Blue Action Fund, Gender Guide: Gender-responsive Guidance for Coastal Conservation and Sustainable Fisheries Projects, 2020.
- J. Siles, et al., Advancing Gender in the Environment: Gender in Fisheries – A Sea of Opportunities, International Union for Conservation of Nature and USAID, Washington, USA: USAID, 2019.
- Asian Fisheries Society, Decent Work and Thriving Businesses for Women in Fisheries: a Cooperative Action Plan, June 2022.

ORGANISATIONS THAT SPECIFICALLY WORK ON FISHERIES AND GENDER

- FAO
- Pacific Community
- WorldFish
- International Union for Conservation of Nature
- Gender Aquafish
- WWF
- SwedBio
- Seafood and Gender Equality
- Comunidad y Biodiversidad Mexico
- International Organisation for Women in the Seafood Industry
- FishWise
- Global Seafood Alliance

ORGANISATIONS THAT WORK ON GENDER IN BUSINESS AND HUMAN RIGHTS

- UN Women
- UN Women's Guild
- UN Global Compact
- Association for Women's Rights in Development
- Gender at Work

3. MIGRANT WORKERS

Relevant international standards

- UN, Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- UN, Convention and Protocol Relating to the Status of Refugees.
- ILO Convention No. 97, Migration for Employment Convention (Revised), 1949 (No. 97).

- ILO Convention No. 143, Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

General resources on migrant workers and fisheries

- All at Sea: An Evaluation of Company Efforts to Address Modern Slavery In Pacific Supply Chains Of Canned Tuna, 2021, Assessment Report.
- Greenpeace, Forced Labour At Sea: The Case of Indonesian Migrant Fishers, 2021.
- The Thai CSO Coalition for Ethical and Sustainable Seafood – Falling Through The Net II: A Survey Of Basic Labour Rights Among Migrants Working In Thailand’s Fishing Sector – Report, 2020.
- EJF, The Ever-Widening Net: Mapping the Scale, Nature and Corporate Structures of Illegal, Unreported and Unregulated Fishing by the Chinese Distant-Water Fleet – Report, 2020.
- ILO, Migrant and Child Labor In Thailand’s Shrimp and Other Seafood Supply Chains: Labor Conditions and the Decision to Study or Work, Final report, 2015.
- ILO, Caught at Sea: Forced Labour and Trafficking in Fisheries, 2013.
- Verité, Cost of a Catch: Systemic Forced Labor and other Abuses in the Fishing Sector, 2015.

4. CHILD LABOUR IN FISHERIES

Relevant international standards

- UN, Convention on the Rights of the Child.
- ILO, Minimum Age Convention, 1973 (No. 138).
- ILO, Worst Forms of Child Labour Convention, 1999 (No. 182).
- The UN 2030 Agenda for Sustainable Development, Sustainable Development Goal 8, target 7.

General resources on child labour and fisheries

- FAO, Tackling Child Labour in Fisheries and Aquaculture, 2021.
- FAO, Eliminating Child Labour in Fisheries and Aquaculture – Promoting Decent Work and Sustainable Fish Value Chains, 2018.
- ILO, How to Do Business with Respect for Children’s right to be Free from Child Labour: ILO-IOE child labour guidance tool for business, 2015.
- ILO, Migrant and Child Labor in Thailand’s Shrimp and Other Seafood Supply Chains: Labor Conditions and the Decision to Study or Work, Final report, 2015.
- ILO, Caught at Sea: Forced Labour and Trafficking in Fisheries, 2013.
- ILO and FAO, Guidance on Addressing Child Labour in Fisheries and Aquaculture, 2013.
- ILO, Child Labour in the Value Chain of the Shrimp Industry in Thailand, 2011.
- US Department of Labor, 2022 List of Goods Produced by Child Labor or Forced Labor.

5. RIGHTS OF LOCAL COMMUNITIES

Relevant international standards

- UN, [Declaration on the Right to Development](#).
- UN, [Aarhus Convention](#).
- UN, [Declaration on Human Rights Defenders](#).
- UN, [Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean \(Escazú Agreement\)](#).
- FAO, [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security](#).
- FAO, [Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication](#).
- FAO, [Voluntary Guidelines for Catch Documentation Schemes](#).

General resources on local communities and fisheries

- EJF, [A human rights lens on the impacts of industrial illegal fishing and overfishing on the socioeconomic rights of small-scale fishing communities in Ghana](#), 2021.
- Greenpeace, [Fisheries Observers are Human Rights Defenders on the World's Oceans](#).
- Greenpeace, [A Waste of Fish: Food security under threat from the fishmeal and fish oil industry in West Africa](#), 2019.
- UN Special Rapporteur on human rights and the environment, [annual thematic reports](#).
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