



# HUMAN RIGHTS IN FISHERIES AND AQUACULTURE

A BRIEFING NOTE FOR NATIONAL HUMAN RIGHTS INSTITUTIONS

## **HUMAN RIGHTS IN FISHERIES AND AQUACULTURE**

A BRIEFING NOTE FOR NATIONAL HUMAN RIGHTS INSTITUTIONS

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. This briefing note is produced by the Human Rights and Sustainable Development Department, a specialised unit within the Institute focusing on furthering the realisation of human rights in sustainable development processes. The briefing note 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'.

**Authors:** Stefania Errico, with input from Carol Rask, Sille Stidsen, Sofie Gry Fridal Hansen and Eden Winkels.

**ISBN:** 978-87-7570-181-0

**e-ISBN:** 978-87-7570-182-7

**Cover photo:** Aleksandra Sapozhnikova, unsplash.com

**Layout:** Michael Länger

© 2023 The Danish Institute for Human Rights

Denmark's National Human Rights Institution

Wilders Plads 8K, DK-1403 Copenhagen K

Phone +45 3269 8888

[www.humanrights.dk](http://www.humanrights.dk)

Provided such reproduction is for non-commercial use, this publication, or parts of it, may be reproduced if authors and source are quoted.

At the Danish Institute for Human Rights we aim to make our publications as accessible as possible. We use large font size, short (hyphen-free) lines, left-aligned text and strong contrast for maximum legibility. For further information about accessibility please click [www.humanrights.dk/accessibility](http://www.humanrights.dk/accessibility)

# CONTENTS

<b>ABBREVIATIONS</b>	<b>4</b>
<b>INTRODUCTION</b>	<b>5</b>
HUMAN RIGHTS COMMITMENTS IN OTHER INTERNATIONAL INSTRUMENTS	5
<b>1 HUMAN RIGHTS IN FISHERIES AND AQUACULTURE: MAIN ISSUES AND INTERNATIONAL HUMAN RIGHTS AND LABOUR STANDARDS</b>	<b>7</b>
1.1 THE RIGHTS TO AN ADEQUATE STANDARD OF LIVING, INCLUDING THE RIGHT TO FOOD, THE RIGHT TO WORK, AND TO THE ENJOYMENT OF JUST AND FAVOURABLE CONDITIONS OF WORK	7
1.2 CHILD LABOUR IN FISHERIES AND AQUACULTURE	13
1.3 THE RIGHT TO SOCIAL SECURITY	15
1.4 THE RIGHT TO LAND, TERRITORIES AND NATURAL RESOURCES	17
1.5 THE RIGHTS TO ENJOY ONE'S CULTURE AND TO TAKE PART IN CULTURAL LIFE	20
1.6 THE RIGHTS TO CONSULTATION, PARTICIPATION AND ACCESS TO INFORMATION	22
1.7 THE RIGHTS TO FREEDOM OF OPINION AND EXPRESSION AND TO FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION	24
1.8 THE RIGHT TO A CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT	26
1.9 WOMEN'S RIGHTS	30
1.10 THE RIGHT TO REMEDY	33
1.11 THE RIGHT TO SELF-DETERMINATION	35
<b>2 THE ROLE OF NHRIS AND EMERGING PRACTICES</b>	<b>37</b>
2.1 NHRIS' MANDATE AND FUNCTION	37
2.2 USING THE NHRI MANDATE AND FUNCTIONS IN THE CONTEXT OF FISHERIES AND AQUACULTURE	38
2.2.1 NHRIs in Africa	38
2.2.2 NHRIs in Asia	39
2.2.3 NHRIs in the Americas	43
2.2.4 NHRIs in Europe	46
<b>3 USING INTERNATIONAL AND REGIONAL MONITORING MECHANISMS</b>	<b>48</b>
3.1 HUMAN RIGHTS MECHANISMS - REPORTING AND IMPLEMENTATION OF RECOMMENDATIONS	48
3.2 HUMAN RIGHTS MECHANISMS - COMMUNICATIONS AND COMPLAINTS	50
3.3 INTERNATIONAL LABOUR RIGHTS SUPERVISORY BODIES	51
<b>ANNEX 1 – THE HUMAN RIGHTS GUIDE TO FISHERIES</b>	<b>53</b>

## ABBREVIATIONS

CBD	Convention on Biological Diversity
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Committee on the Elimination of Discrimination Against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CHRAJ	Commission on Human Rights and Administrative Justice
CONADEH	National Commissioner for Human Rights of Honduras (CONADEH) (in Spanish)
CRC	Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSIPN	Centre for Support of Indigenous Peoples of the North
CSO	Civil Society Organisation
DIHR	Danish Institute for Human Rights
FAO	Food and Agricultural Organisation of the United Nations
GANHRI	Global Alliance of National Human Rights Institutions
ICCPR	International Covenant on Civil and Political Rights
ICEDAW	International Convention on the Elimination of All Forms of Discrimination against Women
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IMO	International Maritime Organization
INDH	Instituto Nacional de Derechos Humanos
NHRI	National Human Rights Institution
NHRCT	National Human Rights Commission of Thailand
NOU	Norges offentlige utredninger (Official Norwegian Reports)
PSR	Penang South Reclamation
SDG	Sustainable Development Goal
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNDROP	United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review

# INTRODUCTION

Fisheries and aquaculture provide livelihoods, food and nutrition to millions of people and their communities across the world. Globally, 120.4 million people are employed in capture fisheries' value chains or engage in subsistence fishing. 93.9% work in small-scale fisheries.<sup>1</sup> Yet, across the globe, small-scale fishers, fish workers and their communities face a wide range of threats to their lives and livelihoods: many of which constitute abuses and violations of their human rights.

National human rights institutions (NHRIs) have a mandate to promote and protect human rights in their national contexts. Some NHRIs use their mandate and functions to promote and protect human rights within fisheries and aquaculture. However, examples are still relatively few. In general, collaboration between human rights actors and organisations working to improve the livelihoods of small-scale fishers, fish workers and their communities remains limited. Likewise, indigenous peoples for whom fishing is a traditional practice and a central element in their livelihood and food security, have limited dialogue with human rights actors.

The aims of this Briefing Note are to:

- provide an overview of key human rights issues in the sector, including the links to some of the relevant international human rights standards, guidance, and recommendations
- enhance the engagement of NHRIs in the promotion and protection of the human rights of fishers, fish workers, and fishing-dependent communities by providing examples of how certain NHRIs have applied their mandate in this regard

## HUMAN RIGHTS COMMITMENTS IN OTHER INTERNATIONAL INSTRUMENTS

It is worth noting that current international policy instruments that underpin States' priorities and regulation of the fisheries and aquaculture sectors also reflect human rights commitments.

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines)<sup>2</sup> were endorsed by the Food and Agricultural Organisation of the United Nations (FAO)'s Committee on Fisheries in 2014. The Guidelines were based on unprecedented consultations, including with thousands of small-scale fishers and fish workers. They provide important guidance for the fisheries sector while preserving the ecological base of food production systems. While deemed "voluntary", the SSF Guidelines are based on internationally accepted binding human rights standards and are to be interpreted and implemented in accordance with these standards.<sup>3</sup>

The 2030 Agenda for Sustainable Development (2030 Agenda) reaffirms that the Sustainable Development Goals (SDGs) seek to "realise human rights of all" and pledges to "leave no one behind". More than 90% of the SDG targets directly reflect

elements of international human rights and labour standards. Specifically, SDG target 14.b aims to “provide access for small-scale artisanal fishers to marine resources and markets”. This target is also linked to a wide range of human rights, including the rights to work; an adequate standard of living, including food; and protection from discrimination, labour exploitation and hazardous work conditions. As with the above mentioned SSF Guidelines, the 2030 Agenda is to be “implemented in a manner that is consistent with the rights and obligations of States under international law”.<sup>4</sup>

Consequently, human rights actors and mechanisms' interpretations of these human rights obligations should inform the translation of these global frameworks into national policies and plans within the fisheries sector, providing important accountability mechanisms due to the legally binding nature of human rights treaty law.



# 1 HUMAN RIGHTS IN FISHERIES AND AQUACULTURE: MAIN ISSUES AND INTERNATIONAL HUMAN RIGHTS AND LABOUR STANDARDS

This chapter presents some of the key human rights issues affecting small-scale fishers, fish workers and their communities. It also provides an overview of the related provisions in international human rights instruments and labour standards, outlining states' obligations in this regard. It further highlights the array of human rights issues facing small-scale fishers, fish workers and their communities. The rights covered, as will be seen, encompass both economic, social, and cultural rights, and civil and political rights. This attests to the indivisibility and inter-dependency of human rights and the need for holistic contextual human rights assessments of each situation.

This chapter also presents examples of observations and recommendations from international human rights monitoring and supervisory mechanisms of relevance for the fishery sector in the analysis of each of the individual rights. International human rights monitoring mechanisms, including the United Nations (UN) Treaty Bodies, UN Special Procedures, and the Universal Periodic Review (UPR), supervise the implementation of states' human rights obligations. International labour rights supervisory bodies monitor and provide recommendation on the implementation of states' binding obligations under international labour standards.

## 1.1 THE RIGHTS TO AN ADEQUATE STANDARD OF LIVING, INCLUDING THE RIGHT TO FOOD, THE RIGHT TO WORK, AND TO THE ENJOYMENT OF JUST AND FAVOURABLE CONDITIONS OF WORK

Fisheries and aquaculture provide livelihoods, food and nutrition to millions of people and their communities across the world, whether they engage in these activities as independent workers; as employees in commercial fishing, processing, or marketing; or in the formal or informal economy. Approximately 97 per cent of the total employment in small-scale fisheries is concentrated in developing countries.<sup>5</sup> Overall, small-scale fisheries contribute about half of global fish catches.<sup>6</sup> According to the FAO, however, small-scale fishers are overlooked “with regard both to resource management and from a broader social and economic development perspective”.<sup>7</sup>

Many small-scale fishing communities experience high levels of poverty and face considerable threats to their right to an adequate standard of living, in particular their right to food. The UN Committee on Economic, Social and Cultural Rights (CESCR) has defined that “the right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement”.<sup>8</sup> Fisheries contribute to the right to food by providing fish to eat, furthering the availability of food and the adequacy of diets, but also by providing the necessary economic resources for securing an adequate standard of living.<sup>9</sup>

A study focusing on small-scale fishing communities in Ghana, for instance, revealed that about 75% of fishers and 65% of processors and traders interviewed considered their current living conditions to be unsatisfactory. Declines in fisheries had resulted in incomes insufficient to cover basic needs. Moreover, almost 80% of fishers and 98% of processors and traders reported declines in the availability of fish for consumption over the preceding five-year period. Reduction in income further affected the availability of food in the communities.<sup>10</sup>

Across the globe, small-scale fishers are often confronted with enormous challenges to maintaining access to and control over fisheries resources and coastal lands that are essential for their right to food and an adequate standard of living. (See section below on the right to land and natural resources for more details). Fish and fishery products remain some of the most traded food commodities in the world.<sup>11</sup> Interactions between industrial fishing and aquaculture with small-scale fisheries and aquaculture range from cooperation and interdependence to competition and the undermining of sustainability. The overall policy context is marked by the prioritisation of industrial over small-scale modes of production.<sup>12</sup> Industrialisation, privatisation and export orientation in the fishing industry have in fact deprived many local people of their traditional rights to fishing resources.<sup>13</sup>

Industrial aquaculture has caused adverse impacts on the accessibility of food for fishing communities, as many farmed fish are fed with marine fish.<sup>14</sup> For example, it has been estimated that annually more than half a million tons of fresh fish that could be feeding millions of people in West Africa are diverted to the production of fishmeal and fish-oil in order to feed animals in industrial aquaculture and farming.<sup>15</sup>

As regards the right to work and to just and favourable conditions of work, people working as paid labourers in the fishing industry are frequently engaged in precarious types of employment and exposed to egregious forms of labour exploitation, including trafficking and forced labour.<sup>16</sup> They are also often victims of discrimination on one or multiple grounds, including socio-economic status, ethnic origin, migrant status, and gender and age, among others.

A DIHR study on the salmon industry in Chile found, among others, that the wages received by workers were below what could be considered a living wage. Workers were subjected to 14-day shifts that affected their family life and mental health. The continued use of short-term contracts linked to “projects” or “tasks” impeded the enjoyment of paid leave and access to health care in case of occupational disease or accident. The study also found that divers were exposed to grave health risks due to the lack of adequate regulation, supervision, and control. They were often forced to work despite adverse weather conditions and were not allocated sufficient time for decompression.<sup>17</sup>

Another DIHR study on small-scale artisanal fishing communities in Bangladesh found that artisanal fishermen had poor contractual conditions, with no formal work contracts and no clear agreements regarding working hours, rest, and insurance in case of accidents or death. They suffered serious gaps in occupational safety and health protection. Cases of bonded labour were also reported, with fishers borrowing money during the lean season in exchange for their labour at sea in the upcoming season.<sup>18</sup>



Studies on the industrial-scale Thai fishing industry similarly revealed a widespread use of forced labour of migrant workers on fishing vessels.<sup>19</sup> Concerning the aquaculture sector, the International Labour Organization (ILO) reports that the sector faces significant decent work deficits. These include the following: the prevalence of informality and discrimination; the presence of child and forced labour; a lack of organisation and social dialogue; low and insecure wages and incomes; low levels of skills; low productivity; poor working conditions and occupational safety and health practices; limited social protection; and lack of stable and formal contracts.<sup>20</sup>

In sum, small-scale fishers' and fish workers' human right to an adequate standard of living, including adequate food, clothing, housing, water, and sanitation, as well as their rights to work and to enjoy just and favourable working conditions, are seriously violated in many cases.

### **THE RIGHT TO AN ADEQUATE STANDARD OF LIVING AND THE RIGHT TO WORK AND TO JUST AND FAVOURABLE WORKING CONDITIONS**

**The International Covenant on Economic, Social and Cultural Rights (ICESCR)** recognises the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. It further clarifies that state parties must take appropriate steps to ensure the realization of this right, including through international co-operation. Furthermore, the treaty highlights state obligations to take measures, among others to a) improve methods of production, conservation, and distribution of food by making full use of technical and scientific knowledge and, b) to ensure an equitable distribution of world food supplies in relation to need.<sup>21</sup>

The **ICESCR** also recognises the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and to the enjoyment of just and favourable conditions of work.<sup>22</sup>

**The International Covenant on Civil and Political Rights (ICCPR)** stipulates, among other things, that no one shall be required to perform forced or compulsory labour.<sup>23</sup>

Relevant provisions are also included in **United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP)** (see Articles 13,15,16); **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)** (see Articles 17,20, 21) and **ILO Convention No. 169** (see Articles 23 and 20)

Under these human rights norms, States are expected, for example, to take measures to facilitate fishers' access to the means of production, transportation, and processing, as well as drying and storage facilities, necessary for selling their products and achieving a decent income and livelihood.<sup>24</sup> They should also adopt measures aimed at ensuring that rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening the right to adequate standard of living.<sup>25</sup> States shall further ensure that fishers and fish workers receive equal remuneration for work of equal value, without distinction

of any kind, and which provides a decent living for themselves and their families. Remuneration must be sufficient to enable the worker and his or her family to enjoy other human rights, such as social security; health care; education; and an adequate standard of living, including food, water and sanitation, housing, clothing, and additional expenses, such as commuting costs.<sup>26</sup> Moreover, States shall ensure that workers enjoy safe and healthy working conditions. This includes adopting a national policy that sets out the specific actions required of employers in areas such as prevention and response to accidents and disease. It also requires the establishment of mechanisms for monitoring, enforcement, and review. States should also ensure that workers have rest, leisure, and a reasonable limitation of working hours. Fish workers, as all workers, should have periodic holidays with pay, as well as remuneration for public holidays, among other things.<sup>27</sup> States are further required to abolish, forbid, and counter all forms of forced labour and eradicate child labour. In addition, they should strengthen the capacity and outreach of labour inspection services.

## **ACCESS TO FISHING OCCUPATIONS WITHOUT DISCRIMINATION AND THE PROTECTION OF LABOUR RIGHTS**

**The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)** aims at eliminating discrimination and promoting equality of opportunity and treatment in respect of all aspects of employment and occupation.

This includes the following:

- access to vocational guidance and training
- access to employment and to occupations, including access to placement services, selection and recruitment processes, as well as access to material goods and services required to carry out a particular occupation
- access to just and favourable terms and conditions of employment, including, inter alia, career advancement, security of job tenure, equal remuneration for work of equal value, rest periods, annual holiday with pay, occupational safety and health measures, and social security and welfare facilities and benefits.

The Convention applies to all workers, whether nationals or non-nationals. It applies in all sectors of activity, whether in the public and the private sectors or in the formal and informal economy. It covers both wage-earning work and own work, including traditional occupations such as fishing. It protects the rights of fisherfolks and fish workers, including indigenous fishing communities, to engage without discrimination in fishing occupations. It requires States, for example, to promote and ensure access without discrimination to the material goods and services required to carry out this occupation, such as secure access to land and resources, credit, and market facilities.<sup>28</sup>

**The ILO Work in Fishing Convention, 2007 (No. 188)** aims to ensure that fishers have decent conditions of work on board fishing vessels. This covers minimum requirements for work on board, including minimum age; conditions of service; accommodation and food; occupational safety and health protection; and medical care and social security.

It sets out standards for all fishers and all fishing vessels engaged in commercial fishing operations. ILO C188 sets out more stringent requirements to larger vessels of 24 meters and over and vessels at sea for longer periods (for example, over 3 days).

Ratifying States commit to exercising control over fishing vessels through inspection, reporting, monitoring, complaint procedures, penalties, and corrective measures. Subsistence fishing and recreational fishing are excluded from the scope of application of the Convention.<sup>29</sup>

**The ILO Declaration on Fundamental Principles and Rights at Work** declares that all ILO member States have an obligation to respect, to promote, and to realize the principles concerning the fundamental rights set out in ILO's core international labour standards. This covers freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation. This applies to all workers, including fishers. The **Protocol to the Forced Labour Convention, 1930**, adopted in 2014, further requires ratifying States to take measures regarding prevention, protection, and remedy to suppress forced labour.

**The International Maritime Organisation (IMO)/FAO/ILO Safety Recommendations for Decked Fishing Vessels of Less than 12 metres in Length and Undecked Fishing Vessels** provides guidelines to competent authorities for the design, construction, equipment, and training of the crews of small fishing vessels, as well as operational safety. The recommendations cover a wide range of topics, including construction, watertight integrity, and equipment; stability and associated seaworthiness; machinery and electrical installations; fire protection and firefighting; protection of the crew; life-saving appliances; emergency procedures and safety training; radio communications; navigational equipment; crew accommodation; and manning, training, and competence.<sup>30</sup>

## RECOMMENDATIONS AND CONCLUDING OBSERVATIONS FROM HUMAN RIGHTS MONITORING MECHANISMS

The **CESCR** recommended that Benin adopt specific measures to assist households living mainly on fishing. The Committee recommended promoting diversification of income sources and increasing resilience to natural disasters and other hazards not covered by the social security system.<sup>31</sup>

In the case of Kenya, the Committee recommended that the State identify the potential negative impacts of the economic partnership agreement with the European Union on the enjoyment of economic, social, and cultural rights and adopt the necessary measures to mitigate such impacts, particularly on the livelihood of small-scale farmers and fisherfolk.<sup>32</sup>

Regarding Senegal, the Committee expressed concern that small-scale fishers are deprived of their means of subsistence due to overfishing mainly by foreign companies. It recommended that the State ensure the meaningful and effective participation

of the fishers concerned in the negotiation of fishing agreements and to strengthen the means of controlling overfishing with the assistance and cooperation of the international community, where necessary.<sup>33</sup>

Concerning the Philippines, the Committee expressed its concern at the fact that the level of wages set for the fishery sector was generally low. It recommended steps to ensure that all workers were covered by minimum wages; that minimum wages were regularly adjusted to the cost of living; and to strengthen employers' compliance with minimum wages through labour inspections and complaint mechanisms.<sup>34</sup> It also expressed concern at the high incidence of absolute poverty among small-scale fishers and the threat to their livelihoods due to declining fish stocks in coastal areas caused by climate change and the encroachment of commercial fishing vessels on fishing zones. The Committee welcomed amendments to the Fisheries Code of 1998 under Act No. 10654 of 2015 that provides a preference to users in the local communities adjacent or nearest to municipal waters. It urged the State to take effective measures to address the challenges facing small-scale fishers in securing their livelihoods, including measures to delineate municipal waters and coastal zoning and to improve fishers' income.<sup>35</sup>

The **UN Committee on the Elimination of Racial Discrimination (CERD)** has expressed its concern that indigenous fisheries face various bureaucratic barriers in Russia for obtaining fishing rights and unnecessary restrictions on how to practise fishing. These restrictions include the prohibition to use nets which are not imposed on commercial or recreational fishing. It has thus recommended that the State remove any discriminatory restrictions on indigenous fisheries.<sup>36</sup>

In Indonesia, the **UN Special Rapporteur on the Right to Food** has noted that fishing and coastal zone communities face several challenges to realising their right to food and an adequate standard of living despite their considerable role in food production. Increasingly, these small-scale fishing communities are losing access to coastal and fishing areas due to new infrastructure, tourism, pollution, extinction or endangerment of fish, illegal fishing, and extreme weather events. They are forced to go further from shore to catch fish, subjecting them to greater risks due to poor equipment and small vessels. They also experience smaller catches while navigating unfamiliar waters and run the risk of threats from illegal fishing vessels from neighbouring countries.<sup>37</sup> The Special Rapporteur has recommended that the State, among other things, enhance efforts to protect the access of small-scale fisherfolk and coastal communities to water resources. The mandate holder has further recommended that the State integrate a human rights-based approach into laws related to fisheries and fisheries management; ensure that the rights of communities affected by land or water concessions are fully respected; carry out infrastructure development projects in a manner that does not interfere with the enjoyment of human rights; conduct a human rights impact assessment on its free trade agreements; and explore ways to protect the right to food, especially for local producers.<sup>38</sup>

In the case of the Philippines, the Special Rapporteur recommended that the State delineate municipal waters to protect the livelihoods of artisanal fisherfolk from commercial trawlers.<sup>39</sup>

The **UN Special Rapporteur on contemporary forms of Racism, Racial discrimination, Xenophobia and Related Intolerance** recommended that the Republic of Korea sanction the discriminatory application of minimum wages between national and foreign seafarers on vessels registered in the Republic of Korea on the high seas; enable foreign seafarers to also benefit from a share of the catch; eradicate the practice of employers deliberately retaining identification documents and bank books of foreign seafarers; train employers and fishermen of the Republic of Korea on practical measures to eradicate verbal and physical abuse towards foreign fishermen; ensure proper inspection by officials of the Ministry of Fisheries and Oceans of vessels on which foreign seafarers are employed; establish a reporting mechanism, accessible in their languages, for foreign seafarers to register violations and abuse by their employer and co-workers from the Republic of Korea; and take rapid action, including appropriate sanctions, when such violations are found.<sup>40</sup>

In **UPR processes**, Jamaica was recommended to continue addressing the identified challenges to sustainable development, through providing better support towards the respect of human rights, including in the maritime sector, related to human trafficking, slavery, and other human rights abuses.<sup>41</sup> Likewise, the Maldives was recommended to abolish human trafficking, slavery, and other human rights abuses in the fisheries sector.<sup>42</sup>

## 1.2 CHILD LABOUR IN FISHERIES AND AQUACULTURE

According to estimates by the ILO and United Nations Children's Fund (UNICEF), most children engaged in child labour across the world are in the agriculture sector, which includes fisheries and aquaculture.<sup>43</sup> In fisheries and aquaculture, children engage in all types of activities, including catching fish, repairing and making nets, processing fish, and boatbuilding. Participation in these activities is often incompatible with school attendance and hazardous to their health.<sup>44</sup> Whereas boys tend to be mostly involved in fishing, girls are largely engaged in post-harvest activities.<sup>45</sup>

In Bangladesh, for example, most of the fishermen who participated in a DIHR assessment study reported that they worked with crew members who were under the age of 18. Children's tasks on board the fishing vessels included activities such as pulling nets, and sorting and drying fish. According to the study, children earned less than adult crew members. Some children worked for food alone and got no salary at all.<sup>46</sup> In Honduras, preliminary studies indicated that more than 70% of indigenous children from the Miskito communities worked in the fishing sector as boatmen (cayuqueros) or divers.<sup>47</sup>

Moreover, many children in fishing communities are unable to continue their studies and are at risk of engaging in child labour due to their families' loss of livelihood or low and diminishing incomes. In Ghana, for example, less than half of the children in fishing communities complete secondary education due to its costs.<sup>48</sup> In other cases, the education services offered are not adapted to the needs and livelihoods of children and families involved in fishing activities, leading to absenteeism and dropouts.<sup>49</sup>

## CHILD LABOUR

The **UN Convention on the Rights of the Child (UNCRC)** recognises the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development.<sup>50</sup>

**The ILO Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182)** provide the overall normative framework for the elimination of child labour.<sup>51</sup>

**UNDROP** and **UNDRIP** also contain important provisions in this regard.<sup>52</sup>

## RECOMMENDATIONS AND CONCLUDING OBSERVATIONS FROM HUMAN RIGHTS MONITORING MECHANISMS

The **UN Committee on the Rights of the Child (CRC)** raised concerns about the high number of children working in hazardous activities in the fishery industry in Cabo Verde. It made the following recommendations to the State: ensure that monitoring and enforcement activities are carried out by labour authorities, paying attention to the informal sector; collect data on the incidence of child labour on a regular basis and use that information to adjust policies; and ensure that child victims of forced labour receive the necessary support and services for their recuperation and rehabilitation.<sup>53</sup> It also called upon Angola to establish a clear regulatory framework for the fishing industries operating in the State party, to ensure that their activities do not negatively affect children's rights or endanger environmental and other standards.<sup>54</sup>

In the case of Seychelles, it recommended that the State consider regulating business activities in the fishing industry, including by establishing the obligation to conduct social and environmental impact assessments prior to new economic agreements with, or investments by, this industry.<sup>55</sup>

The **UN Human Rights Committee** recommended that El Salvador step up its efforts to prevent, combat and punish the use of child labour and forced labour in the fishing sector. It has also recommended that the State ensure that legal protection is in place and that the labour law is enforced. The Committee recommended the provision of appropriate training, effective inspections, and the imposition of penalties on employers.<sup>56</sup>

In the case of Indonesia, the **UN Committee on Migrant Workers** expressed concern at the large number of migrant children exposed to hazardous conditions or the worst forms of child labour in the offshore fishing industry. It recommended that the State, among other things, provide adequate assistance, protection and rehabilitation, including psychosocial rehabilitation, to all migrant workers, especially women and children, who are victims of sexual and labour exploitation; amend legislation to criminalise forced labour; increase labour inspections; prosecute, punish and sanction persons or groups that exploit migrant workers, both documented and undocumented,

or subject them to forced labour and abuse, especially in the informal economy; and incorporate specific interventions regarding migrant children into the National Action Plan for the Elimination of Worst Forms of Child Labour (2013-2022).<sup>57</sup>

### 1.3 THE RIGHT TO SOCIAL SECURITY

Small-scale fishers, fish workers and their communities are confronted with a wide range of risks and vulnerabilities. Their livelihoods are particularly prone to risks due to natural hazards. They face an array of human-induced events and social, institutional, or economic changes, often beyond their control. These include, for example, pollution; environmental degradation; climate change; overexploitation of resources; fishing bans, including in the context of nature conservation measures; high levels of accidents at sea; occupational safety and health risks on both vessels and fish farms; conflicts with industrial fishing operations; poverty and lack of public services; food insecurity; and discriminatory regulations and policies.<sup>58</sup> The seasonality of the economic activities in the fishery and aquaculture sectors may also expose them to periodic lack of income in the absence of other income-generating activities.

Although social protection measures would help them face such vulnerabilities, many small-scale fishers and fish workers lack social protection.<sup>59</sup> The absence of social protection means that individuals, families, and communities may need to devote time and resources to caring for the aged or sick and covering medical or funeral expenses with significant impacts on their livelihoods and overall well-being.<sup>60</sup>

For example, a study on Ghana found that small-scale fishers and fish workers are highly vulnerable to unemployment and temporary loss of work-related income owing to, among others, poor catches, damage to fishing gear, falling prices and closed seasons. In some of months of the year, their reported incomes fell to zero.<sup>61</sup>

In Bangladesh, small-scale fishers are highly dependent on social security schemes for sustaining their families during the off-season and fishing bans or when accidents, illness, or death affect workers. However, only a small proportion of them access social security.<sup>62</sup>

In Chile, due to the increased use of subcontracting and casual labour, a significant number of salmon farm workers are not adequately covered by social security. Similarly, in Kerala, India, most of the shrimp processing workers, who are recruited as daily labourers, are not provided with state-mandated social security benefits.<sup>63</sup>

Small scale-fishers and fish workers have the right to social security. This is enshrined notably in the ICESCR. However, the right to social security is referenced in several other international and regional human rights treaties, including, among others: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Convention on the Rights of the Child (UNCRC); the Convention on the Rights of Persons with Disabilities (CRPD); and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights. The right to social security is also incorporated in other international standards, including several ILO Conventions. The CESCR has

recognised the technical expertise of the ILO, among others, to inform the monitoring of the right to social security.<sup>64</sup>

As clarified by the CESCR, the right to social security encompasses the right to access and maintain benefits, whether in cash or in kind, without discrimination, to secure protection, inter alia, from:

- lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member
- unaffordable access to health care
- insufficient family support, particularly for children and adult dependents<sup>65</sup>

States are required to take effective measures, within their maximum available resources, to fully realise the right of all fishers and fish workers, without any discrimination, to social security. This is regardless of whether they perform their work in the informal economy or engage as part-time, casual, or self-employed workers. Such measures can include: (a) contributory or insurance-based schemes such as social insurance; and/or (b) non-contributory schemes such as universal schemes or targeted social assistance schemes.<sup>66</sup> For example, income support in the form of direct cash transfers, unemployment coverage, insurance, or wages from public work could be provided to fishers and fish workers in need because of poverty or hardships during seasonal closures.<sup>67</sup> As indicated in the ILO Social Protection Floors Recommendation, 2012 (No. 202), States should also establish social protection floors comprising basic social security guarantees for all in need.

## THE RIGHT TO SOCIAL SECURITY

**ICESCR** recognises the right of everyone to social security, including social insurance.<sup>68</sup> **ICEDAW** includes the equal right of women to social security, notably in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.<sup>69</sup>

The **ILO Social Protection Floors Recommendation, 2012 (No. 202)** recommends that States should establish as quickly as possible and maintain their social protection floors, comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security which together secure effective access to goods and services defined as necessary at the national level.

Such social protection floors should comprise at least the following basic social security guarantees:

- a. access to a nationally defined set of goods and services, constituting essential health care, including maternity care, that meets the criteria of availability, accessibility, acceptability, and quality
- b. basic income security for children, at least at a nationally defined minimum level, providing access to nutrition, education, care, and any other necessary goods and services



- c. basic income security, at least at a nationally defined minimum level, for persons in active age who are unable to earn sufficient income, particularly in cases of sickness, unemployment, maternity, and disability; and
- d. basic income security, at least at a nationally defined minimum level, for older persons.

For other ILO standards on social security, see [www.ilo.org/normlex](http://www.ilo.org/normlex).

Relevant provisions are also included in **UNDROP** (see Article 22); **UNDRIP** (see Article 21) and **ILO Convention No. 169** (see Article 24).

## RECOMMENDATIONS AND CONCLUDING OBSERVATIONS FROM HUMAN RIGHTS MONITORING MECHANISMS

The **CESCR** urged the Republic of Korea to expand the coverage of labour legislation to the fisheries sector to ensure that workers enjoy their right to social security. It further recommended that sector-specific legislation should not set lower standards in labour rights but rather address the increased risks of infringement of these rights in the sector.<sup>70</sup>

In the case of Indonesia, the **UN Special Rapporteur on the Right to Food** has noted that women working in fisheries face difficulties in acquiring fishery worker identification cards, thereby impeding their access to workers' benefits.<sup>71</sup>

### 1.4 THE RIGHT TO LAND, TERRITORIES AND NATURAL RESOURCES

Across the globe, the livelihoods of many small-scale fishers, fish workers and their communities, including indigenous fishing communities, depend on maintaining **access to fishery resources**. The latter includes coastal land and waterfront areas used to access fishing grounds; store boats, nets, and other equipment; undertake post-harvest activities; and establish housing.<sup>72</sup>

The lack of recognition of the right of small-scale fisherfolks and indigenous fishing peoples to marine territories, marine resources and coastal lands remains one of the most frequent violations of their human rights. These resources are essential for accessing food and generating income in fulfilment of the right to food. They are also a key basis for social, cultural, and religious practices for some communities and thus integral to their enjoyment of their right to take part in cultural life.

Small-scale fishers, fish workers and their communities are increasingly challenged by "blue economy" projects: initiatives related to the exploitation of the marine environment, such as commercial aquaculture, tourism, ocean-based energy and extractive industries, and land and ocean grabbing.

In Chile, the expansion of the salmon industry has been made possible by the fact that the State has allowed companies to base their operations in areas that were traditionally used by indigenous communities.<sup>73</sup> The current system of commercial fishing licences and quotas have often resulted in the dispossession of small-scale

fishers and fishing communities, whose traditional fishing rights have not been recognized in relevant legislation and policies. In South Africa, for example, the Equality Court ruled that the quota system introduced with the national fisheries policy, which excluded small-scale fishers from getting quotas, had violated the human rights of these fishers. The Court also requested the Minister of Fisheries to restore their access rights to marine resources, among others.<sup>74</sup>

Furthermore, small-scale and artisanal fishers face growing competition with large-scale, industrial trawl vessels for access to resources, including owing to illegal, unreported, and unregulated fishing. For example, in Ghana, almost 95% of fishers reported a decline in landings during the major fishing season. Moreover, about 80% of fishers and 98% of processors and traders reported declines in the availability of fish for consumption over the preceding five-year period.<sup>75</sup>

Land and natural resources have direct and indirect implications for the enjoyment of several human rights, including the right to an adequate standard of living, the right to work, and the right to enjoy one's culture and to take part in cultural life, as recognised by the CESCR.<sup>76</sup> In addition, the international human rights regimes specifically applying to indigenous peoples and peasants, including fishers and other rural food producers, recognise a human right to land, territories, and resources, including marine territories, marine resources, and coastal land, with some specificities related to each group.

At a minimum, states are expected to recognise the right of small-scale-fishers and indigenous peoples to marine territories, marine resources, and coastal land according to their customary land tenure systems. They should further protect them from forced evictions and relocations undertaken in violation of international human rights law. In relation to indigenous peoples, states have an obligation to ensure indigenous peoples' right to maintain and strengthen their spiritual relationship with their lands, territories, and resources. The CESCR has specified that this includes "waters and seas in their possession or no longer in their possession but which they owned or used in the past".<sup>77</sup>

## HUMAN RIGHTS AND LAND, TERRITORIES AND NATURAL RESOURCES

**ICESCR** recognises the right to self-determination. It further recognises **the right of everyone to an adequate standard of living, including the right to food, clothing, housing, and the continuous improvement of living conditions. The treaty also enshrines the right to take part in cultural life.**

**ILO Convention No. 169** recognises the rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy. In addition, it obliges States parties to take measures to safeguard the right of the peoples concerned to use lands which are not exclusively occupied by them but to which they have traditionally had access for their subsistence and traditional activities. It includes, among others, obligations to: a) take steps as necessary to identify the lands which the peoples concerned traditionally occupy, b) to guarantee effective protection of their rights of ownership and possession, and c) establish adequate procedures within the national legal system to resolve land claims. It further recognises that indigenous peoples have the right to the natural resources pertaining to their lands, including the right to participate in the use, management, and conservation of these resources.

**UNDROP** specifically recognises the right to land, including the right to have access to and to sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures, and forests therein. It outlines the measures that States are expected to adopt to ensure the respect, protection, and fulfilment of this right. This includes, among others, providing legal recognition for land tenure rights, including customary land tenure rights not currently protected by law. States must also ensure protection against forced evictions and displacements.

**UNDRIP** recognises indigenous peoples' right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired. States shall give legal recognition and protection to these lands, territories, and resources. Such recognition must be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

## RECOMMENDATIONS AND CONCLUDING OBSERVATIONS FROM HUMAN RIGHTS MONITORING MECHANISMS

The **CESCR** has expressed concern about restrictions imposed on the access of Palestinians to their agricultural land, water sources, irrigation facilities and marine resources, including the confiscation of and damage to fishing boats. This had deprived Palestinians of their means of subsistence. Referring to Articles 6, 11 and 12 of the Covenant on the rights to work, to an adequate standard of living, and to the enjoyment of the highest attainable standard of physical and mental health, the CESCR has recommended that Israel ensure that fishermen have free access to their marine resources and that it refrains from confiscating and damaging boats and fishing equipment and restricting the movement of Palestinian fishermen and fishing communities.<sup>78</sup>

The **CERD** has expressed concern that indigenous peoples in New Caledonia are impeded access to fishing grounds and the sea. Referring to Article 5 of ICERD which, among others, prohibits discrimination in respect of the right to own property, CERD recommended that France find definitive solutions for the remaining land issues in New Caledonia, including how to guarantee access to fishing grounds and to the sea.<sup>79</sup>

Examining the situation in Indonesia, the **UN Special Rapporteur on the Right to Food** recommended that the state took appropriate measures to provide small-holder farmers, fisherfolk, indigenous peoples, pastoralists, and women and girls with access to and control over land, water, and other natural resources necessary to produce their own food, to feed themselves or to support their livelihoods. The Rapporteur further recommended that the state enhance efforts to protect the access of small-scale fisherfolk, men, women and their families, and coastal communities to water resources. The state was also advised to integrate a human rights-based approach into laws related to fisheries and fisheries management.<sup>80</sup>

The **UN Special Rapporteur on the issue of Human Rights Obligations relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment** recommended that States ensure that local communities are consulted in relation

to the creation of marine protected areas, including their delimitation, and recognise the rights of local communities. The Rapporteur indicated that, among other things, this process should provide set-aside zones for traditional fishers that protect their customary rights.<sup>81</sup>

The **CEACR** examined the impact of Norway's Marine Resources Act on indigenous Sami peoples' fishing rights. It emphasised that indigenous peoples' fishing rights must be specifically safeguarded in conformity with Article 15 of ILO Convention No. 169, which recognises indigenous peoples' right to the natural resources pertaining to their territories. It also invited the State to provide information on the measures taken, with the participation of the Sami and whenever appropriate, to ensure that traditional fishing activities are strengthened and promoted in line with Article 23 of ILO Convention No. 169, which addresses indigenous peoples' traditional activities, including fishing.<sup>82</sup>

## 1.5 THE RIGHTS TO ENJOY ONE'S CULTURE AND TO TAKE PART IN CULTURAL LIFE

Besides representing a central component of the livelihoods of millions of people throughout the world, fishing activities form an integral part of the ways of life and culture of many fishing communities. As clarified by the CESCR, culture encompasses all manifestations of human existence. It includes ways of life, language, oral and written literature, music and song, non-verbal communication, religion or belief systems, rites and ceremonies, sport, and games. Culture also includes methods of production or technology, natural and man-made environments, food, clothing, shelter, and the arts. It further covers customs and traditions through which individuals or groups of individuals and communities express their humanity, including the meaning they give to their existence.<sup>83</sup> The UN Human Rights Committee has explained, in the context of the protection of ethnic, religious, and linguistic minorities, that traditional activities such as fishing may be protected as manifestations of culture.<sup>84</sup>

Fishing activities may thus fall under the protections offered by the human right to enjoy one's culture and to take part in cultural life. Cultural rights are recognized in the ICESCR and in the ICCPR. UNDROP, UNDRIP and ILO Convention no. 169 also contain relevant provisions in this regard. These provisions call for both the protection of fishing activities and the secured access to the coastal lands and water resources required to perform these activities in keeping with the right of fisherfolks and their communities to enjoy their cultures and take part in the cultural life of their communities. It is also worth recalling that the Convention on Biological Diversity (CBD) stipulates that States shall "respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices".<sup>85</sup>



## THE RIGHT TO CULTURE

**ICESCR** recognises the right of everyone to take part in cultural life.<sup>86</sup>

**ICCPR** provides that persons belonging to ethnic, religious, or linguistic minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.<sup>87</sup>

**ILO Convention No. 169** underlines that governments must respect the importance of the cultures and special values of indigenous peoples with their land and territories. It further clarifies that the concept of territories covers “the total environment of the areas which the peoples concerned occupy or otherwise use”. The Convention specifically calls on governments to strengthen and promote traditional activities of indigenous peoples, including fishing, as key in the maintenance of their cultures, self-reliance, and development.<sup>88</sup>

**UNDROP** recognises the right of peasants to maintain, express, control, protect and develop their traditional and local knowledge, such as ways of life, methods of production or technology, or customs and tradition.<sup>89</sup>

**UNDRIP** recognises the right of indigenous peoples to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.<sup>90</sup>

## RECOMMENDATIONS AND CONCLUDING OBSERVATIONS FROM HUMAN RIGHTS MONITORING MECHANISMS

The **CESCR**, referring to the right to take part in cultural life, recommended that Norway took steps to preserve and promote the traditional means of livelihood of the Sami people, such as reindeer-grazing and fishing.<sup>91</sup> It also recommended that Russia repeal or amend any restrictions that could result in hampering indigenous peoples from sustaining their means of livelihood, including hunting and fishing.<sup>92</sup>

The **CERD** expressed concern that restrictions on fishing and hunting in the Tengis Shishged protected area in Mongolia may negatively affect and endanger the traditional livelihoods and the cultural rights of the Tsaatan people. It recommended, among others, that the State set minimal fishing quotas in consultation with the Tsaatans to enable them to continuously enjoy their cultural rights and practices.<sup>93</sup> The CERD also noted with concern the vulnerable situation of the Eastern Sami culture in Norway, due to the restrictive regulation of reindeer herding, fishing, and hunting. It recommended that the State increase its efforts to preserve the land rights and the culture of Eastern Sami people, including by finding an appropriate solution to secure fishing that is important to their culture.<sup>94</sup>

The **UN Special Rapporteur in the Field of Cultural Rights** recommended giving importance to sustainable, local, and organic farming, fishing, and coastal development, and to provide more support, including financial support, to the transmission of knowledge and skills in these areas. The Rapporteur also noted that traditional knowledge about the movement of sand and fishing practices represents powerful resources for addressing the challenges caused by climate change in a manner that respects human rights and builds resilience.<sup>95</sup> In the case of Viet Nam, the Special Rapporteur indicated that the Land Law of 2013 should be implemented in a manner that protects the collective use of land for communities wishing to retain and develop their traditional ways of life, which are most often based on agriculture, forest husbandry or fishing.<sup>96</sup>

## 1.6 THE RIGHTS TO CONSULTATION, PARTICIPATION AND ACCESS TO INFORMATION

Small-scale fishers, fish workers, and their communities are rarely involved in decision-making processes concerning them. This is regardless of whether these processes are about the adoption of regulations regarding the fisheries and aquaculture sectors, the introduction of fishing bans and fish quotas, the granting of commercial concessions over water resources, the creation of marine protected areas, or the implementation of other projects affecting their lives and livelihoods. They also face difficulties in accessing information concerning initiatives that may affect them.

The ICCPR recognises that everyone has the right to take part in the conduct of public affairs, whether directly or through freely chosen representatives.<sup>97</sup> UNDROP has clarified that peasants and other people working in rural areas, including small-scale fishers and their communities, should participate, directly and/or through their representative organizations, in the preparation and implementation of policies, programmes and projects that may affect their lives, land and livelihoods. States should promote such participation.<sup>98</sup> UNDROP has further indicated that before adopting and implementing legislation and policies, international agreements and other decision-making processes, States should consult and cooperate in good faith with, among others, small-scale fishers and their communities through their own representative institutions. They should engage with and seek the support of those who could be affected by decisions before these decisions are made and respond to their contributions. Additionally, they should take into consideration existing power imbalances between the different parties and ensure active, free, effective, meaningful, and informed participation of individuals and groups in associated decision-making processes.<sup>99</sup>

With specific reference to ethnic, religious or linguistic minorities, the ICCPR recognises that for ensuring the right to develop and maintain their culture, including the practice of traditional activities, such as fishing, measures may need to be taken to ensure the effective participation of members of these communities in decisions which affect them.<sup>100</sup> Of specific relevance to indigenous fisher peoples, the CERD, through the principle of non-discrimination, has also recognised their equal rights to participate in public life and has highlighted that decisions relating directly to them must not be taken without their informed consent. Regarding land and resource rights, CERD has specifically highlighted the obligation of States to ensure the right of indigenous

peoples to free, prior and informed consent in the planning and implementation of projects affecting the use of their lands and resources.<sup>101</sup> UNDRIP and ILO Convention no. 169 also contain specific provisions enshrining the rights of these peoples to be consulted through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.<sup>102</sup>

Small-scale fishers and fishing communities also have the right to seek, receive, develop, and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products.<sup>103</sup> UNDROP affirms that the State shall take appropriate measures to ensure access to relevant, transparent, timely and adequate information in a language and form and through means adequate to their cultural methods. This is important to promote their empowerment and to ensure their effective participation in decision-making in matters that may affect their lives, land, and livelihoods.<sup>104</sup>

### THE RIGHT TO PARTICIPATION AND ACCESS TO INFORMATION

**ICCPR** recognises the right of every citizen to take part in the conduct of public affairs, directly or through freely chosen representatives. It also provides for the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.<sup>105</sup>

**ICESCR** recognises the right to take part in cultural life, involving, as interpreted by CESCR, an obligation by states to respect the principle of free prior and informed consent of indigenous peoples in all matters covered by their specific rights.<sup>106</sup>

Relevant provisions are also included in **UNDROP** (see Articles 2.3, 10, 11), **UNDRIP** (see Articles 18, 19, 31) and **ILO Convention no. 169** (Articles 2, 6, 7).

### RECOMMENDATIONS AND CONCLUDING OBSERVATIONS FROM HUMAN RIGHTS MONITORING MECHANISMS

**The CESCR** has recommended the meaningful and effective participation of the fishers concerned in the negotiation of fishing agreements. It has further recommended the strengthening of the means of controlling overfishing with the assistance and cooperation of the international community, where necessary.<sup>107</sup>

**The UN Human Rights Committee** has expressed its concern that, in South Africa, existing subsistence fishing quotas of indigenous groups were removed on a temporary basis without warning, leaving families with insufficient means of livelihood.<sup>108</sup>

**The CERD** has also expressed concern at the lack of prior consultation of affected communities before the granting of licences for industrial fishing projects in Colombia. It has urged the State to: (a) Ensure the right of indigenous peoples and communities



of African descent to be consulted on any project, activity, legislative or administrative measure likely to affect their rights, particularly their right to the land and natural resources that they own or have traditionally used, with a view to obtaining their free, prior and informed consent; (b) Make certain that, as an integral part of prior consultation processes, before permits are granted, and from the design of projects, works or other activities to their implementation, impartial independent bodies carry out assessments of the potential environmental and human rights impacts of economic and natural resource development projects in the territories of indigenous peoples and communities of African descent; (c) Specify, in consultation with the indigenous peoples and communities of African descent whose territories and resources are affected, the mitigation measures to be put in place, the compensation for damages or losses suffered to be provided and the share in the benefits to be obtained from such activities.<sup>109</sup>

In the case of Finland, **CERD** has similarly expressed its concern that the Sami Parliament was not consulted before the signing of the Teno River Fishery Agreement, which significantly reduces Sami traditional fishing rights. It has urged the State to obtain the free and informed consent of the Sami people prior to the approval of any project affecting the use and development of their traditional lands and resources, and to ensure that an adequate cultural, environmental, and social impact assessment is conducted in collaboration with affected communities prior to the granting of concessions or the planning of activities in the Sami homeland.<sup>110</sup>

The **UN Special Rapporteur on the Issue of Human Rights Obligations relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment**, upon examining the situation in Madagascar, has asked the State to ensure that local communities are consulted throughout the process of establishing marine protected areas, including in the delimitation of the protected areas and in the recognition of the rights of local communities.<sup>111</sup>

## 1.7 THE RIGHTS TO FREEDOM OF OPINION AND EXPRESSION AND TO FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION

In 2021, an average of four people a week were killed for defending their human rights related to their land and environment, including rivers, coastal areas, and the oceans. One person in ten were women and more than a third of murdered defenders belonged to indigenous communities.<sup>112</sup> Many human rights defenders and their communities experience attempts to silence them, including death threats, surveillance, sexual violence, or criminalisation.<sup>113</sup>

The respect and protection of the rights to freedom of opinion and expression and to freedom of peaceful assembly and of association are essential to enable fisherfolks, fish workers and their communities to defend their rights and to engage in decision-making processes which may affect them. These rights and freedoms are recognised in the ICCPR and are key underlying rights in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders). Specifically, regarding small-scale fishers and indigenous fishing communities, UNDROP, UNDRIP and ILO Convention No. 169 include important provisions in this regard.

The State also has a duty to respect and protect the rights to life and personal security of small-scale fishers who act in defence of their rights and those of their communities. The UN Human Rights Committee has underlined that the State must take special measures of protection towards persons in vulnerable situations whose lives have been placed at risk because of specific threats or pre-existing patterns of violence. Such persons include human rights defenders.<sup>114</sup> They must be protected against reprisals for promoting and striving to protect and realise human rights, including through the creation and maintenance of a safe and enabling environment for defending their human rights.<sup>115</sup>

### **RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND TO PEACEFUL ASSEMBLY AND ASSOCIATION**

**ICCPR** recognises the right to hold opinions without interference and the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers. It also provides for the right to peaceful assembly. Furthermore, one of its articles enshrines the right to freedom of association with others, including the right to form and join trade unions for the protection of one's interests and the rights and freedoms of others.<sup>116</sup>

Relevant provisions are also included in **UNDROP** (see Articles 8, 9), **UNDRIP** (see Article 1), and **ILO Convention No. 169** (see Article 3).

### **THE RIGHT TO DEFEND RIGHTS**

The **UN Declaration on Human Rights Defenders**<sup>117</sup> declares that everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels. For this purpose, everyone has the right, individually and in association with others, at the national and international levels:

- a. To meet or assemble peacefully
- b. To form, join and participate in non-governmental organizations, associations, or groups
- c. To communicate with non-governmental or intergovernmental organizations.

Everyone has also the right, individually and in association with others:

- a. To know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial, or administrative systems
- b. As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms
- c. To study, discuss, form, and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

## RECOMMENDATIONS AND CONCLUDING OBSERVATIONS FROM HUMAN RIGHTS MONITORING MECHANISMS

The **Human Rights Committee** noted severe restrictions on the right to freedom of expression in Vietnam, singling out the case of human rights defender and blogger, Nguyen Ngoc Nhu Quynh.<sup>118</sup> The Committee raised concerns regarding arbitrary arrest, detention, unfair trial, and criminal conviction. Nguyen was arrested alongside other environmental activists, Bach Hong Quyen and Vu Hung, likely for their coverage and criticism of the toxic spill caused by the Taiwan-owned steel factory, Formosa Ha Tinh. The alleged discharge of chemicals, including cyanide, by this factory into the ocean impacted the health of the local communities. However, it also destroyed marine life, including fish and squid, off several coastal provinces south of the factory, destroying the livelihood of fishermen in this region.<sup>119</sup>

The **Special Rapporteur on the Situation of Human Rights Defenders** raised concerns about the raids, seizures of property, prosecution, liquidation and interdiction of human rights NGOs in the Russian Federation, including the Centre of Support for the Indigenous Peoples of the North (CSIPN).<sup>120</sup> CSIPN was forcibly closed on the basis that the organisation's charter was not in compliance with Russian legislation on non-profit organisations.<sup>121</sup> CSIPN was a leading NGO working on indigenous rights in Russia, including for the protection of their land and territories.

### 1.8 THE RIGHT TO A CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT

The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Service has estimated that two thirds of the ocean realm is experiencing adverse impacts, including acidification, deoxygenation, and a loss of sea ice. It has reported that the global biomass of large predatory fish targeted by fisheries has fallen by two thirds over the past hundred years.<sup>122</sup> According to FAO estimates, the proportion of fish stocks that are within biologically sustainable levels decreased from 90 percent in 1974 to 65.8 percent in 2017.<sup>123</sup>

Pollution and disruption of marine and coastal ecosystems caused by extractive industries and other businesses, including tourism-related activities, pose severe threats to the lives and livelihoods of small-scale fishers, fish workers and their communities. These groups deeply depend on the health of their environment for their survival. In most cases, they are not involved in the processes leading to the approval of these projects nor in the realisation of the relevant human rights and environmental impact assessments. Climate change adds a further layer of challenges to the lives of these people, causing, for example, induced changes in the reproduction process, migration patterns and survival rates of fish on which their livelihoods depend.<sup>124</sup>

Commercial aquaculture may also have negative effects on biodiversity with accompanying human rights risks. The industry focuses mainly on 25 species, including salmon, carps, pangasius, tilapias, clams, and shrimps. The continuous spill of these non-native breed species into freshwaters or oceans disrupts local and regional ecosystems.<sup>125</sup> A DIHR study revealed that salmon aquaculture in Chile contributed to industrial waste on beaches, waters, and the seabed; involved the use of chemicals and

antibiotics that were unsafe for humans and marine species; caused alterations of the seabed; led to frequent salmon escapes; involved massive dumping of dead salmon into the sea; and induced damage to marine mammals and pollution of freshwater areas. Many of these factors may have led to negative human rights impacts on the local communities, notably related to their right to food.<sup>126</sup>

Local communities may play a central role in the conservation and sustainable management of marine and coastal ecosystems as well as their restoration. Yet, their role, including the importance of their traditional knowledge and management practices, are often dismissed by decision-makers. In addition, the establishment of marine conservation areas without the participation and consultation of local fisherfolks and fisher workers in their design and implementation have often had negative repercussions on the sustainability of their livelihoods and ways of life and, ultimately, on the health of the ecosystems on which they depend.

There has long been a recognition that a clean, healthy and sustainable environment is required for the full enjoyment of human rights, including the human rights to life, health, food, water, and housing.<sup>127</sup> For example, the CESCR has stated that the right to health extends to a range of underlying determinants of health, including a healthy environment.<sup>128</sup> The Human Rights Committee has also highlighted that environmental degradation, climate change and unsustainable development constitute pressing and serious threats to the enjoyment of the right to life.<sup>129</sup> Moreover, states also have obligations under the right to food to prevent third parties from destroying sources of food, including as a result of polluting land, water and air with hazardous products.<sup>130</sup> However, in a ground-breaking resolution in July 2022, the UN General Assembly recognised an independent right to a clean, healthy and sustainable environment, including the acknowledgement that the right is related to other rights and existing international law.<sup>131</sup> An autonomous right to a “a general satisfactory environment” favourable to development is already enshrined in the African Charter on Human and Peoples’ Rights.<sup>132</sup> Furthermore, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, Protocol of San Salvador, has expressly established a right to a healthy environment.<sup>133</sup>

UNDROP recognises that peasants and other people working in rural areas, including small-sale fishers, have the right to the conservation and protection of the environment, the productive capacity of their lands, and of the resources that they use and manage.<sup>134</sup> The State is asked to take appropriate measures to ensure that they enjoy, without discrimination, a safe, clean and healthy environment, and to comply with its obligations to combat climate change. In addition, UNDROP recognises that small-scale fishers, among other groups, have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through traditional practices and knowledge.<sup>135</sup>

UNDRIP also recognizes indigenous peoples’ right to a healthy environment.<sup>136</sup> Likewise, ILO Convention No. 169 calls upon States to protect and preserve the environment of indigenous territories in co-operation with the peoples concerned.<sup>137</sup> It also stipulates that States shall ensure that studies are carried out, in co-operation with indigenous peoples, to assess the social, spiritual, cultural, and environmental impact on them of planned development activities.<sup>138</sup>

## ENVIRONMENT AND HUMAN RIGHTS

**ICCPR enshrines the right to life.**<sup>139</sup>

**ICESCR** recognises the right of everyone to an adequate standard of living for himself, including among others, adequate food and the continuous improvement of living conditions. It also recognises the right to health, including the improvement of all aspects of environmental and industrial hygiene.<sup>140</sup>

**ILO Convention No. 169** calls on governments to take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit. It stipulates that governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies should serve as fundamental criteria for the implementation of these activities.<sup>141</sup>

**UNDRIP** recognises indigenous peoples' right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.<sup>142</sup>

**UNDRP** recognises the right to the conservation and protection of the environment and the productive capacity of land and resources. It also outlines a number of measures that should be adopted in this regard.<sup>143</sup>

## THE 16 FRAMEWORK PRINCIPLES OF HUMAN RIGHTS AND THE ENVIRONMENT

The UN Special Rapporteur on Human Rights and the Environment has formulated 16 framework principles on human rights and the environment, namely:

1. States should ensure a safe, clean, healthy, and sustainable environment in order to respect, protect and fulfil human rights.
2. States should respect, protect, and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment.
3. States should prohibit discrimination and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy, and sustainable environment.
4. States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation, and violence.
5. States should respect and protect the rights to freedom of expression, association, and peaceful assembly in relation to environmental matters.
6. States should provide for education and public awareness on environmental matters.
7. States should provide public access to environmental information by collecting and disseminating information and by providing affordable, effective, and timely access to information to any person upon request.

8. To avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights.
9. States should provide for and facilitate public participation in decision-making related to the environment and take the views of the public into account in the decision-making process.
10. States should provide for access to effective remedies for violations of human rights and domestic laws relating to the environment.
11. States should establish and maintain substantive environmental standards that are non-discriminatory, non-retrogressive and otherwise respect, protect and fulfil human rights.
12. States should ensure the effective enforcement of their environmental standards against public and private actors.
13. States should cooperate with each other to establish, maintain, and enforce effective international legal frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights.
14. States should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks, and capacities.
15. 15. States should ensure that they comply with their obligations to indigenous peoples and members of traditional communities, including by: a) Recognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used; (b) Consulting with them and obtaining their free, prior and informed consent before relocating them or taking or approving any other measures that may affect their lands, territories or resources; (c) Respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories and resources; (d) Ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories or resources.
16. States should respect, protect, and fulfil human rights in the actions they take to address environmental challenges and pursue sustainable development.<sup>144</sup>

## RECOMMENDATIONS AND CONCLUDING OBSERVATIONS FROM HUMAN RIGHTS MONITORING MECHANISMS

Noting the impacts of Hurricane Irma, the **UN Committee on the Elimination of Discrimination against Women (CEDAW)** recommended that Antigua and Barbuda allocate sufficient resources to the fund established by the State to support the national population and ensure that it is available and accessible to all affected women, in particular women in the fisheries sector.<sup>145</sup>

The **UN Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes** noted that contamination from extractive industries in Canada was affecting local communities' access to traditional foods and water sources owing to

mutations in fish, sickened animals and contaminated meat.<sup>146</sup> The Special Rapporteur recommended, among others, the following measures: the review of legislation to prevent upstream mine waste dams from placing downstream communities at risk of exposure; reviews by independent panels of extractive industry projects; the application of best practices in mine tailings safety; the implementation of legal requirements for robust mandatory human rights due diligence; and the provision of redress where activities of business enterprises both at home and abroad are associated with impacts of toxic exposure.<sup>147</sup>

The **UN Special Rapporteur on the Rights of Indigenous Peoples** noted that climate change appeared to be having a significant impact on indigenous communities in the Congo with, among others, out-of-season rainfall disrupting the fishing habits of these communities.<sup>148</sup> The Special Rapporteur acknowledged a recently approved project aimed at supporting local communities to adapt to climate change, notably by diversifying their income sources.<sup>149</sup>

The **UN Special Rapporteur on the Right to Food** noted that in Indonesia the impact of climate change and extreme weather conditions particularly affect the right to food of fisherfolk and coastal communities. Between 2014 and 2016, 200 fisherfolk died at sea while catching fish due to extreme weather conditions. Many fisherfolk were only able to fish 180 days of the year due to unpredictable weather. The Special Rapporteur recommended that climate change and disaster response policies should fully integrate the right to food, paying special attention to those who are especially vulnerable, including fisherfolks.<sup>150</sup>

In the case of Viet Nam, the Special Rapporteur has noted that overfishing and harmful fishing practices in certain national settings, poor planning and inadequate regulation cause not only environmental harm but also produce social conflicts and economic losses. He reported concerns raised by fishery workers, especially women, of the negative impact on their livelihood and food security of natural disasters, extreme weather events, and industrial pollution. The Special Rapporteur has recommended, among others, that the State protect the livelihood of people in coastal areas against development-oriented industrial and tourism projects and undertake all necessary measures to mitigate the impact of extreme climate events.<sup>151</sup>

## 1.9 WOMEN'S RIGHTS

Approximately half of people employed in fisheries are women. They are mainly, although not exclusively, engaged in marketing and processing, in both commercial and artisanal fisheries.<sup>152</sup> In fact, women engage in a variety of activities along the fish value chain. Activities include, for instance:

- pre-harvest work, such as collecting and preparing bait, mending nets, preparing food for fishing trips, and maintaining books and accounts. Some women also repair dugouts, canoes and other boats
- post-harvest work, such as cleaning, sorting, or processing fish (salting, drying, pickling, fermenting, and smoking)<sup>153</sup>

Many of these activities are considered an extension of their household chores. They are therefore not valued as productive work and are most often neglected, also in policy responses. As a result, women continue to be largely marginalised in decision-making at family, community, local and national levels, including in fisheries management.<sup>154</sup>

Many women also engage directly in fishing, for example on lakes or in coastal waters. In most regions, women's harvesting activities are a chief source of food and nutrition for their families. Moreover, women work in selling and trading fish at local markets or door to door.<sup>155</sup>

Women access fish in different ways. They can access fish directly when fishing by themselves or financing fishery operations. They can also access fish through kinship or other close relationships. Finally, they can access fish by purchasing fish directly from fishers or traders.<sup>156</sup> However, in many cases, women have limited or no recognised rights over fishing resources and coastal lands. They may access them through kinship, but this leaves single and widowed women particularly disadvantaged. The invisibility of their role in fisheries often results in their limited access to opportunities for capacity-building, technical advice and microfinance provided by the State and other actors.<sup>157</sup>

On the other hand, increasing pressures on fishing resources and small-scale fisherfolks' livelihood has led many women to search for alternative sources of income. Some engage in wage work, including industrial fish processing, where they are, however, confronted with multiple forms of discrimination, violence, and harassment. They may also fall victims to trafficking and forced labour. In addition, for women finding new roles also means having to face and challenge gender stereotypes and patriarchal structures that restrict their movements, spaces and opportunities.<sup>158</sup> In the aquaculture sector, for example, women tend to work under informal arrangements and poor levels of remuneration, with little or no access to social protection.<sup>159</sup> Reportedly, low pay, high daily targets, long working hours, compulsory pre-employment pregnancy tests, and exposure to harassment and violence are frequent among women workers in various countries.<sup>160</sup>

## WOMEN'S RIGHTS AND GENDER EQUALITY

**ICCPR** establishes a state obligation to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". It also stipulates that states have an obligation to ensure the equal right of men and women to the enjoyment of these rights.<sup>161</sup>

**ICESCR** also stipulates that states have an obligation to guarantee that the Covenant's rights are exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. States must also ensure the equal right of men and women to the enjoyment of all economic, social, and cultural rights set forth in the present Covenant.<sup>162</sup>



**ICEDAW calls** upon States to condemn discrimination against women in all its forms, and to pursue by all appropriate means and without delay a policy of eliminating discrimination against women. It further stipulates that the adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination but should be discontinued when the objectives of equality of opportunity and treatment have been achieved. Furthermore, it provides that States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas<sup>163</sup>

**ILO Violence and Harassment Convention, 2019 (No. 190)** stipulates that States shall respect, promote, and realize the right of everyone to a world of work free from violence and harassment. They shall adopt an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work, including:

- a. prohibiting in law violence and harassment
- b. ensuring that relevant policies address violence and harassment
- c. adopting a comprehensive strategy in order to implement measures to prevent and combat violence and harassment
- d. establishing or strengthening enforcement and monitoring mechanisms
- e. ensuring access to remedies and support for victims
- f. providing for sanctions
- g. developing tools, guidance, education, and training, and raising awareness, in accessible formats as appropriate; and
- h. ensuring effective means of inspection and investigation of cases of violence and harassment, including through labour inspectorates or other competent bodies.<sup>164</sup>

Relevant provisions are also included in **UNDROP** (see Articles 2, 5), **UNDRIP** (see Articles 2, 21, 22, 44), and **ILO Convention no. 169** (see Article 3).

Women shall enjoy all human rights, including those presented in this brief, in conditions of equality with men. States are required to take all necessary measures to eliminate discrimination against women fishers and fish workers and ensure gender equality in the fisheries and aquaculture sectors and beyond, in the society more generally. Among other things, States are expected to pay special attention to customary systems, which often govern land management, administration, and transfer, in particular in rural areas, and ensure that they do not discriminate against women. They should raise awareness about women's rights to land, water and other natural resources among traditional, religious, and customary leaders, lawmakers, the judiciary, lawyers, law enforcement authorities, land administrators, the media and other relevant actors. They should also ensure that legislation guarantee women's rights to land, water, and other natural resources on an equal basis with men, irrespective of their civil and marital status or of a male guardian or guarantor. They should ensure that indigenous women in rural areas have equal access with indigenous men to ownership and possession of and control over land, water, forests, fisheries, aquaculture, and other resources that they have traditionally owned, occupied or otherwise used or acquired, including by protecting them against discrimination and dispossession. Moreover, States should, among other things, enhance rural women's role in fisheries

and aquaculture, as well as their knowledge of the sustainable use of fishery resources. They should also ensure decent working conditions for women by, inter alia, providing paid maternity leave; setting living wages; taking steps to prevent sexual harassment, exploitation, and other forms of abuse in the workplace; protecting the rights of women workers to bargain collectively; and protecting their occupational health and safety.<sup>165</sup>

## RECOMMENDATIONS AND CONCLUDING OBSERVATIONS FROM HUMAN RIGHTS MONITORING MECHANISMS

The **CEDAW** expressed its concern that the Marshall Islands remains a source and destination country for human trafficking for sexual exploitation and forced prostitution, including on foreign fishing vessels and in onshore establishments patronized by crew members of vessels. The Committee recommended that the State, among others, strictly enforced its legislation on trafficking in persons by adopting a comprehensive national action plan and ensuring that adequate resources, both human and budgetary, were allocated to the implementation of laws and programmes to combat such trafficking. It further recommended the establishment of sufficiently funded and equipped shelters and crisis centres and the provision of reintegration programmes for women and girls who are victims of trafficking.<sup>166</sup> Similarly, in the case of Micronesia, the Committee expressed its concern at the lack of information about the extent of trafficking in women and girls and their exploitation in prostitution, especially in coastal communities where foreign fishing vessels dock. It thus recommended the provision of assistance to victims; investigating, prosecuting and adequately punishing perpetrators; addressing the root causes of trafficking and exploitation, such as poverty; and developing programmes for alternative employment opportunities for women who wish to leave prostitution.<sup>167</sup>

The **CRC** addressed cases of trafficking of girls and their exploitation in prostitution, including on foreign fishing vessels. It recommended the criminalization of the sale and abduction of children; the application of appropriate sanctions commensurate with the gravity of the crimes; developing and implementing procedures for the proactive identification of children who are victims of trafficking, sale and abduction; investigating all cases of the trafficking of children and the sexual exploitation of children; bringing the perpetrators to justice; and conducting awareness-raising activities to make both parents and children aware of the dangers of trafficking.<sup>168</sup>

The **UN Special Rapporteur on the Right to Food** noted that in Indonesian women working in fisheries have difficulty acquiring fishery worker identification cards, which impedes their access to workers benefits.<sup>169</sup>

### 1.10 THE RIGHT TO REMEDY

States' obligations to respect, protect and implement human rights also entails the duty to provide effective remedies in the case of violation of these rights.

The right to remedy includes the right to:

- Equal and effective access to justice
- Adequate, effective and prompt reparation or redress for harm suffered
- Access to relevant information concerning violations and reparation mechanisms.<sup>170</sup>

UNDROP, for example, provides that peasants and other people working in rural areas, including small-scale fishers, have the right to effective and non-discriminatory access to justice, including access to fair procedures for the resolution of disputes and to effective remedies for all infringements of their human rights. Such decisions shall give due consideration to their customs, traditions, rules, and legal systems in conformity with relevant obligations under international human rights law. In particular, States shall provide effective mechanisms for the prevention of and redress of any action that has the aim or effect of violating their human rights, arbitrarily dispossessing them of their land and natural resources or of depriving them of their means of subsistence and integrity, and for any form of forced sedentarization or population displacement.<sup>171</sup> Similar provisions are also contained in UNDRIP and ILO Convention No. 169.

### RIGHT TO AN EFFECTIVE REMEDY

**ICCPR** establishes a state obligation to provide an effective and enforceable remedy for violations of the rights and freedoms in the Covenant by competent judicial, administrative, or legislative authorities or any other competent authority provided for by the legal system of the State. Where effective remedies are not available, states should undertake the necessary legislative review.<sup>172</sup>

Relevant provisions are also included in **UNDROP** (see Article 12), **UNDRIP** (see Articles 8, 20, 28, 32, 40), and **ILO Convention no. 169** (see Article 12).

### JUDGEMENT FROM A REGIONAL HUMAN RIGHTS BODY

The **Inter-American Court of Human Rights** delivered a judgment on a case concerning the violation of labour rights in the fishing industry, and more particularly on the situation of the indigenous Miskito divers in the Gracias a Dios region of Honduras. The Court found that Honduras was responsible for violations of the rights to life, personal integrity, judicial guarantees, equal protection of the law, judicial protection, health, work and just and favourable conditions, social security, equality and non-discrimination, and the rights of the child.<sup>173</sup> Accordingly, it ordered the State to, among other things:

- provide medical and psychological assistance to the victims and their family members and strengthen the health system in La Moskitia
- grant scholarships to the victims, their sons and daughters, and their grandchildren
- establish a programme of productive projects in favour of the victims and their family members, in consultation with them, to ensure them a dignified life
- provide housing to the victims and their family members
- develop and broadcast a documentary about Miskito divers and their fight to overcome prejudices against them

- design and implement a sensitization campaign about the situation of the Miskito people for the general public
- provide reparation for the material and immaterial harm caused, according to the terms established by the Court
- include Miskito divers and their family members in the social programmes targeting persons living in situations of extreme social exclusion
- adopt measures to ensure adequate regulation, inspection and supervision of the activities undertaken by industrial fishing companies<sup>174</sup>

In this last regard, the Court also indicated that companies must adopt safeguards to ensure the protection of their workers' rights and to avoid adverse impacts stemming from their activities on local communities and the environment.<sup>175</sup>

### 1.11 THE RIGHT TO SELF-DETERMINATION

The right to self-determination is expressly recognized in common Article 1 of the ICCPR and ICESCR. It is also recognized in the African Charter on Human and Peoples' Rights.<sup>176</sup>

The right to self-determination encompasses peoples' right to freely dispose of their natural wealth and resources, including marine resources. Significantly, it includes the right not to be deprived of ones' means of subsistence. State obligations include both an obligation not to exploit the natural resources of a population (or certain groups within it) and an obligation to protect the population or group within it of exploitative private actors. The CESCR has particularly highlighted the importance of procedural rights,<sup>177</sup> such as the right to participation, in this regard. It has on numerous occasions drawn on the right to self-determination where there have been adverse human rights impacts on indigenous peoples due to either the state's acts or omissions on indigenous lands.<sup>178</sup>

In the context of fisheries, this suggests that decisions about the granting of concessions over water resources for industrial fishing should be made only after human rights impact assessments are conducted with the participation of the people affected in order to ensure that their human rights, including, for example, their rights to an adequate standard of living and to enjoy one's culture, are not negatively impacted.

In addition, UNDRIP<sup>179</sup> and the American Declaration on the Rights of Indigenous Peoples<sup>180</sup> recognise expressly that indigenous peoples, including indigenous fishing communities, have the right to self-determination. This comprises, among others, the right to freely pursue their economic, social, and cultural development. It further entails the right to autonomy or self-government in matters relating to their internal and local affairs; the recognition of their autonomous indigenous institutions; and the right to participate fully, if they so choose, in the political, economic, social, and cultural life of the State. It also encompasses the right of indigenous peoples to be secure in the enjoyment of their own means of subsistence and development.

In the context of fisheries and aquaculture, the right to self-determination means, for example, that indigenous peoples should be able to control their territories, including the marine areas and the associated resources in their territories. Their traditional management practices should be recognised and respected along with the authority of

their representative institutions to decide upon the sustainable use of these resources. The respect for the collective rights of indigenous peoples to self-determination and development goes hand in hand with the respect for the individual rights of all their members, including women, elders, youth and children, whose voices and special needs should be taken into account in decisions concerning the management, allocation, and use of marine resources.<sup>181</sup>

## THE RIGHT TO SELF-DETERMINATION

**ICCPR** and **ICESCR** recognise that all peoples have the right of self-determination and can freely determine their political status and pursue their economic, social, and cultural development. Furthermore, it establishes that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.<sup>182</sup>

Relevant provisions are also included in **UNDRIP** (see Articles 3, 4, 5, 23 and 32), **ILO Convention no. 169** (see Article 7) and **UNDROP** (see Articles 3 and 15)

## RECOMMENDATIONS AND CONCLUDING OBSERVATIONS FROM HUMAN RIGHTS MONITORING MECHANISMS

The **CESCR** referring to indigenous peoples' right to self-determination as well as their rights to equality and non-discrimination, to an adequate standard of living and to take part in cultural life, examined the impact that infrastructure projects and incursions into Sami's lands have caused on their way of life and traditional livelihoods, including fishing. The CESCR urged Finland to, among others, act upon instances of infringement on Sami rights in order to maintain their culture and way of life and traditional livelihoods. It recommended that the State assess the impact of existing laws on these rights and enact the necessary amendments. It further recommended that the state should strengthen legal and procedural guarantees for obtaining the free, prior, and informed consent of the Sami in line with international standards.<sup>183</sup>

The **Human Rights Committee** addressed the lack of legislation to secure the fishing rights of indigenous peoples through the lense of the right to self-determination, as well as the rights to equality and non-discrimination and to enjoy one's culture. It recommended that Norway should enhance the legal framework on indigenous land, fishing, and reindeer rights, ensuring, in particular, that fishing rights are recognized by law.<sup>184</sup>



## 2 THE ROLE OF NHRIS AND EMERGING PRACTICES

This chapter will focus on the role of national human rights institutions and ways in which they can use their mandate and functions to promote and protect human rights in the context of fisheries and aquaculture.

### 2.1 NHRIS' MANDATE AND FUNCTION

All national human rights institutions (NHRIs) have a mandate to promote and protect human rights in their country. This is defined by the internationally agreed-upon Paris Principles which establish international minimum standards for NHRIs for ensuring their effectiveness and credibility.<sup>185</sup> The specific mandate areas, functions, and organisational structure of individual NHRIs are defined in national legislation.

The Paris Principles require NHRIs to:

- protect human rights, including by receiving, investigating, and resolving complaints; mediating conflicts; and monitoring activities
- promote human rights, including through education, training and capacity-building, outreach, contact with the media, publications, and advising and assisting the government

The Global Alliance of National Human Rights Institutions (GANHRI)<sup>186</sup> describes six general NHRI functions:

**Monitoring and reporting** This is a key role for all NHRIs. NHRIs undertake their monitoring work through research and investigation. They generally prepare a report on their monitoring which analyses the situation and sets out the NHRI's findings and recommendations for promoting compliance with international human rights standards.<sup>187</sup>

**Providing advice** This is a core responsibility of NHRIs. NHRIs provide advice on matters related to the promotion and protection of human rights. They should do this to ensure national laws, policies and practices comply with international and regional human rights standards and operate in ways which improve a human rights situation.<sup>188</sup>

**Receiving, investigating, and responding to human rights complaints** NHRIs are commonly given a mandate to accept, investigate and attempt to resolve complaints of human rights violations. A key aspect of an NHRI's complaint handling function is that it be accessible to all people, particularly groups in vulnerable situations, such as women, children, indigenous peoples, persons with disabilities, human rights defenders, migrants, refugees, and asylum seekers.<sup>189</sup>

**Cooperating at the national level with key partners** NHRIs play a crucial role in any national system to promote and protect human rights. However, to achieve long-term change, they must cooperate with other institutions and organisations. NHRIs should develop partnerships to support their efforts, whether to advocate for the reform of laws, policies, and practices; to monitor the human rights situation; or to investigate alleged violations of human rights.<sup>190</sup>

**Engaging with the international and regional human rights system** NHRIs support the work of international and regional human rights bodies by providing independent and reliable information, analysis and recommendations. NHRIs also promote and monitor implementation of relevant recommendations made to their State by UN human rights mechanisms. NHRIs can also assist their government to engage with the international human rights system.<sup>191</sup>

**Delivering human rights education programmes** NHRIs have a responsibility to assist in the formulation of programmes for the teaching of and research into human rights. NHRIs can promote a human rights culture across all sectors of society and promote action so that people understand what practical steps they can take to promote and protect human rights within their community or sphere of influence.<sup>192</sup>

## 2.2 USING THE NHRI MANDATE AND FUNCTIONS IN THE CONTEXT OF FISHERIES AND AQUACULTURE

The following are some examples of the ways in which NHRIs have been using their mandate and functions to tackle human rights issues related to fisheries and aquaculture. It is not meant to be an exhaustive overview but as a source of inspiration to NHRIs wishing to engage more on the issue.

### 2.2.1 NHRIs in Africa

#### **Commission on Human Rights and Administrative Justice (CHRAJ), GHANA**

##### **RESEARCH ON CHILD LABOUR**

**NHRI functions:** Monitoring and reporting; providing advice; and cooperating at national level.

**Human rights issues:** Right to health; right to education; right to an adequate standard of living, including food; right to work; right to the enjoyment of just and favourable conditions of work; rights to enjoy one's culture and to take part in cultural life.

**Brief description of the activity:** In 2014, the Commission on Human Rights and Administrative Justice (CHRAJ), the NHRI of Ghana, undertook **specialised research** into exploitative child labour in the fishing industry.<sup>193</sup> In the report, the Commission states that the research contributes to the Commission's endeavours to promote the social and economic rights of vulnerable populations, such as working children engaged in fishing. The report concludes with **advice and recommendations** to the local government in the area where the research was conducted; law enforcement agencies; and for the Commission itself. The internal recommendations focused on how the Commission could enhance their **national level cooperation** with state institutions and local government, for example, by increasing public education campaigns and encouraging community members to report child labour and trafficking-related abuses to the relevant institutions.



## Tanzanian Commission for Human Rights and Good Governance, Tanzania

### NATIONAL BASELINE ASSESSMENT IN RELATION TO BUSINESS ACTIVITIES

**NHRI functions:** Monitoring and reporting.

**Human rights issues:** Right to an adequate standard of living; right to work, right to the enjoyment of just and favourable conditions of work.

**Brief description of the activity:** The Tanzanian Commission for Human Rights and Good Governance carried out a National Baseline Assessment on the status of protection of human rights in relation to business activities and made recommendations to address gaps identified by the Assessment.<sup>194</sup> The report makes several references to the fisheries sector, including recommendations to adopt the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.<sup>195</sup>

## South African Human Rights Commission, South Africa

### COMPLAINT FROM FISHERMEN REGARDING RACISM

**NHRI functions:** Complaints.

**Human rights issues:** Right to land, territories, and natural resources; equality and non-discrimination.

**Brief description of the activity:** The South African Human Rights Commission received a complaint regarding the restriction of local fishermen to traditional fishing grounds on the coastline due to various acts of racism and unlawful dissuasion. The complaint was lodged by the Inkatha Freedom Party in March 2020 and will be attended to by the NRHI to ensure that these matters are investigated, and appropriate action is taken where necessary.<sup>196</sup>

## 2.2.2 NHRIs in Asia

### SUHAKAM, Malaysia

#### FROM COMPLAINT TO INVESTIGATION AND OUTREACH

**NHRI functions:** Complaints; human rights education; and cooperation at national level.

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

**Brief description of the activity:** In 2017 SUHAKAM, the NHRI of Malaysia received a complaint that the reclamation work in Teluk Muroh had dramatically reduced the supply of shellfish in the area for about 117 fishermen. SUHAKAM launched an investigation into the complaint.<sup>197</sup>

In 2019, SUHAKAM conducted a human rights outreach programme with fishing communities around the country called 'SUHAKAM with Communities'. Following the outreach programme, SUHAKAM received a complaint from the Penang Fishermen's Association regarding the State government's planned Penang South Island (PSR) project. Additionally, they received a memorandum from the Penang Tolak Tambak ad hoc group urging the NHRI to conduct a full investigation into the alleged environmental injustice.<sup>198</sup> The planned PSR project entailed the building of three man-made islands measuring 1,821 hectares: the local fishing community were concerned that the development would have a range of environmental and human rights impacts. According to the concern, the project would destroy areas for catching crabs, prawns, and fish within the reclamation zone. This would mean that fishermen would have to incur additional time and cost to travel further to catch fish and that the fishing community would be negatively impacted by the associated sand mining and dredging activities.

SUHAKAM has the power to refer the matter to appropriate or relevant authorities and make any necessary recommendations.<sup>199</sup> SUHAKAM consulted with a range of affected stakeholders, including the fishing community, the State Department, and the developer to gather information and process the complaint. In September 2021, an Environmental appeals board announced that a fishermen's appeal lodged in June 2021 was successful, resulting in the nullification of the Environmental Impact Assessment of the Penang South Island Project and a significant victory for local fisherfolk.<sup>200</sup>

## **National Human Rights Commission of Thailand, Thailand**

### **ADVISING ON NATURAL RESOURCE CONFLICTS**

**NHRI functions:** Complaints; providing advice.

**Human rights issues:** Right to land, territories, and natural resources; right to a healthy environment; right to an adequate standard of living; right to work and to the enjoyment of just and favourable conditions of work; and the rights to consultation, participation and access to information.

**Brief description of the activity:** Local fishermen in Pattani Bay brought a complaint to the National Human Rights Commission of Thailand (NHRCT): a commercial cockle farmer attempted to have the fishermen prosecuted for collecting cockles in a public area. The commercial cockle farmer started raising his own cockles and sought to exclude others from accessing this space, even though the fishing community had been using the public area for raising cockles for the past 20 years.

The NHRCT found that the cockle farmer's actions could cause a conflict with the fishing community's rights to access and utilise natural resources. Other agencies had

direct authority and responsibilities to deal with this matter: NHRCT did not proceed therefore with further investigations. However, the NHRCT identified similar cases of conflicts with community rights and recommended that the government, among others, “consider solving conflicts related to access to or utilisation of natural resources based on proportionality between public interest and personal interest for social justice and sustainable natural resource conservation, restoration and utilization according to provisions in the Constitution concerning equality and community right and the State Policy on land, natural resources and environment and on participation of the people”. Other recommendations addressed the need to increase the effectiveness of law enforcement to supervise the use of natural resources; for a better restoration of degraded natural resources; and to organise a public forum for the opinions from communities.<sup>201</sup>

## RECOMMENDING LEGAL REFORM BASED ON COMPLAINTS FROM LOCAL FISHERS

**NHRI functions:** Complaints; providing advice.

**Human rights issues:** The right to an adequate standard of living; right to work and to the enjoyment of just and favourable conditions of work; the rights to consultation, participation, and access to information.

**Brief description of the activity:** The National Human Rights Commission of Thailand (NHRCT) received a complaint from local fishers. They requested an investigation of a provision in the Fishery Decree B.E. 2558 (2015) which affected local fishermen, as it was made strictly forbidden to do fishing outside of the coastal zones. The Decree prescribed heavy punishment for violators, despite the fact that up to then, local fishermen had carried out fishing outside of the coastal zones without creating negative impacts on the environment or causing any damages to the state. The complainants argued that the provision was thus a restriction to the right to occupation, while in fact local fishermen had resided on the coast in communities that sustainably preserved, recovered and used marine and coastal resources. In addition, before proclaiming this decree, the state did not provide any opportunity for people whose fishing occupation might be affected to voice their views. This action or non-action could be a violation of community rights.

The NHRCT handled the complaint and issued policy recommendations for the improvement of the law.<sup>202</sup>



## Philippines Commission on Human Rights, Philippines

### ADVISING ON ACCESS RIGHTS FOR TRADITIONAL FISHING COMMUNITIES

**NHRI functions:** Providing advice; international human rights system.

**Human rights issues:** The right to land, territories, and natural resources.

**Brief description of the activity:** In the Philippines, the **Special Rapporteur on the Right to Food** reported on the plight of municipal fishers who were experiencing difficulties in catching sufficient fish to support their livelihoods. The Special Rapporteur made reference to the commercial fishing vessels which were competing in waters legislatively reserved for small-scale fisherfolk.

The Philippines Commission on Human Rights welcomed these comments and urged the State to fulfil its human rights obligations, protecting the access rights of traditional fishing communities. The Commission strongly urged the Philippine government to fully implement the legal provisions on the granting of fishing licenses, giving priority to resident fishers. It also called on the government to ensure access to government credits and funds available to small-scale fishers. The Fisheries Code was subsequently amended to give preferential access to resource users in local communities adjacent or nearest to municipal waters. Moreover, unless otherwise specified, commercial vessels are prohibited from fishing in municipal waters. The local government is tasked with monitoring and keeping a registry of municipal fishers to know who should have priority access to municipal waters at any given time.<sup>203</sup>

## MONITORING THE SITUATION OF WOMEN FISHERFOLKS AND ARTISANAL FISHERFOLKS FOR POLICY REFORM

**NHRI functions:** Monitoring and reporting; providing advice; and cooperating at national level.

**Human rights issues:** The right to land, territories, and natural resources; the right to food.

**Brief description of the activity:** The Philippines Commission on Human Rights has a Gender Equality and Women's Human Rights Centre. In 2020, the NHRI carried out their first sectoral monitoring of the situation of women fisherfolks entitled "Monitoring Report on the Situation of Women Fisherfolks, and Women and Girls at Risk of Trafficking During COVID-19". The report had two objectives: a) to establish a baseline pertaining to the roles and participation of women in small scale fishing and of the issues women fisherfolk face, including in the aftermath of the COVID-19 pandemic; and b) to gather regional data on women. The process was further designed to build partnerships with communities and civil society organisations (CSOs) and strengthen the capacity of the Commission's regional offices to monitor the situation of women in marginalised sectors. In developing the report, the NHRI involved 16 regional offices.<sup>204</sup> Again in 2021, the NHRI developed "A Monitoring report: The Human Rights Situation of Artisanal Fisherfolks". The report looked at the protection of the rights of artisanal fishermen to the preferential use of marine resources, focusing on effects on their right to food and livelihoods. In addition, the report explored the adverse impacts of reclamation projects, and the effects of the ongoing COVID-19 pandemic on the ability of fisherfolk to continue their livelihood. In developing the report, the Commission conducted focus group discussions with fisherfolk and representatives of fisherfolk organizations. Consultations with National Government Agencies (NGAs), particularly those with mandates directly linked with the delineation of municipal waters and the protection of the rights of small-scale fisherfolk, were also conducted. The report provided specific policy recommendations to the Government.<sup>205</sup>

### Komnas HAM, Indonesia

## INVESTIGATING FORCED LABOUR IN THE FISHING INDUSTRY

**NHRI functions:** Monitoring and reporting.

**Human rights issues:** The right to an adequate standard of living, including food; the right to work and to the enjoyment of just and favourable conditions of work; forced labour.

**Brief description of the activity:** Following an Associated Press Report published in March 2015, Komnas HAM launched an investigation into forced labour allegations against the company, Pusaka Benjina, suspected of keeping migrant workers in slave-like conditions.<sup>206</sup> The initiative by the NHRI was quickly followed by the Indonesian government who opened an investigation in the Pusaka Benjina fishing company, revealing other abuses in the fishery sector. The Indonesian government revoked the licenses of 6 major fishing companies in June 2015.<sup>207</sup>

### 2.2.3 NHRIs in the Americas

#### National Human Rights Institution, Honduras

##### INVESTIGATING THE SITUATION OF FISHING DIVERS

**NHRI functions:** Monitoring and reporting, providing advice.

**Human rights issues:** The right to an adequate standard of living; right to work and to the enjoyment of just and favourable conditions of work; indigenous peoples.

**Brief description of the activity:** In 2002, the NHRI (CONADEH) published a study of the human rights situation of underwater fishermen. The study identified key human rights abuses, including their disproportionate impact on indigenous peoples. It further highlighted several labour rights concerns. Recommendations included that the government should provide funds for a permanent diving training centre and course; ensure that regulations on the occupational safety and health of underwater fishing are public and easy to understand; and that the authorities in charge of fishing inspection take measures to ensure that fishing laws and regulations are respected.<sup>208</sup> The findings of this report were, among others, referenced in a final judgement by the Inter-American Commission on Human Rights regarding responsibility of the Honduran state for human rights violations suffered by Miskito divers and their families.<sup>209</sup>

##### RESEARCH INTO THE HUMAN RIGHTS IMPACTS OF THE LOBSTER INDUSTRY

**NHRI functions:** Monitoring and reporting, providing advice.

**Human rights issues:** The right to an adequate standard of living; right to work and to the enjoyment of just and favourable conditions of work; right to social security; right to health; indigenous peoples; women rights; rights of peoples with disabilities.

**Brief description of the activity:** Despite the handling of numerous complaints by individual indigenous lobster divers and the issuing of recommendations and judgments from national, regional, and international bodies, the human rights situation of lobster divers in Honduras had not improved. In 2022-2023, the NHRI (CONADEH) decided to carry out a sector-wide human rights impact assessment of the lobster industry aimed at proposing concrete and operational recommendations to both state and private actors for addressing the negative human rights impacts. The study was focused on the department of Gracias a Dios in La Mosquitia region of Honduras.

The study concluded that lobster divers faced several human rights risks and impacts, notably in relation to the right to just and favourable conditions of work and their right to social security, including social insurance. Specifically, with regard to the indigenous fishing communities, the study found risks and negative impacts on their right to participate in the use, administration, and conservation of natural resources., their right to free, prior, and informed consent and their right to access to remedy for abuses and

violations. The study also analyses the human rights impacts of women (workers and the wives of the victims); children; and peoples with disabilities (notably the divers with disabilities due to their activity). Recommendations to the state included improved monitoring of the diving boats, both in ports and at sea; the need to ensure that each boat is equipped with oxygen and trained staff to effectively treat diving accidents; and legal reform to strengthen the responsibilities of lobster companies and captains of boats to protect their workers and provide social insurance. The report also called on the companies in the lobster industry to, among others, develop human rights policies; carry out the necessary due diligence in keeping the UN Guiding Principles on Business and Human Rights; and develop accessible complaint mechanisms.<sup>210</sup>

### **Defensoria del Pueblo (NHRI), Colombia**

#### **PROVIDING A LEGAL ANALYSIS OF THE HUMAN RIGHTS OF ARTISANAL FISHERS**

**NHRI functions:** Monitoring and reporting.

**Human rights issues:** Multiple rights issues

**Brief description of the activity:** In 2021, the NHRI of Colombia published a comprehensive legal overview of human rights at stake for artisanal fishers, including the right to land, territories, and natural resources; the right to an adequate standard of living, including the right to food; the right to work; the right to health and cultural rights; and the right to a healthy environment.

### **Instituto Nacional de Derechos Humanos (NHRI), Chile**

#### **INVESTIGATING HUMAN RIGHTS IMPACTS WITHIN THE FISHERIES AND AQUACULTURE SECTORS**

**NHRI functions:** Monitoring and reporting, providing advice.

**Human rights issues:** The right to an adequate standard of living; right to work and to the enjoyment of just and favourable conditions of work; right to health; cultural rights; right to a healthy environment; indigenous peoples.

**Brief description of the activity:** The Chilean NHRI, the Instituto Nacional de Derechos Humanos (INDH), has carried out investigations and research on the human rights impacts of the fisheries and aquaculture sectors since 2015.

In 2015, the NHRI conducted a mapping of the socio-environmental conflicts which revealed a lack of an appropriate regulatory framework for the protection of human rights in the context of extraction and development activities; poor public awareness among citizens on how to defend themselves against human rights violations; and an overexploitation of fishery and aquaculture resources, threatening marine biodiversity.

This was followed in 2016 by an observation mission to Chiloé island in the southern region of Los Lagos to investigate the human rights impacts of the salmon farming industry. In the aftermath of this mission, the NHRI called on the Chilean government to ensure that companies on the island of Chiloé respected human rights and abstained from infringing the law. It specifically called on the government to establish a regulatory framework that would oblige companies to exercise due diligence in their operations, as well as address, mitigate and remedy the negative impacts they cause.

In 2018, the INDH and DIHR entered a multi-year partnership to conduct a sector-wide impact assessment of the salmon industry and human rights in Chile. The report 'The salmon industry and human rights in Chile: Sector-Wide Impact Assessment'<sup>211</sup> was finalised in October 2021. The report found that although the salmon industry creates jobs and provides income to those working in the sector, there were several adverse human rights impacts: salaries below living wage levels for workers in salmon hatcheries; precarious working conditions in salmon farms and processing plants; and important health and safety risks, especially among divers, and female and migrant workers. The field work conducted further documented widespread impacts on indigenous peoples. These ranged from destruction of sacred sites; lack of consultation and participation in matters that may affect them; occupation of their territories by the salmon industry; and contamination of their resources. The report concluded with a series of recommendations, intended to encourage a switch to responsible business conduct in the Chilean salmon industry. The recommendations were mainly addressed to the Chilean government and Chilean salmon businesses, but also to foreign governments and salmon companies from countries such as Norway, Japan and China operating in Chile.

#### 2.2.4 NHRIs in Europe

##### Norwegian National Human Rights Institution, Norway

###### ADVISING ON THE PROTECTION OF THE INDIGENOUS PEOPLES RIGHTS TO MARINE RESOURCES

**NHRI functions:** Monitoring and reporting, providing advice.

**Human rights issues:** The right to land, territories, and natural resources; indigenous peoples.

**Brief description of the activity:** In 2016, the NHRI conducted a study on Sami rights to fisheries in coastal sea areas.<sup>212</sup> The study concluded that: (i) the Sami rights to fisheries, as a part of their culture and based on their customary practices, should be secured by law; (ii) the right to participate in the management of the natural resources should be better secured; and (iii) processes are needed to secure that the Sami rights to fisheries are not violated by, for example, industrial or other new use of coastal sea areas. These conclusions are in line with the Norwegian Official Report (NOU) 2008:5 on fishing rights in the sea surrounding Finnmark, the recommendations of CERD in 2015, and those of the Human Rights Committee in 2018.<sup>213</sup>



## ADVISING ON THE LEGAL PROTECTION OF INDIGENOUS PEOPLES' CULTURAL RIGHTS, INCLUDING TRADITIONAL FISHING PRACTICES

**NHRI functions:** International human rights system.

**Human rights issues:** The right to land, territories, and natural resources; indigenous peoples.

**Brief description of the activity:** In 2018, the NHRI included a section on Sami rights to fisheries in their supplementary information to UN Human Rights Committee at the time of the consideration of Norway's state report. The NHRI highlighted that a conclusion in the Norwegian Official Report (NOU) 2008:5 concluded that the Sea Sami and the population living on the coast of Finnmark had historical and cultural rights to fish in the coastal sea areas. According to this report, the right entailed a right to fish and a right to participate in the use, management, and conservation of the natural resources in the coastal sea and land areas. The NHRI has subsequently recommended that the right to fishing be recognised by Norwegian statutory law. However, the Norwegian government held the view that the rights of the Sea Sami were sufficiently protected in the administrative fishery system. The NHRI recommended that the Human Rights Committee make the recommendation to Norway to recognise the fishing rights of Sea-Sami along the coast of Finnmark in statutory law.<sup>214</sup>

In 2020, the NHRI included again a section on Sami fishing rights in their alternative report to the CESCR and suggested that the CESCR made recommendations to Norway to recognise in statutory law the Sami rights to fisheries as a part of their culture and based on their customary fishing; strengthen the rights of the Sami to participate in the management of maritime natural resources; and secure that the Sami rights to fisheries are not violated by industrial or other new use of coastal sea areas."<sup>215</sup>

### Scottish Human Rights Commission, Scotland

## RESEARCHING THE SITUATION OF MIGRANT WORKERS IN FISH AND FOOD PROCESSING INDUSTRY

**NHRI functions:** Monitoring and reporting.

**Human rights issues:** The right to an adequate standard of living; right to work and to the enjoyment of just and favourable conditions of work.

In 2012, the Scottish NHRI conducted a fact-finding study into the experiences of migrant workers in fish and food processing in North-East and Central Scotland between July-October 2015 following an earlier inquiry conducted by the NHRI in the meat and poultry industries in England and Wales in 2010.<sup>216</sup>

### 3 USING INTERNATIONAL AND REGIONAL MONITORING MECHANISMS

As mentioned in previous chapters, human rights and international labour standards are subject to international and regional monitoring mechanisms. These mechanisms can help identify and bring visibility to the human rights issues faced by small-scale fishers and their communities.

A national institution shall, inter alia, have the following responsibilities:

- (d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence.
- (d) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights.

**Principles relating to the Status of National Institutions (The Paris Principles), 3 (d) (e)**

They can further provide recommendations on how to address the human rights gaps in the state's implementation of its related human rights obligations.

One of the key responsibilities of NHRIs, as indicated in the previous chapter, is to support the work of these international and regional human rights mechanisms by providing independent and reliable information, analysis and recommendations.

This chapter will thus explore ways in which NHRIs can use these mechanisms.

#### 3.1 HUMAN RIGHTS MECHANISMS - REPORTING AND IMPLEMENTATION OF RECOMMENDATIONS

NHRIs can work with international human rights monitoring mechanisms by collecting and sharing information on the status of human rights in the fisheries and aquaculture sectors. They can also play a crucial role in following up at national level on the recommendations formulated by these mechanisms in relation to fisheries and aquaculture. Follow-up could include research and investigation on the issues raised by the international human rights monitoring mechanisms with a view to assessing the status of implementation of the recommendations addressed to the State. It could also cover provision of advice to the State on the measures needed to address the human rights violations identified by the international mechanisms, among others.

## KEY INTERNATIONAL HUMAN RIGHTS MONITORING MECHANISMS

**The UN Treaty Bodies** are committees of independent experts that monitor the implementation of the core international human rights treaties. Among other functions, they examine State parties' periodic reports on the state of implementation of the treaty. They publish their concerns and recommendations concerning the human rights situation in the respective state in a document called "concluding observations". They can also examine complaints or "communications" about alleged violations of the rights covered by the treaty. The latter is dependent on whether the state in question has ratified the Protocol regulating this complaint procedure or have made the necessary declaration. After reviewing the complaint or "communication", the Treaty Body issues views and recommendations.

**The UN Special Procedures of the Human Rights Council**, such as UN Special Rapporteurs, are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. They may issue communications, conduct country visits, act on individual cases and concerns of a broader nature, develop annual thematic studies, contribute to the development of international human rights standards, engage in advocacy, raise public awareness, and provide advice for technical cooperation.

**The UPR** is a peer-review mechanism whereby States' fulfilment of human rights obligations and commitments is reviewed by other States. Following the review, an "outcome report" is prepared. This report provides a summary of the discussion with the State under review. It includes questions, comments and recommendations made by States to the country under review and provides the responses by the reviewed State.

For example, Korea's NHRI submitted a report to the CESCR at the time of the consideration of Korea's periodic report to CESCR. The NHRI included information on the working conditions in the fisheries sector.<sup>217</sup> Finland's NHRI also brought to the attention of CERD the restrictions to traditional fishing rights and the impacts on fishing activities stemming from decisions that were not duly consulted with the affected groups.<sup>218</sup> With regard to the regular monitoring of the application of the UNCRC, the NHRI of Cabo Verde informed the CRC about the presence of child labour in fishing activities.<sup>219</sup> The information shared by the NHRIs was also captured in the treaty bodies' analysis of the country situation and informed related recommendations and concluding observations addressed to the concerned States.

Regarding UN Special Rapporteurs, these mandate holders develop both country and thematic reports for presentation to either the UN Human Rights Council or the UN General Assembly. Their reports, depending on their mandate, either provide an assessment of the human rights situation in a country or of a certain human right (for example, the right to adequate food). Reports are accompanied by a set of recommendations addressed to the State. UN Special Rapporteurs often meet with NHRIs during country visits and can involve NHRIs in consultations around thematic reports. The information they receive from NHRIs can inform their reports, along with information gathered from other stakeholders.

In terms of the Universal Periodic Review (UPR), NHRIs are also entitled to submit relevant information, including on the human rights of small-scale fishers, fish workers and their communities through independent reports.<sup>220</sup>

### 3.2 HUMAN RIGHTS MECHANISMS - COMMUNICATIONS AND COMPLAINTS

NHRIs can play an important role also in the context of complaints procedures under international human rights mechanisms in relation to fisheries and aquaculture. These include the complaints procedures established under the **Optional Protocols** to the core international human rights treaties and **the communication procedures** of the UN Special Procedures of the UN Human Rights Council.

For example, in the case of the complaint procedures of the UN Treaty Bodies, NHRIs can:

- raise awareness about the communications procedure at the national level
- follow up on the treaty bodies' views and monitor State party's implementation action
- submit follow-up information about the implementation of the treaty bodies' views<sup>221</sup>

In the case of the UN Special procedures, NHRIs can submit information to the Special Procedures alleging violations of human rights through their "communication" procedure.<sup>222</sup>

In addition, there exist other complaints mechanisms at regional level, in respect of which NHRIs can play an important role. Whereas NHRIs are not entitled to file a case, they can follow up on the national implementation of the decisions adopted by the regional human rights bodies. They can also intervene in the proceedings by submitting an *amicus curia* i.e., a written brief in which they share their opinion on aspects related to the case under examination by the regional mechanisms. For example, Article 44 of the American Convention on Human Rights provides that any person or institution may submit a brief to the Inter-American Court of Human Rights in relation to a contentious case under its examination, or during proceedings for monitoring compliance of judgments or provisional measures.

In some cases, the regional mechanisms have made direct references to NHRIs with respect to the implementation of some of the reparation measures ordered. For example, the judgment of the Inter-American Court of Human Rights on the case of the *Buzos Miskitos (Lemoth Morris et al.) v. Honduras*,<sup>223</sup> which concerned the violations of a wide range of human rights of the Miskitu divers, recognises the role of the NHRI in Honduras in ensuring that Miskito divers and their families are incorporated into the social programmes aimed at persons living in situations of extreme social exclusion. In the same judgment, the Court also made use of the NHRI's report as a piece of evidence for the situation of fishing divers in Honduras.

More generally, regarding all complaint mechanisms, the NHRIs, can advise rights-holders on how to engage with them.

## REGIONAL HUMAN RIGHTS BODIES

The **Inter-American Court of Human Rights**, made up of 7 judges, is mandated with interpreting and applying the American Convention on Human Rights. The Court exercises a contentious function, in which it resolves contentious cases and supervises judgments; an advisory function; and a function wherein it can order provisional measures.<sup>224</sup>

The **Inter-American Commission on Human Rights**, composed of seven independent members who serve in a personal capacity, is charged with promoting and protecting human rights in the American hemisphere. The Commission receives individual petitions, presents cases to the Inter-American Court, appears before the Court during the processing and consideration of cases, and monitor the human rights situation in the OAS Member States, among others.<sup>225</sup>

The **African Court on Human and Peoples' Rights**, composed of 7 judges, is mandated with ensuring the protection of human and peoples' rights in Africa. In discharging its functions, it examines and decides on cases relating to alleged violations of human rights contained in the African Charter on Human and Peoples' Rights or other human rights instrument ratified by the State concerned.<sup>226</sup>

The **African Commission on Human and Peoples' Rights** is formed by 11 members elected by the African Union's Assembly and is charged with protecting and promoting human and peoples' rights in Africa and interpreting the African Charter on Human and Peoples' Rights. Among its tasks, it examines communications, undertakes friendly settlement of disputes, and monitors the application of states' human rights obligation through state reporting.

The **European Court of Human Rights**, composed of 47 judges elected by the Parliamentary Assembly of the Council of Europe, rules on individual or inter-State applications which allege violations of the civil and political rights set out in the European Convention on Human Rights.<sup>227</sup>

## 3.3 INTERNATIONAL LABOUR RIGHTS SUPERVISORY BODIES

Although NHRIs do not have direct access to the ILO's supervisory bodies, they can contribute to States' regular reports to the CEACR. Moreover, reports by NHRIs constitute "official information" that can be considered by the supervisory bodies when examining the application of international labour standards in a given country. As with the other mechanisms described above, NHRIs can also play an important role with respect to monitoring and assessing the implementation of the recommendations formulated by the supervisory bodies and can advise the concerned State on the measures needed to address the human rights violations identified by these bodies.

## INTERNATIONAL LABOUR RIGHTS SUPERVISORY BODIES

The ILO's **Committee of Experts on the Application of Conventions and Recommendations (CEACR)** is a committee of 20 independent experts charged with the regular supervision of the application of international labour standards, based on State's reports, any comments received by employers' and workers' organisations and any other official information of relevance. After examining the application of a given Convention in a certain country, the Committee adopts comments in the form of observations or direct requests, which include recommendations.<sup>228</sup>

In addition, there are special supervisory procedures that include a representations procedure and a complaints procedure of general application as well as a special procedure for the right to freedom of association. Concerning the **representations procedure**, which is the more frequently used special procedure, "representations" may be filed by national and international employers' and workers' associations against any ILO member State which, in their view, has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party. A three-member tripartite committee of the ILO's Governing Body may be set up to examine the representation and the government's response and prepare a report for submission to the Governing Body. This report sets out the legal and practical aspects of the case, examines the information submitted and concludes with a set of recommendations.<sup>229</sup>



# ANNEX 1 – THE HUMAN RIGHTS GUIDE TO FISHERIES



## What is the Human Rights Guide to Fisheries?

The Human Rights Guide to Fisheries is an online platform which illustrates how human rights and labour standards underpin the provisions in the following key international instruments governing the fisheries sector:

- The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (the SSF Guidelines)
- The UN Convention on the Law of the Sea (UNCLOS)
- The Code of Conduct Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2010 (the PSMA)
- The Code of Conduct for Responsible Fisheries, 1995
- The Principles for Responsible Investment in Agriculture and Food Systems (the Rai Principles)
- The Voluntary Guidelines to support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security
- The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

Through these linkages, the Human Rights Guide to Fisheries provides an important basis for aligning the implementation of sustainable fisheries laws, policies and planning with the states' legal obligations to respect, protect and fulfil human rights and labour standards.

### **Who can use this Guide?**

The Guide can be used by all actors engaging in, monitoring, or impacted by the fisheries sector. This can include States, local authorities, civil society organisations, businesses, national human rights institutions, regional human rights bodies, the UN System, and donors. It can also be used by fishers, fish workers, and fishing-dependent communities, including their networks.

### **What can it be used for?**

The Human Rights Guide to Fisheries can assist those working in the fisheries sector to implement a human rights-based approach to sustainable fisheries and strengthen state accountability to international and labour standards within the sector. Concretely, use of the Human Rights Guide to Fisheries can help:

- Identify the relevant human rights and labour standards that should inform the national implementation of international fisheries instruments
- Formulate laws, policies, programmes, plans and agreements in the fisheries sector which comply with international human rights and labour standards
- Support fishers, fish workers, and fishing-dependent communities to use the relevant international human rights and labour standards for holding states accountable to their binding human rights obligations as they relate to fisheries
- Facilitate the monitoring of laws, policies, programmes, plans and agreements in the fisheries sector from a human rights perspective
- Guide the development of national, regional and global indicators for monitoring the implementation of fisheries instruments and relevant targets in the 2030 Agenda for Sustainable Development.
- Support the identification of potential human rights impacts and risks when operating in the fisheries sector

You can find the tool here: <http://fisheries.humanrights.dk/>



## ENDNOTES

- 1 Food and Agriculture Organization of the United Nations (FAO). Policy Support and Governance Gateway: Sustainable small-scale fisheries. Available at: <https://www.fao.org/policy-support/policy-themes/sustainable-small-scale-fisheries/en/>
- 2 Food and Agriculture Organization of the United Nations (FAO) (2015) The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication. Rome. Available at: <https://www.fao.org/3/i4356en/i4356en.pdf> (Accessed 26 April 2023)
- 3 Food and Agriculture Organization of the United Nations (FAO) (2015) The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, Arts. 3.1 and 4.1 Available at: <https://www.fao.org/3/i4356en/i4356en.pdf>. For a detailed overview of the links between the Guidelines and human rights standards, see DIHR, (2022) The Human Rights Guide to Fisheries. Available at: <http://fisheries.humanrights.dk/da> (Accessed 26 April 2023)
- 4 United Nations, General Assembly. 2015. Transforming our world : the 2030 Agenda for Sustainable Development, A/RES/70/1, (21 October 2015). Available at: <https://sdgs.un.org/2030agenda>
- 5 Food and Agriculture Organization of the United Nations (FAO) (2021) Small-scale fisheries and the human right to adequate food – Making the connection: exploring synergies in the implementation of the SSF Guidelines and the Right to Food Guidelines. Rome. <https://doi.org/10.4060/cb4939en>
- 6 Food and Agriculture Organization of the United Nations (FAO) (2020) The State of World Fisheries and Aquaculture 2020. Sustainability in action. Rome. <https://doi.org/10.4060/ca9229en>
- 7 Food and Agriculture Organization of the United Nations (FAO) (2020) The State of World Fisheries and Aquaculture 2020. Sustainability in action. Rome. <https://doi.org/10.4060/ca9229en>, p. 133.
- 8 United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights (CESCR). 1999. General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant). E/C.12/1999/5, (12 May 1999), para. 6.
- 9 For a definition of the right to Food, see also United Nations, General Assembly (UNGA). 2016. Interim report of Special Rapporteur on the right to food, A/61/306,(1 September 2006), para. 3.
- 10 See Environmental Justice Foundation (2021) A human rights lens on the impacts of industrial illegal fishing and overfishing on the socio-economic rights of small-scale fishing communities in Ghana.
- 11 Food and Agriculture Organization of the United Nations (FAO) (2020) The State of World Fisheries and Aquaculture 2020. Sustainability in action. Rome. <https://doi.org/10.4060/ca9229en>.
- 12 Short, R.E., Gelcich, S., Little, D.C. et al. (2021) “Harnessing the diversity of small-scale actors is key to the future of aquatic food systems”. *Nat Food* 2, 733–741. Available at: <https://doi.org/10.1038/s43016-021-00363-0>.
- 13 United Nations, General Assembly (UNGA). 2012. Final study of the Human Rights Council Advisory Committee on the advancement of the rights of peasants and other people working in rural areas, A/HRC/19/75, (24 February 2012).

- 14 United Nations, General Assembly (UNGA). 2012. Final study of the Human Rights Council Advisory Committee on the advancement of the rights of peasants and other people working in rural areas. A/HRC/19/75, (24 February 2012).
- 15 Greenpeace Africa, Changing Markets Foundation (2021) Feeding a monster: How European aquaculture and animal feed industries are stealing food from West African communities. Available at: <https://www.greenpeace.org/static/planet4-africa-stateless/2021/05/47227297-feeding-a-monster-en-final-small.pdf>
- 16 See, for example, Food and Agriculture Organization of the United Nations (FAO) (2020) The State of World Fisheries and Aquaculture 2020. Sustainability in action. Rome. <https://doi.org/10.4060/ca9229en>
- 17 See Danish Institute for Human Rights (DIHR) (2021) Sector-Wide Impact Assessment. The salmon industry and human rights in Chile. Available at: <https://www.humanrights.dk/publications/salmon-industry-human-rights-chile-sector-wide-impact-assessment>.
- 18 BILS, COAST Trust and Manusher Jonno Foundation (2021) Sector-wide Human Rights Impact Assessment (SWIA) in small-scale artisanal fishing communities in Barguna and Cox's Bazar district of Bangladesh. Available at: <http://www.manusherjonno.org/wp-content/uploads/2021/05/SWIA-Report-Final.pdf>.
- 19 Human Rights Watch (2018) Hidden Chains: Rights Abuses and Forced Labour in Thailand's Fishing Industry.
- 20 International Labour Organization (ILO) (2021) The future of work in aquaculture in the context of the rural economy. Background document for discussion at the technical meeting on the future of work in aquaculture in the context of the rural economy. Available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---sector/documents/meetingdocument/wcms\\_818149.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_818149.pdf).
- 21 United Nations, General Assembly (UNGA). 1966. International Covenant on Economic, Social and Cultural Rights, (16 December 1966), United Nations, Treaty Series, vol. 993, Art. 11.
- 22 United Nations, General Assembly (UNGA). 1966. International Covenant on Economic, Social and Cultural Rights, (16 December 1966), United Nations, Treaty Series, vol. 993, Arts. 6, 7.
- 23 United Nations, General Assembly (UNGA). 1966. International Covenant on Civil and Political Rights, (16 December 1966), United Nations, Treaty Series, vol. 999, Article 8 (3).
- 24 See, for example, United Nations, General Assembly (UNGA). 2018. United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area: resolution/adopted by the Human Rights Council, 28 September 2018, HRC/RES/39/12, Art. 16.
- 25 See, for example, United Nations, General Assembly (UNGA). 2018. United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area: resolution/adopted by the Human Rights Council, (28 September 2018), HRC/RES/39/12, Art. 16.
- 26 See United Nations, Economic and Social Council. (2016). Committee on Economic, Social and Cultural Rights (CESCR), General comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights). UN Doc. E/C.12/GC/23, (27 April 2016).
- 27 See, for example, United Nations, General Assembly. (1966). International Covenant on Economic, Social and Cultural Rights, (16 December 1966), United Nations, Treaty Series, vol. 993, Art. 7.

- 28 For more information on C111- Discrimination (Employment and Occupation) Convention, 1958 (No.111), see [www.ilo.org/normlex](http://www.ilo.org/normlex).
- 29 See ILO.2007. Decent working conditions, safety and social protection: Work in Fishing Convention No. 188 and Recommendation No. 199, 2007.
- 30 For more information, see [https://www.ilo.org/sector/Resources/publications/WCMS\\_216664/lang--en/index.htm](https://www.ilo.org/sector/Resources/publications/WCMS_216664/lang--en/index.htm).
- 31 United Nations, Economic and Social Council. Committee on Economic, Social and Cultural Rights (CESCR). 2020. Concluding observations on the third periodic report of Benin, UN Doc. E/C.12/BEN/CO/3, (27 March 2020), para. 36.
- 32 United Nations, Economic and Social Council. Committee on Economic, Social and Cultural Rights (CESCR). 2016. Concluding observations on the combined second to fifth periodic reports of Kenya, UN Doc. E/C.12/KEN/CO/2-5, (6 April 2016), para. 14.
- 33 United Nations, Economic and Social Council. Committee on Economic, Social and Cultural Rights (CESCR). 2019. Concluding observations on the third periodic report of Senegal. UN Doc. E/C.12/SEN/CO/3, (13 November 2019), paras. 28-29.
- 34 United Nations, Economic and Social Council. Committee on Economic, Social and Cultural Rights (CESCR). 2016. Concluding observations on the combined fifth and sixth periodic reports of the Philippines, UN Doc. E/C.12/PHL/CO/5-6, (26 October 2016), ), para. 29-30.
- 35 United Nations Economic and Social Council. Committee on Economic, Social and Cultural Rights (CESCR). 2016. Concluding observations on the combined fifth and sixth periodic reports of the Philippines, UN Doc. E/C.12/PHL/CO/5-6, (26 October 2016), paras. 45-46.
- 36 Committee on the Elimination of Racial Discrimination (CERD). 2017. Concluding observations on the twenty-third and twenty-fourth periodic reports of the Russian Federation. UN Doc. CERD/C/RUS/CO/23-24, (20 September 2017), paras. 23-24.
- 37 United Nations, General Assembly. 2018. Visit to Indonesia. Report of the Special Rapporteur on the Right to Food). UN Doc. A/HRC/40/56/Add.2, (28 December 2018), para. 69.
- 38 United Nations, General Assembly. 2018. Visit to Indonesia. Report of the Special Rapporteur on the Right to Food. UN Doc. A/HRC/40/56/Add.2, (28 December 2018), para. 92.
- 39 United Nations, General Assembly. 2018. Report of the Special Rapporteur on the right to food on her mission to Philippines. UN Doc. A/HRC/31/51/Add.1, (29 December 2015), para. 59.
- 40 United Nations, General Assembly. 2018. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere: Visit to the Republic of Korea. UN Doc. A/HRC/29/46/Add.1, (20 April 2015), para. 37.
- 41 United Nations, General Assembly. 2020. Report of the Working Group on the Universal Periodic Review: Jamaica. UN Doc. A/HRC/46/18, 2020, (21 December 2020), para. 107.67.
- 42 United Nations, General Assembly. 2020. Report of the Working Group on the Universal Periodic Review: Maldives. UN Doc. A/HRC/46/10, 2020, (15 December 2020), para. 133.86.
- 43 International Labour Organization (ILO) and United Nations Children's Fund (UNICEF) (2021) Child Labour: Global estimates 2020, trends and the road forward, New York.

- 44 Food and Agriculture Organization of the United Nations (FAO) and the International Labour Organization (ILO) (2013) Guidance on addressing child labour in fisheries and aquaculture.
- 45 Food and Agriculture Organization of the United Nations and the International Labour Organization (2013) Guidance on addressing child labour in fisheries and aquaculture, 2013.
- 46 BILS, COAST Trust and Manusher Jonno Foundation (2021) Sector-wide Human Rights Impact Assessment (SWIA) in small-scale artisanal fishing communities in Barguna and Cox's Bazar district of Bangladesh. Available at: <http://www.manusherjonno.org/wp-content/uploads/2021/05/SWIA-Report-Final.pdf>.
- 47 International Labour Organization (ILO) (2007) Trabajo infantil y pueblos indígenas. El caso Honduras. San José. Available at: [https://poblacion-indigena.iniciativa2025alc.org/wp-content/uploads/2017/04/89\\_pueblos\\_indigenas.pdf](https://poblacion-indigena.iniciativa2025alc.org/wp-content/uploads/2017/04/89_pueblos_indigenas.pdf).
- 48 See Environmental Justice Foundation (2021) A human rights lens on the impacts of industrial illegal fishing and overfishing on the socio-economic rights of small-scale fishing communities in Ghana.
- 49 See, United Nations, Convention on the Rights of the Child. 2015. Concluding observations on the combined third to fifth periodic reports of the United Republic of Tanzania, UN Doc. CRC/C/TZA/CO/3-5, (3 March 2015), paras. 60-63.
- 50 United Nations, General Assembly. 1989. Convention on the Rights of the Child, (20 November 1989), United Nations, Treaty Series, vol. 1577, Art. 32.
- 51 For more information, see [www.ilo.org/normlex](http://www.ilo.org/normlex).
- 52 See, for example United Nations, General Assembly (UNGA). 2018. United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area: resolution/adopted by the Human Rights Council, HRC/RES/39/12, (28 September 2018), Art. 13; United Nations, General Assembly. 2007. United Nations Declaration on the Rights of Indigenous Peoples : resolution / adopted by the General Assembly. A/RES/61/295, (2 October 2007), Arts. 17, 22 and 22; International Labour Organization (ILO). 1989. Indigenous and Tribal Peoples Convention, C169, 27 June 1989, C169 Art. 20.
- 53 United Nations, Convention on the Rights of the Child. 2019. Concluding observations on the second periodic report of Cabo Verde\*. UN Doc. CRC/C/CPV/CO/2, (27 June 2019), para. 85.
- 54 United Nations, Convention on the Rights of the Child. 2018. Concluding observations on the combined fifth to seventh periodic reports of Angola\*. UN Doc. CRC/C/AGO/CO/5-7, (27 June 2018), para. 14.
- 55 United Nations, Convention on the Rights of the Child. 2012. Consideration of reports submitted by States parties under article 44 of the Convention: Concluding observations: Seychelles. UN Doc. CRC/C/SYC/CO/2-4, (23 January 2012), para. 21.
- 56 United Nations, International Covenant on Civil and Political Rights, Human Rights Committee. 2018. Concluding observations on the seventh periodic report of El Salvador. UN Doc. CCPR/C/SLV/CO/7, (9 May 2018), para. 26.
- 57 United Nations, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. 2017. Concluding observations on the initial report of Indonesia\*. UN Doc. CMW/C/IDN/CO/1, (19 October 2017), paras. 32-33.

- 58 See, for example, Food and Agriculture Organization of the United Nations (FAO) (2015) *Social Protection and Sustainable Natural Resource Management: Initial Findings and Good Practices from Small-Scale Fisheries*; Food and Agriculture Organization of the United Nations (FAO) (2016) *Scoping study on decent work and employment in fisheries and aquaculture: Issues and actions for discussion and programming*.
- 59 Food and Agriculture Organization of the United Nations (FAO) (2015) *Social protection to foster sustainable management of natural resources and reduce poverty in fisheries-dependent communities*; International Labour Organization (ILO) (2021) *The future of work in aquaculture in the context of the rural economy. Background document for discussion at the technical meeting on the future of work in aquaculture in the context of the rural economy*.
- 60 See Food and Agriculture Organization of the United Nations (FAO) (2016) *Scoping study on decent work and employment in fisheries and aquaculture: Issues and actions for discussion and programming*.
- 61 See Environmental Justice Foundation (2021) *A human rights lens on the impacts of industrial illegal fishing and overfishing on the socio-economic rights of small-scale fishing communities in Ghana*.
- 62 BILS, COAST Trust and Manusher Jonno Foundation (2021) *Sector-wide Human Rights Impact Assessment (SWIA) in small-scale artisanal fishing communities in Barguna and Cox's Bazar district of Bangladesh*. Available at: <http://www.manusherjonno.org/wp-content/uploads/2021/05/SWIA-Report-Final.pdf>.
- 63 International Labour Organization (ILO) (2021) *The future of work in aquaculture in the context of the rural economy. Background document for discussion at the technical meeting on the future of work in aquaculture in the context of the rural economy*.
- 64 UN Committee on Economic, Social and Cultural Rights (CESCR). 2008. General Comment No. 19: The right to social security (Art. 9 of the Covenant). E/C.12/GC/19, (4 February 2008), para. 75.
- 65 UN Committee on Economic, Social and Cultural Rights (CESCR). 2008. General Comment No. 19: The right to social security (Art. 9 of the Covenant). E/C.12/GC/19, (4 February 2008).
- 66 UN Committee on Economic, Social and Cultural Rights (CESCR) 2008. General Comment No. 19: The right to social security (Art. 9 of the Covenant), E/C.12/GC/19, (4 February 2008).
- 67 See, for example, Food and Agriculture Organization of the United Nations (FAO) (2016) *Scoping study on decent work and employment in fisheries and aquaculture: Issues and actions for discussion and programming*.
- 68 United Nations, General Assembly. 1966. *International Covenant on Economic, Social, and Cultural Rights*. Treaty Series, 999, 171, Art. 9.
- 69 United Nations, General Assembly. 1979. *Convention on the Elimination of All Forms of Discrimination Against Women*, (18 December 1979), United Nations, Treaty Series, vol. 1249, p. 13, Art. 11.
- 70 See, for example, United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights. 2017. *Concluding observations on the fourth periodic report of the Republic of Korea\**. UN Doc. E/C.12/KOR/CO/4, (19 October 2017), para. 31.
- 71 United Nations, General Assembly, Human Rights Council. 2018. *Visit to Indonesia Report of the Special Rapporteur on the right to food*. UN. Doc. A/HRC/40/56/Add.2, (28 December 2018), para. 56.

- 72 See, for example, Food and Agriculture Organization of the United Nations (FAO) (2021) *Small-Scale Fisheries and the Human Right to Adequate Food*. Rome; and United Nations, General Assembly, Human Rights Council. 2018. *Visit to Indonesia Report of the Special Rapporteur on the right to food*. UN. Doc. A/HRC/40/56/Add.2, (28 December 2018).
- 73 See Danish Institute for Human Rights (DIHR) (2021) *Sector-Wide Impact Assessment. The salmon industry and human rights in Chile*. Available at: <https://www.humanrights.dk/publications/salmon-industry-human-rights-chile-sector-wide-impact-assessment>.
- 74 See Danish Institute for Human Rights (DIHR) (2021) *Enhancing Accountability for Small-Scale Fishers Using Human Rights Monitoring to Guide Effective Implementation of SDG Target 14.B*.
- 75 Environmental Justice Foundation (2021) *A human rights lens on the impacts of industrial illegal fishing and overfishing on the socio-economic rights of small-scale fishing communities in Ghana*.
- 76 United Nations, Economic and Social Council, UN Committee on Economic, Social and Cultural Rights (CESCR). 2023. *General Comment No. No. 26 on land and economic, social and cultural rights*. UN Doc. E/C.12/GC/26, (24 January 2023).
- 77 United Nations, Economic and Social Council, UN Committee on Economic, Social and Cultural Rights (CESCR). 2023. *General Comment No. No. 26 on land and economic, social and cultural rights*. UN Doc. E/C.12/GC/26, (24 January 2023), para. 16.
- 78 United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights (CESCR). 2019. *Concluding observations on the fourth periodic report of Israel*. UN Doc. E/C.12/ISR/CO/4, (12 November 2019), paras. 44-45.
- 79 United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee on the Elimination of Racial Discrimination. 2015. *Concluding observations on the combined twentieth and twenty-first periodic reports of France\**. CERD/C/FRA/CO/20-21, ( 10 June 2015), para. 13.
- 80 See, for example, United Nations, General Assembly, Human Rights Council. 2018. *Visit to Indonesia Report of the Special Rapporteur on the right to food*. UN. Doc. A/HRC/40/56/Add.2, (28 December 2018), para. 62.
- 81 United Nations, General Assembly, Human Rights Council . 2017. *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, on his visit to Madagascar\**. UN. Doc. A/HRC/34/49/Add.1, (26 April 2017), para. 78.
- 82 *Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015) - Indigenous and Tribal Peoples Convention, 1989 (No. 169) – Norway*.
- 83 United Nations, Economic and Social Council, UN Committee on Economic, Social and Cultural Rights (CESCR). 2009. *General comment No. 21: Right of everyone to take part in cultural life (art. 15, para. 1 (a), of the International Covenant on Economic, Social and Cultural Rights)*, UN Doc. E/C.12/GC/21,(21 December 2009).
- 84 UN Human Rights Committee (HRC), *CCPR General Comment No. 23: Article 27 (Rights of Minorities)*. CCPR/C/21/Rev.1/Add.5, (8 April 1994).
- 85 *Convention on Biological Diversity of 5 June 1992 (1760 U.N.T.S 69)*, Art. 8 (j)
- 86 United Nations, General Assembly, *International Covenant on Economic, Social and Cultural Rights*, (16 December 1966), United Nations, Treaty Series, vol. 993, Art. 15.
- 87 United Nations, General Assembly, *International Covenant on Civil and Political Rights*, (16 December 1966), United Nations, Treaty Series, vol. 999, Article 27

- 88 International Labour Organization (ILO), Indigenous and Tribal Peoples Convention, C169, 27 June 1989, C169, Art. 13 and Art. 23.
- 89 United Nations, General Assembly, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area: resolution/adopted by the Human Rights Council, HRC/RES/39/12, (28 September 2018), Art. 26.
- 90 United Nations, General Assembly, United Nations Declaration on the Rights of Indigenous Peoples : resolution/adopted by the General Assembly, A/RES/61/295, (2 October 2007), Art. 25.
- 91 United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights (CESCR). 2013. Concluding observations on the fifth periodic report of Norway. UN Doc. E/C.12/NOR/CO/5, (13 December 2013), para. 26.
- 92 United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights (CESCR). 2017. Concluding observations on the sixth periodic report of the Russian Federation\*. UN Doc. E/C.12/RUS/CO/6, (16 October 2017), para. 59.
- 93 United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee on the Elimination of Racial Discrimination (CERD). 2019. Concluding observations on the combined twenty-third and twenty-fourth periodic reports of Mongolia\*. UN Doc. CERD/C/MNG/CO/23-24, (17 September 2019), paras. 23-24.
- 94 United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee on the Elimination of Racial Discrimination (CERD). 2015. Concluding observations on the combined twenty-first and twenty-second periodic reports of Norway\*. UN Doc. CERD/C/NOR/CO/21-22, (25 September 2015), paras. 27-28.
- 95 United Nations, General Assembly, Human Rights Council. 2021. Visit to Maldives Report of the Special Rapporteur in the field of cultural rights\*. UN Doc. A/HRC/43/50/Add.2, (21 February 2020), paras. 83 and 86.
- 96 United Nations, General Assembly, Human Rights Council. 2015. Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed. UN Doc. A/HRC/28/57/Add.1, (29 January 2015), para. 22.
- 97 UN Human Rights Committee (HRC). 1996. CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service. CCPR/C/21/Rev.1/Add.7, (12 July 1996).
- 98 See UN General Assembly, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area: resolution/adopted by the Human Rights Council,( 28 September 2018), HRC/RES/39/12, Art. 10.
- 99 See UN General Assembly, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area: resolution/adopted by the Human Rights Council, (28 September 2018), HRC/RES/39/12, Art. 2.3.
- 100 UN Human Rights Committee (HRC). 1994. CCPR General Comment No. 23: Article 27 (Rights of Minorities). CCPR/C/21/Rev.1/Add.5, (8 April 1994).
- 101 UN Committee on the Elimination of Racial Discrimination (CERD). 1997. General Recommendation 23: Rights of indigenous peoples, U.N. Doc. A/52/18, annex V at 122, (18 August 1997), para. 4 (d).
- 102 See, for example, UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples : resolution/adopted by the General Assembly, A/RES/61/295, (2 October 2007), Arts. 18, 19 and 32. See also International Labour Organization (ILO), Indigenous and Tribal Peoples Convention, C169, (27 June 1989), C169, Arts. 2, 6, 7 and 15.

- 103 See UN General Assembly, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area: resolution/adopted by the Human Rights Council, HRC/RES/39/12, (28 September 2018), Art. 11.
- 104 See UN General Assembly, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area: resolution/adopted by the Human Rights Council, HRC/RES/39/12, (28 September 2018), Art. 11.
- 105 UN General Assembly, International Covenant on Civil and Political Rights, (16 December 1966), United Nations, Treaty Series, vol. 999, Articles 19,25.
- 106 United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights (CESCR), 2009. General comment no. 21, Right of everyone to take part in cultural life (art. 15, para. 1a of the Covenant on Economic, Social and Cultural Rights), E/C.12/GC/21, (21 December 2009), para. 16.
- 107 United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights (CESCR). 2019. Concluding observations on the third periodic report of Senegal\*. UN Doc. E/C.12/SEN/CO/3, 2019, (13 November 2019), para. 29.
- 108 United Nations, International Covenant on Civil and Political Rights. 2016. Concluding observations on the initial report of South Africa\*. Doc. CCPR/C/ZAF/CO/1, (27 April 2016), para. 46.
- 109 United Nations, International Convention on the Elimination of All Forms of Racial Discrimination. Committee on the Elimination of Racial Discrimination (CERD). 2020. Concluding observations on the combined seventeenth to nineteenth periodic reports of Colombia\*. CERD/C/COL/CO/17-19, (22 January 2020), paras. 18-19.
- 110 United Nations, International Convention on the Elimination of All Forms of Racial Discrimination. Committee on the Elimination of Racial Discrimination (CERD). 2017. Concluding observations on the twenty-third periodic report of Finland\*. UN Doc. CERD/C/FIN/CO/23, 2017, (8 June 2017), paras. 16-17
- 111 United Nations, General Assembly, Human Rights Council. 2017. Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, on his visit to Madagascar\*. UN Doc. A/HRC/34/49/Add.1, (26 April 2017), para. 78.
- 112 Global Witness (2022) Decade of Defiance, Ten years of reporting land and environmental activism worldwide.
- 113 Global Witness (2022) Decade of Defiance, Ten years of reporting land and environmental activism worldwide.
- 114 United Nations, International Covenant on Civil and Political Rights, UN Human Rights Committee (HRC). 2019. General comment no. 36, Article 6 (Right to Life), CCPR/C/GC/36, 3 September 2019, para. 23.
- 115 United Nations, International Covenant on Civil and Political Rights, UN Human Rights Committee (HRC). 2019. General comment no. 36, Article 6 (Right to Life), CCPR/C/GC/36, 3 September 2019, para. 53.
- 116 United Nations, General Assembly, International Covenant on Civil and Political Rights, (16 December 1966), United Nations, Treaty Series, vol. 999, Articles 19,21,22.
- 117 United Nations, General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms : resolution / adopted by the General Assembly, A/RES/53/144, (8 March 1999).
- 118 United Nations, International Covenant on Civil and Political Rights, Human Rights Committee. 2019. Concluding observations on the third periodic report of Viet Nam\*. (29 August 2019), UN Doc. CCPR/C/VNM/CO/3, para 45.



- 119 New York Times, Taiwan-Owned Steel Factory Caused Toxic Spill, Vietnam says, June 30 2016, available at: <https://www.nytimes.com/2016/07/01/world/asia/vietnam-formosa-ha-tinh-steel.html>.
- 120 United Nations, General Assembly, Human Rights Council. 2021. Report of the Special Rapporteur on the situation of human rights defenders: Observations on communications transmitted to Governments and replies received\*. 2021. UN Doc. A/HRC/46/35/Add.1, (15 February 2021), IV, p. 25.
- 121 Front Line Defenders, available at: <https://www.frontlinedefenders.org/en/case/centre-support-indigenous-peoples-north-forcibly-closed-down>.
- 122 See Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) 2019 Report of the Plenary of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services on the work of its seventh session: Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. IPBES/7/10/Add.1, (29 May 2019).
- 123 Food and Agriculture Organization of the United Nations (FAO) (2020) The State of World Fisheries and Aquaculture 2020. Sustainability in action. Rome. <https://doi.org/10.4060/ca9229en>.
- 124 See, for example, BILS, COAST Trust and Manusher Jonno Foundation (2021) Sector-wide Human Rights Impact Assessment (SWIA) in small-scale artisanal fishing communities in Barguna and Cox's Bazar district of Bangladesh. Available at: <http://www.manusherjonno.org/wp-content/uploads/2021/05/SWIA-Report-Final.pdf>
- 125 Transnational Institute (2014) The Global Ocean Grab, available at: [https://www.tni.org/files/download/the\\_global\\_ocean\\_grab.pdf](https://www.tni.org/files/download/the_global_ocean_grab.pdf)
- 126 See Danish Institute for Human Rights (DIHR) (2021) Sector-Wide Impact Assessment. The salmon industry and human rights in Chile. Available at: <https://www.humanrights.dk/publications/salmon-industry-human-rights-chile-sector-wide-impact-assessment>.
- 127 United Nations, General Assembly, Human Rights Council. 2018. Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/HRC/37/59, (24 January 2018).
- 128 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant). E/C.12/2000/4, (11 August 2000), para.4
- 129 United Nations, International Covenant on Civil and Political Rights, UN Human Rights Committee (HRC). 2019. General comment no. 36, Article 6 (Right to Life). CCPR/C/GC/36, (3 September 2019), para. 62.
- 130 UN Office of the High Commissioner for Human Rights (OHCHR). 2010. Fact Sheet No. 34, The Right to Adequate Food, No. 34, p. 18.
- 131 United Nations, General Assembly. 2022. The human right to a clean, healthy and sustainable environment : resolution / adopted by the General Assembly. A/RES/76/300, (1 August 2022).
- 132 Organization of African Unity (OAU), African Charter on Human and Peoples' Rights ("Banjul Charter"), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (27 June 1982), Art. 24.
- 133 Organization of American States (OAS), Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ("Protocol of San Salvador") (entered into force 16 November 1999) OAS Treaty

- Series No 69 (1988) reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System OEA/Ser L V/II.82 Doc 6 Rev 1 at 67 (1992), Art. 11.
- 134 United Nations, General Assembly, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area: resolution/adopted by the Human Rights Council. HRC/RES/39/12, (28 September 2018), Art. 18.
- 135 United Nations, General Assembly, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area: resolution/adopted by the Human Rights Council. HRC/RES/39/12, (28 September 2018), Art. 18.
- 136 UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples : resolution/adopted by the General Assembly, A/RES/61/295, (2 October 2007), Art. 19.
- 137 International Labour Organization (ILO), Indigenous and Tribal Peoples Convention, C169, (27 June 1989), Art. 7.
- 138 International Labour Organization (ILO), Indigenous and Tribal Peoples Convention, C169, (27 June 1989), Art. 7.
- 139 United Nations, General Assembly, International Covenant on Civil and Political Rights, (16 December 1966), United Nations, Treaty Series, vol. 999, Art. 6.
- 140 United Nations, General Assembly, International Covenant on Economic, Social and Cultural Rights, (16 December 1966), United Nations, Treaty Series, vol. 993, Arts. 11, 12.
- 141 International Labour Organization (ILO), Indigenous and Tribal Peoples Convention, C169, (27 June 1989), Art. 7.
- 142 United Nations, General Assembly, United Nations Declaration on the Rights of Indigenous Peoples : resolution/adopted by the General Assembly, A/RES/61/295, (2 October 2007), Art. 29.
- 143 United Nations, General Assembly, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area: resolution/adopted by the Human Rights Council, HRC/RES/39/12, (28 September 2018), Art. 18.
- 144 United Nations, General Assembly, Human Rights Council. 2018. Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. UN Doc. A/HRC/37/59, (24 January 2018).
- 145 United Nations, Convention on the Elimination of All Forms of Discrimination Against Women, Committee on the Elimination of Discrimination. 2019. Concluding observations on the combined fourth to seventh periodic reports of Antigua and Barbuda\*. Doc. CEDAW/C/ATG/CO/4-7, (14 March 2019), para. 10.
- 146 United Nations, General Assembly, Human Rights Council. 2020. Visit to Canada: Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes\*. UN Doc. A/HRC/45/12/Add.1, (27 November 2020), para. 28.
- 147 United Nations, General Assembly, Human Rights Council. 2020. Visit to Canada: Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes\*. UN Doc. A/HRC/45/12/Add.1, (27 November 2020), para. 111.
- 148 United Nations, General Assembly, Human Rights Council. 2020. Visit to the Congo Report of the Special Rapporteur on the right of indigenous peoples\*. Doc. A/HRC/45/34/Add.1, (10 July 2020), para. 102-103.
- 149 United Nations, General Assembly, Human Rights Council. 2020. Visit to the Congo Report of the Special Rapporteur on the right of indigenous peoples\*. Doc. A/HRC/45/34/Add.1, (10 July 2020), para. 102-103.

- 150 United Nations, General Assembly, Human Rights Council. 2018. Visit to Indonesia Report of the Special Rapporteur on the right to food\*. UN Doc. A/HRC/40/56/Add.2, (28 December 2018), paras. 57 and 90.
- 151 United Nations, General Assembly, Human Rights Council. 2018. Visit to Viet Nam: Report of the Special Rapporteur on the right to food. UN Doc. A/HRC/40/56/Add.1, (18 December 2018), paras. 37 ff.
- 152 Food and Agriculture Organization of the United Nations (FAO) (2021) Small-scale fisheries and the human right to adequate food – Making the connection: exploring synergies in the implementation of the SSF Guidelines and the Right to Food Guidelines. Rome. <https://doi.org/10.4060/cb4939en> Food and Agriculture Organization of the United Nations (FAO) (2020) The State of World Fisheries and Aquaculture 2020. Sustainability in action. Rome. <https://doi.org/10.4060/ca9229en>.
- 153 Food and Agriculture Organization of the United Nations (FAO) (2017) Towards gender-equitable small-scale fisheries governance and development. Rome; See also BILS, COAST Trust and Manusher Jonno Foundation. (2021). Sector-wide Human Rights Impact Assessment (SWIA) in small-scale artisanal fishing communities in Barguna and Cox's Bazar district of Bangladesh. Available at: <http://www.manusherjonno.org/wp-content/uploads/2021/05/SWIA-Report-Final.pdf>.
- 154 See, for example, Food and Agriculture Organization of the United Nations (FAO) (2017) Towards gender-equitable small-scale fisheries governance and development. Rome; and Food and Agriculture Organization of the United Nations (FAO) (2015) A Review of Women's Access to Fish in Small-Scale Fisheries. Rome.
- 155 Food and Agriculture Organization of the United Nations (FAO) (2015) A Review of Women's Access to Fish in Small-Scale Fisheries. Rome.
- 156 See Food and Agriculture Organization of the United Nations (FAO) (2015) A Review of Women's Access to Fish in Small-Scale Fisheries. Rome.
- 157 See, for example, Food and Agriculture Organization of the United Nations (FAO) (2015) A Review of Women's Access to Fish in Small-Scale Fisheries. Rome.
- 158 See Food and Agriculture Organization of the United Nations (FAO) (2017) Towards gender-equitable small-scale fisheries governance and development. Rome.
- 159 International Labour Organization (ILO) (2021) The future of work in aquaculture in the context of the rural economy. Background document for discussion at the technical meeting on the future of work in aquaculture in the context of the rural economy. Available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---sector/documents/meetingdocument/wcms\\_818149.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_818149.pdf).
- 160 International Labour Organization (ILO) (2021) The future of work in aquaculture in the context of the rural economy. Background document for discussion at the technical meeting on the future of work in aquaculture in the context of the rural economy. Available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---sector/documents/meetingdocument/wcms\\_818149.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_818149.pdf); See also DIHR (2021) Sector-Wide Impact Assessment. The salmon industry and human rights in Chile. Available at: <https://www.humanrights.dk/publications/salmon-industry-human-rights-chile-sector-wide-impact-assessment>.
- 161 United Nations, General Assembly, International Covenant on Civil and Political Rights, (16 December 1966), United Nations, Treaty Series, vol. 999, Arts. 2, 3.
- 162 United Nations, General Assembly, International Covenant on Civil and Political Rights, (16 December 1966), United Nations, Treaty Series, vol. 999, Arts. 2, 3.

- 163 United Nations, General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, (18 December 1979), United Nations, Treaty Series, vol. 1249, Articles 2, 4, 14.
- 164 International Labour Organization (ILO), Violence and Harassment Convention, C190, (21 June 2019).
- 165 See United Nations, Convention on the Elimination of all Forms of Discrimination, Committee on the Elimination of Discrimination Against Women. 2016., General recommendation No. 34 (2016) on the rights of rural women, UN Doc. CEDAW/C/GC/34, (7 March 2016).
- 166 United Nations, Convention on the Elimination of all Forms of Discrimination, Committee on the Elimination of Discrimination Against Women. 2018. Concluding observations on the combined initial to third periodic reports of the Marshall Islands\*. UN Doc. CEDAW/C/MHL/CO/1-3, (14 March 2018), paras. 26-27.
- 167 United Nations, Convention on the Elimination of all Forms of Discrimination, Committee on the Elimination of Discrimination Against Women. 2017. Concluding observations on the combined initial to third periodic reports of the Federated States of Micronesia\*. UN Doc. CEDAW/C/FSM/CO/1-3, (9 March 2017), paras. 28-29.
- 168 United Nations, Convention on the Rights of the Child. 2020. Concluding observations on the second periodic report of the Federated States of Micronesia\*. UN Doc. CRC/C/FSM/CO/2, (3 April 2020), paras. 66-67.
- 169 United Nations, General Assembly, Human Rights Council. 2018. Visit to Indonesia: Report of the Special Rapporteur on the right to food\*. UN Doc. A/HRC/40/56/Add.2, (28 December 2018), para. 56.
- 170 See, for example, United Nations, General Assembly. 2005. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: resolution / adopted by the General Assembly, UN doc. A/RES/60/147, (16 December 2005).
- 171 United Nations, General Assembly, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area: resolution/adopted by the Human Rights Council, HRC/RES/39/12, (28 September 2018), Art. 12.
- 172 UN General Assembly, International Covenant on Civil and Political Rights, (16 December 1966), United Nations, Treaty Series, vol. 999, Article 2(3)
- 173 See Case of the Buzos Miskitos (Lemoth Morris et al.) v. Honduras. Judgment of August 31, 2021. Series C No. 432.
- 174 Case of the Buzos Miskitos (Lemoth Morris et al.) v. Honduras. Judgment of August 31, 2021. Series C No. 432.
- 175 Case of the Buzos Miskitos (Lemoth Morris et al.) v. Honduras. Judgment of August 31, 2021. Series C No. 432., para. 51.
- 176 Organization of African Unity (OAU). 1981. African Charter on Human and Peoples' Rights ("Banjul Charter"), CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), Art. 20, 21.
- 177 United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights. 2009. Consideration of Reports submitted by States Parties under Articles 16 and 17 of the Covenant: Concluding Observations of the Committee on Economic, Social and Cultural Rights: Democratic Republic of Congo. E/C.12/COD/CO/4 (16 December 2009), para. 13; United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights. 2009. Consideration of Reports submitted by States Parties under

- Articles 16 and 17 of the Covenant: Concluding Observations of the Committee on Economic, Social and Cultural Rights: Madagascar. E/C.12/MDG/CO/2, (16 December 2009).
- 178 United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights. 2009. Consideration of Reports submitted by States Parties under Articles 16 and 17 of the Covenant: Concluding Observations of the Committee on Economic, Social and Cultural Rights: Cambodia. E/C.12/KHM/CO/1, (12 June 2009).
- 179 United Nations, General Assembly, United Nations Declaration on the Rights of Indigenous Peoples : resolution/adopted by the General Assembly, A/RES/61/295, (2 October 2007), Art. 3.
- 180 Organization of American States, General Assembly. 2016. American Declaration on the Rights of Indigenous Peoples. AG/RES.2888 (XLVI-O/16, (15 June 2016), Art. III.
- 181 For more detailed information, see Danish Institute for Human Rights (DIHR) and Indigenous Peoples' Major Group for Sustainable Development (IPMG) (2021), The rights of indigenous peoples in the context of fisheries and aquaculture. Available at: <https://www.humanrights.dk/publications/rights-indigenous-peoples-context-fisheries-aquaculture>.
- 182 UN General Assembly, International Covenant on Civil and Political Rights, (16 December 1966), United Nations, Treaty Series, vol. 999, Article 1; UN General Assembly, International Covenant on Economic, Social and Cultural Rights, (16 December 1966), United Nations, Treaty Series, vol. 993, Article 1.
- 183 United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights. 2021. Concluding observations on the seventh periodic report of Finland\*. E/C.12/FIN/CO/7, (30 March 2021).
- 184 United Nations, International Covenant on Civil and Political Rights, Human Rights Committee. 2018. Concluding observations on the seventh periodic report of Norway\*. CCPR/C/NOR/CO/7, (25 April 2018).
- 185 United Nations, General Assembly. 1993. National institutions for the promotion and protection of human rights. A/Res/48/134, (20 December 1993), Annex; See also Global Alliance of National Human Rights Institutions (GANHRI) (2023) Paris Principles. Available at: <https://ganhri.org/paris-principles/>
- 186 Global Alliance of National Human Rights Institutions (GANHRI) (2023) National Human Rights Institutions. Available at: <https://ganhri.org/nhri/>
- 187 Global Alliance of National Human Rights Institutions (GANHRI) (2023) Responsibilities and Functions of NHRIs: Monitoring and Reporting on the Human Rights Situation. Available at: <https://ganhri.org/monitoring-and-reporting-nhris/>
- 188 Global Alliance of National Human Rights Institutions (GANHRI) (2023) Responsibilities and Functions of NHRIs: Providing advice. Available at: <https://ganhri.org/providing-advice-nhris/>
- 189 Global Alliance of National Human Rights Institutions (GANHRI) (2023) Responsibilities and Functions of NHRIs: Complaints Handling. Available at: <https://ganhri.org/complaint-handling-nhris/>
- 190 Global Alliance of National Human Rights Institutions (GANHRI) (2023) Responsibilities and Functions of NHRIs: Cooperating at the national level. Available at : <https://ganhri.org/cooperating-at-the-national-level-nhris/>
- 191 Global Alliance of National Human Rights Institutions (GANHRI) (2023)

- Responsibilities and Functions of NHRIs: Engaging with the international human rights system. Available at: <https://ganhri.org/engaging-with-the-international-human-rights-system/>
- 192 Global Alliance of National Human Rights Institutions (GANHRI) (2023) Human rights education. Available at: <https://ganhri.org/human-rights-education/>
- 193 CHRAJ 2014, 'Specialised research into exploitative child labour in the fishing industry: livelihood and survival versus human rights' <https://chraj.gov.gh/wp-content/uploads/2021/04/Child-Labour-Report-2014..pdf>
- 194 Danish Institute for Human Rights (DIHR) (2023) National Action Plans on Business and Human Rights: Tanzania. Available at: <https://globalnaps.org/country/tanzania/>
- 195 Tanzania Commission of Human Rights and Good Governance (2017) National Baseline Assessment of current implementation of business and human rights frameworks in the United Republic of Tanzania. Available at: [https://globalnaps.org/wp-content/uploads/2017/11/tanzania-bhr-nba\\_final\\_nov2017.pdf](https://globalnaps.org/wp-content/uploads/2017/11/tanzania-bhr-nba_final_nov2017.pdf)
- 196 South African Human Rights Commission (2020) IFP submits racism and religious intolerance complaints to human rights commission. Available at: <https://www.sahrc.org.za/index.php/sahrc-media/news/item/2293-ifp-submits-racism-and-religious-intolerance-complaints-to-human-rights-commissio>
- 197 MalayMail (2017) Malaysia: Suhakam to probe reclaimed land project. Available at: <https://www.malaymail.com/news/malaysia/2017/09/20/suhakam-to-probe-reclaimed-land-project/1468739>
- 198 FreeMalaysiaToday (2021) Setback for Penang's 3 islands project as fishermen win appeal. Available at: <https://www.freemalaysiatoday.com/category/nation/2021/09/08/setback-for-penangs-3-islands-project-as-fishermen-win-appeal/>
- 199 See Danish Institute for Human Rights (DIHR) (2021) Enhancing Accountability for Small-Scale Fishers Using Human Rights Monitoring to Guide Effective Implementation of SDG Target 14.B. p.38. Available at: <https://www.humanrights.dk/sites/humanrights.dk/files/media/document/ENHANCING%20ACCOUNTABILITY%20FOR%20SMALL-SCALE%20FISHERS.pdf>
- 200 FreeMalaysiaToday (2021) Setback for Penang's 3 islands project as fishermen win appeal. Available at: <https://www.freemalaysiatoday.com/category/nation/2021/09/08/setback-for-penangs-3-islands-project-as-fishermen-win-appeal/>
- 201 Office of the National Human Rights Commission of Thailand (NHRCT) Complaint No.151/2554: Rights in judicial process and community rights – A request to investigate violation of human rights in case of a conflict between a cockle-raising capitalist and local fishermen. Available at: <https://www.nhrc.or.th/getattachment/bf151089-3022-4573-b572-5b33cb7c3de9/.aspx>.
- 202 Office of the National Human Rights Commission of Thailand (NHRCT) (2015) Report No.113/2559 concerning community rights and liberties in occupation in a case that local fishermen were affected by the Fishery Decree B.E 2558. Available at: <https://www.nhrc.or.th/getattachment/e4b28bee-c595-49ec-a602-019bb85dc810/.aspx>.
- 203 See Danish Institute for Human Rights (DIHR) (2021) Enhancing Accountability for Small-Scale Fishers Using Human Rights Monitoring to Guide Effective Implementation of SDG Target 14.B. p.38. Available at: <https://www.humanrights.dk/sites/humanrights.dk/files/media/document/ENHANCING%20ACCOUNTABILITY%20FOR%20SMALL-SCALE%20FISHERS.pdf>

- 204 Republic of the Philippines, Commission on Human Rights (CHR) (2020) Women Fisherfolks, and Women and Girls at Risk of Trafficking During COVID-19.
- 205 Republic of the Philippines, Commission on Human Rights (CHR) (2021) A monitoring report: the human rights situation of artisanal fisherfolks. Available at: <https://chr.gov.ph/wp-content/uploads/2022/06/Resolution-POL2022-010-Monitoring-Report-The-HR-Situationer-of-Artisanal-Fisherfolks-full.pdf>
- 206 A P News (2015) AP Investigation: Are slaves catching the fishing you buy. Available at: <https://apnews.com/article/cc08a86b92694f74a12b639326d93de2>
- 207 The Jakarta Post (2015) Government revokes licenses of six major fishing firms. Available at: <https://www.thejakartapost.com/news/2015/06/23/govt-revokes-licenses-six-major-fishing-firms.html>
- 208 CONADEH (2002). Available at : [https://www.conadeh.hn/wp-content/uploads/2021/06/CONADEH\\_2002.pdf](https://www.conadeh.hn/wp-content/uploads/2021/06/CONADEH_2002.pdf)
- 209 Inter-American Court of Human Rights (2021) Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras: Judgment of August 31, 2021. Series C No. 432. Available at: [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_432\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_432_ing.pdf)
- 210 Comisionado Nacional de los derechos humanos (Honduras) (CONADEH) (2023) Estudio de impacto sectorial de la industria de pesca por buceo en los derechos humanos de los buzos indígenas Miskitus, desde un enfoque de empresas y derechos humanos.
- 211 See Danish Institute for Human Rights (DIHR) (2021) Sector-Wide Impact Assessment. The salmon industry and human rights in Chile. Available at: <https://www.humanrights.dk/publications/salmon-industry-human-rights-chile-sector-wide-impact-assessment>.
- 212 Norges institusjon for menneskerettigheter (NIM) (2016) Temarapport 2016: Sjøsamenes rett til sjøfiske. Available at: <https://www.nhri.no/wp-content/uploads/2017/05/Temarapport-2016-Sj%C3%B8samenes-rett-til-sj%C3%B8fiske1.pdf>
- 213 Norges institusjon for menneskerettigheter (NIM) (2020) Supplementary information from the Norwegian National Human Rights Institution to the UN Committee on Economic, Social and Cultural Rights at its 67th session, hearing of Norway 25-26 February 2020. Available at: [https://www.nhri.no/wp-content/uploads/2020/01/NIM-supplementary-report-to-ESCR\\_final.pdf](https://www.nhri.no/wp-content/uploads/2020/01/NIM-supplementary-report-to-ESCR_final.pdf)
- 214 Norges institusjon for menneskerettigheter (NIM) (2018) Supplementary information from the Norwegian National Human Rights Institution to the UN Human Rights Committee in relation to the hearing of the 7th periodic report of Norway on 14-15 March 2018. Available at: [https://www.nhri.no/wp-content/uploads/2018/03/NIM-ICCPR-Report\\_final.pdf](https://www.nhri.no/wp-content/uploads/2018/03/NIM-ICCPR-Report_final.pdf)
- 215 Norges institusjon for menneskerettigheter (NIM) (2020) Supplementary information from the Norwegian National Human Rights Institution to the UN Committee on Economic, Social and Cultural Rights at its 67th session, hearing of Norway 25-26 February 2020. Available at: [https://www.nhri.no/wp-content/uploads/2020/01/NIM-supplementary-report-to-ESCR\\_final.pdf](https://www.nhri.no/wp-content/uploads/2020/01/NIM-supplementary-report-to-ESCR_final.pdf)
- 216 The Equality and Human Rights Commission Scotland (EHRC) (2015) Experiences of Migrant Workers in Fish and Food Processing in North-East and Central Scotland: A fact-finding study 2015. Available at: [https://www.equalityhumanrights.com/sites/default/files/experiences\\_of\\_migrant\\_workers\\_in\\_fish\\_and\\_food\\_processing\\_v2.pdf](https://www.equalityhumanrights.com/sites/default/files/experiences_of_migrant_workers_in_fish_and_food_processing_v2.pdf)
- 217 National Human Rights Commission of Korea (2017) Parallel report of the National Human Rights Commission of Korea in regard to the Review

- of the Fourth State Party's Report: Republic of Korea. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FNHS%2FKOR%2F28695&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FNHS%2FKOR%2F28695&Lang=en)
- 218 Human Rights Centre (2017) Submission by the NHRI of Finland before the examination of Finland on 25 and 26 April 2017. paras. 27-29. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FIFN%2FFIN%2F27059&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FIFN%2FFIN%2F27059&Lang=en)
- 219 National Commission for Human Rights and Citizenship of Cabo Verde (CNDHC) (2017) Contributions for the Combined Periodic Report II, III and IV of the Republic of Cabo Verde to the Committee on the Rights of the Child. para. 10. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCRC%2FIFN%2FCPV%2F34722&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCRC%2FIFN%2FCPV%2F34722&Lang=en)
- 220 UPR Info (2008) The Role of National Human Rights Institutions. Available at: [The Role of National Human Rights Institutions \(NHRIs\) | UPR info \(upr-info.org\)](https://www.upr-info.org/)
- 221 See, for example, United Nations, International Covenant on Civil and Political Rights, Human Rights Committee. 2012. Paper on the relationship of the Human Rights Committee with national human rights institutions adopted by the Committee at its 106th session (15 October–2 November 2012). CCPR/C/106/3, 2012, (13 November 2012)
- 222 For more information on the communication procedure, see United Nations, Human Rights, Office of the High Commissioner (2023) Special Procedures of the Human Rights Council: What are communications? Available at: <https://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>
- 223 Inter-American Court of Human Rights (2021) Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras: Judgment of August 31, 2021. Series C No. 432. Available at: [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_432\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_432_ing.pdf)
- 224 For more information, see Inter-American Court of Human Rights (2023) What is the I/A Court H.R. Available at: [https://www.corteidh.or.cr/que\\_es\\_la\\_corte.cfm?lang=en](https://www.corteidh.or.cr/que_es_la_corte.cfm?lang=en)
- 225 For more information, see Organisation of American States (2023) Inter-American Commission on Human Rights (IACHR): Mandate and Functions. Available at: <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/mandate/functions.asp>
- 226 For more information, see African Court on Human and Peoples' Rights Welcome to the African Court. Available at: <https://www.african-court.org/wpafc/welcome-to-the-african-court/>
- 227 For more information, see Council of Europe, European Court of Human Rights. Available at: <https://www.echr.coe.int/Pages/home.aspx?p=home>
- 228 The comments of the CEACR are accessible at [www.ilo.org/normlex](http://www.ilo.org/normlex)
- 229 For more information, see International Labour Organization (2023) Applying and Promoting International Standards. Available at: <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/lang-en/index.htm>; See also International Training Centre of International Labour Organization (ILO) (2014) Guide to International Labour Standards. Available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/publication/wcms\\_246944.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_246944.pdf)



