

ENHANCING ACCOUNTABILITY FOR SMALL- SCALE FISHERS

USING HUMAN RIGHTS
MONITORING TO
GUIDE EFFECTIVE
IMPLEMENTATION OF
SDG TARGET 14.B



ENHANCING ACCOUNTABILITY FOR SMALL-SCALE FISHERS – USING HUMAN RIGHTS MONITORING TO GUIDE EFFECTIVE IMPLEMENTATION OF SDG TARGET 14.B

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ABBREVIATIONS

CCRF survey	Code of Conduct for Responsible Fisheries survey
DIHR	Danish Institute for Human Rights
FAO	Food and Agriculture Organization of the United Nations
FUR	Follow-up and Review
GANHRI	Global Alliance of National Human Rights Institutions
HRBA	Human rights-based approach
INDH	Instituto Nacional de Derechos Humanos (Chile)
NGOs	Non-governmental organisations
NHRCT	National Human Rights Commission of Thailand
NHRI	National human rights institution
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSH	Occupational safety and health
SDGs	Sustainable Development Goals
SSF Guidelines	Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
SUHAKAM	Human Rights Commission of Malaysia
UPR	Universal Periodic Review

ABOUT THIS PUBLICATION

The 2030 Agenda reaffirms that the Sustainable Development Goals (SDGs) generally seek to ‘realise human rights of all’ and pledge to ‘leave no one behind’. Effectively, the SDGs are underpinned by the full range 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 has bearing on a wide range of human rights, including the rights to work, food and an adequate standard of living, as well as protection from discrimination, labour exploitation and hazardous work conditions.

Moreover, SDG target 14.b is directly supported by the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines)² which predated the 2030 Agenda the SSF Guidelines promote a human rights-based approach (HRBA) to small-scale fisheries.

So far, there has been limited collaboration between organisations that work to improve the livelihoods of small-scale fishers and those that work to promote and protect human rights. Consequently, there are still relatively few examples of human rights standards and monitoring mechanisms being directly used to help small-scale fishers and fish workers claim access to marine resources and secure their livelihoods. Hence, there is a need to provide further guidance and unpack and operationalise what a HRBA to the monitoring and implementation of SDG target 14.b means in practice.

This publication fills the gap by showing how information and recommendations from human rights monitoring mechanisms can complement existing monitoring of SDG target 14.b and guide effective implementation. Thereby, the publication is relevant for all actors working on the inter-related aspects of sustainable fisheries, human rights, SDG target 14. b and implementation of the SSF Guidelines. The publication seeks to raise awareness and invite diverse actors to jointly explore how human rights standards, institutions and mechanisms can be put to use to promote and protect the human rights of small-scale fishers and fish workers as a crucial contribution towards sustainable development.

The publication is structured in the following way:

- **Section 1** briefly outlines the broader human rights and sustainable

- development implications of SDG target 14.b on small-scale fishers.
- **Section 2** describes the scope of the global indicator for measuring progress on target 14.b, as well as opportunities for strengthening a HRBA to monitoring.
- **Section 3** describes the key features of human rights monitoring mechanisms and provides examples of data and recommendations on access to marine resources for small-scale fishers emerging from these mechanisms. The examples highlight some of the key human rights issues associated with target 14.b and show how human rights monitoring can supplement the existing indicator-based monitoring of the target.
- **Section 4** outlines three key action points for strengthening monitoring and accountability in the implementation of target 14.b: 1) generating human rights data to complement existing monitoring; 2) increasing the attention of human rights monitoring mechanisms to the situation of small-scale fishers; and 3) establishing participatory national platforms for Follow-up and Review.

SECTION 1

THE IMPORTANCE OF SMALL-SCALE FISHERIES FOR HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT

CHARACTERISTICS OF THE SECTOR

The small-scale fisheries³ sector serves as an engine for economic and social development. It provides employment and livelihoods to millions of people living in poor and remote coastal areas. Fish caught by small-scale fisheries are often sold locally and at an affordable price. The sector provides an irreplaceable source of highly nutritious food and is critical in maintaining food security and good health.⁴

It is estimated that 90 percent of the 120 million people employed in fisheries work in the small-scale fisheries sector, and almost all of those workers (97 percent) live in developing countries.⁵ An additional 38 million people are involved in post-harvest activities. Women account for at least 50 percent of the total workforce in small-scale fisheries and are mostly responsible for processing and marketing fish, particularly at the local level. For these millions of people, access to marine resources is absolutely vital. Additionally, large numbers of people engage in fishing as a seasonal or part-time activity and in difficult periods, such as during droughts and agriculture failure. For these people, access to marine fisheries therefore plays an important role as a ‘labour buffer’.

Inequalities in small-scale fisheries.

Those involved in small-scale fisheries often have low levels of income, caused by unfair benefit-sharing in the value chains of fish products, among other factors. A 2014 FAO study on fisheries value chains found that, ‘relative to other players in the value chain, small-scale fishers and fish farmers are receiving the least economic benefits in terms of amount of money earned for their products’. Despite the significant role women play in fisheries’ value chains, they are often found ‘near the bottom of the value chain with limited opportunities to move up or grow in their role’. Moreover, ‘common hardships that women have faced include lack of recognition of their contribution, social isolation, cultural barriers, lack of acceptance, being overlooked or ignored by fishery industry managers and policy-makers, pay inequality, poor working conditions and limited access to resources’.⁶

Many of those working on small-scale fisheries argue that States often neglect the needs and rights of coastal fishers, possibly due to the low levels of State revenue that this sector generates.⁷ Moreover, official data on the number of people – particularly women – engaged in small-scale fisheries, as well as their catches, is likely to be underestimated by substantial margins.⁸ This invisibility adds to the vulnerability of small-scale fishers, as they may be overlooked in regulations, policies and programmes.

LINKS TO THE SUSTAINABLE DEVELOPMENT GOALS AND HUMAN RIGHTS

Small-scale fisheries are central to achieving SDG 14 on sustainable oceans, specifically target 14.b on access for small-scale artisanal fishers to marine resources and markets. Additionally, sustainable small-scale fisheries are essential for achieving a range of other SDGs, most directly SDG 1 (no poverty), SDG 2 (no hunger), SDG 3 (good health and well-being), SDG 5 (gender equality), SDG 8 (decent work and economic growth) and SDG 10 (reduced inequalities), and generally support the achievement of the entire 2030 Agenda.

The 2030 Agenda for Sustainable Development specifically affirms that the SDGs ‘seek to realize the human rights of all’.⁹ Effectively, the vast majority of the SDG targets reflect provisions of international human rights instruments that entail legal obligations for the States that have ratified these instruments. Moreover, the cross-cutting principle of ‘leaving no one behind’ reflects the fundamental human rights principles of equality and non-discrimination. Generally, human rights and the SDGs are tied together in a mutually reinforcing way. More specifically, an effective and adequate implementation of SDG target 14.b requires the realisation of a series of human rights – and holds the potential to contribute to the realisation of human rights, as well.

Some of the most prominent human rights underpinning SDG target 14.b include:

- **Right to work and to free choice of employment.** This fundamental human right is enshrined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), among others. The right to work is the foundation for the realisation of other human rights and includes the opportunity to earn a livelihood by work freely chosen or accepted. In realising this right, States are obliged to ensure the availability of technical and vocational guidance and develop an enabling environment for productive employment opportunities in a non-discriminatory manner¹⁰. Likewise, ILO Convention No. 111 on discrimination in employment and occupation aims to eliminate discrimination and lack of equal opportunities in accessing

work and employment. Hence, this Convention is relevant not only in addressing discrimination within the small-scale fisheries sector, but also in addressing discrimination against the sector, as the Convention prohibits discrimination against traditional occupations such as fisheries.

- **The right to an adequate standard of living.** This is a fundamental human right enshrined the UDHR, the ICESCR and numerous other instruments. The right to an adequate standard of living encompasses a series of more specific rights necessary for upholding health and well-being, such as the rights to food; housing; medical care; social services; and security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood (UDHR, art. 25). Many small-scale fishers live in poverty with insufficient income to ensure an adequate standard of living, due to adverse impacts of commercialisation, overfishing, climate change and unfair distribution of access to marine resources between large-scale and small-scale fishers. Ensuring ethical and fair business practices in trade are also critical. Loss of fishing resources and incomes for coastal communities is particularly problematic in many developing countries and has considerable negative impacts on the use of fish as a source of food security for the most vulnerable and marginalised.¹¹ Moreover, many small-scale fishers and fish workers do not have access to social security, which could help mitigate the effects of, for example, climate change, shocks and disasters, overfishing, fishing bans and conservation measures, and discriminatory regulations and policies¹².
- **The right to a healthy environment.** The International Covenant on Economic, Social and Cultural Rights article 12 (2) (b) requires State parties to improve ‘all aspects of environmental and industrial hygiene’. Small-scale fishers depend directly on biological resources and a healthy marine environment for their livelihood. However, habitats and fish populations are being affected by factors far beyond the control of these fishers, including ocean pollution and climate change. These may constitute the most serious threat to sustaining small-scale fisheries, particularly in tropical zones as sea temperatures rise, acidification increases and fish populations move away from warmer waters.¹³
- **Political rights and fundamental freedoms.** Rights to: freedom of opinion, expression, assembly and association; a nationality; participation; access to information; and access to justice are among the rights and freedoms enshrined in the International Covenant on Civil and Political Rights (ICCPR) and other human rights instruments. Small-scale fishers, migrant fishers and fish workers often constitute politically marginalised groups with a low level of organisation. Existing power dynamics and imbalances are further aggravated where industrial fishing is expanding and where corruption is prevalent. Violations of the rights to access

information, access to justice and freedom of speech and association, as well as other fundamental freedoms, further limit effective participation. Consequently, customary practices for the ownership, allocation and sharing of marine resources have been changed, restricted or terminated as a result of non-participatory and often centralised fishery management systems. The development of sustainable fisheries is thus closely linked to the protection of civil and political rights, rule of law, good governance and democratic decision-making.

- **Equality and non-discrimination.** These are fundamental human rights principles enshrined in all international instruments. In many parts of the world, the commercialisation of fisheries has led to or exacerbated discrimination and marginalisation of small-scale artisanal fishers and fish workers. This happens through many mechanisms, *inter alia*, disproportionate subsidies for industrial fishing, privatisation of access to marine fisheries, corruption in the management of fisheries, exploitation in value chains, overfishing and different forms of illegal fishing. Moreover, while fisheries provide employment to millions of people and generate a highly valuable trade, unfair benefit-sharing and exploitative labour practices mean many workers in small-scale fisheries face high levels of poverty. Additionally, patterns of discrimination against particular groups of rights-holders – based on characteristics or ‘grounds of discrimination’ such as ethnicity, gender, migratory or social and economic status – are often reflected or exacerbated within the sector. Men, for example, are most at risk of human trafficking, while women often are less represented in organisations, do ‘invisible’ pre- and post- harvest work, have less access to skills training, are paid low wages and are subject to sexual harassment.
- **Labour rights.** Both international human rights instruments and the core labour conventions of the International Labour Organization (ILO) protect freedom of association and collective bargaining, as well as prohibit discrimination, child labour and forced labour. Commonly identified labour issues in small-scale fisheries relate to: Occupational safety and health (OSH) as certain types of fishing are considered among the most hazardous occupations in the world; limited access to health care; gender-based discrimination; no or weak work agreements, leading to insufficient rest and remuneration; and barriers to accessing social security. Moreover, child labour is widespread in the fisheries sectors¹⁴, including the worst forms of child labour when fishing is hazardous and labour-intensive.¹⁵
- **The rights of indigenous peoples.** These are enshrined in the UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169. Indigenous peoples have rights to lands, territories and resources (including marine resources) that they have traditionally owned or otherwise occupied and used.

- **Cultural rights.** The International Covenant on Economic, Social and Cultural Rights (ICESCR) reaffirms that everybody has the right to take part in cultural life and that minorities have a right to enjoy their own culture, to profess and practise their own religion and to use their own language. Communities of small-scale fishers and fish workers often represent specific but diverse ways of life and hold rich knowledge systems of global significance for sustainable development. Hence, respect for the cultures of fishing communities, their forms of organisation, and traditional knowledge and practices is a precondition for the sustainable development of the sector.

The list above reflects some of the human rights that are most immediately at stake in the context of small-scale fisheries. However, the list is dynamic and not exhaustive, and in principle, most human rights can be affected (positively or negatively) by fisheries policies and practices. The degree and extent to which human rights are realised or violated is always context-specific.

Access to markets for small-scale fishers and fish workers. SDG target 14.b explicitly states that sustainable development in small-scale fisheries involves not only securing access to marine resources, but also enhancing small-scale fishers' access to **markets**.¹⁶ Market access secures the livelihood of fishers, processors and mongers on one hand by generating income, while serving as a mechanism of distribution of cheap animal protein in adjacent local and regional areas, thereby contributing to food security of the population as a whole.¹⁷

Market access is therefore essential in securing the right to an adequate standard of living – including adequate food, clothing and housing – and to the continuous improvement of living conditions.

Securing access to markets for small-scale fishers and decent work in fish processing and markets also has gender implications. Within fisheries' value chains, many women are employed in markets and processing. Therefore, improved access to markets can help fulfil women's rights to work; free choice of employment; just and favourable conditions of work; non-discrimination; and an adequate standard of living, including adequate food, clothing and housing, among others.

The SSF Guidelines underscore that 'States should facilitate access to local, national, regional and international markets and promote equitable and non-discriminatory trade for small-scale fisheries products' (chapter 7.6). Moreover, the SSF Guidelines have a chapter dedicated to social development, empowerment and decent work (chapter 6) and a chapter on gender equality (chapter 8).

GUIDING ACTION ON HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT THROUGH THE SSF GUIDELINES

The SSF Guidelines were endorsed by the FAO Committee on Fisheries in 2014, just a year before the adoption of the SDGs. The Guidelines are the outcome of unprecedented consultations, including with thousands of small-scale fishers and fish workers, and remain the primary guidance for advancing the human rights of people in the sector and preserving the ecological base of their food production systems.

The SSF Guidelines are based on internationally accepted human rights standards and are to be interpreted and implemented in accordance with those standards¹⁸. The objectives of the Guidelines should be met through the promotion of a human rights-based approach (HRBA).¹⁹ According to FAO, this approach seeks to ensure the participation of small-scale fishing communities in non-discriminatory, transparent and accountable decision-making processes by putting particular emphasis on the needs of vulnerable and marginalised groups and developing countries.²⁰

'A HRBA to development is a **conceptual framework** for the process of human development that is normatively based on international **human rights standards** and **operationally directed to promoting and protecting human rights**. It seeks to analyse **inequalities** which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.'²¹

'According to the HRBA to development:

- The **objective** of development should be to further the realisation of human rights.
- Human rights standards and the recommendations of human rights oversight mechanisms should **guide all development efforts and phases of programming process**.
- Development processes should contribute to **developing the capacities** of 'duty-bearers' to meet their obligations and of 'rights-holders' to claim their rights.
- Human rights standards and principles should guide the **monitoring and evaluation** of development processes and outcomes.

There is significant convergence between the SSF Guidelines and SDG target 14.b.:

- Chapter 5 of the SSF Guidelines, 'Governance of tenure in small-scale fisheries and resource management', provides guidance to States on how to provide access for small-scale artisanal fishers to marine resources based on human rights standards and norms.

- Chapter 7 of the SSF Guidelines, ‘Value chains, post-harvest and trade’, provides guidance to States on how to provide **small-scale artisanal fishers with access to markets** based on human rights standards and norms.

In conclusion, the governance of the small-scale fisheries sector is intricately linked with:

- A series of fundamental human rights and labour issues, which reflect existing legal obligations of States under international law.
- The achievement of SDG target 14.b., which, in turn, is an essential and indispensable contribution to the achievement of the full range of SDGs that States have committed to under the 2030 Agenda.

The SSF Guidelines are central to these two frameworks, as they provide sector-specific guidance on a human rights-based approach to sustainable small-scale fisheries.

Operationally, this implies an obvious opportunity for States to pursue coherent, efficient and effective joined-up strategies to implement and monitor their human rights obligations and SDG commitments as they pertain to small-scale fisheries.

Likewise, small-scale fishers, fish workers and other rights-holders within the sector can use human rights monitoring mechanisms and institutions, as well as SDG Follow-up and Review procedures, to pursue participation, inclusion and accountability.

SECTION 2

THE GLOBAL MONITORING FRAMEWORK FOR SDG TARGET 14.B

INDICATOR 14.B.1

Globally, progress to achieve the SDGs is monitored through a set of indicators. The official indicator for SDG target 14.b is indicator 14.b.1.

Indicator 14.b.1:

Degree of application of a legal/regulatory/ policy/institutional framework which recognises and protects access rights for small-scale fisheries.²²

The global indicator framework for the SDGs was developed by the Inter-Agency and Expert Group on SDG Indicators (IAEG-SDGs) and agreed upon at the 48th session of the United Nations Statistical Commission held in March 2017. The global indicator framework was later adopted by the General Assembly on 6 July 2017.²³

Recognising the scale of the challenge in ensuring appropriate methodologies, data availability, and consistent and comparable reporting by countries, the UN has appointed specialised agencies to play a coordinating role as custodians of SDG indicators relevant to their area of expertise. Each Indicator has one nominated custodian and further partner agencies. These custodian agencies have the mandate to: compile monitoring guidelines for measuring and reporting on the indicators; support countries on their implementation and strengthen national statistical capacities; and collect national data for the global reporting mechanism. FAO is the custodian organisation for 21 SDG indicators,²⁴ including indicator 14.b.1. In this context, FAO is investing in strengthening the capacities of member countries to collect data and monitor the indicators, through actions such as developing an e-learning course to support countries in their data collection, analysis and reporting of SDG indicator 14.b.1.²⁵

Indicator 14.b.1 is classified as a ‘tier one indicator’, meaning that the UN has assessed that the indicator is conceptually clear, has an internationally established methodology for data generation and has available standards. Furthermore, data is regularly produced by at least 50 percent of countries and of the population in every region where the indicator is relevant.²⁶

Indicator 14.b.1 is composed with three variables that aim to capture:

1. Appropriate legal, regulatory and policy frameworks.
2. Specific initiatives to support small-scale fishers in line with the implementation of the SSF Guidelines.²⁷
3. Participation by small-scale fishers' organisations in relevant processes.²⁸

A full overview of the questions that countries report against through indicator 14.b.1 can be found in **Annex 1**.

Variable 1 assess the existence of laws, regulations, policies, plans or strategies that specifically target or address the small-scale fisheries sector. Thus, these variable reveals whether the State has developed the necessary structural measures to address the situation of small-scale fishers. This is important in order to assess the commitment of States to implement their obligations towards small-scale fishers and other rights-holders in the sector. These laws enhance the possibility of holding States accountable. However, the variable does not capture qualitative aspects of the established legislative and policy structure. A qualitative dimension could be whether the states have formulated the specific laws, regulations, policies, plans or strategies in accordance with their obligations under international human rights law.

Variable 2 measures the existence of ongoing specific initiatives to implement the SSF Guidelines. There are two ways countries can report. One option is to report a simple 'yes' or 'no' to the indicator question ('**Does your country have a specific initiative to implement the SSF Guidelines?**'). States may report on 10 optional sub-variables linked to specific sections of the Guidelines, including on: tenure security; active participation in resource management; social development, employment and decent work; gender equality; and capacity development, among others. However, reporting on these

Under international human rights law, States have obligations to respect, protect and fulfil human rights. The Office of the UN High Commissioner for Human Rights (OHCHR) has developed comprehensive guidance for the design of indicators to measure these obligations²⁹. Overall, there are three types of human rights indicators:

Structural indicators measure States' commitment to human rights as reflected in, for example, the adoption of national laws and policies.

Process indicators measure States' efforts to transform human rights commitments into results, for example, through budget allocations, establishment of institutions, coverage of social services and training of personnel.

Outcome indicators measure the actual results or impact of States' commitments and efforts in terms of the population's enjoyment of human rights.

sub-variables is not mandatory. All of these elements are closely related to the human rights and labour standards at stake in small-scale fisheries. By measuring ongoing initiatives, this variable measures the **process-related** efforts of States to transform human rights obligations and commitments into results.

Variable 3 measures the existence of mechanisms through which small-scale fishers and fish workers contribute to decision-making processes. As with variable 2, countries respond ‘yes’ or ‘no’ to the indicator question (**‘Does your country have an advisory/consultative body to the Ministry/Department of Fisheries in which fishers/fish workers can participate and contribute to decision-making processes?’**) and can decide whether to report on the sub-variables. Sub-variables include participation in: an advisory/consultative body to the Ministry/Department of Fisheries; fisheries management, data collection and research; monitoring, surveillance and control; and local development processes. The participation of women in these processes is also assessed. This variable measures the extent to which small-scale fishers and fish workers, including women, can exercise their right to participation in decisions that affect them. This is a fundamental human right, but also an indispensable aspect of the human rights-based approach to development. Hence, this variable measure both the **actual outcome** of the right to participation and the **procedural aspect** of a human rights-based approach.

The composition of indicator 14.b.1 carries the potential to provide important human rights-relevant information, particularly about the **structural and process-related obligations of States** with regards to the human rights of small-scale fishers and other rights-holders within the sector. It is weaker in terms of measuring the **outcomes** in terms of the broader enjoyment of human rights by rights-holders (e.g., the actual realisation of the right to food or actual security of tenure). However, it does provide outcome-oriented information pertaining to the right to participation.

It is worth noting that SDG target 14. b focuses on both access to marine resources and access to markets for small-scale fishers. Through sub-questions in variable 2, the indicator directly addresses aspects relating to market access by asking whether there are special initiatives to enhance small-scale fisheries value chains, post-harvest operations and trade in accordance with **SSF Guidelines paragraphs 7.1-7.10**. However, this is an area where supplementary outcome-oriented data on access to markets for small-scale fishers and fish workers can add value to assess whether this crucial aspect of the target is achieved.

The above analysis provides some elements for assessing the scope and potential of indicator 14.b.1 from a human rights perspective, including the

need for supplementary information on broader human rights outcomes for small-scale fishers and fish workers. In addition, it is important to look at the data collection methodology and process for reporting on indicator 14.b.1 from a human rights perspective in order to examine the need for additional data and participatory processes.

GLOBAL DATA ON INDICATOR 14.B.1

National monitoring data on indicator 14.b.1. is gathered from FAO member countries through three questions integrated within the Questionnaire on the Implementation of the Code of Conduct for Responsible Fisheries (CCRF), which is circulated by FAO every two years. FAO collates national monitoring data into a global dataset, which can be downloaded from the UN indicators database.³⁰

Since 2020, the Questionnaire has featured a tool that automatically classifies the level of implementation of indicator 14.b.1, based on State responses to the three variable questions. The calculated score places each country in one of the following five bands:³¹

Classification for indicator 14.b.1: Degree of application of a legal/ regulatory/ policy/institutional framework which recognises and protects access rights for small-scale fisheries	
>0 –< 0.2 Band 1:	Very low
0.2 –< 0.4 Band 2:	Low
0.4 –< 0.6 Band 3:	Medium
0.6 –< 0.8 Band 4:	High
0.8 – 1.0 Band 5:	Very high

Global monitoring data is available for 2018 and 2020 for indicator 14.b.1.³² The data is based on States' self-assessment. Countries are also encouraged to carry out participatory processes leading up to the reporting.

The figure below is developed by FAO³³ based on the 2018 and 2020 data and provides an overview of regional average score band calculations.

Implementation of instruments for Access to Resource and Markets for Small-Scale Fisheries in 2018



The **world average** score for 2018 was 3 and increased to 4 for 2020. In 2020, a very high level of implementation (score 5) in an entire region is reported for the first time; namely the Northern Africa and Western Asia region. In contrast, Central and Southern Asia noted regression between 2018 and 2020 (from score 3 to 2). All other regions noted progress and a high average level of implementation (score 4) in 2020.

When looking closer at the **country-level** dataset for 2018 and 2020, it is worth noting that in 2018, only 8 countries reported low or very low implementation levels (score 1 and 2). In 2020, this figure increased to 10 countries. The Maldives is an example of a country that reported good progress with a score 4 in 2018 and low progress in 2020 with a reported score 2.

Both in 2018 and 2020, 50 countries gave themselves a positive performance rating (score 4 or 5) and reported that they have a good protection of access to resources and markets for small-scale fishers. Denmark, Chile and Mexico are examples of countries that have reported the same high score in both 2018 and 2020.

The 2018 dataset has reports from 158 out of 230 countries, territories, continents and regions, but the 2020 dataset only builds on 128 reports. This

reflects that some countries reported in both 2018 and 2020, while other countries only reported in either of the years, while a group of countries did not report at all. Hence, for several countries it is not possible to analyse the developments between 2018 and 2020, and differences in which countries report will also be reflected in the regional averages.

Moreover, contrasting the positive self-assessment of States with the problematic situation in the small-scale fisheries sector in many countries, it appears that the data related to indicator 14.b.1 based on the CCRF questionnaire alone is not enough to guide the needed change within the sector. It is therefore relevant to look at ways to complement and further strengthen the ongoing monitoring efforts, such as through:

- **Developing participatory country-level processes for monitoring of indicator 14.b.1.** Such processes help ensure that small-scale fishers and fish workers, including women, are able to assess if their access rights are truly recognised and protected (making sure that the assessment goes beyond structures/processes and also captures actual outcomes).

This will also give effect to section 13.4 of the SSF Guidelines, which stipulates that: 'States and all parties should elaborate participatory assessment methodologies that allow a better understanding and documentation of the true contribution of small-scale fisheries to sustainable resource management for food security and poverty eradication including both men and women.'

- **Identifying data gaps and promoting complementary data collection to address these.** Such data collection should involve small-scale fishers and fish workers, including women.

This will also give effect to section 13.4 of the SSF Guidelines, which particularly emphasises the need to assess the enjoyment of the right to adequate food in the context of national food security, poverty eradication and gender equality, as well as the establishment of mechanisms allowing the results of monitoring to feed back into policy formulation and implementation.

- **Make use of complementary data to shed light on aspects pertaining to small-scale fisheries not captured under indicator 14.b.1.** Such complementary data could, for example, include statistical data on the socio-economic situation of small-scale fishers and fish workers. Moreover, data from the elaborate monitoring systems set up to assess and guide the implementation of international human rights and labour standards can provide an invaluable source for understanding and addressing the situation of small-scale fishers and fish workers, including women and

- vulnerable groups within the sector.

This is emphasised in the 2030 Agenda, which states that 'data and information from existing reporting mechanisms should be used where possible'.³⁴ Such data should be disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts, as required in SDG target 17.18.

Building inclusive data ecosystems. In order to enhance accountability and close data gaps, there is a need for collaborative efforts to develop creative, innovative, efficient and cost-effective approaches to monitoring and data collection, which can supplement statistical data based on global indicators. By building a pluralistic ecosystem of data, based on the complementarity of national and global indicators as well as data from multiple sources, we can eventually 'measure what we treasure'.³⁵

ESTABLISHING NATIONAL MONITORING PLATFORMS

The 2030 Agenda encourages States to set up Follow-up and Review (FUR) mechanisms at the national level. The Agenda specifies that the purpose of such mechanisms is to ensure accountability, and stipulates that such mechanisms should be people-centred, gender-sensitive, and respect human rights.³⁶

The principles of accountability, participation and non-discrimination are at the core of the human rights-based approach to development. These same principles are also strongly emphasised in the 2030 Agenda, which stipulates that Follow-up and Review mechanisms should:

- Promote respect for human rights and accountability to citizens.
- Have a particular focus on vulnerable groups and those furthest behind.
- Ensure inclusion, participation, and transparency.
- Generate data which is high-quality; accessible; timely; reliable; and disaggregated by income, sex, age, race, ethnicity, migration status, disability, geographic location and other characteristics relevant in national contexts.

SSF Guidelines article 13.5: '**States should facilitate the formation of national-level platforms**, with cross-sectoral representation and with strong representation of CSOs, to oversee implementation of the Guidelines, as appropriate. Legitimate representatives of small-scale fishing communities should be involved both in the development and application of implementation strategies for the Guidelines and in monitoring.'

These principles should guide both the design and the operationalisation of the mechanisms set up to measure progress on the SDGs.

Likewise, the SSF Guidelines also encourage States to establish national platforms to monitor and implement the Guidelines.

Since the SFF Guidelines and target 14.b are closely interlinked, national-level platforms on the SSF Guidelines are also important platforms to discuss the implementation of SDG target 14.b and related human rights issues in a manner that leaves no one behind.

Example of a national-level platform for the implementation of the SSF Guidelines:

In Tanzania, the Ministry of Livestock and Fisheries Development has setup a **multi-stakeholder National Task Team for promoting the implementation of the SSF Guidelines**. The Team is composed of members from the ministry, local government authorities, CSOs, academia, the Tanzania Fisheries Research Institution, fishers and fish workers (men and women) and the private sector. The Team is responsible for ensuring all stakeholders are involved in the process of developing the National Plan of Action (NPoA) for implementation of the SSF Guidelines, following 6 thematic areas:

- Enhance public awareness on the crucial role of SSF
- Enhance contribution of SSF to food security
- Equitable development of SSF and poverty eradication
- Sustainable utilization and responsible management of resources
- Promote contribution of SSF economically, socially and environmentally
- Development of ecosystem friendly participatory policies.

The Team is also used to plan, discuss, and monitor progress made by the government, civil society and other stakeholders towards developing the small-scale fisheries sector in line with the SSF Guidelines³⁷.

Information and data generated from this multi-stakeholder forum has the potential to generate relevant data for assessing the implementation of SDG target 14.b and the 14.b.1 indicator in Tanzania.

SECTION 3

HOW HUMAN RIGHTS MONITORING CAN CONTRIBUTE TO MONITORING SDG TARGET 14.B

ENHANCING EFFICIENCY AND ACCOUNTABILITY THROUGH INTEGRATED MONITORING

Some of the key aspirations of the 2030 Agenda are to ‘realise human rights of all’ and to ‘leave no one behind’. Hence, the Agenda is underpinned by legally binding human rights treaties and labour standards with institutionalised monitoring mechanisms. Consequently, the monitoring mechanisms set up to guide implementation of human rights and labour standards can also help monitor the implementation of the SDGs.

This provides an unprecedented opportunity to pursue joint approaches to the realisation and measurement of human rights and sustainable development, including in the context of small-scale fisheries. There is thus significant potential for States to align their human rights reporting and Follow-up and Review procedures to boost efficiency and accountability.³⁸

Moreover, under indicator 14.b.1, most countries report that they are doing well in providing small-scale fishers with access to marine resources and markets. However, data from human rights monitoring mechanisms reveals that small-scale fishers and fish workers face significant human rights challenges in many countries. Data from human rights and labour standards monitoring mechanisms can therefore complement existing SDG target 14.b monitoring by identifying challenges and uneven progress. This data also shows which groups of small-scale fishers and fish workers are particular marginalised and vulnerable and likely to be left behind.

Finally, it is worth noting that a number of these mechanisms have complaints procedures, which allow them to consider complaints or communications from individuals about violations of rights. Hence, they can enhance accountability in a very direct way.

THE ADDED VALUE OF HUMAN RIGHTS MONITORING

States that have ratified international human rights instruments and labour standards have an obligation to ensure that the rights enshrined in these instruments are protected, respected and fulfilled for everyone within the country.

The application of these rights in a given country is monitored in an ongoing process which includes State reporting and regular examinations through institutionalised monitoring mechanisms. Civil society organisations and others can also submit supplementary information and reports. Monitoring can also include country visits, specific investigations and examination of complaints.

Monitoring mechanisms are established at the:

- International level, through the United Nations (UN) and the International Labour Organization (ILO).
- Regional level, through regional human rights systems set up in Africa, Europe and the Americas.
- National level, through national human rights institutions and other independent oversight bodies.

The in-depth and inclusive nature of these monitoring processes results in qualitative, context-specific information about the situation of human rights and labour standards in each country, including data related to specific rights-holder groups such as women, children, persons with disabilities, migrants, indigenous peoples, etc. Based on the systematic review of information, these monitoring mechanisms produce recommendations and observations to individual States on how to improve their human rights situation. When States receive such recommendations, they are expected to address the identified issues and present information about their progress in their next human rights examination. **Small-scale fishers, fish workers and other actors at national level can use these recommendations to further hold States accountable and push for action and redress.** In this way, human rights monitoring can play an

The **judiciary** can also constitute a source of data in cases where a plaintiff seeks redress for a potential human rights violation by the State or by a company. Beyond the individual cases, jurisprudence from national courts regarding disputes on access to marine resources and markets for small-scale fishers offers important contextualisation of human rights and documentation of human rights abuses, which should inform monitoring and implementation of SDG target 14.b.

important role in driving human rights realisation on the ground, including within the small-scale fisheries sector.

In summary, human rights monitoring and reporting mechanisms can provide:

- Systematised qualitative analysis and data on the human rights situation of small-fishers and fish workers, as well as vulnerable groups within the sector in specific countries.
- Accountability and access to justice for victims of human rights violations in the context of small-scale fisheries.
- Identification of specific and systemic implementation challenges related to target 14.b, as well as recommendations and guidance to overcome these.
- Best practices on the systematic engagement of small-scale fishers, fish workers and other stakeholders in monitoring, reporting and follow-up, guided by principles of accountability, participation, transparency and access to information.
- Analysis of the importance of access to marine resources for small-scale fishers for the fulfilment of their economic, social and cultural rights and the realisation of the 2030 Agenda, including SDGs 1, 2, 3, 5, 8 and 10 (on poverty, food security, health, gender, decent work and equality, respectively).

Example of small-scale fishers claiming their human rights through the judicial system. In South Africa, a group of small-scale fishers won a court case on the grounds of equality and non-discrimination in the **Equality Court of South Africa**. A change in the national fisheries policy had introduced a quota system which excluded small-scale fishers from getting quotas and thereby removed their access to marine resources. The policy also removed the right of small-scale fishers to take part in post-harvest activities. The Equality Court ruled the quota system had violated the human rights of the small-scale fishers and obliged the Minister of Fisheries to restore their access rights to marine resources and post-harvest activities. The ruling also obliged the Minister of Fisheries to include small-scale fishers in the development of policy on small-scale fisheries. In June 2012, a new policy for the small-scale fisheries sector in South Africa was adopted.³⁹

DATA FROM UN HUMAN RIGHTS MONITORING SYSTEMS RELEVANT TO TARGET 14.B

Given the intertwined nature of human rights and the SDGs, a number of recommendations and observations emerging from the UN human rights monitoring mechanisms are directly relevant for guiding implementation of target 14.b at the country level.

The human rights monitoring mechanisms of the United Nations are:

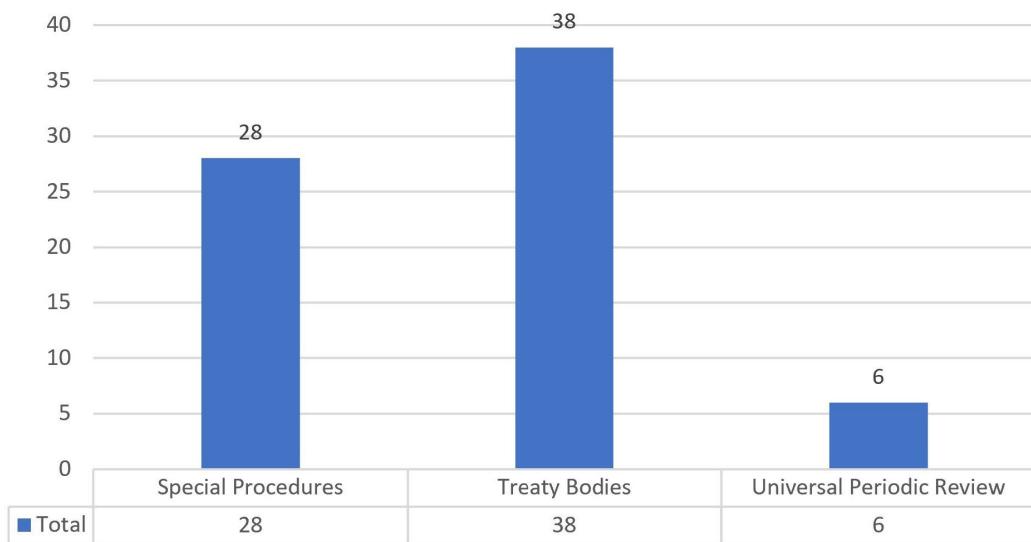
- **The treaty bodies.** These consist of committees of independent experts that monitor State parties' obligation to respect, protect and fulfil the rights set up in each of the core international human rights treaties. They monitor the full range of civil and political rights; economic, social and cultural rights; and the rights of specific categories of persons, including women, migrants, children and persons with disabilities.
- **The Universal Periodic Review (UPR).** The UPR is a unique peer-review mechanism under the Human Rights Council which provides periodic reviews of the human rights records of all 193 UN Member States.
- **The Special Procedures of the Human Rights Council.** The Special Procedures are independent human rights experts with mandates to report and advise on all civil, cultural, economic, political and social rights from a thematic or country-specific perspective.

Many of the 190 legally binding conventions of the **International Labour Organization** are immediately relevant to the implementation of the SDG target 14.b. This, obviously, is the case with the Work in Fishing Convention (No. 188), but the eight ILO core conventions on forced labour, child labour, equality of opportunity and treatment, and the right to freedom of association and collective bargaining are also highly relevant for the sector. Moreover, the Convention on the Rights of Indigenous and Tribal Peoples (No. 169) has addressed the issue of access to marine resources in a number of countries. States report regularly to the ILO's Committee of Experts on the Application of Conventions and Recommendations in cycles of two to five years. Country-specific observations and recommendations can be found in the ILO's Normlex database.⁴⁰

At least 72 observations and recommendations from treaty bodies, UPR and Special Procedures are related to implementation of SDG 14, and the majority of these are directly related to target 14.b.⁴¹ **The data mainly address access to marine resources for small-scale fishers, while access to markets has not yet been addressed.**

Most of the observations and recommendations related to SDG 14 are from treaty bodies (38), followed by Special Procedures (28). Only a few UPR recommendations (6) are related to SDG 14.

Implementation of instruments for Access to Resources and Markets for Small-Scale Fisheries in 2018



CASES RELATED TO TARGET 14.B ADDRESSED BY HUMAN RIGHTS MONITORING MECHANISMS

The following examples of cases addressed by different mechanisms under the UN human rights monitoring system give an indication of the human rights standards and issues at stake when protecting access rights to marine resources for small-scale fishers. Moreover, the examples are indicative of the potential for addressing barriers and challenges for small-scale fishers and seeking redress through the UN human rights system. The examples address the following issues:

1. Equality and non-discrimination.
 2. The right to an adequate standard of living.
 3. The right to a healthy environment.
 4. Access to marine resources.
 5. Displacement of small-scale fishers and implications arising from other economic sectors.
 6. Rights of indigenous peoples and traditional rights to lands, territories and resources.
 7. Special measures to provide access to marine resource and markets for small-scale fishers, including women and girls.
- 1. Equality and non-discrimination: Discrimination against groups of fishers in the allocation of fishing quotas**

Human rights standards can be used to ensure that fishery management systems do not discriminate against groups of fishers. Data and reports

about the human rights situation of small-scale fishers can expose patterns of discrimination against specific groups of small-scale fishers (for example, women or indigenous peoples). Information regarding discrimination needs to be collected, discussed and addressed through laws, policies and management of the fisheries sector to ensure promotion of equality and non-discrimination. Addressing discrimination in fisheries will help realise the pledge of the 2030 Agenda to leave no one behind.

A fishery management system (FMS) comprises a wide array of activities designed to ensure the rational and responsible use of living marine resources. The question of how much fish can be caught in what fishing ground with what kind of by whom is fundamental to the structure of fishery management systems. FMS can constitute a barrier for small-scale fishers' access to marine resources. The right to equality and non-discrimination (article 26 of the ICCPR) has been used by small-scale fishers in Iceland and South Africa to claim access they had lost due to the introduction of quotas by the fishery management systems, as explained below.

In 2007, the **Human Rights Committee** found that **Iceland** had designed a fisheries quota system that was incompatible with the non-discrimination principle. A group of fishers had filed a complaint to the Committee and claimed that the quota system was based on differentiation between groups of fishers, as access to fisheries resources were given based on catch history. The first group of fishers received a quota share for free because they had engaged in fishing of quota-affected species during a period between 1980 and 1983. Moreover, members of this group were not only entitled to use these quotas themselves, but could sell or lease them to others. The second group of fishers had to buy or rent a quota from the first group, for the simple reason that they did not own and operate fishing vessels during the reference period. The Committee concluded that such a distinction is based on grounds equivalent to those of property. The Committee recalled that in general, not every distinction between groups of fishers constitutes a discrimination in violation of article 26: '(The) Committee noted that every quota system to some extent privileges the holders of such quotas and disadvantages others without necessarily being discriminatory'.⁴² The Committee did, however, state that 'distinctions must be justified on reasonable and objective grounds, in pursuit of an aim that is legitimate under the Covenant'. The Committee concluded that the access to fisheries resources given to fishers based on a catch history was not legitimate under the ICCPR.⁴³

In 2016, the **Human Rights Committee** gave **South Africa** a recommendation to ensure that small-scale fishing communities are not discriminated against in their access to traditional means of subsistence.⁴⁴

In 2016, the **Special Rapporteur on the right to food** gave Morocco a recommendation to ‘increase already established monitoring mechanisms to ensure that annual fishing permits are distributed in a transparent manner in accordance with international fishing regulations’.⁴⁵ Moreover, the Special Rapporteur recommended that the country ‘adopt a human rights-based poverty reduction strategy that specifically targets the needs of disadvantaged and marginalized individuals and groups, with sufficient financial and other resources allocated to ensure implementation and guarantee that resources are fairly distributed among all those affected by poverty, in line with the recommendations made by the Committee on Economic, Social and Cultural Rights’.⁴⁶

In the context of development, in a 2014 report, the **Special Rapporteur on the situation of human rights in Myanmar** recommended that the government should: ‘Put in place a collective or communal tenure system for land, fisheries and forests to protect the access of local communities to common goods and ensure that the land can be converted to new uses only with their free, prior and informed consent’.⁴⁷

2. The right to an adequate standard of living: Deprivation of means of subsistence for small-scale fishers and fish workers

During **Senegal’s** examination in 2019, the **Committee on Economic, Social and Cultural Rights** addressed small-scale fishers’ human right to an adequate standard of living (CESCR art. 11) by expressing its concerns about the fact that small-scale fishers are deprived of their means of subsistence as a result of overfishing, mainly by foreign companies. To address this concern, the Committee gave Senegal the following recommendation: ‘...Ensure the meaningful and effective participation of the fishers concerned in the negotiation of fishing agreements and strengthen the means of controlling overfishing, with the assistance and cooperation of the international community, where necessary’.⁴⁸

On the obligation to mobilise the maximum available resources to implement the human rights enshrined in the Convention, the Committee gave Senegal the following recommendation: ‘Ensure the effective mobilization of domestic resources by, inter alia, developing a more efficient, progressive and socially just fiscal policy and increasing the fees charged to foreign investors for the exploitation of extractive and fisheries resources, as a means of combating economic inequalities and progressively achieving the full realization of economic, social and cultural rights’.⁴⁹

In 2013, the **Committee on Economic, Social and Cultural Rights** also addressed fisheries agreements and conservation of marine resources as

human rights issues in a recommendation to Djibouti: ‘The Committee urges the State party to protect the fish stocks in its territorial waters, which are a source of livelihood for small-scale fishing communities. The Committee also requests the State party to ensure that all fishing agreements provide tangible benefits for the population.’⁵⁰

3. The right to a healthy environment: Loss of access to marine resources due to environmental pollution and climate change

Possible barriers for small-scale fishers include: environmental pollution; climate change; conservation measures; and implications arising from the activities of other sectors such as oil and gas, tourism and renewable energy. In 2008, a Royal Dutch Shell oil spill contaminated the water around Bodo in Nigeria and as a result the local population, which depends on fisheries, lost their access to marine resources. In 2015, Shell reached a settlement that resulted in a pay-out of approximately 600,000 Nigerian naira (about USD 3,000 at the time) to most claimants. **The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance** concludes in her 2019 report on ‘Global extractivism and racial equality’ that sums of that size cannot come close to remedying the devastating effects of the spill on the affected communities.⁵¹

The UN Expert Mechanism on the Rights of Indigenous Peoples, in its 2019 thematic report ‘Indigenous peoples’ rights in the context of borders, migration and displacement’,⁵² describes how climate change and natural disasters have implications for indigenous peoples’ access to marine resources and how such disasters are forcing indigenous peoples to leave their lands. The effects of climate change and natural disasters described by the report include persistent drought, flooding, desertification, pollution of freshwater, increased seismic or volcanic activity, storm impacts, erosion and submersion (which reduce fisheries and productive hunting lands), changing rain patterns, coastal erosion and sea level rise, wildfires and disease.

4. Access to marine resources: Loss of access due to marine conservation and illegal fishing

In 2017, the UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment conducted a country visit to Madagascar. One of the recommendations after the visit was that the government should consult local communities and combat potential barriers to access to marine resources caused by marine protected areas and illegal fishing. The Special Rapporteur recommended: ‘In implementing its Sydney promise to triple its marine protected areas, Madagascar should ensure that local communities are consulted throughout the process, including in the delimitation of the

protected areas and in the recognition of the rights of local communities. Among other things, this process should provide set-aside zones for traditional fishers that protect their customary rights. The Government should seek assistance to combat illegal fishing by foreign vessels'.⁵³

5. Rights of indigenous peoples: Traditional ownership of land and access to fishing grounds

Small-scale fishers' access to marine resources is often based on traditional and customary rights to land and marine resources. In the case of indigenous peoples, international law recognises their collective rights to lands, territories and resources, including fishing grounds.

During Norway's Universal Periodic Review in 2014, the country received a recommendation to 'undertake further steps to preserve and promote the traditional means of livelihood of the Sami people, such as reindeer grazing and fishing'.⁵⁴ Norway accepted the recommendation and reported on progress in its next UPR examination in 2019 (as discussed further below).

Moreover, in 2015, the UN Committee on the Elimination of Racial Discrimination gave Norway a recommendation to review its fisheries legislation and ensure that it fully recognises the Sami fishing rights based on immemorial usage and local customs.⁵⁵ The Committee was also concerned about the vulnerable situation of the Eastern Sami culture and the insufficient measures to preserve it, particularly due to the restrictive regulation of reindeer herding, fishing and hunting, which constitute an important part of Sami culture.⁵⁶

In its 2019 UPR report, Norway informed that 'the Government has annual consultations with the Sámediggi [Sami Parliament] on fishing regulations for the following year. A public consultation has been held on a report reviewing the extra quotas for coastal fishermen in Sami areas and some other northern coastal areas, and the Sámediggi and the Government are cooperating on its follow-up'.⁵⁷ However, during the 2019 UPR examination, Norway received new recommendations to:

- 'Adopt legislation that increases the protection of traditional Sami livelihoods, including coastal Sami fisheries and traditional Sami reindeer herding, and further reinforces the principle of free, prior, and informed consent'.⁵⁸
- 'Implement the recommendations of the Committee on the Elimination of Racial Discrimination to take measures to improve the legal framework for Sami land, fishing and reindeer rights'.⁵⁹

Norway decided not to accept these two new recommendations and gave the following explanation: 'The fishery legislation was amended in 2012 to emphasise the importance of considering Sami culture in all regulation and management of fishing, and to emphasise that the Participation Act is to be applied in accordance with international law on indigenous people and minorities. The Norwegian authorities consult the Sami in accordance with Article 6 of ILO Convention No. 169⁶⁰. It is worth noticing that Norway did accept recommendations to strengthen the protection of the rights of indigenous Sami population by ensuring uniform procedures for consultations of Sami people in accordance with ILO convention No. 169, article 6.1.⁶¹

The International Labour Organization (ILO) has also addressed the situation of Sami rights to marine resources under **ILO Convention No. 169**. In 2015, the ILO Committee of Experts on the Application of Ratified Conventions (CEACR) requested that the Norwegian government provide information on the measures taken to ensure that the fishing rights of the Sami are specifically safeguarded. It also invited the government 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 a country visit to Mexico, the **UN Expert Mechanism on the Rights of Indigenous Peoples** found that the establishment in 1993 of certain marine protected areas (Reserva de la Biosfera del Alto Golfo de California y Delta del Río Colorado), which subsequently became a UNESCO World Heritage Site, had negatively affected the Cucapá peoples' rights to access natural resources such as fishing.

In the 2019 report 'Global extractivism and racial equality', the **UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance** addressed the right to **consultation and to free, prior and informed consent**. The report makes references to the Inter-American Commission on Human Rights, which concludes that 'frequent violations of the right to consultation and to free, prior and informed consent in the implementation of extractivist projects in the region, some of which are approved in direct opposition to the development of indigenous peoples and people of African descent'.⁶² Moreover, the report describes that these projects have negative implications on a number of human rights, including the protection of cultural identity and religious freedoms, and noted the existence of cases in which these projects cause the breakdown of the social fabrics of entire communities. Furthermore, when indigenous communities lose effective control of their lands and territories due to extractivist encroachment and displacement, they lose their main sources of livelihood, including traditional subsistence activities such as hunting, fishing and agriculture, violating, among other things, the right to food of affected groups.⁶³

6. Special measures to provide access to marine resource and markets for small-scale fishers, including women and girls

With reference to human rights, States can apply special measures to ensure equal treatment of small-scale fishers, if they are disadvantaged or discriminated against in the national context.

In a 2017 country visit to the Philippines, the **UN Special Rapporteur on the right to food** recommended that the Philippine government: 'Develop a clear programme on the development of smallholder agriculture and fisheries within the framework of sustainability. This should be coupled with adequate and appropriate public investment in support services for access to socialized credit, seeds, fertilizer, farm machinery and infrastructure such as farm-to-market roads and post-harvest and irrigation facilities. Access to markets should be guaranteed.'⁶⁴ This is an example of special measures that States can undertake to overcome discrimination, promote equality and improve small-scale fishers' access to marine resources and markets.

The **UN Special Rapporteur on the right to food** visited Indonesia in 2018 and gave the following recommendations:

- 'Take appropriate measures to provide small-holder farmers, fisherfolk, indigenous peoples, pastoralists, 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.'⁶⁵
- 'Enhance efforts to protect the access of small-scale fisherfolk, men, women and their families, and coastal communities to water resources and integrate a human rights-based approach into laws related to fisheries and fisheries management.'⁶⁶

In 2015, the Committee on the Elimination of Discrimination against Women gave the **Maldives** a recommendation to ensure that rural women participate in decision-making processes affecting the management of natural resources at the community level, including through the Island Women's Development Committees. The Committee also recommended adopting long-term policies to increase rural women's access to income-generating opportunities, including through credit and loans, and to develop their entrepreneurial skills, especially in agriculture and in the fishing industry.⁶⁷

DATA FROM NATIONAL HUMAN RIGHTS INSTITUTIONS RELEVANT FOR SDG TARGET 14.B

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,⁶⁸ which set international minimum standards for NHRIs in order to ensure their effectiveness and credibility. The specific mandate areas, functions and organising setup of individual NHRIs are defined in national legalisation. 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.

NHRIs can contribute to SDG monitoring and implementation in different ways, as outlined in the **Mérida Declaration**,⁶⁹ adopted by the Global Alliance of National Human Rights Institutions (GANHRI) in 2015:

- **Provide advice to national and local governments, rights-holders and other actors** to promote a human rights-based approach to implementation and measurement of the 2030 Agenda for Sustainable Development, including by assessing the impact of laws, policies, programmes, national development plans, administrative practices and budgets on the realisation of all human rights for all people.
- **Monitor progress in the implementation of the 2030 Agenda at the local, national, regional and international levels.** NHRIs can disclose information about inequality and discrimination in this regard, such as through innovative approaches to data collection and inclusive monitoring that involve partnerships with rights-holders, including vulnerable and marginalised groups. NHRIs can also identify obstacles and actions for accelerated progress with regards to the implementation of the SDGs.
- **Respond to, conduct inquiries into and investigate allegations of rights violations in the context of development and SDG implementation,** including in relation to discrimination and inequality that can erode the trust between the State and the people.
- **Facilitate access to justice, redress and remedy for those who experience abuse and violation of their rights in the process of development**, including by receiving and processing complaints, where NHRIs have such functions.⁷⁰

All of these functions and actions are highly relevant for addressing the situation of small-scale fishers and fish workers under SDG target 14.b.

NHRIs can identify human rights issues at stake for small-scale fishers and fish workers, as well as vulnerable groups that are at risk of being discriminated against or who are least likely to enjoy access to marine resources and markets in the national context. Women; indigenous peoples; and ethnic, religious and linguistic minorities often face discrimination that requires special attention and measures to be overcome. This information is essential for the monitoring and implementation of SDG target 14.b in a manner that ‘leaves no one behind’. The NHRI mandate can also be used to convene dialogues with State actors, civil society, companies, academia, etc.

When **investigating human rights complaints**, the NHRI receives relevant data and information in support or in defence of the complaint from the parties involved. The conclusion of the investigation will determine if there is a human rights violation or risk of a human rights violation. If the investigation reveals a possible human rights violation, the NHRI has different options to act, depending on its mandate and the power given to it by law. Most NHRIs have the power to request and seek information from government authorities and forward recommendations to the government authorities on how to resolve the issue. NHRIs could also decide to publish information about the complaint and conduct further investigations or research.

EXAMPLES OF NHRIS THAT HAVE PLAYED A ROLE IN PROMOTING AND PROTECTING THE HUMAN RIGHTS OF SMALL-SCALE FISHERS

In a workshop for NHRIs on addressing human rights issues in the fisheries and aquaculture sectors in the Asia, organised by DIHR in November 2019 in Bangkok, the **Human Rights Commission of Malaysia** (SUHAKAM)⁷¹ shared information about their to address human rights impacts in the fisheries and aquaculture sectors. 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 Reclamation (PSR) project. The planned PSR project entails the building of three man-made islands measuring 1,821 hectares, and the local fishing community is concerned that the development will have a range of environmental and human rights impacts. As proposed, the project will destroy areas for catching crabs, prawns and fish within the reclamation zone, meaning that fishermen will have to incur additional time and cost to travel further to catch fish. Moreover, the fishing community is likely to be negatively impacted by the associated sand mining and dredging activities. SUHAKAM has consulted with a range of affected stakeholders, including the fishing community, the State Department and the developer in order to gather information and process the complaint. If SUHAKAM finds the PSR could cause human rights violations, it has the power to refer the matter to appropriate or relevant authorities and make any necessary recommendations.

In Thailand, local fishermen in Pattani Bay brought a complaint to the **National Human Rights Commission of Thailand** (NHRCT) as a commercial cockle farmer attempted to have them prosecuted for collecting cockles in a public area. The commercial cockle farmer had 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 twenty 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 evenly and fairly. Other agencies had direct authority and responsibilities to deal with this matter, so the NHRCT did not proceed with further investigations. However, the NHRCT found that similar cases of conflicts with community rights took place throughout the country and thus decided to bring a series of recommendations to the government to address this issue at policy level.⁷²

The **Chilean NHRI**, the **Instituto Nacional de Derechos Humanos (INDH)**⁷³ has carried out investigations and research on the human rights impacts of the fisheries and aquaculture sectors since 2015. This has mainly consisted of mapping of socio-environmental conflicts in 2015, followed by an observation mission to Chiloé island in the southern region of Los Lagos in 2016 to investigate the impacts of the salmon farming industry. INDH presented information and analysis regarding these impacts in its annual monitoring report on the human rights situation in Chile.⁷⁴

The mapping of socio-environmental conflicts identified five local conflicts related to the fisheries and aquaculture sectors. The mapping found that other industries like mining, forestry and energy have negative impact on the oceans, namely by polluting seas and negatively affecting biodiversity and marine resources. INDH identified several root causes related to the socio-environmental conflicts, including:

- 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.
- Overexploitation of fishery and aquaculture resources, threatening marine biodiversity.

Observation missions are INDH's main mechanism for monitoring companies' impacts on human rights. During such missions, an interdisciplinary team carries out a direct observation of violations and interviews (potential) victims, companies and government authorities.

In 2016, INDH carried out a such an observation mission to Chiloé island, in the

southern region of Los Lagos, after nine tons of dead salmon were dumped into the sea by salmon farming companies. This generated high level of pollution and allegedly contributed to the aggravation of the red tide, a harmful algae bloom,⁷⁵ which lasted for three months and caused a serious socio-environmental crisis.

During the mission, the INDH team received information and complaints that the situation had resulted in several human rights impacts, including:

- **The right to live in a healthy environment** was affected by the salmon farming industry due to the use of antibiotics and dumping of waste, increasing fish mortality rates.
- **The right to work and other labour rights** were affected. With the arrival of the salmon farming industry, economic activity in the island of Chiloé focused on this sector to the detriment of other activities. Salmon farm workers faced a number of problems, including: temporary contracts that failed to provide protection and access to social security; unemployment for several months a year; employees dismissed for being pregnant; union leaders persecuted; and pollution of oceans, affecting artisanal fishers' ability to catch fish.
- **The right to food** was negatively impacted by the red tide, which affected fishing activities and the collection of seaweed and shellfish, which are basic foods in Chiloé. Also, the lack of jobs and income affected many families' access to food.
- **The right to health** was impacted, as the red tide caused poisoning of some individuals. In addition, transport workers had to move decomposing fish while exposed to toxic chemicals.
- **Cultural rights** were affected. For example, the inhabitants of Chiloé, the Chilotas, could not cook their traditional food, and the Huilliche indigenous people could not carry out their traditional subsistence activities. In addition, the Huilliche attribute a healing and purification power to the sea; therefore, the pollution of the sea also affected their spiritual beliefs and customs.

After concluding the mission, the INDH issued several recommendations to the Chilean government to ensure that sustainable development policies respect human rights, cultural rights and local ways of life. INDH called on the government to ensure that companies on the island of Chiloé respect human rights and abstain from infringing the law, namely by establishing a regulatory framework that obliges companies to exercise due diligence in their operations, as well as address, mitigate and remedy the negative impacts they cause.

Based on the information and analysis in INDH's annual monitoring report on the human rights situation in Chile⁷⁶ – with a view to contributing to the protection of human rights in relation to extraction, exploitation and development activities – the INDH developed three recommendations to the government in 2018:

1. Adopt effective environmental and biodiversity protection laws, strengthening State institutions and their capacity to conduct appropriate auditing.

2. Take the necessary measures to fully implement and enforce the right to consultation, and where appropriate, prior and informed consent of the indigenous communities affected, according to international standards and with the full participation of peoples and communities.
3. Promote the Chilean National Action Plan on Business and Human Rights and generate public-private partnerships for the implementation of sustainable business activities which contribute to climate change adaptation and do not degrade biodiversity. The State must also comply with its monitoring duties and should develop territorial planning instruments that consider the protection of biodiversity.

Following the observation mission to assess the impacts of the salmon farming industry in Chiloé and the publication of findings in the INDH's annual monitoring report on the human rights situation in Chile, the INDH entered into a three-year partnership with DIHR in 2018 to conduct a sector-wide impact assessment of the salmon industry. Part of the DIHR's Sustainable Oceans project, the assessment aims to evaluate both the negative and positive human rights impacts of the salmon farming industry in Chile through empirical field data collection and interviews with a wide range of stakeholders. The findings will be published together with recommendations to the salmon farming industry in Chile, the Chilean government, buyers of Chilean salmon, financiers and other stakeholders on how to address the impacts found by the assessment. The project aims to contribute to national and global multi-stakeholder dialogues on sustainable development, responsible business and human rights within the fisheries and aquaculture sectors.⁷⁷

In the Philippines, the **Special Rapporteur on the right to food** reported on the plight of municipal fishers in the Philippines, who are experiencing difficulties in catching sufficient fish to support their livelihoods. The Special Rapporteur made particular reference to commercial fishing vessels, which are competing in waters legislatively reserved for small-scale fisherfolk.

The NHRI, the **Philippines Commission on Human Rights**, welcomed these comments and urged the State to fulfil its obligations, to protect access rights of traditional fishing communities and to strengthen access to resources. The Commission strongly urged the Philippine government to fully implement the legal provisions on the granting of fishing licenses giving priority to resident fishers, as well as to ensure access to government credits and funds available to small-scale fishers. Subsequently, the Fisheries Code was 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.

SECTION 4

FURTHER ACTION TO ENHANCE ACCOUNTABILITY IN IMPLEMENTATION OF SDG TARGET 14.B

As demonstrated, human rights data constitutes an important supplement to the existing global monitoring framework for SDG target 14.b by identifying salient human rights issues, barriers and root causes that hinder effective implementation of the target. Likewise, human rights monitoring can play a key role in ensuring that vulnerable and marginalised groups of small-scale fishers do not lose their access to marine resources. Through direct recommendations to States, human rights monitoring enhances accountability and can provide redress to small-scale fishers and fish workers, whose human rights have been violated.

The existing data shows that both international human rights monitoring mechanisms and national human rights institutions have addressed small-scale fishers' access to marine resources as a human rights issue under their respective mandates. However, it is also evident that the human rights and small-scale fisheries communities have relatively limited knowledge about the convergence of issues and links which make them relevant to each other. In order to further unleash the potential of and make use of human rights monitoring to advance accountability and promote small-scale fishers' access to marine resources, further action is required in the following three areas:

- Generation of complementary data through participatory processes for monitoring the access of small-scale fishers to marine resources.
- Increased attention of human rights monitoring mechanisms to the situation of small-scale fishers.
- Promotion of a human rights-based approach to national SDG Follow-up and Review.

ACTION POINT 1: GENERATE COMPLEMENTARY DATA FOR MONITORING SDG TARGET 14.B AND HUMAN RIGHTS

As reflected in section 2, the monitoring of small-scale fishers' access to marine resources per indicator 14.b is based on States' self-assessment, with

76 percent reporting that they have good protection of access rights for small-scale fishers. The monitoring largely focuses on structural aspects, whereas the outcome in terms of small-scale fishers' actual access to marine resources and markets is not directly measured. Consequently, **the self-assessment of States may not capture the views and perceptions of small-scale fishers and vulnerable groups within the sector.**

Hence, there is a need to generate complementary data in participatory ways, particularly in order to identify and measure:

- Groups of rightsholders within small-scale fisheries who face particular human rights risks due to marginalisation and discrimination, such as women, children, migrants, indigenous peoples and ethnic minorities, among others.
- Human rights implications and impacts associated with of small-scale fisheries (both positive and negative),
- Human rights impacts on the small-scale fisheries sector of actions undertaken by government and businesses (both positive and negative).

Using the three-level approach suggested by the OHCHR to look at structural, process and outcome-related aspects of States' human rights obligations, the scope of human rights monitoring for SDG target 14.b could include:

Structural level:

- Analysis of the degree to which human rights standards and issues pertaining to small-scale fisheries are addressed in the legal framework.
- Analysis of policies and/or programmes that promote and protect the rights of small-scale fishers and fish workers to access marine resources and markets in a non-discriminatory manner.

Process level:

- Identification of barriers that prevent or hinder small-scale fishers from effectively accessing marine resources and markets. Such analysis may include the role of other sectors and companies.
- Analysis of the enforcement of and the effect given to legislation, policies and programmes, including with regards to staffing, allocation of budget and resources, geographical prioritisation, etc.
- Analysis of complaints regarding human rights violations and discrimination against small-scale fishers, investigated and adjudicated by the judiciary, the NHRI or other oversight bodies.
- Analysis of the number and quality of initiatives for providing preferential access to marine resources and markets to small-scale fishers, including women, minorities, etc.

Outcome level:

- Documentation of the proportion of small-scale fishers, including women and minorities, who have access to marine resources and markets.
- Documentation of the proportion of small-scale fishers, including women and minorities, having sold their products at markets.
- Documentation of the situation of small-scale fishers with regards to fulfilment of fundamental economic and social rights, such as access to education and vocational training, adequate housing, health services, social security, etc.

Along with existing data and recommendations from human rights monitoring mechanisms, information such as the above can contribute to building an ecosystem of data from multiple sources, which allows stakeholders to drive the change needed to achieve target 14.b.

The data can serve the triple purpose of:

- Monitoring the human rights situation of small-scale fishers and fish workers, in particular, vulnerable groups within the sector.
- Monitoring progress under SDG target 14.b.
- Monitoring the application of the SSF Guidelines.

The scope and data collection methodologies for human rights monitoring can be designed in many ways but should follow a human rights-based approach to data, as advocated by the OHCHR.⁷⁸ Such an approach ensures the free, active and meaningful participation of all relevant stakeholders, in particular the most marginalised population groups. Moreover, data should be disaggregated on the basis of the grounds of discrimination enshrined in international human rights law (e.g. gender, ethnicity) in order to reveal underlying disparities.

ACTION POINT 2: INCREASE THE ATTENTION OF HUMAN RIGHTS MONITORING MECHANISMS TO THE SITUATION OF SMALL-SCALE FISHERS

Human rights monitoring can play a key role in holding governments accountable for the implementation of SDG target 14.b. Human rights monitoring mechanisms can, for example, identify root causes, gaps and barriers that hinder effective implementation of SDG target 14.b. Moreover, recommendations from these mechanisms point to necessary measures for overcoming such problems, for example: reforms or amendments to national laws, regulation or policies; or the development of targeted initiatives, including those designed to ensure the participation and contribution of small-scale fishers in decision-making processes.

As shown in section 3, there are many encouraging examples of international human rights monitoring mechanisms and national human rights institutions that have addressed the situation of access to marine resources of small-scale fishers as a human rights concern. However, several gaps remain:

- The attention given to small-scale fishers of the different human rights mechanisms is still quite limited and varies a great deal. For example, the Universal Periodic Review has only occasionally addressed the issue.
- The potential discriminatory aspects that limit the access of small-scale fishers to markets (e.g., lack of basic infrastructure in remote areas, preferential treatment for industrial actors, etc.) have not been identified and addressed in human rights terms.

These gaps can first and foremost be addressed by increasing the mutual understanding and interaction between those working on human rights and on small-scale fisheries. This can be done in various ways:

- Include national human rights institutions in the national-level discussions and platforms set up to monitor the implementation of the SSF Guidelines and target 14.b.
- Facilitate training and capacity-building on the human rights underpinnings and implications of small-scale fisheries for institutions working on human rights and small-scale fisheries.
- Share data and reports on the human rights situation within the small-scale fisheries sector with human rights monitoring mechanisms at both national and international levels.
- File complaints to national and international human rights monitoring bodies in situations where the human rights of small-scale fishers may have been violated.

Shadow reporting to the international human rights monitoring system. When States report on their human rights performance to international human rights mechanisms, NHRIs and civil society organisations can submit 'shadow reports' based on the same parameters and questions that States report on. Consequently, groups of rights-holders or civil society organisations could develop shadow reports on SDG target 14.b and have the information taken into account in the regular human rights examination of a given State.

ACTION POINT 3: PROMOTE A HUMAN RIGHTS-BASED APPROACH TO NATIONAL SDG FOLLOW-UP AND REVIEW

Participation, accountability and non-discrimination are core aspects of the human rights-based approach, which underpins both the SDGs and the SSF Guidelines. Hence, under both the SSF Guidelines and the 2030 Agenda, States are encouraged to establish participatory platforms and processes for monitoring, follow-up and review. Such multi-stakeholder platforms can bring together both duty-bearers and rights-holders, including the relevant State institutions concerned with fisheries, as well as representatives of small-scale fishers and fish workers, including women and other groups of rightsholders within the sector. National human rights institutions, NGOs, academia and others are also well placed to contribute.

Such platforms are essential for:

- Establishing and maintaining an inclusive and participatory assessment of indicator 14.b.1, ensuring that the perspectives and perceptions of rights-holders inform the assessment.
- Discussing complementary data and recommendations emerging from human rights monitoring bodies, which can help identify human rights issues and vulnerable groups that require special attention.
- Defining a joint national action plan to implement the SSF Guidelines, reach target 14.b and realise human rights for small-scale fishers, fish workers and other rights-holders within the sector.

ANNEXES

ANNEX 1: INDICATOR 14.B.1 VARIABLES AND QUESTIONS

The table below gives a comprehensive overview of the questions that countries report against to assess progress towards the implementation of SDG target 14.b through indicator 14.b.1.

Overview of the international monitoring framework for SDG indicator 14.b.1

Variable 1 - governance instruments: Existence of laws, regulations, policies, plans or strategies that specifically target or address the small-scale fisheries sector (weight: 40%).

Indicator question: Are there any laws, regulations, policies, plans or strategies that specifically target or address the small-scale fisheries sector?

Predefined
sub-variables
(answer type:
yes or no):

- 1.1 Law
- 1.2 Regulation
- 1.3 Policy
- 1.4 Plan/strategy
- 1.5 Other (please specify)

Variable 2 - initiatives: Ongoing specific initiatives to implement the SSF Guidelines (weight: 30%)

Indicator question: The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) were endorsed by COFI in June 2014. Does your country have a specific initiative to implement the SSF Guidelines?

Predefined
sub-variables
(answer type:
yes or no):

- 2.1 Improving tenure security for small-scale fishers and fish workers in accordance with **SSF Guidelines paragraphs 5.2-5.1**
- 2.2 Supporting small-scale fisheries actors to take an active part in sustainable resource management in accordance with **SSF Guidelines paragraphs 5.13-5.20**
- 2.3 Promoting social development, employment and decent work in small-scale fisheries in accordance with **SSF Guidelines paragraphs 6.2-6.18**
- 2.4 Enhancing small-scale fisheries value chains, post-harvest operations and trade in accordance with **SSF Guidelines paragraphs 7.1-7.10**
- 2.5 Ensuring gender equality in small-scale fisheries in accordance with **SSF Guidelines paragraphs 8.18.4**
- 2.6 Addressing disaster risks and climate change in small-scale fisheries in accordance with **SSF Guidelines paragraphs 9.1-9.**
- 2.7 Strengthening institutions in support of SSF and to promote policy coherence, coordination and collaboration in accordance with **SSF Guidelines paragraphs 10.1-10.8**

	2.8 Improving information, research and communication on the contribution of SSF to food security and poverty eradication in accordance with SSF Guidelines paragraphs 11.1-11.1
	2.9 Implementing capacity development of fisheries organisations and other stakeholders in accordance with SSF Guidelines paragraphs 12.1-12.4
	2.10 Establishing or improving monitoring mechanisms and promoting SSF Guidelines implementation in accordance with SSF Guidelines paragraphs 13.1-13.6
	Other
Variable 2 - opportunities: Existence of mechanisms through which small-scale fishers and fish workers contribute to decision-making processes (weight: 30%).	
Indicator question: Does your country have an advisory/consultative body to the Ministry/Department of Fisheries in which fishers/fish workers can participate and contribute to decision-making processes? (weight: 30%)	
Predefined sub-variables in the CCRF survey:	<p>Existence of advisory/consultative body to the Ministry/Department of Fisheries in which fishers/fish workers can participate (representation at national or provincial level)</p> <p>Involvement of small-scale fishers in fisheries management (representation at fishery level)</p> <p>Involvement of fisheries and fish workers in data collection and research</p> <p>Involvement of fishers in monitoring, surveillance and control</p> <p>Involvement of fisheries and fish workers in local development processes (e.g. councils, etc.)</p> <p>Other</p> <p>Do these mechanisms encourage the active participation of women at any level?</p>

ANNEX 2: OVERVIEW OF DATA FROM UN HUMAN RIGHTS MECHANISMS RELEVANT TO SDG TARGET 14.B

Treaty bodies	Examples of treaty body observations and recommendations mentioning human rights issues related to access to marine resources for small-scale fishers
Committee on Economic, Social and Cultural Rights	<ul style="list-style-type: none"> • Djibouti in 2013 (E/C.12/DJI/CO/1-2) • Israel in 2011 (E/C.12/ISR/CO/3) • Norway in 2013 (E/C.12/NOR/CO/5) • New Zealand in 2012 (E/C.12/NZL/CO/3) • Philippines in 2016 (E/C.12/PHL/CO/5-6) • Senegal in 2019 (E/C.12/SEN/CO/3)
Human Rights Committee (treaty body for the International Covenant on Civil and Political Rights)	<ul style="list-style-type: none"> • Norway in 2018 (CCPR/C/NOR/CO/7) • New Zealand in 2016 (CCPR/C/NZL/CO/6) • South Africa in 2016 (CCPR/C/ZAF/CO/1)
Committee on the Elimination of Racial Discrimination	<ul style="list-style-type: none"> • Canada in 2017 (CERD/C/CAN/CO/21-23) • Cyprus in 2017 (CERD/C/CYP/CO/23-24) • Ecuador in 2017 (CERD/C/ECU/CO/23-24) • Finland in 2017 (CERD/C/FIN/CO/23) • France in 2015 (CERD/C/FRA/CO/20-21) • Norway in 2015 (CERD/C/NOR/CO/21-22) • New Zealand in 2017 (CERD/C/NZL/CO/21-22) • Russian Federation in 2017 (CERD/C/RUS/CO/23-24)
Committee on the Elimination of Discrimination against Women	<ul style="list-style-type: none"> • Maldives in 2015 (CEDAW/C/MDV/CO/4-5)

Examples of country reports and thematic reports from Special Procedures mentioning human rights issues related to access to marine resources for small-scale fishers:

Special Procedures	Country and thematic reports
Special Rapporteur on the right to food	<ul style="list-style-type: none"> • Thematic report on the right to food and fishing livelihoods from 2004 (A/59/385) • Thematic report on fisheries and the right to food from 2012 (A/67/268) • Country report on Cameroon in 2012 (A/HRC/22/50/Add.2) • Country report on the Philippines in 2015 (A/HRC/31/51/Add.1)

	<ul style="list-style-type: none"> • Country report on Morocco in 2016 (A/HRC/31/51/Add.2) • Country report on Indonesia in 2018 (A/HRC/40/56/Add.2) • Country report on Viet Nam in 2018 • Thematic report on fishery workers from 2019 (A/HRC/40/56)
The Working Group on the issue of human rights and transnational corporations and other business enterprises	<ul style="list-style-type: none"> • Country report on Thailand in 2019 (A/HRC/41/43/Add.1) • Country report on Ghana in 2014 (A/HRC/26/25/Add.5)
Special Rapporteur on the rights of indigenous peoples	<ul style="list-style-type: none"> • Country report on New Zealand in 2011 (A/HRC/18/35/Add.4) • Country report on Norway in 2011 (A/HRC/18/35/Add.2) • Country report on the Russian Federation in 2010 (A/HRC/15/37/Add.5)
Expert Mechanism on the Rights of Indigenous Peoples	<ul style="list-style-type: none"> • Thematic report on indigenous peoples' rights in the context of borders, migration and displacement from 2019 (A/HRC/EMRIP/2019/2)
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment	<ul style="list-style-type: none"> • Country report on Costa Rica in 2014 (A/HRC/25/53/Add.1) • Country report on Madagascar in 2017 (A/HRC/34/49/Add.1)
Special Rapporteur on contemporary forms of slavery , including its causes and consequences	<ul style="list-style-type: none"> • Thematic report on current and emerging forms of slavery from 2019 (A/HRC/42/44)
Special Rapporteur on minority issues	<ul style="list-style-type: none"> • Country report on Nigeria in 2015 (A/HRC/28/64/Add.2)
Special Rapporteur in the field of cultural rights	<ul style="list-style-type: none"> • Country report on Viet Nam in 2015 (A/HRC/28/57/Add.1)
Independent Expert on the situation of human rights in Somalia	<ul style="list-style-type: none"> • Report on Somalia in 2012 (A/HRC/21/61) • Report on Somalia in 2009 (A/HRC/12/44)
Special Rapporteur on the situation of human rights in Myanmar	<ul style="list-style-type: none"> • Report on Myanmar in 2014 (A/HRC/25/64)

Independent international Commission of inquiry on the protests in the Occupied Palestinian Territory	<ul style="list-style-type: none"> Report on the Occupied Palestinian Territory in 2019 (A/HRC/40/CRP.2)
Special Rapporteur on the situation of human rights in Eritrea	<ul style="list-style-type: none"> Report on Eritrea in 2018 (A/HRC/38/50)

ANNEX 3: FURTHER READING AND RESOURCES

The DIHR has developed a number of tools and guidance documents to support the effective, efficient and accountable development and implementation of integrated approaches to human rights monitoring and SDG Follow-up and Review (FUR). These tools and publications can be found at DIHR's website on SDGs and Human Rights⁷⁹.

- The **Human Rights Guide to the Sustainable Development Goals** is a searchable online database illustrating the links between the 169 SDG targets and the range of international and regional human rights instruments, international labour standards and multilateral environmental agreements. It is available in seven languages. By showing the concrete links between the 169 targets and human rights and labour conventions, the database can be used to identify the human rights anchorage of the SDGs and develop a human rights-based approach to sustainable development programming, implementation, monitoring, evaluation and reporting.
- The **SDG – Human Rights Data Explorer**, available in seven languages, is a searchable database that links monitoring information from the international human rights system to the goals and targets of the 2030 Agenda for Sustainable Development. It allows users to explore the recommendations and observations of international human rights monitoring bodies as they relate to the implementation of the SDGs and their 169 targets in specific countries. The database lets you explore a total of 145,000 recommendations from 67 mechanisms under the international human rights system. 59 percent of these recommendations are directly linked to an SDG target, and hence are immediately relevant for national SDG implementation.
- The publication '**Integrated review and reporting on SDGs and human rights**' (2019) explores ways in which human rights reporting, monitoring and recommendations can be used to pursue a human rights-based

approach to sustainable development.

- The publication '**Human rights and the 2030 Agenda for Sustainable Development - lessons learned and next steps**' (2018) collects and analyses recent information, tools and guidance to operationalise a human rights-based approach (HRBA) to the implementation of the 2030 Agenda for Sustainable Development.
- The publication '**Human rights in Follow-up and Review of the 2030 Agenda for Sustainable Development**' (2016) explores the convergence potentials for mutual support between FUR mechanisms and national, regional and international human rights monitoring mechanisms.

The DIHR has also developed several publications and tools on human rights and business. These can be found on DIHR's website on Business and Human Rights⁸⁰. In the context of small-scale fisheries, the following are particularly relevant:

- The Sustainable Development through Human Rights Due Diligence database offers inspiration to companies on how to work efficiently with human rights due diligence while contributing to the realisation of the SDGs.
- DIHR has developed a number of tools and guidelines on how to conduct human rights impact assessments of companies' business operations.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has developed guidance materials for measuring whether States are fulfilling their human rights obligations. In the context of the 2030 Agenda, the OHCHR has published guidance on a human rights-based approach to the collection of data.

Another useful tool by OHCHR is '**Human rights indicators: A Guide to Measurement and Implementation**'⁸¹, a comprehensive guide to developing quantitative and qualitative indicators for measuring progress in the implementation of international human rights norms and principles.

ENDNOTES

ENDNOTES

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- 20 FAO, 2016. Exploring the human rights-based approach in the context of the implementation and monitoring of the SSF Guidelines, Workshop proceedings. p. xi: <http://www.fao.org/3/a-i6933e.pdf>
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