



# THE SALMON INDUSTRY AND HUMAN RIGHTS IN CHILE

## Sector-Wide Impact Assessment

Executive Summary | October 2021





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**THE SALMON INDUSTRY AND HUMAN RIGHTS IN CHILE**  
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## EXECUTIVE SUMMARY

This study on the salmon industry in Chile analyses the impact of salmon farming on the environment, local communities, and workers from a human rights perspective. The study presents findings obtained through broad research based on primary and secondary sources, and it proposes a series of potential measures to be taken by the Chilean State, businesses, civil society, and other bodies, as well as by other states linked to the Chilean salmon industry. These measures aim to reduce and address the negative impacts of the salmon industry and maximise its positive human rights impacts and they seek to contribute to building a platform for dialogue on how the Chilean salmon industry could, in addition to creating new jobs, contribute to equity, to the development of the surrounding local communities where it operates, to the environment and to sustainable development.

The study is framed within a collaboration between the Chilean National Human Rights Institute (INDH) and the Danish Institute for Human Rights (DIHR) as a result of a cooperation agreement established in 2018 to implement the project ‘Sustainable Oceans’ in Chile. The study was carried out in accordance with the Sector-Wide Impact Assessment (SWIA) methodology developed by the Danish Institute for Human Rights and the Institute for Human Rights and Business (IHRB). This type of assessment seeks to identify the actual and potential human rights impacts of an entire business sector in a particular country. Consequently, this SWIA, rather than evaluating one or more specific salmon companies, addresses the entire salmon industry in Chile as a whole.

The salmon industry began developing when the Chilean State created the “Programa de Introducción del Salmon del Pacífico en Chile” (Programme to introduce Pacific Salmon in Chile) in 1969 as part of a cooperation agreement between the governments of Japan and Chile, and the process of economic openness that was practiced from the mid-1970s onwards in the country. There were 36 salmon farms operating by 1985, and due to the strong growth of the salmon industry between 1990 and 2006, Chile was positioned just behind Norway in the global salmon production ranking. Between 2007 and 2009, the salmon industry in Chile was affected by ISA virus outbreaks, and one of its consequences was the geographic expansion of the industry towards the south of the country, to the Aysén and Magallanes regions. Currently, the production of salmon in Chile involves capital from different origins; just over half of the funds come from Chilean investors, and there is important investment from other countries such as Japan, Norway, China, Canada, and the United States. In 2016, the Chilean salmon industry registered in global terms 21,462 direct jobs in the salmon companies. Of all workers, 67.5% were men, while 32.5% were women.



### **There are several reasons for the development of this SWIA.**

First, the salmon industry is located in a valuable environment, namely the ocean. The importance of the oceans is reflected in SDG 14 of the 2030 Agenda for Sustainable Development (also known as the Sustainable Development Goals), which aims specifically to “conserve and sustainably use the oceans, seas, and marine resources.”

Second, in economic terms, salmon farming represents a relevant industry at national level, which means it has responsibilities in relation to its workers, communities, and the environment.

Third, some evidence already exists that critical stages of salmon farming in Chile have impacted on those who work for this industry and the local communities, which alerts us to the potential for human rights risks.

Fourth, part of the industry is located in territories that belong to indigenous peoples, who represent a group that enjoys special protection, and with whom tensions have grown on different issues.

Fifth, the relation of the salmon industry to the environment, including risks associated to pollution, and the effects on biodiversity and climate change.

**This study focuses on the three main stages of the salmon production chain:** hatcheries, farming, and processing plants. The entire salmon production chain is broader – it starts with the funding of investment projects and ends with the sales and consumption of salmon – and there are foreign funds and markets involved. Due to time and budgetary constraints, this study focuses only on those stages of the salmon production value chain that take place at national level.

**In relation to the methodology,** at the start of the assessment, the SWIA team held meetings with different stakeholders to help identify the problems associated with the salmon industry at the national level. In January and April 2019, the SWIA team carried out exploratory visits to some of the sub-regions of the macro region where the salmon industry operates in Chile: 99% of the Chilean salmon industry is concentrated in a territory in the south of the country, which encompasses the regions of La Araucanía, Los Ríos, Los Lagos, Aysén, and Magallanes.

The data collection was based both on secondary sources (academic articles, press articles, reports produced by state agencies, publications by civil society organisations, the study of court cases, and the results of a consultancy regarding relevant laws and policies commissioned specifically for this study) and on primary data collection through interviews and focus groups.

The team carried out field research between July and September 2019 in the regions of Los Lagos, Aysén, and Magallanes, and at the same time interviews were conducted in the Santiago Metropolitan region, and in the regions of Valparaíso, Ñuble and Los Ríos, along with some virtual interviews. Finally, the team carried out field research in La Araucanía region in

January 2020. The interviewees included representatives of the state, the corporate sector, and civil society. A total of 261 people participated in the interviews and focus groups, of whom 60.5% identified themselves as men and 39.5% as women.

When addressing the link between an industry and human rights, it is relevant to consider that in 2011 the United Nations unanimously adopted the **United Nations Guiding Principles on Business and Human Rights** (UNGPs). Businesses' activities, scope and impacts have increased and have generated debates about their roles and responsibilities on human rights, resulting in the development of tools that highlight the relationship between business and human rights. The UNGPs comprise a total of 31 principles, divided into three pillars: the first pillar refers to the state duty to protect human rights; the second pillar centres on the corporate responsibility to respect human rights; and the third pillar focuses on access to remedy.

In this report, the chapter on the salmon farming industry and the UNGPs analyses the progress of the incorporation and implementation of the UNGPs into the salmon industry by the Chilean state. This chapter shows that in 2017 Chile adopted its first National Action Plan on business and human rights (NAP), which has as its main objective to establish a culture of respect for human rights in business activities in Chile, in order to prevent adverse impacts and enhancing the positive contributions that businesses can make to society and the environment. During 2020, the Sub-secretariat for Human Rights of the Ministry of Justice was evaluating the first NAP and drafting a second version.

Although the Chilean State has formally taken some steps towards a culture of respect for human rights in business activities, the analysis of this chapter concludes that the state duty to protect human rights, the corporate responsibility to respect human rights, and access to remedy for abuses committed in the context of the salmon industry are far from being a reality. The UNGPs are largely unfamiliar to the salmon farming industry, to state actors and to company managers. In the cases where there is some knowledge of human rights, human rights are considered as being outside the scope of their work. In addition, despite the industry's significant impacts, there are no specific regulatory frameworks that protect human rights in the context of the activities of the salmon farming business, nor any explicit requirement by the state for the implementation of due diligence by the companies. This is reflected in the fact that most initiatives developed by businesses in the sector are focused on reputational and risk management. This can be seen in environmental sustainability actions or community engagement, which does not compensate for the lack of fulfilment of their obligations to respect human rights in the performance of their activities. While the regulatory body for aquaculture has progressed in regard to labour, environment, and human rights, to date there are significant gaps and a weak control system that hinders prevention, mitigation, and/or remedy in case of violations of labour, environmental, and human rights. Thus, a correct integration of the UNGPs at the national level is urgently needed in order to adequately address the impacts of the salmon industry from a human rights perspective.

**The chapter on the salmon industry and labour rights** features the impacts this industry has had both on cultural rights related to work and on a series of other labour rights in Chile. Regarding the former, the industry has contributed to the decrease of ancestral and community practices, turning communities with strong solidarity ties into more individualistic communities. In addition, the entry into paid employment has had the downside that in times of crisis in the industry there has been unemployment – a little-known concept for rural communities before the arrival of the industry – which has brought along impoverishment and indebtedness. These cultural changes associated to employment put at risk internationally recognised human rights. Article 27 of the Universal Declaration of Human Rights (UDHR) and Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognise the right of everyone to take part and participate in cultural life. For the Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment No. 21 “[t]he expression “cultural life” is an explicit reference to culture as a living process, historical, dynamic and evolving, with a past, a present and a future.”

The labour rights affected vary depending on the salmon production stage. During the hatchery phase, commonly the workers’ salaries are in line with the minimum wage, but they are below what would be considered a living wage (according to the Global Living Wage Index). A focus group carried out with workers confirmed that they cannot afford all their expenses without going into debt. In Article 7 the ICESCR, recognises the right of everyone to the enjoyment of remuneration which provides all workers, as a minimum, with “a decent living for themselves and their families in accordance with the provisions of the present Covenant.”

Regarding impacts in the farming phase, the main concern reported relates to the 14-day shifts (or other numbers of days), that affect the workers’ family life and mental health. Article 7 of the ICESCR mentions the right of everyone to the enjoyment of just and favourable conditions of work, and General Comment No. 23 of CESCR indicates that such a right is a prior requirement, and the result is the enjoyment of other rights included in the ICESCR. It includes the rights to the enjoyment of the highest attainable standard of physical and mental health, and to an adequate standard of living. Both rights, according to the information gathered, are at risk.

Regarding impacts that occurred in the processing plants, the most significant findings relate to contracts, working hours and unionisation. Contracts for specific projects or tasks are used for long-term operations (several contracts for projects or tasks), which leads to the violations of at least three workers’ rights: the right to paid holidays; the right to the enjoyment of the highest attainable standard of physical and mental health – due to the difficult access to adequate medical treatment in case of occupational diseases or accidents in the workplace; and the right to unionise.

Regarding working hours, numerous processing plants have nightshift work schedules, which affect sleep and rest, family life, and the freedom to choose whether or not to work night shifts. In Article 7 the ICESCR provides that state members should ensure, in particular:

"Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays."

With regard to ILO conventions, it is important to highlight that Chile has not ratified relevant conventions related to working time and working hours. The Chilean State has not ratified the Forty-Hour Week Convention, 1935 (No. 47), nor the Night Work Convention, 1990 (No. 171), both particularly relevant international instruments for a country that has one of the longest working hours and where there is no regulation regarding night work.

With regard to unions and collective bargaining, it is relevant to note that work in processing plants represents a monopoly within the job market (there are few other options to find a job), which makes it difficult for the workers to bargain for better labour conditions. Several interviewees perceived that there is a significant imbalance of power between trade unions and businesses, which breaches "the right of trade unions to function freely, subject to no limitations other than those prescribed by law."

In addition to the impacts described above, which affect all types of workers in a similar manner, there are some particular impacts related to women workers, divers and migrant workers.

It was mentioned during the interviews with women workers that, first, some businesses control the number of times and the amount of time they spend in the bathroom during their working time. The right to health is an inclusive right, which encompasses the determinants of health, such as adequate sanitation, a situation that is not being met in the salmon companies. Furthermore, the CESCR in General Comment No. 25 emphasises that adequate sanitation services must also respond to the specific hygiene needs of women, as these services are essential components of a safe and healthy work environment.

Second, reportedly there is a lack of compliance regarding the needs of pregnant workers. For example, the time needed for pregnancy-related medical check-ups is deducted from their working hours; there is information about companies that have required pregnancy tests before hiring women; and irregularities related to maternity leave were mentioned. In that regard, the ILO Convention, 1958 (No. 111), Article 1(1)(a), considers as discrimination, among other actions, any distinction, exclusion, or preference on the basis of sex which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. For its part, Article 2(e) of CEDAW explicitly declares that the State Parties must commit "to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise."

Third, the interviews revealed different expressions of gender violence: in the workplace (harassment, verbal violence), and during the commute to and from work (including physical violence, rape). In 2019, the Convention No. 190 on Elimination of Violence and Harassment in the World of Work was adopted, an instrument that Chile has not yet ratified.

Fourth, the shift system (day/ afternoon/ night) significantly impacts childcare in the case of women workers who are mothers, who might suffer from tiredness or difficulties in finding caregivers.

Lastly, the inequity of access to middle management levels and fair wages was mentioned. Article 7 (c) of the ICESCR recognises the right to equal opportunity for everyone to be promoted in their employment to an appropriate higher level, subject to no considerations other than those of seniority and competence. In the findings, it was observed that this right can be at risk due to the difficulty of women accessing middle management levels.

Concerning divers, it is relevant to mention that 32 people have died in diving operations to do with salmon farming businesses between 2004 and 2017. Numerous illnesses related to diving were detected (osteonecrosis, among them) and consequences of accidents that have not been covered or dealt with by the businesses. Therefore, it is perceived that there is a lack of regulation for this particularly high-risk activity. It was reported that sometimes divers are forced to work despite adverse weather conditions (even when ports are closed due to weather, which implies the prohibition of operations in the sea). It was also mentioned that divers are allocated less time than they require to dive in healthy and secure conditions (such as time for decompression). It is recognised that accidents could be avoided by combining more control and supervision by employers, including a higher level of training and selfcare by divers. The ILO Convention concerning Promotional Framework for Occupational Safety and Health (No. 187), which is ratified by Chile, requires its members to promote a safe and healthy working environment through the formulation of a national system. The Convention also requires that each Member State promotes and advances, at all relevant levels, the rights of workers to a safe and healthy working environment.

In relation to migrant workers, some interviewees mentioned that stigmatisation of Haitian workers may exist (due to language – they are French and Haitian Creole speakers – and skin colour). A number of interviewees – although none of the interviewed Haitian workers themselves – mentioned situations of labour exploitation, enabled by the need to work and Chilean visa regulations (people can only obtain a visa if they have a job). Haitian workers have experienced difficulties finding quality accommodation at a price that matches the quality of the housing. The Convention on the Protection of the Rights of All for Migrant Workers and Members of their Families (ICRMW) provides in Article 1 in conjunction with Article 7 for non-discrimination on, among others, racial grounds. In addition, Article 7 of the ICESCR defines the right to just working conditions. General Comment No. 25 of the CESCR indicates that this right includes especially vulnerable groups, among them, migrant workers. The Committee highlights in the same general comment that laws and policies should ensure the equal enjoyment of salary and working conditions of both migrant and national workers.

**The chapter on the impacts of the salmon industry on the environment** describes impacts on the physical environment, but also on the communities, hence in this report these impacts have been called ‘socio-environmental’ impacts. The main issues related to this topic are the following:

First, the industry has occupied sites that were traditionally freely accessible. The occupation of a space by the salmon industry not only affects the everyday life of a community but it can also put cultural and ritual practices at risk. In addition, the communities notice and

have learnt that the salmon industry contributes to industrial waste on beaches, waters, and the seabed; the use of chemicals and antibiotics that are not safe for humans nor for other marine species; alterations of the seabed; frequent salmon escapes; massive dumping of dead salmon into the sea; damage to marine mammals; pollution of freshwater areas; and other types of perceived pollution. Given these findings, it is suggested that several human rights are at risk. The UN Convention on Biological Diversity establishes that states are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner. Article 6 stipulates that states should develop general measures for conservation and sustainable use; and Article 7 encourages the identification of processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity. Thus, the impacts of the salmon industry, and the preventative measures constitute a state duty, which according to the analysis is not complied with. It is essential to highlight that all people depend on the environment where they live. A safe, clean, healthy, and sustainable environment is indispensable for the full enjoyment of a wide range of human rights, among them, the right to life, health, food, water and sanitation, rights enshrined in the treaties ratified by Chile, such as the American Convention on Human Rights (ACHR), the International Covenant on Civil and Political Rights (ICCPR), and the ICESCR.

A common element of the described socio-environmental impacts and rights abuses related to them is that in practice the people and communities impacted experience difficulties in their voice being heard, which breaches the right to participation. This is linked to the fact that projects are mainly approved through Environmental Impact Statements (EIS), and not through Environmental Impact Assessments (EIA). The latter type of assessment considers citizens' participation, but the Chilean regulation does not recognise such participation as binding. The right of everyone to participate in the government of their country and in the management of public affairs includes the participation in the adoption of decisions related to the environment. This is mentioned in Art. 21 of the UDHR, as well as Article 25 of the ICCPR, which asserts that states should establish measures at national level that declare that, in accordance with international standards, participation should be binding and mandatory in case a community is at risk of being impacted.

Continuing with socio-environmental issues, **this report includes the case of a community from Cobquecura**, located in the Ñuble region. For four years, a series of salmon projects were faced with strong opposition by the inhabitants of Cobquecura and its surroundings. The sum of several initiatives, such as protests, media coverage, an independent expert research team commissioned to identify potential impacts from the salmon industry, submission of comments to the Environmental Impact Statement, and lastly, the demand for citizen participation processes, among others, resulted in positive outcomes for the local residents. The Environment Committee of Ñuble region rejected one of the submitted projects presented by the salmon company, and several other projects were withdrawn by the company. The case also shows that communities may suffer fragmentation in their fight against big and powerful enterprises when some stakeholders receive financial or political benefits depending on their support or rejection for such projects. However, this case also demonstrates that community



opposition, along with municipal and expert support can contribute to leverage businesses and make them lose their 'social licence' to operate, pushing them to withdraw planned projects.

**The chapter on the salmon industry's impacts on the rights of indigenous peoples** contains accounts of how a series of rights enshrined in the UNDRIP and ILO Convention No. 169 were impacted. A limited selection of examples is represented in the following:

First, there is the notion that the state and businesses understand the concept of development in a different way to indigenous peoples, and that they impose their way of understanding it, which puts at risk the rights of indigenous peoples to self-determination and to freely follow their economic, social and cultural enhancement.

Second, there is broad evidence that in the past the indigenous peoples of the far south were subjected to forced assimilation and, currently, several indigenous interviewees perceive that the destruction of their cultures is still ongoing, for example, when they face obstacles to sailing freely. This difficulty has not been imposed by the industry, but it is suitable for its interests, and this situation infringes the right not to be subjected to forced assimilation or destruction of their culture.

Third, the regulation in Chile demands that indigenous communities register in CONADI (National Corporation for Indigenous Development) in order to be officially recognised and to apply for Coastal and Marine Spaces of Indigenous Peoples (ECMPOs) – but indigenous communities have traditionally established themselves outside the state bureaucracy – therefore, the right to belong to an indigenous community in accordance with the traditions of that community is violated.

Fourth, the state has allowed companies to base their operations in areas that were traditionally used by indigenous communities for multiple purposes, which infringes the right of indigenous peoples to maintain their political, economic, and social systems.

Fifth, salmon companies have contributed to freshwater pollution (caused by salt and other chemicals), which are crucial for food and rituals. This infringes the right to maintain and strengthen their own spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources. Against these results, it is important to emphasise the need for the state to fulfill its obligation to protect the rights of indigenous peoples, including interference by third parties.

**The chapter on transparency issues** shows that neither the available labour nor environmental data on the salmon industry meets the levels of transparency required by international standards. Thanks to the NGO Oceana, the Chilean Transparency Council has requested that salmon companies make information about the type of antibiotics they use available. Businesses have resisted this request for years, hindering access to information.

Furthermore, there have been penalties due to false information. It was proven that the salmon company Nova Austral distorted data about salmon mortality and environmental information and was fined more than 150 million Chilean pesos.

The Framework Principles elaborated by the Special Rapporteur on Human Rights and the Environment establishes in Principle No. 7 that “States should provide public access to environmental information by collecting and disseminating information and by providing affordable, effective and timely access to information to any person upon request.” At an international level, the human right for everyone to seek, receive and impart information is enshrined in Article 19 of the UDHR and in Article 19 of the ICCPR.

Additionally, there are links between the salmon industry and corruption cases. First, the salmon industry operates under the auspices of the Fisheries and Aquaculture Law (Ley de Pesca y Acuicultura), which drafting process was proven to be surrounded by corruption; second, some of the businesses that made payments during this process were salmon companies companies.

Moreover, the National Economic Prosecutor’s Office filed a lawsuit against four salmon companies (process still ongoing) due to collusion with regard to salmon food prices.

In 2018, the Inter-American Commission on Human Rights (IACHR) published a resolution on corruption and human rights. The resolution declares that states should “strengthen both judicial and administrative oversight institutions to ensure accountability within management.” Thus, after analysing the presented findings, it can be asserted that it is the state which has the obligation to establish appropriate mechanisms both for active transparency and on corruption. Understanding rights as interdependent, the lack of such measurements puts a wide range of rights at risk, given that the consequences of transparency and corruption can have different impacts on people and the environment.

**The chapter on human rights defenders in the framework of the Chilean salmon industry** presents findings related to harassment and persecution of some people in Puerto Williams, where a salmon business had intentions to start operations. The United Nations Declaration on Human Rights Defenders defines a defender as any person who acts to promote and protect human rights in a peaceful manner. The Inter-American Convention on Human Rights (IACHR) highlights the work of human rights defenders, considering them to be “fundamental for the full existence of democracy and the rule of law.” In addition, the Organization of American States (OAS) has highlighted that the member states should recognise the “valuable contribution [of the defenders] to the promotion, observance, and protection of human rights and fundamental freedom.”

In Puerto Williams, the Director of the Martín Gusinde Museum was wrongfully dismissed due to his participation in a community protest against a salmon business. Shortly after, in part because of the pressure exerted by the community, he was reinstated. For the same reasons, an independent journalist reportedly was subject to police harassment and intimidation.

A national-level regulatory framework that could enshrine protection against these types of activities, which are dangerous at personal, professional, and family levels, should make the actions of human rights defenders easier. A relevant step would be the ratification of international instruments that enshrine such protections, such as the Escazú greement. Recently, the Chilean government confirmed that it will not sign the agreement. As such,

defenders are left unprotected, putting a series of rights at risk: mainly, the rights to life and to physical and mental integrity, enshrined in instruments ratified by Chile, such as the ICCPR, and the ACHR.

The chapter on **certification of the salmon industry** begins describing how certifications are tools that businesses apply in order to demonstrate that they are involved in animal welfare, the environment, food security, social standards, and human rights. Theoretically, such certification may imply that the business and its products are more attractive to consumers since it aims to ensure certain quality standards.

In relation to the salmon industry, there are several environmental and social certification systems, of which three are the most well-known: Aquaculture Stewardship Council (ASC), Best Aquaculture Practices (BAP), and Global G.A.P. It is important to highlight that the audits carried out on businesses that aim to obtain a certification only encapsulate the reality that is seen at a specific moment in time. For this reason, they are frequently unable to comprehensively detect all businesses' practices related to human rights, nor the adverse impacts of the business.

For certification audits to identify human rights issues in situ by the salmon industry, it is necessary to integrate a human rights perspective. This implies implementing human rights principles: accountability, including the expertise of auditors in human rights; the participation of rights-holders (i.e. to those who are adversely impacted), duty-bearers, and other human rights actors; non-discrimination; empowerment of those being affected; and transparency.

The data collected for this chapter show that the current certification systems and their audit processes are not sufficient to assess and address all human rights affected by or at risk from the salmon industry, and it is necessary to undertake extra steps. Likewise, there is a need for further evidence on the positive effects certifications might have on the salmon industry, workers, and communities.

Finally, **the report proposes a series of measures** to the actors linked to the salmon industry in Chile: namely the Chilean state and other states involved; the businesses (salmon producers, salmon buyers, banks and investors, certifying agencies), and civil society (both within and outside Chile), and international bodies. An overview of the proposed measures is provided below.

It is suggested that **all states** publicly recognise that the salmon industry in Chile has impacted and is still having adverse impacts at different levels, including human rights. States should commit to seek mechanisms to ensure that any future aquaculture development is economically viable, socially equitable, and environmentally sustainable. Foreign investors from Norway, Japan, Canada, China, and the United States should be encouraged to invest responsibly in Chile, in line with the UNGPs and the OECD Guidelines on Multinational Enterprises. They should reaffirm and fulfil the commitments made to implement an ecosystem and precautionary approach in Chilean salmon farming practices; and they should take actions to discourage banks, government agencies and other relevant bodies at national

and international levels to finance or promote investments in the salmon industry if they do not have formal human rights commitments.

The proposed measures, for the most part, are aimed at the Chilean State, including the executive, legislative and judicial branches, as well as other autonomous bodies. It is suggested that the Chilean State:

- promotes companies in undertaking due diligence processes;
- promotes the establishment of industry commitments to be included in the NAP on Business and Human Rights;
- encourages the discussion about a draft law on corporate responsibility and Due Diligence;
- includes a human rights approach to environmental and social impact assessments of salmon farming investment projects;
- pays particular attention to salmon industry projects that benefit from support programmes by the Chilean state, including subsidies and tax exemption to ensure that they are socially and environmentally sustainable and respect human rights;
- provides training on human rights to civil servants working with the salmon industry, including on the history and culture of indigenous peoples, as well as their rights;
- ensures a permanent budget to periodically conduct independent scientific research on the impacts of the salmon industry, along with its widespread dissemination;
- promotes a larger contribution of the salmon industry revenues to be invested in the territories where these are produced;
- imposes higher requirements on salmon industry investment projects, i.e. they should carry out mandatory environmental impact assessments and citizen participation processes, which would have an actual effect on the development plans of their territories;
- addresses Article 7.3 of ILO Convention No. 169, so that in co-operation with the peoples concerned, studies are carried out to assess the social, spiritual, cultural and environmental impacts that planned development activities may have on these people;
- ensures General Consulting Regulation (RCG, D.S. N°66/2013, MDS) and the Regulations of the Environmental Impact Assessment System (RSEIA, D.S.N°40/2012, MMA) are coherent with ILO Convention No. 169, expanding the circumstances under which there is an obligation to obtain free, prior and informed consent of indigenous peoples;
- strengthen public access to relevant information about the salmon industry.

**Additionally, it is suggested that the Chilean State:**

- Increases the budget and human resources of all those bodies which are mandated to supervise the salmon industry;
- includes sustainability conditions and respect for human rights in requirements for applying and receiving public funds and subsidies;
- increases control over subcontracting activities;
- removes the legal requirement for repetition for sexual and workplace harassment to be considered an offence, each single occurrence constitutes a sexual or workplace harassment case;
- develops, implements, monitors and periodically re-examines a national occupational health and safety programme;
- strengthens the environmental justice system, raising awareness among the population of how to use it and guaranteeing free legal and scientific support for litigation of environmental cases;
- protects whistle-blowers, environmentalists and human rights defenders;
- sets quotas or maximum production levels of salmon per region, as well as free production areas, considers the use of an ecosystem and precautionary approach and the existing evidence in terms of carrying capacity or potential environmental, social, cultural and economic impacts;
- considers the potential effect climate change could have on the salmon industry and its effects on the emergence of new diseases or disasters;
- regulates the obligation to inform consumers about use of antibiotics in salmon production, as well as the types and compound quantities and possible associated risks, contributing to higher levels of transparency in the information;
- opens up the discussion and establishes broad participation mechanisms at different levels, in order to consider the creation of a new Ministry for the Sea that brings together the relevant fishing, aquaculture, and environmental bodies;
- and signs the Escazú Agreement in order to guarantee the rights to access to information and transparency, and to offer greater protection to human rights defenders.

It is suggested that **salmon businesses:**

- Adopt written commitments to respect human rights in general and indigenous peoples' rights in particular at management and executive board levels;
- Move towards the adoption of higher standards in all matters, going beyond national legislative requirements and pursuing international human rights standards;

- provide capacity building training to the entire company, including company management and workers in human rights, labour issues, indigenous peoples' history and culture and other relevant matters;
- carry out due diligence processes in accordance with the UNGPs and require adherence to the same international standards by their contractors, by training and equipping them for that;
- adequately and continuously assess and address the human rights impacts of their operations and of their supply chain, in accordance with the UNGPs;
- consider additional assessment processes to certifications, for example through human rights impact assessments at farm and processing plant level or in the commune or region where the business operates;
- have special participation and consultation mechanisms for indigenous peoples, appropriate to their culture and decision-making processes;
- establish internal and external grievance mechanisms for workers, communities and consumers, in accordance with the UNGPs that meet the eight effectiveness criteria set out in UN Guiding Principle 31;
- agree with the communities on mechanisms to provide information with regard to health emergencies and salmon escapes;
- remediate harm to those individuals or groups which have been impacted by the salmon industry through judicial and non-judicial mechanisms, including workers and their families and affected communities;
- generate a commitment to eliminate antibiotic and antimicrobial agents in the short-term, and inform consumers on the level of veterinary residuals and about the types and antibiotic quantities in salmon in the national and international markets;
- use fixed-term contracts and project or task-specific contracts only in exceptional circumstances, excluding permanent work in the salmon production process from this type of contract. In line with this, do not subcontract those activities that correspond to the company's core business activities;
- adopt non-discrimination policies in the companies, such as diversity and inclusion policies, including the adoption of sexual and workplace harassment prevention policies, along with conducting prompt and effective investigations when necessary;
- adopt work-life balance policies, including respect for maternity protection regulations; policies that promote breastfeeding; the right to childcare, even when the business has fewer than twenty women employees; grant paternity leave beyond the five days specified by law; adopt flexible shifts policies that could allow parents to work schedules compatible with their family roles; issue paid leave for health check-ups for their children,



interviews and school events; and have in place a paternity and co-responsibility policy that promotes greater involvement of fathers in care and upbringing;

- periodically train workers on the risks and measures to prevent accidents and occupational diseases, and require training for all contractors who enter the centres;
- particularly ensure appropriate training to divers and contractors that provide this service, ensure the provision of all personal protective equipment (PPE) necessary to carry out their work and maintain strict control of the hours and modalities of diving, including working depths and rest times;
- ensure that all relevant information about health and safety in the workplace is available in the languages of migrant workers of the company, which is relevant both for accident prevention and for effective access to grievance mechanisms in the company;
- with the help of experts, assess the actual and potential effects of climate change on the salmon business operations and the possible risks and adverse impacts on coastal communities and draw up a mitigation and adaptation plan of these impacts based on this assessment.

It is suggested that **the international businesses that buy salmon from Chile:**

- require the companies from whom they source salmon to commit themselves to human rights and the UNGPs;
- share their own international good practices on human rights with their salmon suppliers, including offering training;
- fund research and initiatives that analyse the social issues associated with salmon farming;
- request salmon businesses to go beyond certification audits to assess their social and human rights impacts;
- request in depth investigations by universities, NGOs or other organisations with regard to the social issues linked to the salmon industry in Chile, including impacts on indigenous peoples and other identified problems through this sector-wide impact assessment of the salmon industry in Chile;
- provide resources or a premium price to salmon suppliers that are certified, so that they can conduct more in-depth audits over an extended period of time;
- require suppliers to include workers interviews as part of the certification audits they carry out;
- when possible, require in situ audits instead of remote audits, such as the ones carried out during the COVID-19 pandemic;
- allocate funds to evaluate the benefits and positive impacts, as well as the challenges of the certification programmes in the Chilean salmon industry;

- Additionally, document the lessons learned and propose follow-up actions for the certification industry.

**Banks and financial institutions** are encouraged to require high standards of human rights compliance from salmon businesses seeking financing for their operations through a due diligence process, including carrying out human rights risk and impact assessments, in accordance with The Equator Principles.

**Standard-setting bodies** are encouraged to incorporate compliance with certain human rights standards into their evaluation criteria for obtaining certifications.

Certifying bodies are encouraged to hire auditors that have the appropriate skills to evaluate human rights issues; collaborate with organisations that are familiar with human rights and the UNGPs to better understand how a human rights-based approach can be integrated, require that audits be conducted across a number of days in the field that realistically allows for adequate involvement and participation of workers and communities in the process; and assess whether virtual audits can be a genuine replacement for in situ (on-site) audits: if not, this practice should be suspended until it is feasible to return to on-site audits.

It is suggested that **civil society in Chile** support the local communities affected by the salmon industry, for example through legal assistance, submission of comments to Environmental Impact Statement (EIS) or Environmental Impact Assessment (EIA) processes and capacity building; raising awareness about the participation processes provided for in national legislation and asserting the right to participation; independently researching and monitoring the impacts of the salmon industry, as well as publishing and disseminating them; establishing links with organisations working on environmental protection, citizen rights, indigenous peoples' rights and other issues, aiming for greater impacts at international, national and local levels; and advocating for relevant legal and policy reforms to raise the standards of the salmon industry.

It is suggested that **international bodies**, such as the UN Working Group on Business and Human Rights, the Office of the High Commissioner for Human Rights (OHCHR), the Organisation for Economic Co-operation and Development (OECD), the Food and Agriculture Organisation of the United Nations (FAO), and the International Labour Organization (ILO) disseminate more widely the significance of the UNGPs; the existence and role of the OECD National Contact Point (OECD NCP); and widely disseminate information about the right to food and labour rights.

**Consumers in salmon-importing countries** are encouraged to make an informed consumption choice, which could help the Chilean salmon sector to raise its human rights standards.







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