

**THE DANISH
INSTITUTE FOR
HUMAN RIGHTS**

ENHANCING ACCOUNTABILITY FOR SMALL-SCALE FISHERS

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

ADVANCED WORKING DRAFT



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

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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
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 pledges 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 right to work, to food, to an adequate standard of living, to protection from discrimination, labour exploitation and hazardous work conditions, etc.

Moreover, SDG target 14.b is directly underpinned by the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines)¹. The SSF Guidelines promotes a human rights-based approach (HRBA) to small-scale fisheries.

So far, there has been limited collaboration between organisations that work for improving the livelihood 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 used directly to claim access to marine resources and secure livelihoods of small-scale fishers. Hence, there is a need to provide further guidance, and unpack and operationalise what a HRBA to 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. It 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 as a crucial contribution towards sustainable development.

The publication is structured in the following way:

- **Section one** briefly outlines the broader human rights and sustainable development implications of SDG target 14.b on small-scale fishers.
- **Section two** describes the scope of the global indicator for measuring progress on target 14.b. as well as opportunities for strengthening a human rights-based approach to monitoring.
- **Section three** 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 shows how human rights monitoring can supplement the existing indicator-based monitoring of the target.

¹ The SSF Guidelines <http://www.fao.org/3/a-i4356en.pdf>

- **Section four** outlines three key action points for strengthening monitoring and accountability in the implementation of target 14.b: generating human rights data to complement existing monitoring; increasing the attention of human rights monitoring mechanisms to the situation of small-scale fishers, and; establishing participatory national platforms for follow-up and review.

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

CHARACTERISTICS OF THE SECTOR

The small-scale fisheries² sector serves as an engine for economic and social development. It provides food and nutrition, employment and livelihoods of millions of people living in poor and remote coastal areas. Fish caught by small-scale fisheries is often sold locally and at an affordable price. It provides an irreplaceable source of highly nutritious food and is critical in maintaining food security and good health³.

It is estimated that 90 percent of the 120 million employed in fisheries are employed in the small-scale fisheries sector, and almost all of those workers, 97 percent, live in developing countries⁵. An additional 38 million people are involved in post-harvest activities. Women account for at least 50% of the total workforce in small-scale fisheries and are mostly responsible for processing as well as 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'.

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 others. 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"⁴. 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".

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 revenues this

2 "Small-scale fishers" and "artisanal fishers" are terms commonly used interchangeably

3 HLPE, 2014. Sustainable fisheries and aquaculture for food security and nutrition. A report by the High-Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security, Rome 2014.

4 FAO (2014) Fisheries and Aquaculture Technical Paper 581.

5 World Bank, Food Agriculture Organization, and WorldFish (2012). Hidden Harvests: The Global Contribution of Capture Fisheries, Economic and Sector Work Report No. 66469-GLB. Washington, DC: The World Bank.

sector generates⁶ Moreover, official data on the number of people – and particularly women - engaged in small-scale fisheries, as well as their catches, is likely to be underestimated by substantial margins⁷. This invisibility adds to the vulnerability of small-scale fishers, as they may be overlooked in regulations, policies and programmes.

LINKS TO SUSTAINABLE DEVELOPMENT GOALS AND TO HUMAN RIGHTS

Small-scale fisheries are central to achieving SDG 14 on sustainable oceans and, specifically, target 14.b on access for small-scale artisanal fishers to marine resources and markets. However, 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), 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”⁸. 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, the 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 realization of human rights too. Some of the most prominent human rights underpinning SDG target 14.b include:

- **Right to work and to free choice of employment**, a fundamental human right, which is enshrined in the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), among others. The right to work is the foundation for the realization 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 manner. 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

6 Finkbeiner, Elena & Basurto, Xavier. (2015). ‘Re-defining co-management to facilitate small-scale fisheries reform: An illustration from northwest Mexico’, *Marine Policy*. 51.

7 S. Harper et. al (2017) ‘Contributions by Women to Fisheries Economies: Insights from Five Maritime Countries’, *Coastal Management*, 45:2

8 A/RES/70/1: <http://undocs.org/A/RES/70/1>

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 in 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 wellbeing, such as the right 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 ability of fish to support food security for the most vulnerable and marginalised.⁹ Moreover, many small-scale fishers and fish workers do not have access to social security, which could help mitigate the effects of e.g. climate change, shocks and disasters, overfishing, fishing bans and conservation measures, or discriminatory regulations and policies.
- **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 oceans pollution and climate change. These may constitute the most serious threat to sustaining small-scale fisheries, particularly in tropical zones as the temperature of the seas rise, along with its acidification, and fish populations move away from warmer waters.¹⁰
- **Political rights and fundamental freedoms.** Freedom, of opinion, expression, assembly and association, along with the right to a nationality, to participation and to access to information and justice are among the rights and freedoms enshrined in the International Covenant on Civil and Political Rights and many other human rights instruments. Small-scale fishers, migrant fishers and fish workers often constitute politically marginalized 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 rights to access to information, access to justice, freedom of speech and of association as well as other fundamental freedoms further limit

9 Chan, C, et al. (2019) 'Prospects and challenges of fish for food security in Africa', Marine Policy, Vol.20. Available at: <https://www.sciencedirect.com/science/article/pii/S2211912418300439>

10 Inter-governmental Panel on Climate Change, (2019), 'Special Report on the Ocean and Cryosphere in a Changing Climate', available at: <https://www.ipcc.ch/srocc/>

effective participation. Consequently, customary practices for the allocation and sharing of marine resource have been changed as a result of non-participatory and often centralized fisheries management systems. The development of sustainable fisheries is thus closely linked to protection of civil and political rights, and to the rule of law, good governance and democratic decision-making.

- **Equality and non-discrimination** are fundamental human rights principles, enshrined in all international instruments. In many parts of the world, the commercialisation of fisheries is discriminating and marginalising small-scale artisanal fisheries. This is happening through many mechanisms, inter alia, disproportionate subsidies for industrial fishing, privatization 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 generates a highly valuable trade, unfair benefit-sharing and exploitative labour practices mean many small-scale fisheries face high levels of poverty. Moreover, 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 tend to be less represented in organisations, often do “invisible” pre- and post- harvest work, have less access to skills training, are paid low wages and subject to sexual harassment.
- **Labour rights.** Fundamental labour rights regarding discrimination, child labour, forced labour and freedom of association and collective bargaining are enshrined in both international human rights instruments and core labour conventions of the International Labour Organization (ILO). Commonly identified labour issues in small-scale fisheries relate to Occupational Safety and Health (certain types of fishing are considered among the most hazardous occupations in the world); problematic access to health care; gender-based discrimination and no or weak work agreements leading to insufficient rest and remuneration, as well as social security issues. Moreover, child labour exists in the fisheries sectors, including the worst forms of child labour when fishing is hazardous and labour-intensive
- **The rights of indigenous peoples.** These are enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention No. 169. and include rights to lands, territories and resources (including marine resources) that these peoples 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 often represent specific but diverse ways of life and rich knowledge systems of global significance for sustainable development. Hence, respect for the cultures of fishing communities, their forms of organization and

traditional knowledge and practices is a precondition for the sustainable development of the sector.

The 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 but 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 markets¹¹. 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 whole¹².

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 securing decent work in fish processing and market also have gender implications. Many women are employed in this part of the fisheries value chains. Therefore, improved access to markets can help fulfil women's right to work, to free choice of employment, just and favourable conditions of work, non-discrimination and their right to an adequate standard of living, including adequate food, clothing and housing, among others.

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (the SSF Guidelines)¹³ Guidelines underscores 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 has 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

11 FAO, Information about SDG target 14.b <http://www.fao.org/sustainable-development-goals/indicators/14b1/en/>

12 CFFA/CAOP 2017, Small scale fisheries: Securing access to resources and markets The case of Africa, https://www.bahamas.gov.bs/wps/wcm/connect/dca1d1fc-f123-4089-aa8b-73a53fbe0b36/CFFA+CAOPA+presentation+ACP+Ministers+meeting.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=dca1d1fc-f123-4089-aa8b-73a53fbe0b36

13 Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (the SSF Guidelines), <http://www.fao.org/3/a-i4356en.pdf>

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 standards¹⁴. Their objectives are to be met through the promotion of a human rights-based approach (HRBA)¹⁵. 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 marginalized groups and developing countries¹⁶.

“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.¹⁷”

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 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 on “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 on “Value chains, post-harvest and trade” provides guidance to states on how to provide **access for small-scale artisanal fishers to markets** based on human rights standards and norms.

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

14 SSF Guidelines, article 3.1

15 SSF Guidelines, articles 1.2

16 FAO, p. xi: <http://www.fao.org/3/a-i6933e.pdf>

17 OHCHR, FAQ on HRBA to Development,

<https://www.ohchr.org/Documents/Publications/FAQen.pdf>

- 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 and other rights-holders within the sector can rely on human rights monitoring mechanisms and institutions as well as SDG follow-up and review procedures, to pursue participation, inclusion and accountability.

SECTION TWO: 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 target 14.b is.

Indicator 14.b.1.:

Degree of application of a legal/regulatory/ policy/institutional framework which recognizes and protects access rights for small-scale fisheries¹⁸

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 2017¹⁹.

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, to support countries on their implementation and strengthen national statistical capacities, and to collect national data for the global reporting mechanism. FAO is the custodian organization for 21 SDG indicators²⁰, 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, and has developed an e-learning course to support countries in their data collection, analysis and reporting of SDG indicator 14.b.1²¹.

The 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, available standards, and that data are regularly produced by at least 50 per cent of countries and of the population in every region where the indicator is relevant²².

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

18 <https://unstats.un.org/sdgs/indicators/indicators-list/>

19 <https://unstats.un.org/sdgs/indicators/indicators-list/>

20 <http://www.fao.org/sustainable-development-goals/indicators/en/>

21 About the SDG target 14.b.1 indicator <http://www.fao.org/sustainable-development-goals/indicators/14b1/en/>; link to the Global Progress report on SDG target 14.b

<http://www.fao.org/sdg-progress-report/en/#sdg-14>; and link to the metadata methodology

note about indicator 14.b.1 <https://unstats.un.org/sdgs/metadata/files/Metadata-14-0b-01.pdf>

22 <https://unstats.un.org/sdgs/iaeg-sdgs/tier-classification/>

1. Appropriate legal, regulatory and policy frameworks;
2. Specific initiatives to support small-scale fishers in line with the implementation of the SSF Guidelines²³, and
3. Participation by small-scale fishers' organizations in relevant processes.²⁴

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, this variable will reveal 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 and enhance the possibility of these to hold states accountable. However, the variable does not capture the more qualitative aspect of the established legislative and policy structure.

Variable 2 measures the existence of ongoing specific initiatives to implement the SSF Guidelines. It assesses 10 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. 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. 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

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 obligations. Overall, there are three types of human rights indicators:

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

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

23 <http://www.fao.org/sustainable-development-goals/indicators/14b1/en/>

24 <https://unstats.un.org/sdgs/metadata/files/Metadata-14-0b-01.pdf>

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** in terms of ensuring the right to participation, but also 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 to markets for small-scale fishers. 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 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, to examine the need for additional data and participatory processes.

GLOBAL DATA ON INDICATOR 14.B.1

National monitoring data on the 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) and other related instruments, which is circulated by FAO every two years. FAO collates the national monitoring data into a global dataset, which can be downloaded from the UN indicators database²⁵.

Based on each country's answers to the CCRF survey, a score is calculated in the electronic CCRF questionnaire which places each country in one of the following five bands:²⁶

25 <https://unstats.un.org/sdgs/indicators/database/>

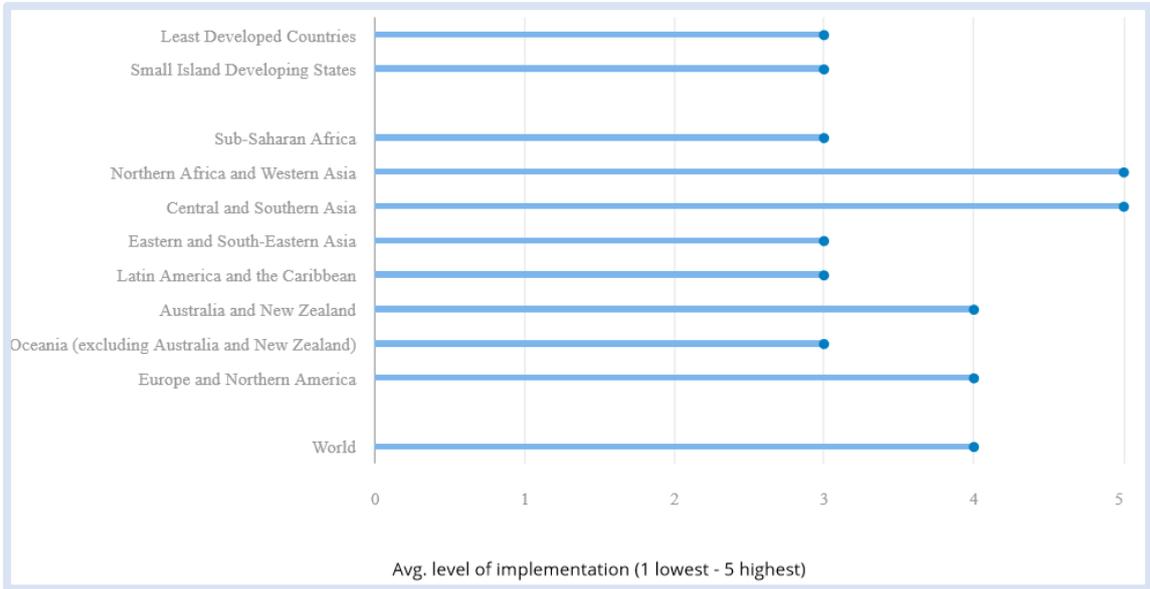
26 <https://unstats.un.org/sdgs/metadata/files/Metadata-14-0b-01.pdf>

Classification of the responses:		
>0 –< 0.2 Band 1:	Very low	Implementation of instruments for access to resources and markets for small-scale fisheries.
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	

2018 was the first year global monitoring data was available under indicator 14.b.1. The dataset²⁷ for 2018 shows that out of 194 countries, 114 have provided data. The data is based on states' self-assessment, but countries are encouraged to carry out participatory processes leading up to the reporting.

The figure below²⁸ is developed by FAO and provides the overview of country reports in 2018 by score bands by regional average calculations. The world average score is 4 and most progress is reported from the Northern Africa and Western, Central and Southern Asia regions (score 5). Least progress is reported in Sub-Saharan Africa; Eastern and South-Eastern Asia; Latin America and the Caribbean; and Oceania (excluding Australia and New Zealand). Moreover, the data shows that Least Developed Countries and Small Island Developing States have reported an average score of 3.

Implementation of instruments for access to resources and markets for small-scale fisheries in 2018:



27 The dataset can be downloaded here <http://www.fao.org/sustainable-development-goals/indicators/14.b.1/en/> and the global summary on progress on SDG target 14.b is available here <http://www.fao.org/sdg-progress-report/en/#sdg-14>

28 <http://www.fao.org/sustainable-development-goals/indicators/14b1/en/>

The dataset on indicator 14.b.1.²⁹, sorted by country and region, shows that only 8 out of 114 countries reported that their implementation is poor (rate level 1 and 2). Only 17 countries rated their performance as medium level, score of 3.

The majority, 90 out of 114 countries, gave themselves a positive performance rating (rate level 4 and 5) and reported that they have a good protection of access rights for small-scale fishers.

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 based on indicator 14.b.1. in itself 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, through:

- **Developing participatory country-level processes for monitoring of indicator 14.b.1**, to 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 structure/process 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 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 “[d]ata and information from existing reporting mechanisms should be used where

29 <http://www.fao.org/sustainable-development-goals/indicators/14b1/en/>

possible”³⁰ 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”³¹.

ESTABLISHING NATIONAL MONITORING PLATFORMS

The 2030 Agenda encourages states to setup Follow-up and Review mechanisms at national, level. The 2030 Agenda specifies that the purpose of such mechanisms is to ensure accountability.

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 emphasized 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; and
- Generate data, which is high-quality, accessible, timely, reliable and disaggregated by income, sex, age, race, ethnicity, migration status, disability and geographic location and other characteristics relevant in national contexts.

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 SSF 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

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”.

30 A/RES/70/1: 48.

31 Read more at:

https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/indicators_and_data.pdf

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 forum for promoting the implementation of the SSF Guidelines**. The forum is composed of members from the Ministry and Local Government Authorities, CSOs, Academia, Fisheries Research Institution, Fishers and Fish workers (men and women) and the private sector. The forum 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. It is also used to plan, discuss, and monitor progress made by the Government and civil society and other stakeholders to develop the small-scale fisheries sector in line with the SSF Guidelines. Information and data generated from this multi-stakeholder forum generates relevant data to assess the implementation of SDG target 14.b in Tanzania.

SECTION THREE: THE CONTRIBUTION FROM THE HUMAN RIGHTS SYSTEM TO MONITORING OF SDG TARGET 14.B

ENHANCING EFFICIENCY AND ACCOUNTABILITY THROUGH JOINED-UP 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 monitor the implementation of the SDGs.

This provides an unprecedented opportunity to pursue joined-up approaches to the realisation and measurement of human rights and sustainable development, including in the context of small-scale fisheries. There is thus a significant potential for states to align their reporting and follow-up procedures to boost efficiency and accountability³².

Moreover, under indicator 14.b.1, most countries report that they are doing well in providing access of small-scale fishers to marine resources and markets. However, data from the human rights and labour standards monitoring mechanisms can complement existing SDG target 14.b monitoring and help identify challenges and uneven progress, including by identifying vulnerable groups within the sector.

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 include 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)

³² For further information and analysis on this see the DIHR reports on “Integrated review and reporting on SDGs and human rights: A key to effective, efficient and accountable implementation” and “Human rights in the follow-up and review of the 2030 Agenda for Sustainable Development” <https://www.humanrights.dk/what-we-do/sustainable-development-goals/sdgs-follow-review>

- 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 result in qualitative, context-specific information about the situation of human rights and labour standards in each country, and 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 to improve the human rights situation.

When states receive such recommendations, they are expected to address and tackle the issue and present information about 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. This way, human rights monitoring play an 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 practice on systematic engagement of small-scale fishers, fish works 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).

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.

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 adopted³³.

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

Given the intertwined nature of human rights and 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;** 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, and economic, social and cultural rights, as well as the rights of specific categories of persons including women, migrants, children, and persons with disability
- **The Universal Periodic Review (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** 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 also the 8 ILO core conventions on forced labour, child labour, equality of opportunity and treatment, and the right to freedom of association and collective bargaining are highly relevant for the sector. Moreover, the Convention on the Rights of Indigenous

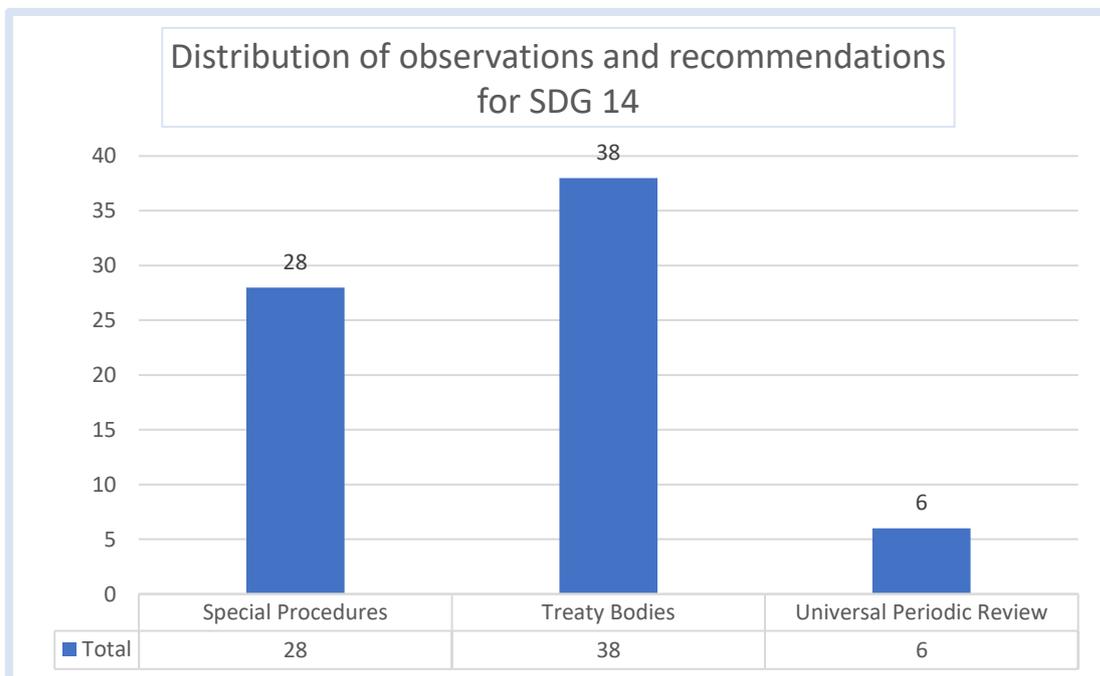
33 M. Sowman et al. (2014) 'Fishing for equality: Policy for poverty alleviation for South Africa's small-scale fisheries', *Marine Policy*. 46:31–42. Available at: https://www.researchgate.net/publication/259996182_Fishing_for_equality_Policy_for_poverty_alleviation_for_South_Africa's_small-scale_fisheries

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 ³⁴.

At least 72 observations and recommendations³⁵ 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. 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), while only few UPR recommendations (6) are related to SDG 14.



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 of other economic sectors

34 <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0::NO::>

35 The SDG – Human Rights Data Explorer by DIHR <https://sdgdata.humanrights.dk/en> and Universal Human Rights Index by OHCHR <https://uhri.ohchr.org/en/search/basic>

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 of groups of fishers in allocation of fishing quotas

Human rights standards can be used to ensure that fisheries 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.

Fisheries management systems 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 fisheries management systems.

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". 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.³⁶

36 https://www.ohchr.org/Documents/Publications/SelDec_9_en.pdf

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 subsistence³⁷.

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”³⁸. Moreover, the country was recommended to “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”.³⁹

2. The right to an adequate standard of living

During **Senegal’s** examination in 2019, the **Committee on Economic, Social and Cultural Rights** addressed small-scale fisher’s human rights 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 by mainly 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”⁴⁰.

On the obligation to mobilize 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”⁴¹.

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.”

37 Paragraph 47, <http://undocs.org/CCPR/C/ZAF/CO/1>

38 Paragraph 74, <https://undocs.org/A/HRC/31/51/Add.2>

39 Paragraph 94, <https://undocs.org/A/HRC/31/51/Add.2>

40 Paragraph 29.b, <https://undocs.org/E/C.12/SEN/CO/3>

41 Paragraph 11, <https://undocs.org/E/C.12/SEN/CO/3>

3. The right to a healthy environment: loss of access to marine resources due to environmental pollution

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 communities⁴².

4. Loss of access to marine resources 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”⁴³.

5. Displacement of small-scale fishers and implications of other sectors

Other possible barriers for small-scale fishers include environmental pollution, climate change, conservation measures, and the implications of other sectors such as tourism, oil and gas, and renewable energy.

For example, the **UN Expert Mechanism on the Rights of Indigenous Peoples** in its 2019 thematic report on “Indigenous peoples’ rights in the context of borders, migration and displacement”⁴⁴ describes how climate change and natural disasters have implications for indigenous peoples’ access to marine resources and how they are forcing indigenous peoples to leave their lands. The climate change effects 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 reducing fisheries and productive hunting lands, changing rain patterns, wildfires, coastal erosion and sea level rise, and disease.

42 <https://digitallibrary.un.org/record/3823039>

43 Paragraph 78, <http://undocs.org/A/HRC/34/49/Add.1>

44 <https://digitallibrary.un.org/record/3838104>

In the context of development, the **Special Rapporteur on the situation of human rights in Myanmar** in a 2014 report 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”⁴⁵.

6. 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, it 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”⁴⁶. Norway accepted the recommendation and therefore reported on progress in its next UPR examination in 2019.

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 recognizes the Sami fishing rights based on immemorial usage and local customs⁴⁷. 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 constituted an important part of their culture⁴⁸.

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”⁴⁹. 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”⁵⁰.
- “Implement the recommendations of the Committee on the Elimination of Racial Discrimination to take measures to improve the legal framework for Sami

45 Paragraph 79.b, <http://undocs.org/A/HRC/25/64>

46 Paragraph 131.184, <https://undocs.org/A/HRC/27/3>

47 Paragraph 30.f, <http://undocs.org/CERD/C/NOR/CO/21-22>

48 Paragraph 27, <http://undocs.org/CERD/C/NOR/CO/21-22>

49 Paragraph 92, <https://undocs.org/en/A/HRC/WG.6/33/NOR/1>

50 Paragraph 140.202, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/42/3

land, fishing and reindeer rights”⁵¹.

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 169.” 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 ⁵²(A/HRC/42/3/Add.1).

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 the Government to 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 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 on “Global extractivism and racial equality”, the **UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance** addresses 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”⁵³. 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, including cases in which these projects cause the breakdown of the social fabrics of entire communities. Furthermore, when these communities lose effective control of their lands and territories due to extractivist encroachment and displacement, they lose their main sources of livelihood,

51 Paragraph 140.209, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/42/3

52 Paragraph 202, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/42/3/Add.1

53 Paragraph 51, [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/137/81/PDF/G1913781.pdf?OpenElement)

[ny.un.org/doc/UNDOC/GEN/G19/137/81/PDF/G1913781.pdf?OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/137/81/PDF/G1913781.pdf?OpenElement)

including traditional subsistence activities such as hunting, fishing and agriculture, violating, among other things, the right to food of affected groups”⁵⁴.

7. Special measures to provide access to marine resource and markets for small-scale fishers

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

In a 2017 country visit to the **Philippines**, the **UN Special Rapporteur on the right to food** recommended the Philippines government to: “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.”⁵⁵ 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”⁵⁶.
- “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”⁵⁷.

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; and to adopt 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 industry⁵⁸.

54 Paragraph 51, [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/137/81/PDF/G1913781.pdf?OpenElement)

[ny.un.org/doc/UNDOC/GEN/G19/137/81/PDF/G1913781.pdf?OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/137/81/PDF/G1913781.pdf?OpenElement)

55 Paragraph 65.f, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/51/Add.1

56 Paragraph 92.k, <http://undocs.org/A/HRC/40/56/Add.2>

57 Paragraph 92.n, <http://undocs.org/A/HRC/40/56/Add.2>

58 Paragraph 41.c, CEDAW/C/MDV/CO/4-5,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMDV%2fCO%2f4-5&Lang=en

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 Paris Principles⁵⁹, while the specific mandate areas, functions and organising setup of individual NHRIs are defined in national legislation. The Paris Principles require NHRIs to:

- **Protect** human rights, including by receiving, investigating and resolving complaints, mediating conflicts and monitoring activities;
- **Promote** human rights, through education, outreach, the media, publications, training and capacity building, as well as advising and assisting the Government.

NHRIs can contribute to SDG monitoring and implementation in different ways, as outlined in the **Mérida Declaration**⁶⁰ 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 Agenda, including by assessing the impact of laws, policies, programmes, national development plans, administrative practices and budgets on the realization of all human rights for all.
- Monitor progress in the implementation of the Agenda at the local, national, regional and international levels, to disclose inequality and discrimination in this regard, including through innovative approaches to data-collection and partnerships with rights-holders, vulnerable and marginalized groups for participatory and inclusive monitoring, and by identifying obstacles as well as actions for accelerated progress.
- 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 (Mérida Declaration, paragraph 17)

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 least likely

⁵⁹ Read more about the Paris Principles here

<https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx>

⁶⁰ <https://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Pages/default.aspx>

to enjoy access to marine resources and markets in the national context. Women, indigenous peoples, as well as ethnic, religious and linguistic minorities often face discrimination that requires special attention and measures to be overcome. This information is essential for 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 and 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

The **Human Rights Commission of Malaysia (SUHAKAM)**⁶¹ 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, state department and developer, 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 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

61 The Human Rights Commission of Malaysia (SUHAKAM) <https://www.suhakam.org.my/>

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 level⁶².

The Chilean NHRI, the Instituto Nacional de Derechos Humanos (INDH)⁶³ 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, and lastly, the presentation of information and analysis regarding these impacts in INDH's **annual monitoring report on the human rights situation in Chile**⁶⁴.

The **mapping of socio-environmental conflicts** identified five local conflicts related to the fisheries and aquaculture sectors and found that other industries like mining, forestry and energy have negative impact on the oceans, namely polluting seas and affecting biodiversity and marine resources. The 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 the 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 in the sea by salmon farming companies. This generated high level of pollution, and allegedly

62 Link to NHRCT's case summary: <http://www.nhrc.or.th/getattachment/bf151089-3022-4573-b572-5b33cb7c3de9/Complaint-No-151-2554-Rights-in-judicial-process-a.aspx>

63 The Instituto Nacional de Derechos Humanos (INDH) <https://www.indh.cl/>

64 See for example, chapter four from the INDH's 2018 annual report on the human rights situation in Chile <https://www.indh.cl/bb/wp-content/uploads/2018/12/Informe-Anual-2018-Cap4.pdf>

contributed to the aggravation of the red tide, a harmful algae bloom^{65, [4]} which lasted for 3 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 in detriment of other activities. Salmon farming 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. The red tide 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. 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 Chilotes, could not cook their traditional food, and the Huilliche indigenous people could not exert 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. The INDH called on the Government to ensure that companies on the island of Chiloé respect human rights and abstain from infringing the law, by establishing a regulatory framework that obliges companies to exercise due diligence in their operations and to address, mitigate and remedy the negative impacts they cause.

Based on the information and analysis in the INDH's **annual monitoring report on the human rights situation in Chile** and with a view to contribute to the protection of human rights in relation to extraction, exploitation, and development activities, the INDH developed three recommendations to the Government in its 2018 report:

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

65 Red tide is a Harmful Algae Bloom (HAB). Harmful algae bloom are all those harmful and toxic events that cause negative effects on public health, fishing, aquaculture and tourist activities, due to the presence of algae in the aquatic environment.

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 a sustainable business activities, which do not degrade the biodiversity and contribute to climate change adaptation. 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 3-year partnership with the DIHR in 2018 as part of the Sustainable Oceans project to conduct a so-called Sector-Wide Impact Assessment. The project aims to assess the negative as well as 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. 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 sectors⁶⁶.

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 to monitor and keep a registry of municipal fishers to know who should have priority access to municipal waters at any given time.

66 For information about the partnership and the project please visit:
<https://www.humanrights.dk/projects/promoting-human-rights-fisheries-aquaculture>

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

As demonstrated, human rights data constitute 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 hinders 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 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: GENERATING 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 based on indicator 14.b is based on states' self-assessment, with 76% reporting that they have good protection of access rights for small-scale fishers. Moreover, the monitoring is largely focusing on structural aspects, whereas the outcome in terms of small-scale fishers' actual access to marine resources and markets is not directly measured. Finally, 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 underpinnings and implications of small-scale fisheries, as well as human rights impacts on the sector of actions undertaken by government and businesses - including human rights violations occurring within the sector

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 the timeframe and coverage of policies or programmes to promote and protect the rights of small-scale fishers to access to marine resources and markets in a non-discriminatory manner

Process level:

- Identification of barriers and for small-scale fishers to effectively access marine resources and markets, including the role of other sectors and companies
- Analysis of the enforcement of and effect given to legislation, policies and programmes, including with regards to staffing, allocation of budget and resources, geographical prioritisation, etc.
- Analysis of complaints on human rights violations and discrimination against small-scale fishers, investigated and adjudicated by the judiciary, 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 people with minority background, who have access to marine resources and markets
- Documentation of the proportion of small-scale fishers, including women and people with minority background, 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, such data 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 1) monitoring the human rights situation of small-scale fishers and, in particular, vulnerable groups within the sector, 2) monitoring progress under SDG target 14.b, and 3) 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 OHCHR⁶⁷.

Such an approach ensures the free, active and meaningful participation of all relevant stakeholders, in particular the most marginalized 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 to overcome such problems, e.g. through reforms or amendments to national laws, regulation or policies or the development of targeted initiatives, including to ensure the participation and contribution of small-scale fishers to decision-making processes.

As shown in section three, there are many encouraging examples of international human rights monitoring mechanisms and national human rights institutions having 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 vary 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:

67 See the publication by OHCHR “A human rights-based approach to data: Leaving no one behind in the 2030 Agenda for Sustainable Development”

<https://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>

- 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 on 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, both under the SSF Guidelines and under 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, i.e. 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:

- Ensuring 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 help identify human rights issues and vulnerable groups that require special attention
- Defining a joined-up 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

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

Figure 1: Overview of the international monitoring framework for SDG indicator 14.b.1.	
<p>Variable 1 governance instruments: Existence of laws, regulations, policies, plans or strategies that specifically target or address the small-scale fisheries sector (weight: 40%).</p> <p>Question: Are there any laws, regulations, policies, plans or strategies that specifically target or address the small-scale fisheries sector?</p>	
Predefined sub-variables (answer type: yes or no):	<ul style="list-style-type: none"> 1.1 Law 1.2 Regulation 1.3 Policy 1.4 Plan/strategy 1.5 Other (please specify)
<p>Variable 2 initiatives: Ongoing specific initiatives to implement the SSF Guidelines (weight: 30%)</p> <p>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?</p>	
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 organizations 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
<p>Variable 3 opportunities: Existence of mechanisms through which small-scale fishers and fish workers contribute to decision-making processes (weight: 30%).</p> <p>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%)</p>	
Predefined sub-variables in the CCRF survey question 50:	Existence of advisory/consultative body to the Ministry/Department of Fisheries in which fishers/fish workers can participate (representation at national or provincial level)
	Involvement of small-scale fishers in fisheries management (representation at fishery level)
	Involvement of fisheries and fish workers in data collection and research
	Involvement of fishers in monitoring, surveillance and control
	Involvement of fisheries and fish workers in local development processes (e.g. councils, etc.)
	Other
	Do these mechanisms encourage the active participation of women at any level?

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

Treaty bodies	Observations and recommendations to countries
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 in 2004 (A/59/385) • Thematic report on “Fisheries and the right to food” in 2012 (A/67/268) • Cameroon in 2012 (A/HRC/22/50/Add.2) • Philippines in 2015 (A/HRC/31/51/Add.1) • Morocco in 2016 (A/HRC/31/51/Add.2) • Indonesia in 2018 (A/HRC/40/56/Add.2) • Viet Nam in 2018 • Thematic report Fishery Workers in 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"> • Thailand report from 2019 (A/HRC/41/43/Add.1) • Ghana from 2014 (A/HRC/26/25/Add.5)
Special Rapporteur on the rights of indigenous peoples	<ul style="list-style-type: none"> • New Zealand in 2011 (A/HRC/18/35/Add.4) • Norway in 2011 (A/HRC/18/35/ADD.2) • Russian Federation in 2010 (A/HRC/15/37/ADD.5)
Expert Mechanism on the Rights of Indigenous Peoples	<ul style="list-style-type: none"> • 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"> • Costa Rica in 2014 (A/HRC/25/53/Add.1) • 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"> • 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"> • Nigeria 2015 (A/HRC/28/64/Add.2)
Special Rapporteur in the field of cultural rights	<ul style="list-style-type: none"> • 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"> • Somalia in 2012 (A/HRC/21/61) and in 2009 (A/HRC/12/44)
Special Rapporteur on the situation of human rights in Myanmar	<ul style="list-style-type: none"> • 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 from 2019 (A/HRC/40/CRP.2)
Special Rapporteur on the situation of human rights in Eritrea	<ul style="list-style-type: none"> • Report from 2018 (A/HRC/38/50)

ANNEX 3: FURTHER READING AND RESOURCES

The Danish Institute for Human Rights (DIHR) has developed tools and a number of guidance documents to support the development of integrated approaches to human rights monitoring and SDG Follow-up and Review (FUR) in order to seek effective, efficient and accountable implementation.

- 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, it can be used to identify the human rights anchorage of the SDGs; to 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% of these recommendations are directly linked to a SDG target, and hence immediately relevant for national SDG implementation.
- The publication on [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 DIHR publication on [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 DIHR on [human rights in follow-up and review of the 2030 Agenda for sustainable development](#) (2016) exploring the convergence potentials for mutual support between FUR mechanisms and national, regional and international human rights monitoring mechanisms.

The DIHR has also developed [several tools on human rights and business](#). In the context of this paper, it would be worth highlighting:

- The [Sustainable Development through Human Rights Due Diligence](#) database, which offers inspiration to companies on how to work efficiently with human rights due diligence while contributing to the realisation of the SDGs.

- [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](#).

A HUMAN RIGHTS-BASED APPROACH TO DATA (HRBAD):

The OHCHR has defined 6 main components of a HRBAD which should guide data collection in all circumstances:

SELF-IDENTIFICATION. All identity categories must be developed through a participatory approach. Data collection should not create or reinforce discrimination, bias or stereotypes.

PARTICIPATION. Participation is central to a HRBAD, which should ensure free, active and meaningful participation of relevant stakeholders, in particular the most marginalized population groups.

DISAGGREGATION on the basis of the grounds of discrimination enshrined in international human rights law is essential to reveal underlying disparities in the development process, and highlight the specific challenges that different population groups face, in particular vulnerable groups in a given context.

TRANSPARENCY. This principle is related to the right to seek, receive and impart information, enshrined in international human rights law. Ensuring transparency implies access of civil society to data on the monitoring and realisation of human rights.

ACCOUNTABILITY. In their capacity as duty-bearers, state institutions have a duty to ensure that they respect, protect and fulfil human rights in their conduct of statistical work. This includes ensuring the independence of statistical data gathering.

PRIVACY. Access to information must be balanced with the right to privacy. Data collected for statistical purposes must be strictly confidential.

Another useful tool by OHCHR is the comprehensive guide to develop quantitative and qualitative indicators to measure progress in the implementation of international human rights norms and principles '[Human rights indicators: A Guide to Measurement and Implementation](#)'.

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