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## Human Rights Council

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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by Human Rights Advocates Inc., a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 February 2020]

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\* Issued as received, in the language(s) of submission only.



## Right to food - Fishery Workers' Rights

Recognized in the 1948 Universal Declaration of Human Rights (UDHR), provided for in the 1966 International Covenant on Economics, Social and Cultural Rights, the right to food is an inclusive right that a person needs to live a healthy and active life.

Looking at the basic aspects that the right to food must be available (natural resources, production, cultivating or animal husbandry/fishing, hunting, gathering or available to sale in markets and shops), accessible (food must be affordable, without compromising on any other basic needs), and adequate (food must satisfy dietary needs taking into account living conditions, sex, health, and occupation) provides a framework for understanding the right to food in the fishery context.

Food sovereignty became an emerging concept according to which people define their own food and own model of production (agriculture and fisheries). It has been suggested as a concept that promotes an alternative model for agriculture, trade policies and practices that serve people's rights. It is being recognized under national laws but on an international level, this concept has no consensus yet.

Over 58 million people are engaged in the primary sector of capture fisheries and aquaculture. Of these, approximately 37 percent are engaged full time, 23 percent part time, and the remainder either occasional fishers or of unspecified status. Over 15 million are working full-time on board fishing vessels. Fishing is one of the most challenging and hazardous occupations International Labour Organization (ILO) is working to ensure decent work for all fishers.<sup>1</sup>

Fishery workers play an important role of the right to food and nutrition worldwide as well as in the fight against global hunger, as described as a goal of the 2030 Agenda for Sustainable Development – Goal 2. This fishing sector is responsible for assisting almost 880 million people. Paradoxically, fishery workers who rely on fisheries for work are encountering an arduous barrier to be aware of this right.

There are thus a number of “risk points” where forced labour and other forms of labour exploitation may occur. Some of these are general risk factors specific to the entire sector, including the fact that work in fishing is dirty, dangerous and difficult (“3D job”) and therefore considered undesirable, leading to labour shortages and recruitment difficulties. This may in turn lead skippers, boat owners and recruitment agents to resort to abusive practices to recruit crew and keep crew members on board vessels. The use of recruitment agents in this regard creates a risk-point in its own right, as does the reliance on low-skilled and poorly organised migrant workers from low-income countries.<sup>2</sup>

The ILO's Occupational Safety and Health Branch estimates that 24,000 fatalities occur worldwide per year in fisheries.<sup>3</sup> Many of the incidents occur at sea, either from over-exposure to heat, sun, and saltwater, or dangerous equipment used to catch, sort, and store fish. Inland workers' fisheries similarly adequate safety equipment and may suffer fatal accidents from unstable fishing platforms. In arctic regions, ice-fishers may develop hypothermia and also the health of fish farmers can be compromised by prolonged exposure to toxic disinfectants and use to defrost the ice.

Under the ILO, a minimum wage does not exist for fishery workers, and the compensation is ordinarily less than the national minimum wage. A few of them earn less than USD 1 per

<sup>1</sup> “Fishers,” ILO, available at: <https://www.ilo.org/global/industries-and-sectors/shipping-ports-fisheries-inland-waterways/fisheries/lang--en/index.htm>.

<sup>2</sup> “Fishers first”, ILO, (2016), page 13, available at: <https://www.ilo.org/dyn/migpractice/docs/184/Fishing.pdf>.

<sup>3</sup> Petursdottir, G.; Hannibalsson, O.; Turner, J.M.M., “Safety at sea as an integral part of fisheries management,” FAO Fisheries Circular. No. 966. Rome, FAO, (2001), available at: [http://www.fao.org/3/X9656E/X9656E.htm#P218\\_9396](http://www.fao.org/3/X9656E/X9656E.htm#P218_9396)

day. As most of them are paid for seasonal opportunities and sometimes they do not receive the salary on time.

Child labour is a major concern in many parts of the world and it is estimated that there are some 215 million child laborers worldwide. Aggregate data indicate that about 60 per cent of child laborers – that is over 129 million children – work in agriculture, including fisheries and aquaculture. They also engage in a wide variety of activities in capture fishing, aquaculture and all associated operations (processing, marketing and other post-harvest activities), as well as in upstream industries including net making and boatbuilding.<sup>4</sup>

Knowing that 40% of the world's population lives in coastal zones and relies on fisheries as a source of food and income, the indigenous people who have the fisheries as the main source of protein face the challenges of human rights violations as well.

Bearing the primary duty to promote, protect, and respect the right to food and all human rights of fishery workers under international human rights law, the States under the article 25 of the UDHR, together with Article 11 of the International Covenant of Economic, Social and Cultural Rights (ICESCR) have the obligation to protect, fulfill, and respect the understanding of fishery workers' human rights. Another relevant article relates to the protection of fishery workers is Article 12 of the ICESCR, that provides them the right to be granted the highest attainable standard of health, and Articles 6,7, and 9, provides them the favorable conditions of work including some essential benefits such as a "living wage," the right to rest and to reasonable working hours.

The ILO has developed a framework for States in order to regulate working conditions in the fisheries sector. The ILO 2007 Work in Fishing Convention (No. 188), the guidelines for administering the inspections are detailed in supporting resolutions and the Work in Fishing Recommendations (No. 199), the 2014 ILO Forced Labour Protocol, the ILO Convention No. 29 on Forced Labour, the Palermo Protocol, the ILO Convention on Occupational Safety and Health (No. 155) and the ILO Maritime Labour Convention of 2006 are some of the conventions and protocols that have been drafted to protect the fisheries' rights.<sup>5</sup>

These conventions have not been adopted by most states or the ratification is currently pending, but some states have made important efforts to address the exploitation of fishery workers under an important international treaty – UN Convention on the Law of the Sea 1982. This could be used to prevent and combat the forms of slavery in the fisheries as the States have the responsibility for protecting the rights listed there.

The FAO, International Maritime Organization (IMO), and the ILO are focused on raising awareness of the socio-economic value of the conditions the workers are facing. Non-Governmental Organizations and civil society play an important role in this matter since they support the initiatives by empowering workers and engaging the States to provide proper measures.

International dialogue, programs such as the GLOBEFISH,<sup>6</sup> and other UN agencies are monitoring the sustainability of global fisheries to meet the Sustainable Development Goals (SDGs) in 2030.

The private sector, the fishery organizations, and the consumers are the main actors in helping to raise awareness and to eliminate the bad working conditions. Private actors have to take targeted measures to ban exploitative working conditions and to implement protections consistent with international law. Getting underway fair recruitment methods may reduce the risk of human trafficking and forced labor.

<sup>4</sup> "Guidance on addressing child labour in fisheries and aquaculture", FAO and ILO, (2013), page vi, available at: <http://www.fao.org/3/i3318e/i3318e.pdf>

<sup>5</sup> Blaha, Francisco, "Report of the Special Rapporteur on Fishery Workers and the Right to Food," (March 6, 2019), available at: <http://www.franciscoblaha.info/blog/2019/3/5/report-summary-on-fishery-workers-and-the-right-to-food>

<sup>6</sup> A multi-donor funded project within the FAO Fisheries and Aquaculture Department responsible for providing up-to-date trade and market on fish and fishery products, promoting and facilitating information exchange among the seafood industry, governments, academia and stakeholders worldwide.

Human Rights Advocates recommends that the Human Rights Council urges States to:

- Create a policy of human rights protection for fishery workers, mainly those informally employed as well as the ones working in vulnerable categories;
- Adopt and enforce legislation criminalising contemporary forms of slavery practices in the fisheries sector, develop programmes, and draft policies to decrease child labour including:
  - Implement binding safety regulations adapted to the specificities of fisheries sector, based on, among others, the 2005 Code of Safety for Fishermen and Fishing Vessels;
  - Implement social protection schemes;
  - Devote appropriate resources for an effective functioning of labour inspectorates in fisheries, as per the ILO Labour Inspection Convention, 1947 (No.81).
- Become committed to respect the Sustainable Development Goals (SDGs) 1, 2 and 14
- Take steps to:
  - Ensure that wages and working conditions for fisheries workers improve;
  - Eliminate exploitative working conditions and implement protections;
  - Fund third-party audits to increase transparency to reveal exploitation.

Human Rights Advocates recommends that International organizations, including ILO, FAO, UNICEF and OECD:

- Develop policy recommendations and guidance for States;
- Develop regulatory mechanisms for commercial fishing and aquaculture.

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