

To the Special Rapporteur on the right to food,
Mr. Michael Fakhri

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SUBMISSION TO CALL FOR INPUT ON THE RIGHT TO FOOD AND SECURING SUSTAINABLE SMALL-SCALE FISHERIES

The Danish Institute for Human Rights (DIHR) welcomes the call for submissions on the right to food and securing sustainable small-scale fisheries by the Special Rapporteur on the right to food.

The following are the main points of consideration based on DIHR's own research and international work with other National Human Rights Institutions (NHRIs).

WHAT ARE THE MAIN HUMAN RIGHTS CHALLENGES FACING SMALL-SCALE FISHERS AND FISH WORKERS?

Small-scale fishers, fish workers, and their communities face a wide range of threats to several human rights. For this submission, we highlight the following:¹

The right to land, territories, and natural resources

The right to fishery resources is integral to fishers' livelihoods and access to food. However, "blue economy" and biodiversity and conservation state-run projects increasingly challenge this right, for example by the State's acquiescence of companies' exploitation of areas traditionally used by indigenous communities.²

The right to enjoy one's culture and to partake in cultural life

¹ For a fuller overview see: Danish Institute for Human Rights (2023) Human rights in fisheries and aquaculture: A briefing note for national human rights institutions. humanrights.dk/publications/human-rights-fisheries-aquaculture

² Danish Institute for Human Rights (DIHR) (2021) Sector-wide impact assessment: The salmon industry and human rights in Chile. humanrights.dk/publications/salmon-industry-human-rights-chile-sector-wide-impact-assessment

For indigenous peoples, seas, rivers and living marine and freshwater resources are linked to their identities, spiritual beliefs, specialised knowledge systems and cultural practices. DIHR has compiled examples of how the CERD, the CESCR and the Human rights Committee have interpreted States' obligations to respect indigenous peoples' right to culture in relation to fishing practices.³ However, in many countries, colonial and discriminatory frameworks fail to recognize indigenous peoples' customary fishing rights. When indigenous peoples, exert their customary fishing rights they are often criminalised for so doing.⁴

Impact of Environmental and Climate Crisis on Small-Scale Fishers and Indigenous Fishing Communities

Climate change is impacting the subsistence and traditional livelihoods and culture of small-scale fishers and Indigenous fishing communities. Indigenous Peoples have traditional knowledge that is crucial for the conservation and sustainable use of aquatic resources and ecosystems. However, this traditional knowledge is often disregarded in legislation, policies, and implementation practices.⁵

WHAT GOOD PRACTICES HAVE STRENGTHENED THE RECOGNITION, PROTECTION AND REMEDIES FOR SMALL-SCALE FISHERS AND FISH WORKERS?

See DIHR publication.⁶

WHAT ARE THE MAIN CONCERNS REGARDING WORKING CONDITIONS IN THE FISHERIES SUPPLY CHAIN? WHICH PARTS OF THE SUPPLY CHAIN ARE THE MOST DANGEROUS OR PROBLEMATIC?

Industrial and distant water fishing requires fishing crews to spend months in open waters with little oversight. This produces severe labour violations, such as poor health and safety standards, lack of adequate food and water supplies, modern slavery, physical violence and even fatalities.⁷

³ [Danish Institute for Human Rights \(DIHR\) \(2022\) Cases concerning indigenous peoples' rights and fisheries.](#)

⁴ See Danish Institute for Human Rights (2023) Indigenous Peoples' customary fishing rights: Key Issues and Input from the Expert Meeting on Indigenous Peoples and Fisheries; Danish Institute for Human Rights (2023) Cases Concerning Indigenous Peoples' rights and fisheries.

⁵ Ibid.

⁶ For more good practices by NHRIs in each region, see the Danish Institute for Human Rights (2023) Human rights in fisheries and aquaculture: A briefing note for national human rights institutions. humanrights.dk/publications/human-rights-fisheries-aquaculture. pp. 40-49.

⁷ Environmental Justice Foundation, 2020. Fear, Hunger and Violence: Human rights in Ghana's industrial trawl fleet: [EJF_Ghana-human-rights-in-fisheries_2020_final.pdf \(ejfoundation.org\)](#).

These harmful practices carry disproportionate impacts on disadvantaged groups, such as migrant workers, indigenous peoples, women, and children. In most cases, workers in the fisheries value chain do not hold sufficient leverage to influence their condition due to unclear recruitment schemes, lacking formal contracts, low density of trade unions in fishing, and little consideration for the situation of migrant workers in national legislation.⁸

In addition, companies in the fisheries sector rely heavily on certification schemes to demonstrate their respect for social issues. However, certification serves only as a market-based tool and fails to identify and address severe human rights issues, especially in a sector like fisheries where impacts take place in the high-seas.

RECOMMENDATIONS

States

- Address human rights issues faced by small-scale fishers and indigenous fishing communities in frameworks for climate mitigation, adaptation and disaster risk reduction.
- Uphold indigenous peoples' customary fishing rights as enshrined in UNDRIP, ILO Convention Nos. 111 and 169 and other human rights instruments.
- Take measures to protect small-scale fishers' right to land, territories, and natural resources in the framework of "blue economy" projects and large-scale industrial fishing, and include small-scale fishers in the planning and decision-making processes around conservation and blue economy projects.
- Put in place and implement fisheries related laws, policies and plans that contribute to respecting and fulfilling human rights in the fisheries supply chain, including by including sections on fisheries and aquaculture into National Action Plans on Business and Human Rights.

NHRIs

- Conduct studies and investigation on human rights violations facing small-scale fishers; indigenous fishing communities; and fish workers, particularly considering the triple planetary crisis.
- Use human rights mechanisms to protect and promote the rights of small-scale fishers, indigenous fishing communities and fish workers by raising awareness of these procedures; providing information to these mechanisms; and following up on their recommendations.⁹

⁸ Forthcoming DIHR publication on human rights due diligence in the fisheries value chain.

- Strengthen outreach to small-scale fishers, indigenous fishing communities, and fish workers.

For Companies

- Commit to the UN Guiding Principles on Business and Human Rights (UNGPs) and integrate labour risks and impacts on fishing vessels into their human rights due diligence processes.

Yours sincerely,

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