**Mandate of the Special Rapporteur on the right to food**

**Input from Portugal**

1. **How do you work to ensure gender equality in the fisheries sector?**

Portugal is implementing the guidelines and legislation resulting from the EU acquis, including the European Pillar of Social Rights (2017), based on 20 fundamental principles. Equal treatment and opportunities for women and men is included in the 2nd Principle, to be ensured in all areas, in particular as regards on participation in the labour market, working conditions and career development.

The implementation of the 2020-2025 Gender Equality Strategy and the political agreement reached on the Directive to strengthen the application of the principle of equal pay for equal work or work of equal value through pay transparency and mechanisms to ensure its application (Directive (EU) 2023/970, transposition deadline June 2026).

The right to equal pay is enshrined in Article 157 of the TFEU and in Directive 2006/54/EC.

In a traditionally male-dominated sector such as the fisheries sector, the participation of women is increasing, both in the fish processing industry and in their growing representation in aquaculture enterprises, as well as among scientists participating in the partnerships set up to transfer knowledge between scientists and fishermen.

1. **What actions have been taken in your country to implement the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries? What are the challenges and opportunities in strengthening such implementation?**

The concept of *"Sustainable fishing"* aims to maintain populations of the target species and without adversely affecting other species in the ecosystem, by removing food sources, degrading habitats or by accidental capture. To prioritise the extraction of resources using low impact techniques that respect the biological limits of exploitation. Our techniques are more rustic in nature and should, in principle, be less aggressive.

During the Portuguese Presidency of the Council of the European Union, we affirmed that "fishing for marine resources is sustainable, because fishing in Portugal is mainly artisanal, with different types of gear and focused on different species throughout the year. This versatility makes it possible to diversify the fishing effort and avoid concentration on a single species. What's more, it has been pointed out that the country is even more restrictive than the European Union itself, particularly as regards the mesh size of nets; as regards deep-sea fishing, it has never been authorised to use bottom trawling gear, which has the disadvantage of being less selective".

Strategic Objective 4 (SO4) of the National Strategy for the Sea 2021-2030 (ENM 2021-2030) focuses on improving "the guarantee of sustainability and food security", and advocates as a measure (77) "the transformation of the national fisheries sector by 2030 into one of the most sustainable and low-impact sectors in the world, stimulating the allocation of subsidies to promote sustainable fishing and eliminating subsidies harmful to the conservation of the marine environment".

To this end, a series of priority intervention areas have been identified, ranging from, science and innovation, biodiversity and marine protected areas, bio-economy and blue biotechnology, robotics and digital technologies to fisheries, aquaculture, processing, and marketing, as well as shipyards, shipbuilding and ship repair.

The ENM 2021-2030 is in line with the UN 2030 Agenda for Sustainable Development, the European Green Deal, the EU Integrated Maritime Policy and the Common Fisheries Policy and subsidiary policies, namely EU Biodiversity Strategy for 2030, Farm to Fork Strategy and Starfish Mission 2030: Recovering our Ocean and Waters.

The Strategic Plan for small-scale fisheries was approved in 2022, by RCM 131/2022. A monitoring committee was set up (first meeting in 10/2023).

The main objectives of the plan are: Improving knowledge and research, strengthening cooperation between scientists and fishermen; promoting the modernization and restructuring of the fleet, making it more efficient, innovative and safe, increasing the attractiveness of small-scale fishing, promoting professional training and generational renewal and promoting the valorisation of fish.

The main challenges and objectives relate to increasing the resilience of a particularly sensitive sector with social and economic importance for local communities.

1. **How does climate change and environmental degradation impact fisheries and small-scale fisheries in your country?**

Climate change is having a profound effect on the oceans and marine life. Its effects are changing the distribution of fish populations and what they eat. But, while climate change threatens fish populations, it also opens up new fishing opportunities. In the tropics, potential fish and shellfish catches are expected to decline by up to 40 per cent in potential fish and shellfish catches by 2050. In contrast, in areas located at higher latitudes, such as the North Atlantic, the range of some fish species at MSY levels is projected to increase. These changes pose challenges to the adoption of new forms of sustainable fishing, requiring action to combat illegal fishing, marine pollution and the effects of climate change.

So, "small-scale fisheries require the compatibility of biological and economic approaches, with the fishing effort being quantifiable in terms of the number of fishing gears used, the number of vessels involved and the duration of the activity, and with capacity being reduced on the most vulnerable resources in accordance with species recovery plans and efficiency requirements in order to avoid overfishing”.

Sustainable fishing effort must be compatible with the status of the resources, i.e. their protection and preservation, while providing economic benefits that ensure a satisfactory income, social stability and quality of life for fishing communities, and the social valorisation, economic integration, continuity and long-term adaptation of fisheries, taking into account the precautionary principle as a management measure.

The local fleet must be adjusted to the quotas available in the worst economic scenario or on the basis of temporary cessations required by the best available biological and ecological knowledge, taking into account water quality, sudden deterioration of stocks, proliferation of toxins and changes in pelagic migrations due to biological and environmental causes.

The Common Fisheries Policy aims to make this adjustment through transferable fishing concessions, improving planning within a viable, sustainable, legal, and jurisdictional management approach that minimises the impact on ecosystems.

Fleet adjustment programmes aim to restructure the fleet in line with EU policy. The national adjustment plans set objectives for the reduction of fishing effort in each segment, and are periodically reviewed on the basis of fleet capacity, catch trends, stock assessments and species recovery plans, which can lead to a temporary cessation of fishing activities through the suspension of licences, despite the resulting problems, short-term social and economic crises, which in turn can lead to latent conflicts, loss of economic competitiveness and social stability" . The Mar 2030 Operational Programme aims to contribute to the implementation of the Union's Common Fisheries Policy and Maritime Policy, as well as to the sustainable development of fisheries and aquaculture areas, and is financed by the European Maritime, Fisheries and Aquaculture Fund (EMFAF).

1. **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?**

In addition to safety, it's also very important to ensure that the working and living conditions on board the ships are decent.

The merchant marine, the fishing industry, has always suffered from a lack of binding international legal instruments on safety. Recognising this, the IMO, the ILO and the FAO have sought to ensure safe sailing conditions for large and small fishing vessels. The three agencies have produced a number of publications aimed at improving the safety and health of fishermen and the safety vessels and have developed a number of recommendations for the safety of fishing vessels, including those less than 12 metres in length.

1. **What are accountability mechanisms in place for human rights abuses committed in the context of the fishing industry by large-scale fishers, illegal foreign fishers, and extractive industry?**

Decree-Law no. 101-F/2020 transposes Directive (EU) 2017/159 and Directive (EU) 2018/131.

Individual employment contracts on board fishing vessels are subject to the specific rules on safety and health at work on board fishing vessels and, in the alternative, to the general rules on the promoting safety and health at work, established by Law 102/2009, of 10 September, as currently worded. This law also regulates the responsibilities of the Portuguese State as flag or port State, in accordance with the mandatory provisions of the 2007 Work in Fishing Convention of the International Labour Organisation (Convention 188).

Ensuring decent living and working conditions on fishing vessels and throughout the fisheries sector means creating the conditions for the proper conduct of fishing and related activities. All parties involved must contribute, and it is the duty of the State to promote public policies and to ensure access to justice and the faithful implementation of the law.

When working in Portugal, foreign workers have the same rights and duties as workers with Portuguese nationality.

The Labour Conditions Authority (ACT) is responsible for accountability mechanisms for human rights or working conditions violations in the fishing industry against national fishermen, illegal foreign fishermen and the processing industry.

1. **What is the position of your country on the WTO Fisheries Subsidies Agreement?**

The EU is in line with the objectives of the WTO regarding the prohibition of fisheries subsidies that encourage IUU fishing. At the Ministerial Conference in Geneva in 2022, the WTO, with the support of the Union, made some progress in eliminating subsidies to vessels engaged in IUU fishing. Portugal supports the EC position. Fishing subsidies must have sustainability as their main objective and must avoid harming the oceans and fish stocks.

1. **What are the human rights implications of the new High Seas Treaty?**

Once in force, the treaty will lead to better ocean governance in areas beyond national jurisdiction, which cover almost two-thirds of the world's oceans, and to the creation of large marine protected areas in the high seas. In this sense, considering that it is a key international legal instrument to protect the oceans, combat environmental degradation and climate change, and prevent the loss of biodiversity in the high seas, the European Union and its Member States played a key role in reaching the agreement in March of this year, leading the High Ambition Coalition for Biodiversity Beyond National Jurisdiction, which brought together 52 countries.

The high seas provide invaluable environmental, economic, social and food security benefits. At present, only about 1 per cent of the high seas are protected, despite increasing human pressures related to pollution, overexploitation, climate change and biodiversity loss.

By also providing a framework for the fair and equitable sharing of the monetary and non-monetary benefits from marine genetic resources, as well as for capacity building and the transfer of marine technologies to developing countries, the Treaty contributes to the achievement of several Sustainable Development Goals (SDGs).