



Model Law on Small-Scale Fisheries

Latin American
and Caribbean
Parliament

Latin American and Caribbean Parliament Model Law on Small-Scale Fisheries

Panama City, 2017

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PREAMBLE

WHEREAS:

The international community is increasingly acknowledging the relevance of fisheries for food production due to its more than 160 million tonnes of product each year from marine and inland waters capture, as well as aquaculture, to meet the nutrition needs of world population. This acknowledgement is reflected in the adoption of Goal 14, associated to water ecosystems, of the Sustainable Development Goals of the 2030 Agenda of November 2015, particularly Indicator 14.b.1 “Progress by countries in the degree of application of a legal/regulatory/policy/institutional framework which recognizes and protects access rights for small-scale fisheries”.

This international acknowledgement is expressed through the Food and Agriculture Organization of the United Nations (FAO) Voluntary Guidelines for Securing Sustainable Small-scale Fisheries, endorsed by member states in June 2014.

Latin America and the Caribbean own significant fishery resources which are extracted, processed, and marketed every day by more than 2.3 million people, 90 percent of

which are small-scale fishers, and hundreds of thousands of which are women, whose work contributes to ensuring food and nutrition security of regional population and dynamizing local economies.

The background and role of PARLATINO in the fight against hunger, food insecurity, and malnutrition, including specific agreements such as the one with FAO in 2013 to strengthen this subject and the work of the Parliamentary Fronts Against Hunger, particularly the Framework Law “Right to Food, Food Security and Sovereignty (2012).

In this context, PARLATINO contributes to the efforts aimed at fighting hunger in the region as a result of a regional political process technically supported by the Food and Agriculture Organization of the United Nations (FAO), through the Hunger Free Latin America and the Caribbean Initiative (IALCSH) and the Mesoamerica Without Hunger program, which goal is to achieve political commitments in the countries and the region against hunger, food insecurity, and malnutrition.

PARLATINO has stood out in the past years for the drafting of framework laws that have been used as reference by other national parliaments to develop relevant regulations, such as:

- Framework Law on School Feeding (2013).
- Framework Law on Regulation of advertising and promotion of food and non-alcoholic beverages targeted to children and teenagers (2012).
- Model Law on Family Farming (2016).

RECOGNIZING:

That small-scale fisheries are an important source of food and employment for millions of families in Latin America and the Caribbean, notwithstanding its relatively limited presence in national development agendas.

That fisheries constitute the main source of food for thousands of rural communities and indigenous people, and the main source of income for their families.

That this activity, being free access, is a significant alternate mechanism of food security and self-employment for many families, when other economic activities face difficulties.

That small-scale fisheries face complex situations in Latin America and the Caribbean arising from institutional weaknesses, increasing climate pressures,

and overexploitation of fisheries, which require legal frameworks to ensure sustainability.

That the rights of fish workers in general, and access rights to fishery resources of indigenous peoples and women, are not fully ensured, which mines the sustainability of this activity and, thus, the social security of the communities.

That it is imperative to no longer postpone the creation of legal and institutional frameworks that go hand in hand with the challenges of the sector, to strengthen their sustainability through measures that ensure human rights; inclusive and corresponsable governance systems of sustainable management of fishery resources; and the promotion of decent work condition for workers and small-scale fishery workers.

WE INTEND:

To promote a legislative framework oriented to acknowledge, strengthen, and promote small-scale fisheries as a productive activity and way of living that contributes to food security and sustainable development with social equality and respect to cultural diversity.

To strengthen South-South and Triangular cooperation for fisheries and food and nutrition security, interchanging knowledge, and resources to develop efficient strategies according to the needs of each country and subregion.

Addressing the need of a general legal framework to collect and consider the criteria, principles, and parameters acknowledged internationally and regionally, the parliamentarians of the Latin American and Caribbean Parliament agree to the following:

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CHAPTER I - GENERAL PROVISIONS

Article 1.- Nature and object

The object of the Model Law is to establish a legal reference framework that allows each State to adopt, strengthen, and supplement their individual policies, strategies, regulations to permanently guarantee, as national priority, the development and sustainability of artisanal and small-scale fisheries aligned with international instruments regarding such topic, by acknowledging its relevance as means of life, its contribution to food security and nutrition, and local and national economies, in a framework of social and gender equality, environmental sustainability and human rights.

This object should be accomplished underpinned by human rights, gender equality, an ecosystem approach to fisheries, and fishery land-use planning.

Article 2.- International reference instruments

While drafting their own regulations, policies, and strategies regarding artisanal and/or small-scale fisheries, States shall consider the international instruments hereunder, among others:

1. Paris Agreement, adopted on December 12, 2015, during the first session of the Conference of the Parties (COP21) of the United Nations Framework Convention on Climate Change;
2. Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, approved by the FAO Conference at its Thirty-sixth Session on November 22, 2009 in Rome;
3. Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (FAO), approved by the FAO Conference at its Twenty-eighth Session on 1995 in Rome;
4. Code of Safety for Fishermen and Fishing Vessels, adopted on September 1968 in Geneva: FAO/International Labour Organization (ILO)/International Maritime Organization (IMO) Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels of 1980, and the Safety Recommendations for Decked Fishing Vessels of Less than 12 metres in Length and Undecked Fishing Vessels of 2010.
5. American Convention on Human Rights (Pact of San Jose), adopted on November 22, 1969 in San Jose;

6. United Nations Convention on the Law of the Sea (UNCLOS), opened for signature on December 10, 1982 in Montego Bay;
7. United Nations Framework Convention on Climate Change, adopted on May 9, 1992 in New York;
8. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted on December 18, 1979 by the UN General Assembly in New York;
9. Convention on Biological Diversity, opened for signature at the Earth Summit in Rio de Janeiro on 5 June 1992;
10. Relevant conventions of the International Labour Organization (ILO), including the Indigenous and Tribal Peoples Convention No. 169, adopted on June 27, 1989 in Geneva;
11. United Nations Declaration on the Rights of Indigenous Peoples, approved by the UN General Assembly on September 13, 2007 in New York;
12. American Declaration on the Rights of Indigenous Peoples, approved by the General Assembly of the

Organization of American States (OAS), on June 14, 2016 in Santo Domingo;

13. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, approved by the UN General Assembly on December 18, 1992 in New York;
14. Beijing Declaration and Platform for Action, approved on September 1995 during the Fourth World Conference on Women in Beijing;
15. FAO Technical Guidelines for Responsible Fisheries, particularly No. 10 from 2005;
16. Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted in Rome by the 127th Session of the FAO Council on November 2004;
17. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), approved by the 38th Session of the Committee on World Food Security on May 11, 2012;

18. Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, adopted by the Committee on Fisheries of FAO in Rome on June 8, 2014;
19. Outcome document of the United Nations Conference on Sustainable Development (Rio+20): “The Future We Want”, approved in Rio de Janeiro on June 22, 2012;
20. Guidance on addressing child labour in fisheries and aquaculture, published by FAO and ILO in 2013;
21. United Nations Sustainable Development Goals (SDGs), adopted on September 25, 2015 in New York, particularly Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development;
22. International Covenant on Economic, Social and Cultural Rights (ICESC), adopted by the United Nations General Assembly on 16 December 1966 in New York;
23. International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, endorsed by the FAO Council in Rome on 23 June 2001.

Article 3.- Definitions

The following definitions shall be stated for the purposes of this Model Law:

a) Small-scale fishery actors: fishers, fishery workers (processors, distributors, and marketers), fishing communities, traditional and customary authorities, professional organizations, civil society organizations, or those interested in the subsector.

b) Small-scale fishery non-state actors: natural or legal entities that do not belong to government agencies of States, but that are related to small-scale fisheries or have influence in such subsector, such a trade companies.

c) Inland or marine protected area: any part of a marine or inland ecosystem that is set aside to be protected for preservation and protection of marine biodiversity and fishery resources.

d) Value chain: link-based system that adds value to the product, from its capturing, processing, transportation, and marketing, aimed at increasing marginal profit and providing competitive advantages to the product.

e) Tenure rights: System of mechanisms, recognized by law or customary norms, by which societies define and

govern the access of individuals, communities or groups to land, fisheries, and forests. They determine who can use which resources, for how long, and under what conditions. The systems may be based on written policies and laws, as well as on unwritten customs and practices.

f) Decent work: refers to any activity, occupation, work, business, or service performed for pay or profit by women and men, adults, and youth that:

1. Respects the core labour standards, as defined in ILO conventions, and therefore:
 - a) Is not child labour;
 - b) Is not forced labour;
 - c) Does not entail discrimination at work;
 - d) Guarantees freedom of association and the right to collective bargaining;
2. Provides an adequate living income;
3. Entails an adequate degree of employment security and stability;
4. Adopts sector-specific minimum occupational safety and health measures;

5. Avoids excessive working hours and allows sufficient time for rest;
6. Promotes access to adapted technical and vocational training.

g) Ecosystem approach to fisheries: Recognizes the interdependence between fishery resources, users, and governance impacting the system, and thus considering the comprehensiveness and interdependence of ecological, social, and institutional components to ensure sustainability of environmental services in the ecosystems where fishing is performed.

h) Small-scale fishery: fishing activity, encompassing artisanal fisheries, that mainly implies the use of an autonomous manual activity for capturing, collection, transformation, distribution, and marketing of marine or inland fishery resources. It is generally practiced by individuals, family, or community groups, or coastal or river community-based organizations using vessels, with limited autonomy and low technological fishing gears, that vary in dimension according to the definition of national regulations.

It represents the main means of life of coastal and river communities, including women and indigenous peoples,

and it significantly contributes to food security and family income.

i) Aquaculture-dependent fisheries: activities for which sustainability depends on seed production or intended periodic releasing of young fish produced in water cultures of fishery-relevant species, in natural or artificial water ecosystems.

j) Responsible fisheries: capturing water organisms for feeding, marketing, or research purposes, carried out within a framework considering biological capacity and ecological role of target species; methods and fishing gear employed, and social equity of the rights of access to fishing resources. This activity is developed under precautionary principles and criteria aimed at sustainability of fishery resources for future generations and practiced under conditions ensuring decent work.

k) Fishery resources: all live water resources, both from marine and inland waters, that are the target of extraction or capture.

l) Food and nutrition security: when all people, at all times, have physical, social, and economic access to sufficient, safe, and nutritious food to meet their dietary

needs and food preferences for an active and healthy life.

m) Food system of fisheries: elements that contribute and interact in the production of food products derived from fishing. These elements include extraction itself, transportation, transformation, marketing, consumption, and even indirect elements, such as raw material providers for production.

Article 4.- Scope of application

This Model Law has a general scope applicable to all artisanal and/or small-scale fisheries in marine and inland waters, and the people who work in all stages of the value chain.

Article 5.- Guiding principles

The guiding principles of the Model Law shall be the following:

a) Consultation and participation: States shall ensure active, free, effective, meaningful and informed participation of artisanal and/or small-scale fishers and their communities, including indigenous peoples, taking into account the UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 in the whole decision-making process related to fishery

resources and policies and actions that may affect areas of artisanal and/or small-scale fisheries and adjacent land, considering power imbalance between parties.

b) Human rights and dignity: States shall recognize the inherent dignity and the equal and inalienable human rights of all individuals, States shall recognize, respect, promote and protect human rights and their applicability to communities dependent on small-scale fisheries, as stipulated by international human rights standards: universality and inalienability; indivisibility; interdependence and interrelatedness; nondiscrimination and equality; participation and inclusion; accountability and the rule of law

c) Fishery land-use planning approach: States shall perform land-use planning of marine and inland ecosystems for land management, considering special circumstances and differentiated interests of small-scale fisheries, and encouraging the participation of its actors in the multisectoral definition and planning processes.

d) Holistic and integrated approaches: States shall recognize the ecosystem approach to fisheries (EAF) as an important guiding principle, embracing the notions of comprehensiveness and sustainability of all parts of ecosystems as well as the livelihoods of small-

scale fishing communities, and ensuring cross-sectoral coordination for rational use of ecosystems, to ensure sustainability of the means of living of artisanal and/or small-scale fishery communities, thus ensuring the stability of resources for future generations.

e) Equity and equality: States shall promote justice and fair treatment – both legally and in practice– of all people and peoples devoted or dependent on artisanal and/or small-scale fisheries, particularly equal rights to the enjoyment of all human rights. At the same time, differences between women and men should be acknowledged and specific measures taken to accelerate de facto equality, i.e. using preferential treatment where required to achieve equitable outcomes, particularly for vulnerable and marginalized groups.

f) Gender equality and equity: States shall recognize the vital role of women in small-scale fisheries, equal rights and opportunities should be promoted.

g) Feasibility and social and economic viability: States shall ensure that policies, strategies, plans and actions for improving small-scale fisheries governance and development are socially and economically sound and rational. They shall be informed of existing conditions, implementable and adaptable to local and changing circumstances, and shall support community resilience.

h) Rule of law: States shall adopt a rules-based approach for small-scale fisheries through laws that are widely publicized in applicable languages, applicable to all, equally enforced and independently adjudicated, and that are consistent with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

i) Non-discrimination: States shall respect, promote, and ensure access to natural and technological resources needed for small-scale fisheries without discrimination, particularly for vulnerable groups, such as women, youth, and indigenous peoples.

Any distinction, exclusion, restriction, or preference based on race, colour, age, language, religion, political belief, national or social origin, which has the purpose or effect of nullifying or impairing the rights of the members of the family farming production unit shall be deemed illegal and shall be subject to legal penalties.

j) Accountability: States shall hold individuals, public agencies, and non-state actors responsible for their actions and decisions according to the principles of the rule of law.

k) Respect of cultures: States shall recognize and respect existing forms of organization, traditional and local knowledge, and practices of artisanal and small-scale fishing communities, including indigenous and Afro-descendant peoples, and ethnic minorities encouraging the elimination of prejudice-based sociocultural patterns of behavior and all forms of discrimination against women.

l) Social responsibility and comanagement: States shall promote social participation in the evaluation and handling of fishery resources, in a regulatory framework based on the best scientific information available and corresponsibility for sustainable management of fishing. States shall promote community solidarity and collective and corporate responsibility and the fostering of an environment that promotes collaboration among stakeholders should be encouraged.

m) Economic, social, and environmental sustainability: States shall apply a precautionary approach and risk management to guard against undesirable outcomes, including overexploitation of fishery resources and negative environmental, social, and economic impacts.

n) Transparency: States shall clearly define and widely publicize policies, laws, and procedures in applicable

languages, and widely publicize decisions regarding regulation and fishery management, as well as its technical and legal support, in applicable languages and in formats accessible to all.

CHAPTER II – DECLARATION OF SMALL SCALE FISHERIES AS A STRATEGIC SECTOR OF NATIONAL INTEREST

Article 6.- Declaration

States declare small-scale fisheries a strategic sector of national interest; its research, protection, promotion, preservation, and development; as well as water resources, food and ecological systems linked to the activity, in agreement to their national regulations and considering the need to strengthen their impact on food and nutrition security, and poverty eradication.

Article 7.- Recognition

States shall recognize in their laws the full range of activities related to food systems of small-scale fisheries, as economical and professional activities.

Article 8.- Identification of activities and operators or users

States shall precisely determine the type of activities and operators or users that are considered small-scale fisheries to clearly identify the scope of application of the Model Law.

States shall identify the vulnerable and marginalized sectors, communities and groups needing greater attention, both locally and nationally. States shall provide the required attention through relevant policies.

Article 9.- Participation

States shall secure free and informed participation of fishing food systems actors in the relevant decision-making process, particularly supporting women, indigenous and Afro-descendant peoples, and vulnerable and marginalized groups.

Article 10.- Environmental, social, and economic impact

Given the national and strategic interest of artisanal and/or small-scale fisheries, States shall, prior to the implementation of projects that might impact small-scale fishing actors, consider the social, economic, and environmental impacts through impact studies, and share and hold consultations regarding the outcome with such actors.

Article 11.- Policies and financial measures with adverse impact

States shall analyze, and when needed, shall avoid policies and financial measures that may contribute to fishing overcapacity and, hence, overexploitation of resources that have an adverse impact on small-scale fisheries.

Article 12.- Awareness

States shall acknowledge the need to support policies and strategies aimed at achieving visibility, recognition, and enhancement of the already important role of small-scale fisheries and to contribute to evidence the national and strategic interest and raise awareness of its role in economy, food production, eradication of hunger and poverty, and improving social conditions of populations.

Moreover, States shall widely disseminate and recognize ancestral knowledge and practices aligned with the environment, and the role of communities and indigenous and Afro-descendant peoples who practice small-scale fishing to restore, conserve, protect and comanage local aquatic and coastal ecosystems.

Article 13.- Differentiated policies

States shall adopt differentiated impact policies regarding small-scale fisheries, considering the vulnerability of

the associated communities; poverty, discrimination, exclusion prevailing in origin communities; lack of food and nutrition security; and social and economic scant resources of different kinds, as well as the need to foster an action framework especially designed and aimed at increasing opportunities, access conditions, and special prerogatives that contribute to social equity, sustainable development, and social justice.

CHAPTER III - FISHERY RECORD AND RESEARCH

Article 14.- Fishery record

States, together with small-scale fisheries actors, shall establish a record of the activities related to the subsector to fully understand the most relevant and adequate information, thus facilitating decision-making processes and establishment of policies, strategies, and regulations supported by objective and verifiable data.

Article 15.- Information for decision-making processes in fisheries management

States shall ensure the generation of the best scientific information available to support decision-making processes for fishing management, considering, when possible, small-scale fisheries actors.

Furthermore, States shall keep a permanent, updated, transparent and accessible record of the research outcomes to support management measures.

CHAPTER IV – RIGHTS AND DUTIES

Article 16.- Right to fish and its obligations

States shall secure the right to fish of small-scale fishers under the law and the binding international treaties.

The right to fish implies a sustainable and responsible approach to ensure preservation and effective management of living water resources. Whoever holds a license or right to fish shall do so under the regulations and provisions of the competent authority of each country.

Article 17.- Duty to facilitate access

States shall facilitate access to fishery resources and markets for small-scale fishers, without perjury of the equitable rights of other social groups and limited by the biological capability of the resources, thus ensuring sustainability.

Article 18.- Rights to preferential access and other rights and prerogatives

States shall adopt concrete measures to grant preferential access rights to small-scale fishers of national jurisdiction waters, to achieve equity with large-scale and better technologically-equipped fisheries. These measures include, but are not limited to:

- a) Establishing and assigning exclusive areas for small-scale fisheries with clear geographical boundaries;
- b) Preferential rights in agreements with negotiations that intend to grant access to the resources to third parties;
- c) Participating in the relevant management systems; and
- d) Special support when their means of living are threatened or jeopardized, including legal and administrative proceedings, and conflict resolution.

Considering individual situations of small-scale fishers of each region and country, States shall grant preferential and fair treatment in matters such as:

- a) All kinds of taxes;
- b) Transparent access to adaptation funds, facilities, or appropriate technologies;
- c) Access to credits, savings, and financing;
- d) Access to extension services, training, and organizational assistance;
- e) Social services, like health and education; and
- f) Direct support for acquiring equipment and material related to their safety and occupational health.

Article 19.- Fisheries management

States shall implement fisheries management measures, with social participation and based on the best scientific information available, for preservation and long-term sustainable use of fishery resources, and to ensure the ecological base of food production. Joint management systems shall be encouraged under national regulations.

When needed, States shall establish inland or marine protected areas based on scientific research. This process shall go hand in hand with an awareness process to create co-responsibility of fishing actors and, thus, ensure the sustainability of fishery resources.

Article 20.- Tenure rights and their governance

States shall adopt the proper policies, strategies, and regulations to ensure that the tenure rights of small-scale fishers and workers are granted so that their communities enjoy safe, equitable, and appropriate tenure rights from a social and cultural perspective over fishery resources, especially considering women's tenure rights and protections, as well as other vulnerable groups.

States shall respect customary or historic rights over water resources, lands, and fishing areas that small-scale fisheries enjoy, including indigenous peoples' communities. The appropriate measures to ensure these rights shall include identify, register, and apply tenure rights and their legitimate holders, including inheritance rights, when defined by law.

Article 21.- Duties of tenure

Tenure rights have their corresponding duties and obligations to support preservation and sustainable long-term use of resources, maintenance of ecology for food production, and use of fishing practices that can minimize damages to the water and species, thus protecting the sustainability of fishery resources of all users.

Article 22.- Rights of indigenous and Afro-descendant peoples in fisheries

States shall respect and protect ancestral rights of indigenous and Afro-descendant peoples who practice small-scale fisheries, particularly their right to be consulted prior to any action in their land, and their role for preservation and comanagement of local aquatic and coastal ecosystems.

CHAPTER V - NON-STATE ACTORS

Article 23.- Non-state actors' obligation of respecting human rights

States shall adopt the necessary measures to ensure non-state actors associated to small-scale fisheries, or those who can affect it, respect the human rights of small-scale fishers and communities that depend on fisheries.

To do so, States shall adopt all necessary measures to ensure the knowledge and compliance of non-state actors to the relevant regulations.

Article 24.- Rights of human rights defenders

States shall respect and protect the rights of human rights defenders in their work related to small-scale fisheries.

CHAPTER VI - EMPLOYMENT, EDUCATION, SOCIAL SECURITY, OCCUPATIONAL SAFETY, AND MIGRATION

Article 25.- Decent work and prohibition of child labour

States shall include in their economic and social policies, and their development plans, efforts aimed towards the progressive achieving of the right of fishers and fish workers to a decent work, both formally and informally, including opportunities to increase or an alternate source of income.

In their policies, States shall prohibit all forms of child labour, in agreement with their individual regulations, ILO international instruments, and the Convention on the Rights of the Child, and shall ensure effective implementation of the prohibitions on the land.

At closing of fisheries activities, alternate occupational tasks shall be sought, including diversifying, and innovating the means of living of people involved or technological reconversion in alternate fisheries, like value added in fishery products.

Article 26.- Migration of fishers and fish workers

States shall strengthen the coordination and agreements among States regarding fisher and fish worker migration

in small-scale fisheries, acknowledging the underlying causes and the consequences of such movements to better understand cross-border issues impacting the sustainability of small-scale fisheries.

Article 27.- Training and innovation

States shall invest in training and innovation of small-scale fishery actors and people involved in the food system of fisheries, to improve their productivity, family income, and sustainability of fishery resources. Such processes shall involve improving small-scale fisher communities so that they can participate in the decision-making and policy-making processes.

Special attention shall be paid to the youth members of families connected to the food system of fisheries, thus allowing rooting and continuity, and ensuring sustainability throughout time.

In case of unhealthy and unsafe activities, training programmes shall be implemented to avoid, reduce, or minimize the risks associated to such activities.

Article 28.- Protection and social security

States shall establish especial regulations for the inclusion of small-scale fishery workers in the national protection and social security systems, considering,

whenever necessary, contributory, or non-contributory regimes, ensuring health and education access to all family members, as well as access to insurance that allows them to face crisis or environmental emergencies, temporary or permanent disability, or the loss of life, and thus avoiding leaving the family unprotected.

Moreover, States shall foster productive inclusion of small-scale fishers as a compensating mechanism during closed season to ensure an alternative source of income.

Article 29.- Occupational safety in fisheries

States shall align their regulations to the guidelines of FAO, ILO, and IMO for fishing and safety at sea of small-scale fisheries. Particularly, States shall adopt specific regulations to ensure fishers in vessels and those practicing diving have the right gear, following relevant safety regulations. This includes the operating state of vessels and fishing gear, ensuring its proper use, and a training and occupational safety system for higher risk activities.

CHAPTER VII - ILLEGAL, UNREPORTED AND UNREGULATED FISHING

Article 30.- Enforcement of the International Plan of Action against Illegal, Unreported and Unregulated Fishing

States shall implement for small-scale fisheries, together with the relevant actors, FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, highlighting the shared responsibility for the application of the control, auditing, and monitoring measures for the preservation of fishery resources.

As a strategy against illegal, unreported and unregulated fishing, States shall draft national plans to be applied to the waters under their jurisdiction.

CHAPTER VIII - GENDER EQUALITY AND EQUITY

Article 31.- Equality and equity gender mainstreaming

States shall gender mainstream all their policies, strategies, and regulations regarding small-scale fisheries, including but not limited to the following:

- a) Paying special attention to women's tenure rights;
- b) Securing equal participation in the design, planning and efficiency of management measures that impact their means of living;
- c) Implementing actions for the use of marine, freshwater, and inland areas that allow small-scale fisher communities and other food producers, particularly women, to earn a fair profit from their work, capital, and management;
- d) Supporting measures that facilitate the participation of women and strengthen the role they play in the food system of fisheries, ensuring the right conditions for decent work;
- e) Promoting their full and educated participation in the decision-making process and eliminating all forms of discrimination and/or exclusion, including the adoption of updating and adaptation measures when universal rights are more comprehensive than local rights as a result of customary rights;
- f) Providing preferential treatment for women in basic services, such as health, education, literacy, and digital inclusion;

g) Considering, for gender equality purposes in small-scale fisheries, the situation of women who suffer concomitant discrimination in several stages of vulnerability, such as women from indigenous groups or vulnerable and marginalized groups that may also have a disability or suffer some degree of poverty.

CHAPTER IX - CLIMATE CHANGE AND RISK MANAGEMENT

Article 32.- Climate change

States shall implement multisectoral approaches, cross-sectoral policies, prevention strategies, early warnings, adaptation, and mitigation, differentiated plans for small-scale fisheries, throughout the food system, to adapt to the negative effects of climate change, strengthening fishing communities' resilience to natural disasters.

Article 33.- Risk management

States shall promote cross-sectoral coordination for effective risk management, with multidimensional approaches, both for the strengthening of small-scale fisheries sustainability and territorial rural development, including promotion of the sustainable use of natural resources, particularly water.

CHAPTER X - FINAL PROVISIONS

Article 34.- Interpretation and enforcement

The provisions of this Law shall be interpreted and applied in agreement with the rights and obligations of domestic and international law and, particularly, the guiding principles contained, applying the widest interpretation criteria for protected rights.

Article 35.- Duty to align the content with other international regulations

States shall apply integration criteria for the provisions of the Model Law of all available obligations, commitments, and guidelines, whether for application, included in other relevant international and local instruments, voluntary or binding, considering Article 2 of this Model Law.

Article 36.- Enforcement of the Model Law

Each State shall determine the agency of enforcement of the Model Law and shall promote the coherence, institutional coordination, and collaboration of their policies, strategies, and regulations on small-scale fisheries, thus providing an adequate, effective, and verifiable field of application of the provisions stated in this Model Law. States shall promote actual application of such provisions to achieve real impact on the lives of small-scale fishery actors, particularly regarding human rights and especially considering vulnerable and marginalized peoples.

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