



OHCHR Contribution to the European Commission's call for evidence for the forthcoming European Ocean Act

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**UNITED NATIONS
HUMAN RIGHTS**
Regional Office Europe

Contribution to European Ocean Act

The Office of the United Nations High Commissioner for Human Rights, Regional Office for Europe welcomes the opportunity to contribute to the upcoming European Ocean Act which aims to strengthen and modernise maritime spatial planning as a strategic tool that serves and implements the European Ocean Pact's priorities.

We welcome the recent adoption of the [European Oceans Pact](#), which includes “supporting coastal, island communities and outermost regions” as one of the six priorities. We particularly welcome the Pact's emphasis that “a healthy ocean provides livelihoods, protection, and a sense of identity to coastal populations. Coastal communities are the driving human force behind a sustainable and competitive blue economy [...] and play a crucial role in providing Europeans with healthy and sustainable food, [and] clean and affordable marine renewable energy [...]. Their role of stewardship, as key stakeholders and actors in marine governance, should be better acknowledged.”

This vision aligns with a human rights-based approach, which emphasises the rights of rights-holders, including coastal and island communities, and the corresponding duty of States to respect, protect, and fulfil those rights. Protecting the human rights of people in those communities safeguards their livelihoods and enables them to continue serving as a driving force behind the economy. A human rights-based approach would also provide guidance on how to enhance their meaningful participation and engagement in decision-making processes.

In this regard, we also wish to draw attention to the human rights-based approach to biodiversity reflected in the Global Biodiversity Framework adopted at the 15th UN Biodiversity Conference (CBD COP 15) the Parties to the Convention on Biological Diversity. Furthermore, the COP16 decision 16/17 specifically highlights that further efforts are needed to “improve the robust engagement of a broad range of stakeholders in the conservation and sustainable use of marine and coastal biodiversity, in particular by ensuring the full and effective participation of indigenous peoples and local communities, women and girls, children and youth and persons with disabilities in decision-making and access to justice and information, as well as the full protection of environmental human rights defenders”.

Recommendations

We therefore reiterate that a human rights-based approach should be implemented as part of the European Ocean Act and recommend that:

1. The European Ocean Act recognises the intersection between ocean health and human rights including both the impact of ocean degradation on human rights and the protection of human rights as an enabling factor for effective ocean governance.
2. The European Ocean Act integrates human rights principles including access to information, right to participation, access to effective remedies, and a safe and enabling environment for ocean defenders and non-discrimination.

More background on the above-mentioned recommendations can be found in the attached briefing note on [“Ocean and Human Rights”](#) which examines the critical intersection between ocean health and human rights, highlighting the impact of ocean degradation on wide-ranging human rights. It also raises concerns about approaches that prioritize corporate profits over environmental protection and human rights and introduces the concept of “human rights economy”, which centres people and the environment in economic, social, and environmental laws, policies, plans and programs. To address these challenges, the note outlines key human rights principles for effective ocean governance and emphasizes the obligations of States and the responsibilities of businesses.

Towards implementation

Respect for human rights is one of the EU’s founding values, guiding its internal and external action. The Member States of the EU are party to most UN human rights treaties, and the EU itself has ratified the Convention on the Rights of Persons with Disabilities. The EU Charter of Fundamental Rights reaffirms international human rights obligations and is to be applied and interpreted in accordance and in conjunction with international human rights law. OHCHR stands ready to support and assist the EU in ensuring that international human rights standards are fully reflected in the development and implementation of the European Ocean Act.

About OHCHR’s work on human rights and ocean

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is the main human rights entity of the UN mandated by the UN General Assembly to protect and promote all human rights for everyone everywhere.

At the international level, OHCHR engages in negotiations under various multilateral environmental agreements to help bridge gaps in guidance on how to apply a human rights–based approach to environmental action, including in the areas of marine, coastal, and island biodiversity and the protection of environmental human rights defenders.

At the regional level, OHCHR Regional Office for Europe promotes a human rights–based approach to environmental action, including climate action, and supports efforts to mainstream international human rights standards into EU environmental laws and policies.

Overall, OHCHR acts as a bridge between silos, integrating human rights across the environmental agenda through its work on ocean-related issues, including marine biodiversity, climate change, marine pollution, deep-sea mining, small-scale fisheries, the blue economy, and challenges facing small island developing States and people moving by sea.



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Ocean and human rights in the European Union

Protecting the ocean is a key priority for the European Union. In 2025, the European Commission will adopt the European Oceans Pact which will seek to foster a broader, integrated and holistic approach to ocean governance across all sectors. To protect the ocean - a single global biome - the European Oceans Pact would benefit from a holistic approach centered on human rights. A human rights-based approach, included in the Kunming-Montreal Global Biodiversity Framework, would enable comprehensive, participatory and intersectional governance while incorporating decades of progress in international human rights law.

1. Impact of ocean degradation on human rights

The ocean is essential for sustaining all life on our planet. The ocean moderates the climate, powers the hydrological cycle and it connects land, air and coastal and freshwater ecosystem. For some, the ocean provides a source of livelihood and nutrition and for others, it is a means of transportation. And yet for others, it is a source of rich and diverse cultural practice. We depend on the ocean to support the effective enjoyment of our rights.

Despite the multifaceted importance that the ocean has, we are witnessing an unprecedented level of ocean degradation. Marine biodiversity is experiencing major adverse impacts due to overfishing, habitat destruction, pollution, and climate change, among others, leading to the weakening of the ocean's ability to perform its essential functions. At the same time, climate change seriously impacts coastal areas and low-lying coastal countries, threatening the survival of societies and the biological support systems of the planet ([A/RES/70/1](#), para. 14).

2. Human rights impacted by ocean degradation

- **Right to life ([ICCPR art. 6](#))**

Pollution of the marine environment, including flooding, sea level rise and malnutrition and illness resulting from impacts on fisheries and shellfish threats loss of life. Such environmental degradation constitutes some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life ([ICCPR General Comment No. 36](#), para. 62).

- **Right to self-determination ([ICESCR](#) and [ICCPR art. 1](#)) and right to development**

The ocean is one of Earth's most valuable natural resources. All peoples have the right to freely pursue their economic, social and cultural development and can freely dispose of their natural wealth and resources including marine resources.

- **Right to home, privacy and family life ([ICCPR art. 17](#))**

Dependency on fish and other marine resources for subsistence and livelihoods as well as dependency on the health of their surrounding ecosystems for their own well-being constitute components of the traditional way of life of Indigenous Peoples, who enjoy a special relationship with their territory. Ocean degradation – including the reduction of marine resources used for food; the inundation of villages and burial lands; salinification of traditional gardens; the decline of nutritionally and culturally important marine species; coral bleaching; and ocean acidification – amounts to unaddressed violations of the right to private life, family and home (*Billy v. Australia*, [CCPR/C/135/D/3624/2019](#), paras. 8.5 and 8.10).

- **Right to health (ICESCR art. 12)**

Plastic pollution in the ocean poses significant threats to human health. The ocean dumping of chemical waste, including a recent unprecedented discharge of radioactive contaminated water into the Pacific Ocean ([AL JPN 1.2021](#)) also threatens human health particularly children's health ([A/HRC/58/59](#), paras. 50 -53, see also, [A/HRC/32/23](#)). Furthermore, healthy ocean biodiversity is important for medicinal drugs and key to several of the underlying determinants of health, such as nutrition, sanitation, and a healthy environment. In addition, exposure to nature, including the ocean, improves mental health ([UN EMG, Guidance on integrating human rights in National Biodiversity Strategy and Action Plans \(NBSAPs\)](#), p 8).

- **Rights to water and sanitation (ICESCR art. 11)**

The contamination by heavy metals of soil, water and marine as well as agrochemicals, such as fertilizers and herbicides, causes algal blooms, eutrophication and dead zones. In turn, such contamination pollutes drinking water with a disproportionate impact on low-income households and Indigenous Peoples, among others, threatening their access to clean water and traditional ways of life ([A/HRC/58/59](#), para. 54).

- **Right to food (ICESCR art. 12)**

Fisheries, shellfish and seaweed are a major source of nutrition, particularly high-quality protein and micronutrients - for many people, including Indigenous Peoples, small-scale fishers, communities in vulnerable situations who are reliant on non-commercial fishing or customary fishing rights (see generally, [A/HRC/55/37](#) and [A/67/268](#)).

- **Right to adequate standard of living (ICESCR art. 11)**

Many individuals and communities in coastal environments depend on the oceans for their livelihoods. The fisheries sector provides a source of income and sustains local economies ([A/67/268](#)). Communities that are economically dependent upon those resources are impacted when marine biodiversity is affected.

- **Right to housing (ICESCR art. 11)**

Low-lying countries are vulnerable to the rise in temperature which causes deep oceans to warm, glaciers to melt and sea levels to rise. The impact of climate change on the acceleration of coastal erosion, frequency of storms and flooding and the rise of the sea level would clearly have a dramatic impact on the housing and livelihood of many people (see generally, [A/64/255](#)).

- **Right to just and favourable conditions of work (ICESCR art. 7)**

The fisheries sector provides several employment opportunities for people living in coastal areas. Yet due to inadequate regulations (for instance in illegal, unregulated and uncontrolled fishing, responsible for around 20 % of global catches), fishers are trapped in forced labour aboard fishing vessels and lose their lives in fishing-related accidents ([A/HRC/58/59](#), para. 42).

Informal waste pickers, including women and children, play an important yet often overlooked role in managing plastic waste. They are on the front lines of waste collection and recycling but are vulnerable due to unsafe working conditions, exploitation and negative health impacts ([A/HRC/58/59](#), para. 51).

- **Right to culture (ICESCR art. 15)**

Natural heritage sites face developments such as increasing fires, ocean acidification, bleaching events and habitat changes ([A/75/298](#)). Due to sea-level rise, low-lying countries face grave risks such as erosion of waterfronts which impacts access to natural spaces for recreational activities, for cultural and spiritual practices or rituals or for their symbolic and historical significance ([A/74/255](#), paras. 67 – 69).

- **Right to a clean, healthy and sustainable environment ([HRC res 48/13](#), [GA res 76/300](#))**

A healthy ocean is a fundamental part of healthy biodiversity and ecosystems, one of the elements of the right to a health environment. The ocean also is vital to all other substantive elements of that right, including a safe climate, healthy and sustainable food and water, a non-toxic environment and clean air ([A/79/270](#) and [A/HRC/58/59](#), para. 11).

3. Human rights economy and blue economy

A human rights economy centres people and the environment in economic, social, and environmental laws, policies, plans and programs and aims at ensuring that development, economic, industrial and trade laws and policies, investment decisions, consumer choices, business models and business operations are firmly guided by human rights. A human rights economy also promotes the responsible and sustainable use and management of economic and natural resources, as well as the fair and equitable distribution of resources and development benefits, to ensure the ability of both present and future generations to effectively enjoy all human rights. (The Human Rights Economy, Discussion Paper).

Similarly, the blue economy, referring to any economic activity relating to oceans and sea, involves balancing economic growth, improved livelihoods and marine ecosystem conservation through such industries as fishing, aquaculture, tourism and renewable energy. However, case studies reveal that blue economy often prioritizes corporate profits over environmental protection and human rights ([A/HRC/58/59](#), paras. 35, 42, 47 and 49):

- Valuing the ocean as a common heritage rather than its natural resources only as commodities is critical for protecting all human rights, including the right to a clean, healthy and sustainable environment.
- The consequences of a business model that prioritizes minimizing labour and fishing costs to meet consumer demand for low-cost seafood results in unsustainable practices and human rights violations.
- Coastal development often lacks adequate planning and an integrated approach that takes account of the complex interdependency between economic development activities and marine ecosystems, driving unsustainable resource extraction, such as sand mining, rather than investments in ecological preservation and sustainable waste management.
- Conflicts and resource-grabbing linked to large-scale development projects, including aquaculture, mining, fishing and tourism, often lead to a loss of access to traditional fishing grounds and the displacement of small-scale fishing communities without adequate compensation or consultation.
- Fisher communities face dispossession and the erosion of customary rights under State-backed economic policies that favour private entities. Such policies lead to so-called ocean-grabbing, often resulting in communities' loss of traditional territories, with fisherfolk reduced to mere workers in fisheries or other industry.
- Blue finance includes loans and bonds that fund such marine-focused initiatives as ecosystem restoration, carbon credits, sustainable shipping and renewable energy. Such arrangements may raise human rights concerns, however, including increasing debt burdens, where developing nations face repayment risks, often exacerbated by conditionalities, for example, when expanding protected marine areas.

4. Human rights principles to support effective ocean governance

Reconciling economic policies, industrial policy with environmental action requires measures to be in place to ensure that the transition does not harm human rights. To protect human rights impacted by ocean degradation, efforts towards an effective ocean governance should be informed by the following human rights principles (see generally, [A/HRC/37/59](#)):

- **Access to information (ICCPR art. 19)** Access to information is the human right of all persons to seek, receive and impart information including on environmental matters. Public access to environmental information enables individuals to understand how environmental harm may undermine their rights and supports their exercise of other rights, including the rights to expression, association, participation and access to justice and remedy.

States should regularly collect, update and disseminate environmental information, including information about: marine pollution; marine and coastal development, conservation activities and impacts on human health; and relevant law and policies.

States should provide affordable, effective and timely access to environmental information held by public authorities.

- **Right to participation (ICCPR art. 25)** The right of everyone to take part in the government of their country and in the conduct of public affairs includes participation in decision-making related to the environment. Adoption of marine, coastal and island biodiversity conservation measures without full and effective participation of the people dependent

on them may cause a loss or restriction of access to traditional fishing territories, among other impacts, jeopardising the economic stability of communities and the rights of affected people including to an adequate standard of living. (see, [statement](#) by ASG Brands Kehris)

States should promote early, meaningful and equitable participation in ocean governance.

States should ensure that groups with unique rights to the ocean environment and marine resources based on historical connections and continued reliance for food, livelihoods, and cultural are granted Free, Prior and Informed Consent or comparable standards before activities occur that might affect the environment and their rights.

- **Access to effective remedies (ICCPR, art. 2)** The obligations of States to provide for access to judicial and other procedures for effective remedies for violations of human rights encompass remedies for violations of human rights relating to the environment.

States should provide effective remedies for violations of human rights affected by ocean degradation.

State should ensure that individuals and groups have access to effective remedies against private actors for failures to comply with the laws of the State relating to the ocean and to uphold their responsibility to respect human rights.

- **Safe and enabling environment for ocean defenders** Human rights defenders include individuals and groups who advocate for the marine environment and who strive to protect and promote human rights relating to the environment and the ocean. Those who work to protect the environment on which the enjoyment of human rights depends are protecting and promoting human rights as well, whether or not they self-identify as human rights defenders.

States should maintain safe civic spaces where ocean defenders are guaranteed freedom of expression, association, assembly and protest, and are safeguarded from threats, harassment, intimidation or violence.

States should respect and protect the rights to freedom of expression, association and peaceful assembly which encompass the exercise of those rights in relation to ocean matters.

- **Non-discrimination (ICCPR and ICESCR art. 2; ICERD arts 2 and 5, CEDAW, art. 2, CRC art. 2, CRPD art. 5)** The obligations of States to prohibit discrimination and to ensure equal and effective protection against discrimination apply to the equal enjoyment of human rights relating to a safe, clean, healthy and sustainable environment.
- States should prioritize the needs of those in most vulnerable situations, including those who are more vulnerable to environmental hazards and harms such as women and girls, children and youth, persons with disabilities, older persons, and displaced persons, as well as Indigenous Peoples and small-scale fishers.

5. States' human rights obligations to support effective ocean governance

- **State obligation to respect** States should refrain from violating human rights through causing or allowing environmental harm including harm to the ocean.
- **State obligation to protect** States should protect against harmful environmental interference from other sources, including business enterprises, other private actors and natural causes.
- **State obligation to fulfil** States should take effective steps to ensure the conservation and sustainable use of the marine ecosystems and biological diversity on which the full enjoyment of human rights depends. States should undertake due diligence to prevent such harm and reduce it to the extent possible and provide for remedies for any remaining harm.

6. Business's human rights responsibility to support effective ocean governance

Pursuant to the [UN Guiding Principles on Business and Human Rights](#), businesses operating in the ocean economy have a responsibility to avoid infringing on the human rights related to the ocean and should address adverse human rights impacts related to the ocean with which they are involved (GP11). They should do so through clear human rights policies, human rights and environmental due diligence procedures, and grievance and remediation mechanisms.