**The One Ocean Hub’s Written Evidence to the UN Special Rapporteur on Human Rights and the Environment on**

**The right to a safe, clean, healthy, and sustainable environment –**

**Toxic-free places to live, work, study and play**

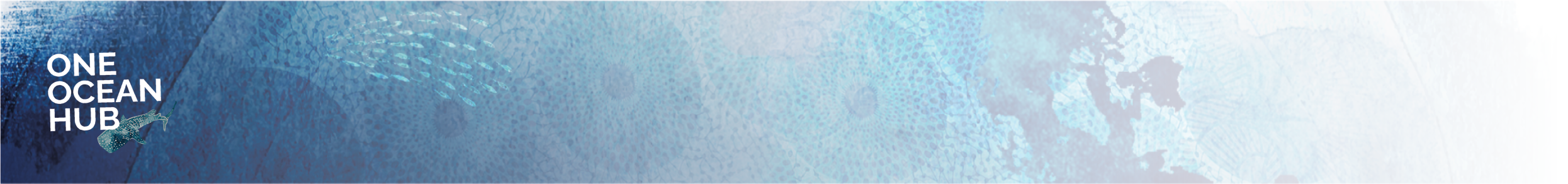
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We welcome the opportunity to provide inputs on ‘[The right to a safe, clean, healthy, and sustainable environment: Free places to live, work, study and play](https://www.ohchr.org/Documents/Issues/Environment/SREnvironment/toxicfree/CFIs/CFI-ToxicFree-EN.pdf)’. Our written evidence focuses on marine plastic as a source of pollution and environmental toxicity. We wish to respond to three questions:

* Question 1: Basic facts on ocean plastics & adverse impacts on human rights
* Question 3: States’ obligations and business responsibility to respect human rights
* Question 6 (good practices): empowering human-rights holders through transdisciplinary research

Our submission builds upon (and does not replicate) our earlier submission to the UN Special Rapporteur on Toxics on lifecycle of plastics and human rights (<https://www.ohchr.org/Documents/Issues/Environment/SREnvironment/ToxicWastes/CFI-lifecycle-plastics/ukri-ooh-gcrf.pdf>) and takes into account of his resulting report (UN Doc. A/76/207 of 2021).

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**Question 1 – Examples of adverse impacts of ocean plastics on human rights**

The negative impacts of ocean plastics on the human rights to food and livelihoods, as well as discriminatory impacts on indigenous peoples and poor coastal communities, have been addressed in the 2021 report of the UN Special Rapporteur on Toxics on the Life Cycle of Plastics. We recommend further exploring the following impacts in the forthcoming report of the UN Special Rapporteur on Human Rights and the Environment:

**Impacts on the right to a healthy environment**

Ocean plastics negatively affects various substantive dimensions of the human right to health:

* toxic-free places to live, work, study and play: ocean plastic pollution is a sub-set of marine pollution that is persistent and accumulates. Emissions of plastic waste into aquatic ecosystems are projected to nearly triple by 2040 without meaningful action.[[1]](#footnote-1)
* healthy and sustainable food: As ocean plastics lead to a reduction in marine biomass, there are fewer resources available to meet human needs as a food source. In addition, the ingestion of plastics by marine species presents a food safety risk for humans when contaminated seafood enters the human food chain.[[2]](#footnote-2) While the exact nature and scale of the risks posed to humans by consumption of contaminated seafood is still uncertain,[[3]](#footnote-3) evidence suggests that such consumption may be particularly harmful to women’s reproductive health as a source of endocrine disrupting chemical.[[4]](#footnote-4)
* healthy biosphere: ocean plastics negatively affects marine life, causing “lethal and sub-lethal effects in whales, seals, turtles, birds and fish, as well as invertebrates” such as corals. Mircoplastics act as vectors for pathogenic organisms harmful to fish; they can alter the reproductive success and survival of marine organisms, and they can cause changes in gene and protein expression, inflammation, disruption of feeding behaviour, decrease in growth, changes in brain development, and reduced filtration and respiration rates.[[5]](#footnote-5)
* safe climate: ocean plastics “aggravate the climate emergency, [by] limit[ing] the ability of oceans to remove greenhouse gases from the atmosphere.”[[6]](#footnote-6)

**Impacts on the human right to health deriving from loss of marine biodiversity**

Marine plastics constrain the ability of individuals to enjoy the highest attainable standard of health, as it negatively impacts on marine biodiversity upon which human health is dependent:

* as a source of biomedical discovery[[7]](#footnote-7)
* as an essential source of food and nutrition (including a rich source of omega 3 fatty acids, selenium, iron and vitamin D)[[8]](#footnote-8)
* as essential marine ecosystem services (such as atmospheric oxygen production).[[9]](#footnote-9) There is emerging evidence to suggest that marine plastics may reduce atmospheric oxygen production by inhibiting the growth and functioning of Prochlorococcus — a photosynthetic microorganism that produces around ten percent of atmospheric oxygen.[[10]](#footnote-10)
* as a determinant of physical and mental health (access to clean beaches and marine areas).[[11]](#footnote-11)

**Impacts on the human rights of the child**

The impacts of plastic pollution on the marine environment and the knock-on implications for human health are not felt equally. This is resulting in discriminatory outcomes for various groups,[[12]](#footnote-12) including children. For instance, Microplastics have been found in sections of the human placenta and have generated concerns relating to the potential impact on the health of the foetus.[[13]](#footnote-13)

* The negative impacts of ocean plastics on children’s right to life, health, physical integrity, and development,[[14]](#footnote-14) as well as their right to a toxic-free environment and right to play, remain to be fully assessed with a view to appropriately integrating child-specific scientific evidence in risk assessments and decision making on ocean plastics.
* It is also essential to include appropriate and accessible information on ocean plastics in education.As underscored by the UN Special Rapporteur on Toxics with regard to the right to science, States should support the inclusion in primary and second education of age-appropriate materials concerning hazardous substances, paying particular attention to the specific needs of impacts communities.[[15]](#footnote-15)
* In consideration of the potential impacts of ocean plastics on children’s substantive rights, States should ensure that children’s views are seriously considered in decisions on ocean plastics, on the basis of their rights to information,[[16]](#footnote-16) expression and education.[[17]](#footnote-17) This should be put in place given full consideration to the fact that “children have limited possibilities to exercise their rights to information, participation and access to remedies so States should take enhanced measures to protect their rights in relation to plastics.[[18]](#footnote-18)

It should also be clarified that the UN Special Rapporteur on Toxics’ recommendations on adopting a human-rights based approach in the development of the post-2020 global chemicals and waste strategy[[19]](#footnote-19) and in a new global treaty on plastics[[20]](#footnote-20) should specifically include consideration of children’s human rights.

**Question 3 - States’ obligations**

In addition to the obligations identified in the 2021 report of the UN Special Rapporteur on Toxics on the Life Cycle of Plastics, States are obliged to:

* take measures to protect marine biodiversity from marine plastic pollution,[[21]](#footnote-21) as part of states’ obligation to prevent others from diminishing the natural resources available to people who depend on them for the protection of their basic human rights;[[22]](#footnote-22)
* avoid action or inaction that enable the continuation of harmful impacts of ocean plastics on human rights, as this may constitute a breach of the obligation of non-retrogression;[[23]](#footnote-23)
* use “maximum available resources,”[[24]](#footnote-24) including not only financial resources, but also human, technological, organisational, natural and information resources[[25]](#footnote-25) to prevent the negative human rights impacts of ocean plastics;[[26]](#footnote-26)
* ensure access to children-friendly information on, and integration in educational programmes of, ocean plastics and related threats to the marine environment, climate change, and human rights, including making it common knowledge that recycling is not a solution to plastics;[[27]](#footnote-27)
* Ensuring children’s participation, consideration of children’s views, and prioritization of children’s best interests in decisions on ocean plastics;
* Assess potential impacts on human rights of ocean plastic solutions, to prevent unintended consequences (eg. on indigenous peoples,[[28]](#footnote-28) persons with disabilities, children.)

Considering the key knowledge gaps about the impacts of ocean plastics, the following obligations can also be derived from **the human right to science** (right to benefit from scientific advancements – see also Question 6 below):[[29]](#footnote-29)

* Support international research cooperation on ocean plastics that respond to documented environmental injustices arising from insufficient institutional capacities and resources across countries;[[30]](#footnote-30)
* Support financially and otherwise the integration of local and indigenous knowledge in research and decision-making on ocean plastics;[[31]](#footnote-31) and
* Support, including through direct funding, scientific research on ocean plastics that creates public benefits,[[32]](#footnote-32) including further research on the impacts of ocean plastics on marine biodiversity (CBD Decision XIV/10) and aimed at developing, and encourage the transfer of, technology to better understand and reduce the environmental impacts of plastics on the marine environment, and to assess cost-effective production on a commercial scale (CBD decision XIII/10).

It would also be useful to clarify that voluntary guidance (decision XIII/10) adopted under the **Convention on Biological Diversity (CBD**) in the context of the CBD obligation to assess and minimize adverse impacts on biodiversity (Art. 14) should be read in the light of applicable international human rights law obligations.[[33]](#footnote-33) This is the case of the recommended action to:

* prevent the discard, disposal, loss or abandonment of any persistent, manufactured or processed solid material in the upstream and marine environment;
* adopt economic incentives, market-based instruments and public-private partnerships to prevent and mitigate the impacts of marine debris;
* adopt extended producer responsibility for providing response measures where there is damage or sufficient likelihood of damage to marine and coastal biodiversity and habitats from marine debris;
* promote best practices along the whole plastics manufacturing and value chain from production to transport, such as aiming for zero loss;
* assess whether different sources of microplastics and different products/processes that include both primary and secondary microplastics are covered by national legislation;
* strengthening of existing legal frameworks, including through regulatory and/or incentive measures to eliminate the production of microplastics that have adverse impacts on marine biodiversity;
* improvement of waste management systems through the sharing of best practices and addressing loopholes that contribute to the generation of marine debris, such as introduction into coastal areas from upstream sources.

While CBD Parties have also recommended making structural economic changes that would reduce the production and consumption of plastics (decision XIII/10), it is recommended that attention focuses on production as a priority, because the focus on consumption could displace burdens and costs on human rightsholders that are already negatively affected by ocean plastics.

Finally, the UN Special Rapporteur on Human Rights and the Environment could expand on his earlier recommendation to consider human rights in the UN negotiations of an international legally binding instrument on marine biodiversity of areas beyond national jurisdiction[[34]](#footnote-34) by integrating consideration of the human rights impact of ocean plastics in the draft provisions on cumulative impact assessments, strategic environmental assessments, area-based management tools, capacity building and technology transfer.

**Question 3 – business responsibility to respect human rights**

Building upon the latest and previous reports of the UN Special Rapporteur on Toxics,[[35]](#footnote-35) the following areas of business responsibility for human rights can be further elaborated upon in relation to ocean plastics. These apply to; 1) petro-chemical companies producing plastics; 2) packaging manufacturers and 3) manufactures of consumer-products containing plastics that end up in the ocean (cosmetics, fishing gears):

* Ensure access to accurate and accessible information along the plastics cycle, including specific information on environmental and health hazards posed by ocean plastics that they may be contributing to, so that is sufficient to evaluate the adequacy of an enterprise response to the human rights impacts of ocean plastics;
* Assess real and potential impacts of business activities on ocean plastic pollution and related human rights impacts, including adult and children’s health and livelihoods of coastal communities, with a view to integrating the findings into their due diligence processes;
* elaborate a plan for the 1) sound management (phasing out of plastic production and products; product design) and 2) sound and safe disposal of plastics to avoid ocean plastic pollution, on the basis of best available scientific evidence, for workers, regulators and the public;
* Co-develop with affected communities a sustainable and safe clean-up plan of existing ocean plastic pollution and fund it, together with monitoring programme;
* routinely monitor for potential contamination of the ocean from toxic substances;
* Secure effective reparations for harm from plastics;
* Fund research to fill gaps in understanding of the impacts between ocean plastics and human rights, with a view to 1) updating due diligence processes and 2) sharing with authorities and the public.

Business action to ensure respect of human rights in the context of ocean plastic is essential while States develop necessary national regulation (eg extended producer responsibility).

**Question 6 (good practices) - Empowering human rights holders through transdisciplinary research**

Empower human rights holders, especially those who are most vulnerable to exposure to a toxic environment such as children, women, and indigenous peoples, is an essential component of addressing ocean plastics. In our experience, there is still a significantly untapped potential to **integrate human rights in ocean research** with a view to 1) ensuring that scientific efforts respond to the needs of the most vulnerable, in the light of the human right to science; and 2) rightsholders can contribute to research efforts, benefit from scientific advancements, and their legal empowerment can be enriched by an inter-disciplinary evidence base. To that end, it is essential for ocean research to take the form of **equitable, transdisciplinary research collaborations with Global South countries**.[[36]](#footnote-36)

The One Ocean Hub is a living example of how transdisciplinary research can help empower human rights holders to protect their rights. The Hub is working with experts from social and marine sciences, humanities and arts in the Global North and the Global South, as well as duty-bearers and rightsholders including those who are often marginalised in decision making process related to ocean governance. Research findings and lessons learnt are being documented through UNEP

InforMEA courses on [SDG 14, ocean plastics and environmental justice](https://oneoceanhub.org/partnering-with-unep-on-sdg-14-marine-litter-and-environmental-justice/) that integrate human rights considerations; contributions viathe international Children's Environmental Rights Initiative; replicable [human rights-based and arts-based](https://www.empatheatre.com/) [methods](https://www.youtube.com/watch?v=AAy0RDSido0) [to integrate marginalised groups’ needs and knowledge](https://www.youtube.com/watch?v=p_W3QBz9cPY&t=20s) into ocean decision-making; and raising awareness about the need to protect “[ocean defenders](https://oneoceanhub.org/one-ocean-hub-highlights-role-and-needs-of-small-scale-fishers-at-un-consultations-on-environmental-human-rights-defenders/)” in the 2021 UN Global and African consultation on environmental human rights defenders.

The [UN Decade for Ocean Science for Sustainable Development](https://www.oceandecade.org/) (2021-2030) provides a crucial opportunity to remind States of their obligations to fund, and set clear standards, for ocean research that can support the protection of human rights, including with a view to addressing and preventing discriminatory impacts on certain sector of societies.

**ANNEX: Information on the One Ocean Hub**

The One Ocean Hub is an international programme of research for sustainable development, working to promote fair and inclusive decision-making for a healthy ocean whereby people and planet flourish. The Hub is funded by UK Research and Innovation (UKRI) through the Global Challenges Research Fund (GCRF), a key component in delivering the UK AID strategy to tackle the Sustainable Development Goals. It addresses the challenges and opportunities of South Africa, Namibia, Ghana, and shares knowledge at regional (South Pacific, Africa and Caribbean) and international levels. The One Ocean Hub is led by the University of Strathclyde, UK and gathers 126 researchers, 21 research partners, and 19 project partner organisations, including United Nations bodies and programmes under one umbrella.

The Hub’s programme of work includes a substantial research theme on Sustainable Fisheries, under which our researchers are working towards an integrated assessment of cumulative pressures on fish species and habitats, including micro-plastic bioaccumulation. The One Ocean Hub also includes a research programme on Ocean Governance that seeks to discover the full potential of law and policy to foster inclusive and transparent sustainable blue economies across scales, by considering the inter-dependencies of the marine environment and human rights to connect across sectors still operating in isolation: ocean/land/freshwater/waste management, trade, investment, innovation and intellectual property, and development cooperation.

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30. A/HRC/48/61, para 48. [↑](#footnote-ref-30)
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