



National Human Rights Institutions

ITF Seafarers' Trust photo competition entry 2021

What is the issue?

National Human Rights Institutions (NHRIs) are state-mandated bodies, independent of government, with a constitutional and/or legislative mandate to protect and promote human rights.¹ They are national human rights guardians, addressing the full range of human rights, including civil, political, economic, social and cultural rights. NHRIs **monitor and report** on the human right situation in their country, **investigate human rights violations**, support victims to seek justice and also hold advisory and public education roles.

While NHRIs traditionally focused on actions of the state, since the development of the **UN Guiding Principles on Business and Human Rights** (UNGPs), NHRIs have increasingly investigated the intersection of **business and human rights**, with many adopting **specific action plans** on this challenge. NHRIs have also begun to focus on **climate change**, with a particular focus on **climate justice**. This includes engagement with States on a human rights-based approach to climate mitigation and adaptation measures as well as **engaging with business on its roles and responsibilities** in addressing climate change.

The role of NHRIs is important in the context of ocean and marine systems as there is a “**blue acceleration**” taking place which is hastening the industrialisation of the ocean at the cost of destroying marine ecosystems and harming both workers and coastal communities. The emerging “**Blue Economy**” concept provides the opportunity for NHRIs to find the missing link between business responsibility, the climate crisis, the health of the ocean, and their combined impacts on the enjoyment of human rights. By building upon the Blue Economy paradigm, NHRIs can provide oversight, advocacy and accountability to address the inequitable growth and the **substantial social harms** linked to the ocean economy while also highlighting **humanity’s connections to the ocean**.

ABOUT THE OCEAN AND HUMAN RIGHTS PLATFORM

Led by the **Institute for Human Rights and Business** and the **Rafto Foundation**, the Ocean and Human Rights Platform is a collaborative movement to raise awareness to prevent and address adverse human rights impacts across the ocean’s industries. The Ocean Platform works with a global network of business, government, human rights defenders, civil society partners, academia and national human rights institutions.

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¹ NHRIs have varying mandates and levels of independence from country to country. The **UN Paris Principles** set out the minimum standards that NHRIs must meet in order to be considered credible and to operate effectively.

Whose human rights are impacted?

When developed sustainably, ocean economic activities can have many positive impacts on human rights such as generating [new jobs and livelihoods](#) which can in turn provide other benefits such as education, health and social security. However, the present model of exploitative and unsustainable ocean activity has negatively impacted a number of rights-holders including:

Small scale fisher folk

The rapid expansion of ocean economic activities has risked the livelihoods of small-scale fisher folk due to overfishing and the unfair distribution of access rights to marine resources [between large-scale and small-scale fishers](#).

Workers in seafood processing, tourism, logistics, etc

The payment of [living wages](#) is an issue across the board, especially in sectors that rely on low skilled labour such as fisheries. Other severe abuses impacting some workers include forced labour associated with poor recruitment practices, health and safety risks, the prohibition of or interference with trade unions and wage theft across [ocean sectors](#).

Indigenous and local communities

Indigenous communities that have ancestral and spiritual ties to marine resources may or may not have legally defined ownership of such resources (such as fishing rights, for example). For this reason, indigenous communities are particularly vulnerable to their resources [being exploited by commercial ocean enterprises](#), which may adversely impact livelihoods, access to food and basic nutrition, as well as enjoyment of their cultural rights.

Workers in supply chains

High rates of human rights abuses, such as [forced labour and human trafficking](#), have been identified in fishing fleets in every part of the world. Workers, and migrant workers in particular, are often subject to dangerous and unsafe working conditions aboard vessels. A UN investigation [has found](#) many seafarers on vessels being exposed to toxic chemicals and fuels.

Which businesses should NHRI's pay attention to?

There are 183 countries in the world with coastlines, and the [Global Alliance of NHRIs \(GANHRI\)](#) has 118 members as of 2022. That means over half the countries with coastlines have NHRIs. The specific sectors most relevant for an NHRI will depend on the NHRI's mandate, resources and priorities. However, where possible, NHRIs should focus on:

- The sector(s) that are the **most important sources of livelihoods** in their country: This might be fishing and aquaculture for some countries and tourism for others.
- Sectors at risk of involvement in the **most severe abuses**: for example, issues such as forced labour in the fishing sector or the abuse of migrant workers in coastal tourism are prominent and widespread.



Pixabay – Helena Volpi

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Home of Mother Earth Foundation (HOMEF)

- **Complex sectors:** The fishing and aquaculture sectors, for example, have complicated structures that are not well understood and are linked to a wide range of violations. Better conditions for small scale fishers and small-scale processors are needed in most countries.
- Ocean activities that have the potential to **create irremediable impacts** on local populations such as offshore oil and gas or large-scale construction.
- **Seafarers:** For NHRIs in major flag states or [in home countries of seafarers](#), these sectors are an important source of income for the country but often “out of sight” and “out of mind”. As the COVID-19 pandemic demonstrated when hundreds of thousands of seafarers were [stranded at sea](#), unable to get off ships and return home, seafarers are too often not given equal attention when it comes to human rights protections.

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What should NHRIs do?

Although NHRIs have [varying mandates and organisational structures](#), most core functions should be able to incorporate the following types of actions to uphold human rights in the ocean economy:

- **Providing advice to the government and other bodies:** More and more coastal states are engaging in marine spatial planning or even broader [sustainable ocean plans](#) to guide public and private sector decision-makers on how to sustainably manage the state’s ocean area. NHRIs have a clear role to play in advising governments during the development of such plans. This may be [actively engaging stakeholders](#) and make the planning process as inclusive as possible, or advising on the substance of such plans to ensure that it meaningfully incorporates protection of the rights of the most vulnerable groups, including provisions concerning customary tenure rights of local communities.
- **Monitoring and reporting the human rights situation:** NHRIs can carry out or collaborate on research to highlight critical or less-known human rights challenges in a sector. The outcome of such research can inform awareness, advocacy and law reform efforts.
- **Receiving, investigating and responding to human rights complaints:** NHRI tools include public hearings based on complaints – such as the effects of oil spills destroying aquatic livelihoods, or investigations into working conditions in relevant facilities. NHRIs can also intervene in court cases as a “friend of the court” or *amicus curae* (such as, for example, in [climate change litigation](#)).
- **Delivering human rights education programmes:** The [2021 Human Rights Council Resolution on recognising the human right to a safe, clean, healthy and sustainable environment](#) provides the opportunity to highlight the importance of sustainable use of the ocean, seas and marine resources to the enjoyment of human rights.



EXAMPLES

Examples of NHRI Work on the Ocean

- **African National Human Rights Institutions (NANHRI)**, collaborating with the Danish NHRI ([Danish Institute for Human Rights](#)), recently completed a [survey of members](#) on their engagement with business and human rights (BHR) and sustainable oceans to identify entry points and inform advocacy efforts of NANHRI. The report concluded that the data indicates a need for advocacy strategies by NANHRI “to ensure a human rights-based approach to the implementation of the Africa Blue Economy Strategy at the national level.” It provided a range of emerging opportunities for NHRI across all three thematic areas.
- **Danish Institute for Human Rights’ Sustainable Oceans project** has developed a range of reports and activities, from human rights impact assessments in the fishing sectors to fact sheets on a rights-based approach to fishing and aquaculture. The DIHR also conducted an analysis of indigenous peoples’ rights in the fishing and aquaculture sector, put in submissions to UN Human Rights bodies on ocean issues and hosted expert meetings for NHRIs.
- **In Chile the Instituto Nacional de Derechos Humanos (INDH)** has carried out investigations and research on the human rights impacts on indigenous peoples of the fisheries and aquaculture sectors since 2015. This has mainly consisted of mapping socio-environmental conflicts in 2015, followed by an observation mission to Chiloé island in the southern region of Los Lagos in 2016 to investigate the rights impacts of the salmon farming industry.



- **Cooperating at the national and international level with key partners:** Developing partnerships is particularly important for “Small Island Developing States” (SIDs) and other countries with long coastlines. NHRIs could collaborate with other ocean actors, such as the [Office of the Pacific Ocean Commissioner](#) and work on the [SAMOA Pathway](#), or collaborate with the [SIDS Global Business Network](#) to highlight the importance of the [UNGPs](#) in developing blue economy sectors and in regulating and supervising ocean businesses. Such cooperation can also be expanded to the international human rights system, where NHRIs may engage with UN Special Procedures mandate holders (when there is a visit to their country), particularly as the UN has recently appointed a [UN SR on Human Rights and the Environment](#). NHRIs can also find opportunities for partnerships and knowledge-sharing within regional networks (see box: *Resources: Initiatives*).

- **Samoa’s Office of the Ombudsman**, delivered advice on the internal relocation policies of the Samoan government in response to climate change. As 70 percent of Samoans live within one kilometer of the coast, typhoons and rising sea levels have already destroyed numerous villages. The Ombudsman’s Office recommended that the relevant ministries adopt human rights safeguards to guide the relocation process.

RESOURCES: Some useful existing work/initiatives

Organisations and initiatives looking at human rights and the ocean

- [High Level Panel for a Sustainable Ocean Economy](#)
- [One Ocean Hub](#)
- [Nippon Foundation Ocean Nexus Center](#)
- [The Peopled Seas Initiative](#), Institute for the Oceans and Fisheries, University of British Columbia, Vancouver, Canada
- [Stockholm Resilience Centre](#), The Human Ocean
- [Duke University Nicholas Institute for Environmental Policy Solutions](#), Oceans
- [Stanford Center for Oceans Solutions](#)

Regional networks for NHRIs

- [Network of African National Human Rights Institutions \(NANHRI\)](#)
- [Network of National Institutions for the Promotion and Protection of Human Rights in the American Continent \(RINDHCA\)](#)
- [Asia Pacific Forum of National Human Rights Institutions \(APF\)](#)
- [European Network of National Human Rights Institutions \(ENNHRI\)](#)
- [AU’s Africa Blue Economy Strategy](#)
- [EU’s Blue Economy Strategy](#)

RESOURCES: International standards & guidance

Business and Human Rights

- [UN Guiding Principles on Business and Human Rights \(2011\)](#)
- [OECD Guidelines for Multinational Enterprises \(2011\)](#)
- [UN Global Compact Action Platform for Sustainable Ocean Business and Sustainable Ocean Principles](#)

Sustainable Development Goals

- [SDG 14 – Life Below Water](#)

Selected International Standards

- [FAO Code of Conduct for Responsible Fisheries \(1995\)](#)
- [FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication \(2015\)](#)
- [FAO The Code of Conduct for Responsible Fisheries and Indigenous Peoples \(2009\)](#)