

Plastic Pollution and Human Rights

Plastic pollution has reached and impacted the whole world, including the most remote places and communities. While plastic waste has long surpassed unmanageable levels, plastic production is expected to triple by 2050 in a business-as-usual scenario. Plastic is not only impacting our ocean, it is in the air we breathe, the water we drink, and the soil we grow our food in. Plastic production, use and disposal creates greenhouse gas emissions and directly affects planetary boundaries related to climate change, biodiversity loss and chemical pollution; it also directly impacts the health of people and communities. This short paper zooms in on some of the intersections between plastic production, use and disposal and human rights, as a summary of an internal webinar organised by the [Break Free From Plastic](#) (BFFP) movement.


PLASTIC PRODUCTION, USE AND DISPOSAL IMPACTS HUMAN RIGHTS

Human rights are universal and inherent to us all. They cover fundamental rights such as food, education, work, health, a healthy environment and liberty, but they can also cover collective rights (e.g. Indigenous People rights). Human rights are generally protected by national laws and are sometimes enshrined in national constitutions. There are also Treaties dedicated to protecting human rights such as the International Covenant on Civil and Political Rights, the European Convention on Human Rights or the International Convention on the elimination of all forms of racial discrimination.

Which human rights are impacted by plastic?

A whole range of human rights are negatively impacted at each stage of the full life cycle of plastics - from extraction to disposal: this includes the human rights to life, health, food, water, sanitation, cultural rights and access to information, home and family protection to the right to equality and science. Plastic not only pollutes the environment and impacts ecosystems, it makes people sick; this interferes with individuals' rights to the highest attainable health and to life. Plastic has a disproportionate impact on the Global South and certain communities, especially frontline communities.

In 2019, in its General Comment 36 on Article 6 of the [International Covenant on Civil and Political Rights](#) (ICCPR), the UN Human Rights Committee highlighted that "environmental degradation, climate change and non-sustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life. Obligations of States parties under international environmental law should thus inform the contents of Article 6 of the Covenant, and the obligation of State parties to respect and ensure the right to life must reinforce their relevant obligations under international environmental law. The ability of



individuals to enjoy the right to life, and in particular life with dignity, depends on measures taken by State parties to protect the environment against harm and pollution”.

In 2021, the UN Special rapporteur on human rights Marcos Orellana highlighted that plastics represent a global threat to human rights and that safeguarding the human rights of present and future generations demands that the international community reverse the plastics crisis.

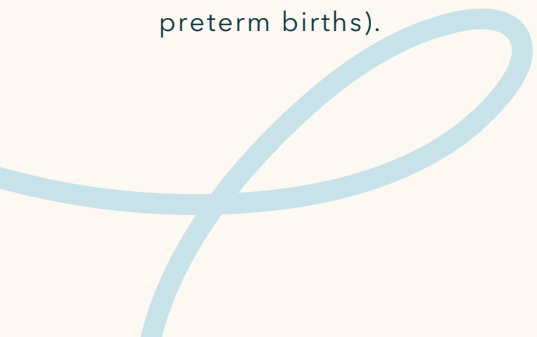
Who is impacted?

Given its direct impacts on three planetary boundaries (climate, biodiversity loss and chemical pollution) and indirect effect on all the others, plastic affects the equilibrium which houses all (human) life. However, some parts of the global population are more affected than others and see their rights more often violated than others - from waste pickers handling ever increasing inflows of plastic waste from the global north, to Indigenous Peoples and frontline communities living near oil and gas extraction and processing sites, including plastics manufacturing hubs.

BFFP has been running the Toxic Tours project since 2022 which gathers concrete and real life examples of how plastics take a toll on humans everyday. This narrative and storytelling project seeks to provide an immersive experience into impacts of plastic pollution and how they are felt by frontline communities.

A testimony to human rights violations due to plastic pollution, the particular case of Cancer Alley was highlighted by Antonia Juhasz, Senior Fossil Fuel Researcher at Human Rights Watch, showing the human toll of the fossil fuel and petrochemical industry in Louisiana. Cancer Alley is situated between Baton Rouge and New Orleans, and is a 85mile (136 km) strip of land with the largest concentration of fossil fuel and petrochemical plants operate there. This small region holds about 200 plastic manufacturing plants. There is evidence that zoning and build out permits for the largest and most polluting fossil fuel projects have been mostly allocated in regions where mostly black communities are residing (St James). In fact, all permits for new exploitations have been permitted in these zones.

Pollution via the toxic releases into air, soil and water are not the only factors harming the living conditions in these areas. Frontline communities and workers are also direct recipients of any spills, leaks and failures that routinely happen at plastic production plants - local authorities accept that factories release sudden amounts of effluents and pollution into the environment before a storm for example. These environmental and human disasters are worsened in the case of extreme weather events such as floods or tornadoes and will become more and more frequent as part of inevitable climate change. Cancer Alley represents 7x the national average of cancer due to air pollution and respiratory ailments, and an extreme toll on women's reproductive and newborn health has been documented (including low birth weight or an increasing number of preterm births).



TRACKING OF VIOLATIONS AND AVENUES TO SAFEGUARD RIGHTS

Documentation

Human Rights Watch (HRW) are working with frontline communities to bring forward their long lasting experience, knowledge and tracking of local impacts and challenges they have been faced with as a result of living close to fossil infrastructure projects. Frontline communities have been documenting spillages, leaks, toxic releases, cancer rates, respiratory ailments and many more impacts for decades, but they are rarely listened to as the experts that they are. This knowledge is captured in interviews, and their recommendations on how to address these issues are put together into an advocacy agenda that works with and for frontline communities as they are the first impacted. The position of HRW is that the fossil industry needs to go away and that a different model needs to be developed based on clean energy supply and resources democratisation.

Related to this, it should be made very clear that there has been a trend (pushed by the industry) of dissociating the words chemicals, plastics, and fossil fuels, however they are all outputs of the same fossil industry. Most chemicals are made from fossil resources, and this includes polymers and plastics - a plastic production facility is therefore as much a fossil operation as a gas extraction site is.

Different mechanisms are available

Several mechanisms are available for human rights claims and complaints. These include:

- UN Human Rights Treaty bodies
- UN Special Procedures
 - special procedures of the Human Rights Council including the Special Rapporteurs on Toxics and Human rights, on the environment and on climate change, and the UN Working group on business and Human Rights
- OECD guidelines for multinational enterprises : soft process
- National Human Rights institutions (GANHRI)
- Internal review for certain companies(company complaint mechanism)

Legal avenues

Violations of human rights associated with plastic can also be brought in front of courts, both at the national level (for violation of human and/or constitutional rights) and at the regional levels, notably in front of the Inter-American Court of Human Rights (landmark case of La Oroya vs Peru) and the European Court of Human Rights (ECHR). The ECHR recently adopted (April 2024) a landmark judgement in relation to climate change and human rights in the KlimaSeniorinnen vs Switzerland case.

In the context of legal action, it may be worth looking at how companies could be held accountable for interfering with the enjoyment of the land of people and communities, as plastic pollution may constitute a nuisance. States may also be held accountable for failing to take measures to prevent pollution that is impacting the enjoyment of land of communities (see for example the cases Billy et al v Australia (HRC 2022) and Portillo Caceres et al v Paraguay (HRC 2019)).

TOWARDS HUMAN RIGHTS BASED POLICY

If human rights are put at the centre of policy making, then a human rights-centred plastics policy would include actions on:

- **Prevention:** this is grounded in States' duty to protect against pollution and exposure to toxic chemicals in order to secure our right to life, food, health, and water. Prevention includes the duty to prevent harmful exposure related to business activities.
- **Participation:** duty to ensure participation in the design and implementation of policies, along the plastics lifecycle, starting from the extraction stage.
- **Information:** duty to ensure access to information, such as on chemicals in plastics and the harms caused by plastic production, use and breakdown
- **Access to justice:** duty to ensure access to justice and effective remedy for harms caused by plastics. There is a big challenge with regards to accountability because the supply chain of plastics is global..
- **Transparency:** there is little transparency about these hazards and risks, so individuals are unable to make informed decisions. Transparency laws should require business enterprises to disclose the full chemical composition of their plastic materials and products, including additives.
- **Best available science and effective monitoring:** this includes ensuring an enabling environment for independent science. Unfortunately, scientists working on chemicals and on plastics are under attack. Equal access to technology and capacity building across countries should also be enabled.

Putting human rights at the centre means that we need to:

- Protect humans and the environment from the hazards caused by plastic production, use and disposal, including exposure to chemicals, unsafe working conditions, and insufficient wages;
- Put a cap on plastic production and restrict avoidable plastics, and include measures on chemicals and polymers of concern;
- Implement the waste management hierarchy, prioritising prevention and reduction. Only a small fraction of plastics are recycled, safe recycling cannot be guaranteed (notably due to chemicals in plastics) and therefore we cannot ensure recycling processes do not impact human rights;
- Guarantee access to information and access to justice and effective remedies, including ensuring transparency and traceability of plastics materials and products, and its links with the Aarhus convention;
- Safeguard the rights of the ones most impacted by plastic production and pollution and making sure they can contribute to and influence measures that impact their livelihoods directly;
- Implement remediation mechanisms to compensate for harms cause by plastics;
- Ensure effective corporate responsibility mechanisms.

All these elements should notably be taken into account in the context of the ongoing negotiations on an International Legally Binding Instrument to end plastic pollution (Plastics Treaty).

This paper is a summary of key messages shared by speakers at Break Free From Plastic Europe's Intersectionality Forum on Plastic and Human Rights in March 2024, whom we thank for their contributions, namely:

Antonia Juhasz, Senior Researcher on Fossil Fuels at Human Rights Watch

Ana Paula Souza, human rights officer at the UN Office of the High Commissioner on Human Rights (OHCHR), and

Sophie Marjanac, Accountable Corporations Lead at ClientEarth

Additional resources

[Human Rights Watch, "We are dying here: The fight for Life in a Louisiana Fossil Fuel Sacrifice Zone", 2024](#)

[Amnesty International, "USA: The Cost of Doing Business? The Petrochemical Industry's Toxic Pollution in the USA", 2024](#)

[A/76/207: The stages of the plastics cycle and their impacts on human rights - Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana, 2021](#)

[OHCHR, \[Aligning States Duties and Business Responsibilities Related to Plastics with the Guiding Principles on Business and Human Rights, 2024\]\(#\)](#)

[BFFP Toxic Tours website](#)