



Global stakeholders' consultation "The lifecycle of plastics and human rights"

MGCY Consultation Paper - Marine Litter and Microplastics Working Group

First of all, we commend the Special Rapporteur for his impressive work on toxics and plastic matters. We also thank him as well the CIEL for the opportunity to address plastic and human rights intersections. We truly appreciate the efforts of the meeting's hosts to make the voice of youth heard in this consultation. Moreover, you will find hereunder our written submission dealing with this cardinal topic.

I. MAIN POINTS

On behalf of the MGCY, we would like to highlight the three following key points. They represent core features of the intersections between plastic and human rights, especially on young people's human rights :

1/ Acknowledging the intersections between human rights and plastic across its whole life cycle.

Plastic impacts everyone's rights at every stage of its lifespan. Plastic pollution can originate at any time between plastic production and its end of life. It refers to the totality of plastic loss in the environment, its related ecological impacts as well as the emissions derived from plastic production, use, disposal, waste management, and treatment¹. In particular, plastic pollution can be associated with low waste collection and recycling rates. Globally, less than 10% of all plastics are recycled. In 2017, a study of plastic production, use and waste management estimated that, out of the total plastic ever produced (8,300 million metric tons), 60% were discarded, 10% were incinerated, and only 7% were sent to recycling². These numbers can vary greatly across regions and are especially critical in developing countries, where it is estimated that mismanaged plastics can reach up to 80-90% of the total plastic produced³.

¹ T.D. Nielsen et al., [Politics and the plastic crisis: A review throughout the plastic life cycle](#), August 2019

² R.Geyer et al., [Production, use, and fate of all plastics ever made](#), *Science Advances*, July 2017

³ H.Ritchie and M. Roser, [Plastic Pollution](#), *Our World in Data*, September 2018.

In many countries, youth and vulnerable groups increasingly join the informal waste sector in search for a living⁴. Informal waste reclaiming and treatment can empower marginalized communities, giving them social and working dignity⁵. However, informal waste workers are often unskilled, untrained and perform scavenging and waste picking operations in unsafe and unhygienic conditions⁶. Lack of personal protective equipment, such as gloves, glasses, and masks, exposes them to contamination from hazardous materials and accidental wounds caused by improper management on a daily basis⁷. Moreover, when hazardous refuse is not properly treated, it is sold at lower prices and mostly confined to the illegal market, triggering a vicious cycle and undignifying the hard work of informal waste workers⁸. Another major risk associated with informal waste scavenging concerns the safety of the workplace. As the majority of scavenging operations take place in landfills and unofficial dump sites, associated health risks include dangerous emissions of methane, carbon dioxide and heavy metals contained in plastic scraps. That can cause severe respiratory disorders⁹.

Every of these issues, occurring at different stages of the plastic lifespan, causes human rights violations to each actor along the chain. Waste pickers, workers in petchem plants, consumers of plastic products ; each person inevitably suffers from hazardous exposure to the plastic life chain. Human rights violations take a wide range of shapes. From violations to the right to health to infringements of the right to work in just and favourable conditions¹⁰; intersections between human rights and plastic is a holistic matter. It comes together with long-term environmental damages entailed by the multileveled plastic crisis. It therefore threatens the capacity of future and present generations to live in a healthy environment and in harmony with Nature.

2/ Acknowledging the specific impacts of plastic on fetus, children and young people in general

Together with a fact-based approach relying on scientific studies, a right-based approach is more than ever required to deal with impacts of plastic on children's rights. For years, scientists, NGO and other stakeholders have raised concerns about the plastic impact on children and youth.

Some UN Human Rights Treaty Bodies have also dealt with the specific impacts of the plastic lifecycle on children, in many countries. For instance, the Committee on the Rights of the Child (CRC) has issued several warnings concerning the situation of children exposed to hazardous exposure alongside the plastic life cycle. It concerned for instance the informal

⁴ Medina, Martin, [The Informal recycling Sector in Developing Countries : Organizing Waste Pickers to Enhance their Impact](#), *World Bank*, 2008

⁵Global Communities Website, [Empowering Marginalized Communities through Recycling](#), December 2014

⁶Ibid. ⁴

⁷ T.ChidiNzeadibe, [Solid waste reforms and informal recycling in Enugu urban area, Nigeria](#), *Habitat International* January 2009

⁸ M.Gall et al., [Building a circular plastics economy with informal waste pickers: Recyclate quality, business model, and societal impacts](#), *Habitat International*, January 2009

⁹ O.A Alabi, [Public and Environmental Health Effects of Plastic Wastes Disposal: A Review](#), *Journal of Toxicology and Risk Assessment*, 2019

¹⁰ As entitled for instance in Article 23, [Universal Declaration of Human Rights](#)

waste sector, the exposure to unsound waste management or even children's exploitation in the extractive sector:

The CRC in 2010 raised concerns in Ecuador and underlined that “many young children still perform harmful work, such as domestic work with characteristics of slavery, and hazardous work in garbage dumps.”¹¹ In 2015, examining the situation in Uruguay, the Committee was “concerned about children being economically exploited, particularly in street vending; garbage collection and recycling”.¹² In Haiti in 2016, the Committee was concerned about “the negative effects of polluted air in urban areas in and around Port-au-Prince and Cap-Haïtien, caused mainly by traffic congestion, trash burning”¹³ and recommended the State party to “a) Take all necessary measures to reduce sources of air pollution, including by establishing a waste and recycling management system”.

The CRC also underscored in 2017 “(a)The negative impacts of the extractive mega-projects and activities in indigenous areas, including violence against indigenous children in the context of law enforcement activities”¹⁴ in Ecuador. It underlined the intersectionalities between threats from the extractive activities, the infringement of rights of indigenous people and the children's exposure to hazards and rights violations.

Additionally, the International Labor Organization has always played a key part in highlighting children's human rights infringements, especially in the informal sector. In its direct request in 2006 to Nepal, the Committee raised that: “[...] Ragpicking entails the sorting, collecting and selling of various waste materials that can be found at dumpsites, riverbanks, street corners or in residential areas and consist primarily of plastics, bottles”¹⁵. The organization underlined in the same request “Child rag pickers are exposed to tetanus and other infections (such as HIV/AIDS) caused by cuts from sharp metal pieces, broken glass, and other materials.”

As a matter of fact and for years now, several specialized UN bodies have raised concerns about the negative impacts of the plastic on children. Nonetheless, the UN institutions have not sufficiently formally addressed these specific threats. It is now time to make a step forward and clearly include the intersections between plastic and children's human rights violations. A right-based approach, combined with a science-based one, must be undertaken throughout the work of the UN institutions and within the environmental and human rights governance fora.

¹¹ [CRC/C/ECU/CO/4 \(CRC, 2010\)](#)

¹² [CRC/C/URY/CO/3-5 \(CRC, 2015\)](#)

¹³ [CRC/C/HTI/CO/2-3 \(CRC, 2016\)](#),

¹⁴ [CRC/CECUCO5-6 \(CRC, 2017\)](#)

¹⁵ [Direct Request \(CEACR\) - adopted 2005, published 95th ILC session \(2006\)](#), [Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#)

3/ Acknowledging the need for further studies on the plastic impacts and its related compounds. Transparency is key and we cannot fight what we do not know.

Many impacts from microplastics and plastic exposure are not well known. Further studies, gathering experts and relevant stakeholders should be conducted to address uncertainties. Plastic entails a whole life chain of pollution due to the plastic material per se as well as its contained chemicals. The presence of plastic and microplastic can lead to the exposure on several other toxic compound like endocrine disruptors, nanomaterials and additives that are, for some of them, classified as toxic by several regional and global resolutions such as the EU REACH Directive and the classification done by ECHA.

Even these regulatory frameworks do not provide full temporally alignment on the best available knowledge of chemicals and their impacts on living beings with the institutions that are set out to control them. So it's important to have a complete and clear knowledge of product compositions and their life cycle, especially regarding children and youth. It is important to have a special care for them, by providing clear information on the composition of food, toys and clothes.

The right to information should be considered as an application of wider "right to health" pertaining to Article 25 of the Universal Declaration of Human Rights, especially reinforced for youth and children by Article 3 of the Convention on the Rights of the Child. It states clearly at 3. *"States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision"*.

Data and monitoring information on plastic and microplastic pollution indeed should be provided in a prompt, transparent, open and continuously up-to-date manner. Regarding monitoring efforts, the UNEP-IBM marine litter digital platform and ECHA are surely concrete efforts in this direction, but great margins of improvement still stand especially regarding microplastic, EDC and nanomaterials classification.

Finally, major concerns are needed for coastal communities who are exposed to long-term effects of plastic and microplastic pollution in water and seas.

CONCLUSION

We cannot protect human rights, especially those of vulnerable people such as newborns and children, without a bold and holistic approach to the plastic crisis. **The respect of human rights requires tackling plastic pollution at every stage.**

II. RECOMMENDATIONS

Regarding the diverse above-mentioned examples, the MGCY humbly suggests the following recommendations:

1/ The report should **emphasize the intersections** between human rights and plastic **across its whole life cycle**. The plastic crisis being an holistic problem, solutions to be recommended must be circular and must take into account all stages of the plastic lifespan.

2/ The report should contain paragraphs **on the specific impacts of the plastic crisis on the youth's health and environment**. The plastic pandemic threatens the enjoyment of youth's human rights, as well as the capacity of the present and future generations to live a healthy life.

3/ The report should emphasize the need for **further data, monitoring and transparency from States, authorities and the private sector** concerning the known and unknown impacts of the plastic on human rights.

III. OTHER ISSUES

- **Special attention to marine litter and microplastic pollution**

Microplastics come from many sources around the world such as synthetic clothing fibres, dust from tires, road paints, plastic bottles and the breakdown of larger hazardous items. Plastic pollution creating microplastics is a growing concern for human health as emerging studies find them everywhere from drinking water, agriculture, to seafood, insects, birds, and human organs¹⁶. More recently, the WHO announced a review into the potential risks of plastic in drinking water after scientists have identified, through the analysis of tap water samples from around the world, that a high proportion of drinking water is contaminated with micro fragments of plastic. The study found 93% of some of the world's most popular bottled water brands and tap water contained tiny pieces of plastic¹⁷. According to a study by the University of Ghent, the average person who eats seafood swallows up to 11,000 pieces of microplastic every year¹⁸. Furthermore, there is concern that the chemicals in plastics could have a wide range of health effects ranging from diabetes, obesity, cancer to sexual dysfunction and infertility¹⁹. As members of the MGCY Working Group, we demand a higher concern to be paid to these tiny fragments and their effects on planetary health. There is a need for companies to consider their plastic footprint. By measuring, managing, and reporting plastic use and disposal, companies can mitigate the risks, maximize the

¹⁶ Journal of Environmental Science and Technology, 2020

¹⁷ <https://www.statista.com/chart/13255/study-finds-microplastics-in-93-of-bottled-water/>

¹⁸ Van Cauwenberghe, L., & Janssen, C. R. (2014). Microplastics in bivalves cultured for human consumption. *Environmental pollution*, 193, 65-70.

¹⁹<https://www.usnews.com/news/health-news/articles/2020-08-17/autopsies-show-microplastics-in-all-major-human-organs>

opportunities, and become more successful and sustainable. What's more, humans can definitely reduce their exposure to microplastics by simply thinking reusable instead of disposable.

What's more, littering practices can have several origins. Sometimes, littering, and in particular marine littering, find their root in cultural beliefs. For instance, many African cultures see the ocean (Mami Wata or Mother Water) as a deity with cleansing roles²⁰. As such, the ocean has been used as a convenient dumping site for decades: communities gather on the beach at night and sacrifice their domestic refuse to Mami Wata, asking her to wash away the waste and the dirt produced by humans.

- **COVID 19 and plastic flood**

Single use plastics make up 40% of all plastic made globally²¹: it is convenient, disposable, and available in many forms. Plastics are produced and used in excess, and are a leading cause of pollution in the ocean. Strides had been made to eliminate single-use plastics at grocery lines and restaurants. For example, the European Commission made plans to ban single-use plastic items such as straws, forks, knives and cotton buds by 2021²²; Kenya banned single-use bags in 2017²³; and the United Kingdom introduced a tax on plastic bags in 2015 and banned the sale of products containing microbeads, like shower gels and face scrubs, in 2018.

Once the COVID pandemic became a global threat, reusable or biodegradable packaging fell out of favour as advisories tackling germ spread unknowingly discriminated against reusables. Plastics made a resurgence as millions across the world tried to eliminate all "unclean" surfaces. Fresh plastic shopping bags, food boxes, cutlery and straws, and pre-wrapped grocery products were seen as unused and untouched, so they were ideal for a COVID-contaminated world. Nonetheless, the WHO itself has warned that COVID-19 remains "viable up to 1 day on cloth and wood, up to 2 days on glass, 4 days on stainless steel and plastic, and up to 7 days on the outer layer of a medical mask²⁴". What's more, medical protective equipment, especially the masks, could contain additives such as PFAS²⁵. Plastic is therefore far from being a preferable option in tackling the pandemic.

- **Open science - Citizen science, the IASS Report "Stronger together":**

The role of regional instruments in strengthening global governance of marine plastic pollution²⁶ underlines the under implementation of several national and regional monitoring

²⁰ Drewal, H. J. (1988). Performing the other: Mami Wata worship in Africa. TDR (1988-), 32(2), 160-185.

²¹ <https://www.ciel.org/wp-content/uploads/2019/05/Plastic-and-Climate-FINAL-2019.pdf>

²² <https://ec.europa.eu/environment/circular-economy/pdf/plastics-strategy-brochure.pdf>

²³ <https://www.greenpeace.org/africa/en/blogs/11156/34-plastic-bans-in-africa/>

²⁴ van Doremalen, N., Bushmaker, T., Morris, D. H., Holbrook, M. G., Gamble, A., Williamson, B. N., ... & Munster, V. J. (2020). Aerosol and surface stability of HCoV-19 (SARS-CoV-2) compared to SARS-CoV-1. medRxiv.

²⁵ ChemicalWatch, [Coronavirus PPE likely to contain hazardous chemicals such as PFASs](#), NGO says, 05 May 2020

²⁶ Wienrich, N., Weiland, L., Unger, S. (2021). Stronger together: The role of regional instruments in strengthening global governance of marine plastic pollution.

and assessment programmes with comparable data on marine plastic litter. It results in a poor common knowledge base for management measures. New and innovative approaches to data collection involving citizens and crowdsourcing can indeed be fostered. The so-called “Citizen Science approach” provided several experiences, especially in areas with limited data and capacity to establish comprehensive monitoring programmes. To cite some of the most relevant, the pilot project Closing the Loop of UN ESCAP, or the Marine Litter Watch Month organised in the context of ACT4LITTER project in the Mediterranean as well the regional platform of the Citizen Science Association. The collaboration with civil society in monitoring programmes and initiatives collecting relevant data can provide an opportunity, even if citizen science is coupled with Open Science, as the attitude to make scientific research (including publications, data, physical samples, and software) and its dissemination accessible to all levels.

- **International law and legal governance**

Enhancing environmental governance and international regulations will help protect human rights against violations due to plastic and microplastics. **A legally binding treaty on plastic pollution** would be one of the best ways to tackle the plastic crisis and its related human rights infringements. **The plastic pandemic does not stop at the borders, so we need global, effective and bold regulations.** The MGCY is pledging for an internationally-binding text containing explicit enforceable measures that enable a move towards circularity.

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Speakers during the consultation with the Special rapporteur on toxics [30 March 2021, 3:00 PM – 6:00 PM (Geneva time)] : Domenico Vito and Suzanne Astic on behalf of the MGCY