

## Business, Human Rights, and the Environment: Overcoming the Plastics Challenge: A Checklist for Civil Society

*This Checklist illustrates practical steps that civil society members can take to advocate for a human rights-based approach to the plastics pollution challenge*

### Module 1: The Human Rights Dimensions of the Plastic Crisis

- Identify the impacts of each **stage** of the **plastics lifecycle** in your community:
  - Extraction
  - Production
  - Transportation
  - Use (Consumption and Waste Generation)
  - Waste Management (including Recycling)
  - Disposal
- Understand what it means for states and businesses to be “**duty bearers**” in a human rights context;
- Identify the **duty bearers** within the plastics lifecycle in your community;
- Identify the **rights holders** that make up your community and how the plastics lifecycle effects them.
- Evaluate opportunities to harmonize your organization’s commitments to address **climate change** with plastics action;
- Identify and advocate for steps to be taken by states and businesses to better adopt a **circular economy** model and align it with **human rights aware** plastics action:
  - Reduce or eliminate unnecessary plastic packaging;
  - Reduce or eliminate reliance on single-use plastics;
  - Encourage non-toxic and plastic alternatives;
  - Encourage the up-cycling (recovery and regeneration) of plastic-based products that are at the end of their service life to prevent disposal.

### Module 2: Plastics, Human Rights & the Environment (HR&E)

- Evaluate and publicize how the plastics lifecycle impacts your community’s rights holders’ ability to enjoy the **substantive** components of the right to a clean, healthy, and sustainable environment, including the right to;
  - Clean air;
  - Safe climate;
  - Clean water;

- Healthy ecosystems and biodiversity;
  - Healthy food; and
  - Non-toxic places.
- Ensure that states and businesses better allow rights holders to exercise their **procedural** environmental rights, including by advocating for:
- The implementation or strengthening of laws and policies which require the **prior assessment and prevention** of environmental impacts caused by plastics or substitutes. Ensure that these laws and policies take proper consideration of impacts on human rights;
  - Public **access to information** regarding the contribution by your state, as well as other duty bearers (i.e. businesses) within your community, to the plastics lifecycle or substitutes. If possible, undertake efforts to gather information about the impacts of the plastics lifecycle, and provide such information to the public;
  - Reform to laws and policies to ensure that rights holders that may be impacted by the contributions of any duty bearer to the plastics lifecycle or substitutes, have the opportunity to **participate** in such assessments, and that their consent is sought where appropriate. If possible provide resources to rights holders to assist them in participating in such assessments;
  - Robust **access to remedy** for impacts that any duty bearers' contribution to the plastics lifecycle have had on human rights within your jurisdiction. When appropriate/possible support such rights holders to ensure that they are able to obtain access to justice.
- Identify **rights holders** within your community who may be disproportionately impacted by duty bearer's contribution to the plastics lifecycle, including: Indigenous peoples; tribal and traditional peoples; rural and coastal communities; women and gender diverse persons; ethnic, racial and other minorities; persons living in poverty; the disabled; formal and informal workers; as well as children and future generations. Commit to ensuring that you collaborate with any such groups/communities where possible/appropriate;
- Identify **human rights defenders** within your community. Advocate for a robust law and policy framework which protects, and facilitates collaboration with, any such human rights defenders.

- Work with, and monitor, duty bearers to facilitate compliance with the **United Nations Guiding Principles on Business and Human Rights** (UNGPs). This includes:
  - Ensuring that states are fulfilling their duty to **protect** rights holders from human rights abuse by businesses which contribute to the plastics lifecycle;
  - Ensuring businesses fulfill their responsibility to **respect** human rights by avoiding infringing on the human rights of others, and addressing existing impacts on human rights through their participation in the plastics lifecycle.
- Advocate for the implementation of **Extended Producer Responsibility (EPR)** schemes which ensure that businesses who contribute to the earlier stages of the plastics lifecycle (i.e. extraction and production) are responsible for the impacts that their actions have throughout the entire plastics lifecycle. Monitor the effectiveness of existing schemes;
- Identify groups of **formal and informal workers** in the plastics lifecycle within your community. Collaborate with these groups where possible/appropriate;
- Gather information about corrupt businesses who participate in **illegal importation** practices. Make all gathered information public, and cooperate with states that wish to take action where appropriate.

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