

Business, Human Rights, and the Environment: Overcoming the Plastics Challenge: A Checklist for State Institutions and Government Officials

This Checklist illustrates practical steps that state or government institutions and officials can take to implement 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 jurisdiction:
 - Extraction
 - Production
 - Transportation
 - Use (Consumption and Waste Generation)
 - Waste Management (including Recycling)
 - Disposal
- Evaluate opportunities to harmonize your state or government's commitments to address **climate change** with plastics action;
- Evaluate opportunities for your state's laws or institution's policies to implement a **circular economy** model and align it with **human rights aware** plastics action, including laws and policies which seek to:
 - 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
- Understand what it means for your state or institution to be a "**duty bearer**" in a human rights context;
- Identify **private sector duty bearers** within your jurisdiction;
- Identify the relevant **rights holders** that your state or institution has a duty to.

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

- Evaluate how your state's laws or policies contribute to the plastics lifecycle, impacting **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.
- Identify steps to ensure that your state is allowing rights holders to exercise their **procedural** environmental rights, including by:
- 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;
 - Ensuring that the public has **access to information** regarding the contribution by your state, as well as other duty bearers (i.e. businesses) within your jurisdiction, to the plastics lifecycle or substitutes. This includes the use of any hazardous substances or toxic chemicals;
 - Ensuring that rights holders that may be impacted by the contributions of any duty bearer in your jurisdiction to the plastics lifecycle or substitutes, have the opportunity to **participate** in such assessments, and that their consent is sought where appropriate;
 - Providing robust **access to remedy** for impacts that any duty bearers' contribution to the plastics lifecycle have had on human rights within your jurisdiction.
- Identify **rights holders** within your jurisdiction who may be disproportionately impacted by duty bearers' contributions 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.
- Identify **human rights defenders** within your state. Ensure a robust law and policy framework which protects, and facilitates collaboration with, any such human rights defenders.

Module 3: Business and Human Rights Frameworks

- Fulfill your state's duty to protect against human rights abuse within your territory and/or jurisdiction by third parties, including businesses, as detailed within the

United Nations Guiding Principles on Business and Human Rights (UNGPs), including by:

- **Enforcing laws** that require business enterprises to respect human rights in the context of the plastics lifecycle. Make an immediate and ongoing commitment to assessing the adequacy of these laws and addressing any gaps;
 - Ensuring that other laws and policies governing the creation and ongoing operation of businesses do not constrain but **enable business respect for human rights**;
 - Providing effective **guidance** to businesses on how to respect human rights throughout their operations with attention to the human rights impacts at all stages of the plastics lifecycle;
 - **Encouraging**, and where appropriate requiring, businesses to **communicate** how they address their human rights impacts in the context of the plastics lifecycle.
 - Achieving **policy coherence** by ensuring awareness of the human rights impacts of the plastics lifecycle across all governmental departments, agencies, and institutions that shape business practices.
- Enact and enforce **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.
 - Identify groups of **formal and informal workers** in the plastics lifecycle within your jurisdiction. Create a framework of law and policy which supports these workers at each stage of the plastics lifecycle;
 - Create a law and policy framework (i.e. whistleblower protections) which will encourage all third parties to share any knowledge of corrupt businesses who participate in **illegal importation** practices.

This checklist was developed for educational purposes as part of the SEA circular project – ‘Reducing marine litter by addressing the management of the plastic value chain in South-East Asia’, which is implemented by [UNEP](#) and [COBSEA](#) with funding support from the Government of Sweden, by researchers at the Marine & Environmental Law Institute (MELAW) and Schulich School of Law, Dalhousie University.