

Marcos A Orellana – UN Special Rapporteur on toxics and human rights
12 NOV 2020 Statement to AHEG-4

It is an honor for me to address, for the first time in my capacity as Special Rapporteur on toxics and human rights, the Ad Hoc Open-Ended Expert Group on Marine Litter and Microplastics.

As the toxics and human rights mandate celebrates 25 years of existence, it is a good opportunity to build on the knowledge generated by the mandate to address current and serious issues of global concern, such as plastics and human rights. For example:

- Almost 20 years ago, one of my predecessors already reported that “the export of plastic wastes represents a potential risk to life, health and the environment.” ([ECOSOC/ECN.4/2001/55](#))
- Similarly, another one of my predecessors developed a set of 15 "Principles on the protection of workers from exposure to toxic substances." These principles are particularly relevant to the life cycle of plastics, including production, recovery, and disposal. ([A/HRC/42/41](#))

There are documented impacts on human rights at every stage of the plastics life cycle, including in respect of toxic additives in plastics. The following examples illustrate these negative impacts:

- Children suffer a silent assault on their right to health, and often on their right to life, where plastic toys, utensils and other products contain toxic substances that leach and enter their bodies;
- Coastal and fishing communities suffer in their ability to enjoy the right to food, as a result of dwindling fish resources from plastic pollution, not to mention oil extraction and tankers disasters and contamination;
- Workers in the oil & gas industry, and communities around production facilities, often suffer violations of their right to health as a result of exposure to hazardous substances emitted in the production process of plastics;
- Users and consumers often experience obstacles to the enjoyment of their right to environmental and health information about the volumes and hazards of plastics;
- Indigenous peoples and local communities endure violations of their right to water from massive plastic pollution; and,
- Countless individuals experience an assault on their right to personal integrity from the exposure to hazardous substances that leach from plastics and find their way to their bodies.

A rights-based approach applied to the whole life cycle of plastics is thus critical to prevent and redress the negative human rights impacts of plastic pollution. Among other elements, a rights-based approach calls for urgent action to:

- Prioritize protection to the most vulnerable groups in society;

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- Secure people’s access to environmental and health information, and meaningful opportunities for participation in decision-making, on plastics policy;
- Monitor and report publicly on incidents of mismanagement; and,
- Ensure accountability and access to remedies for human rights infringements.

Given the global risks posed by the life cycle of plastics, the elaboration of a single, global instrument is best placed to tackle the problem in a coherent and effective manner. Such a global instrument should be legally binding, given the demonstrated lack of capacity of private actors and the limitations of voluntary approaches to curbing the massive crisis of plastic pollution during the past decades.

I would like to thank the experts of this Ad Hoc group for the work done to illuminate possible response options for combating marine plastic litter and microplastics from all sources. I would particularly like to echo the call from so many countries in favor of the rapid development of a global legally binding instrument to address plastic pollution throughout its life cycle. I hope that this expert group can make strong recommendations in this regard to the upcoming UNEA5.

Thank you