



Committee: Human Rights Council
Delegation: Republic of South Africa
Topic: The implications of plastic pollution on human rights

In the Republic of South Africa (henceforth South Africa), plastic pollution is an immense issue as it poses a danger to the environment, health and quality of life, thereby violating our basic human rights. South Africa faces many challenges that exacerbate the impact of plastic pollution, including accelerated urban development, inadequate infrastructure, and population growth.¹ Furthermore, the plastic pollution crisis adds to existing injustices rooted in colonialism, slavery, racism, and capitalism, disproportionately harming impoverished communities.²

South Africa annually produces approximately 41 kg of plastic waste per capita, well above the global average of 29 kg. Only 70% of this waste is formally collected and just 14% is recycled. Roughly 58% of plastic waste is mismanaged, and 5 % of plastic waste generated in the country per year leaks into oceans and rivers.³

Microplastics pose significant risks as they can enter the body by inhalation, ingestion, or through the food chain, and they can cause inflammation, immune disruption and other harmful health effects. Especially vulnerable are township residents due to their close contact with poorly managed waste, dependence on contaminated water and informal waste burning practices.⁴ Particularly exposed are waste pickers as they work under unsafe conditions and face daily exposure to hazardous waste, while earning low, unstable incomes, which undermines their right to a safe and fair livelihood. Integrating them into recycling systems as contracted service providers, giving them fair compensation and access to safety equipment, would provide environmental and social benefits. We are therefore actively exploring ways to implement this approach.⁵

Under the South African Constitution, everyone has the right to live in an environment that doesn't endanger their health or wellbeing. This includes the obligation of a country to safeguard the environment for current and future generations, and to take steps to prevent pollution while supporting sustainable, economic, and social development.⁶

Furthermore, South Africa has implemented a waste management strategy called Extended Producer Responsibility (EPR). Initially voluntary, EPR became legally binding in 2021 under regulations of the National Environmental Management: Waste Act. Following the polluter pays principle, it requires that producers undertake responsibilities for full life cycle of their products, covering the costs and overseeing the whole process of managing waste.⁷

¹ Mokgalaka-Fleischmann, N. S., Melato, F. A., Netshiongolwe, K., et al. (2024). Microplastic occurrence and fate in the South African environment: A review. *Environmental Systems Research*, 13, 59. <https://doi.org/10.1186/s40068-024-00389-w>.

² GAIA & BFFP (2023, May 29–June 2). *Member statement Africa Day* [Statement]. <https://www.no-burn.org/wp-content/uploads/2023/05/Final-English-Member-Statement-Africa-Day-.pdf>.

³ IUCN-EA-Quantis & UNEP (2020). *Plastic pollution hotspots: South Africa – Final report (National guidance for plastic pollution hotspotting and shaping action)*. https://iucn.org/sites/default/files/content/documents/2021/south_africa_-_national_guidance_for_plastic_pollution_hotspotting_and_shaping_action.pdf.

⁴ Adeniran, A. A., & Shakantu, W. (2022). The health and environmental impact of plastic waste disposal in South African townships: A review. *International Journal of Environmental Research and Public Health*, 19(2). <https://pubmed.ncbi.nlm.nih.gov/35055600/>.

⁵ International Alliance of Waste Pickers. (2025, May 20). *Integration of waste pickers into mandatory extended producer responsibility schemes – South Africa* [Case study]. GlobalRec. <https://globalrec.org/2025/05/20/integration-of-waste-pickers-into-mandatory-extended-producer-responsibility-schemes-south-africa/>.

⁶ *Constitution of the Republic of South Africa, Act 108 of 1996*, 1996 (Republ. of S. Afr.).

⁷ PETCO. (n.d.). *Understanding EPR*. <https://petco.co.za/producers/understanding-epr/>.



In 2003, the Government of South Africa introduced a combined ban and levy on single-use plastic bags thinner than 30 microns. The ban was initially successful in reducing the demand for plastic bags. However, the levy was too low to influence customers' behaviour, and the initiative failed to produce meaningful results in recycling or green jobs creation. Consequently, South Africa is reviewing other measures to ensure better outcomes.⁸

The Department of Forestry, Fisheries and the Environment (DFFE) has proposed draft regulations to prohibit the use, production, distribution, sale, import, and export of plastic microbeads, and products containing microbeads. The proposal aims to protect human health by curbing the release of microplastics into the environment, requiring companies to test products, clearly label microbead-free items, and comply with strict reporting and monitoring rules.⁹ DFFE has also issued amendments to the regulations on plastic carrier and flat bags. Under this amendment's bags must contain at least 50% post-recycled content from January 2023, increasing to 75% in 2025 and reaching 100% post-consumer recycle by January 2027.¹⁰

South Africa's Cabinet approved the country's negotiating mandate for the UNEA 5.2 discussions on creating a global plastic treaty, aligning its stance with the broader African position on tackling marine litter and plastic waste.¹¹ During INC-1 in 2022, the African Group emphasised the need for a global plastics treaty, consistent with existing international agreements, such as the Basel and Stockholm Conventions, both ratified by South Africa, to curb illegal dumping and transboundary movement of toxic plastic waste.¹² South Africa also supports Resolution 5/14 adopted in 2022, which calls for negotiations on an international treaty addressing the full life cycle of plastic.¹³

South Africa calls for enhanced cooperation and collaboration with stakeholders. We oppose rigid production caps, as gradually guiding businesses to adopt more sustainable practices is far more achievable. The government is committed to protecting the right to health, as hazardous microplastics pose unacceptable risks.¹⁴ South Africa will advocate for an inclusive global plastics treaty grounded in equity and common but differentiated responsibilities, in line with respective national capacities. We call for a clear financial plan for global funding, together with technology transfer, development support, and capacity-building initiatives to help the Global South implement the treaty. A full life-cycle approach to plastics is essential to prevent pollution and safeguard both the environment and human rights, while considering the issue's environmental and social dimensions.¹⁵

⁸ United Nations Environment Programme. (2018). *Single-Use Plastics: A Roadmap for Sustainability* (Rev. 2). https://wedocs.unep.org/bitstream/handle/20.500.11822/25496/singleUsePlastic_sustainability.pdf?sequence=6.

⁹ Draft Regulations to Prohibit the Use of Products Containing Microbeads, 6493 Gaz. No. 53137 (S. Afr.).

¹⁰ Department of Forestry, Fisheries and the Environment. (2021, April 18). *Amendments to the plastic bag regulations published for implementation* [Media statement]. <https://www.gov.za/news/media-statements/forestry-fisheries-and-environment-amendments-plastic-bag-regulations-18-apr>.

¹¹ Department of Forestry, Fisheries and the Environment. (2022, February 16). *South Africa's negotiating position on the draft result for an internationally legally binding instrument on plastic pollution adopted by Cabinet*.

<https://www.dffe.gov.za/SouthAfricasNegotiatingpositiononthedraftresultforaninternationallegallybindinginstrumentonplasticpollutionadoptedbyCabinet>.

¹² United Nations Environment Programme. (2022). *Statement by the African Group during the First Inter-Governmental Negotiating Committee (INC-1), Punta del Este, Uruguay, 28 Nov–2 Dec 2022*. https://resolutions.unep.org/resolutions/uploads/all_statements_made_by_african_group_during_inc1.pdf.

¹³ United Nations Environment Assembly, Resolution 5/14: End Plastic Pollution – Towards an International Legally Binding Instrument (Mar. 2, 2022), U.N. Doc. UNEP/EA.5/Res.14.

¹⁴ Department of Forestry, Fisheries and the Environment. (2025, August 15). *South Africa stands firm on ending plastic pollution despite global treaty setback* [Media release]. <https://www.dffe.gov.za/mediarelease/endingplasticpollution>.

¹⁵ Department of Forestry, Fisheries and the Environment. (2022, February 16). *South Africa's negotiating position on the draft result for an international legally binding instrument on plastic pollution adopted by Cabinet*. <https://www.dffe.gov.za/SouthAfricasNegotiatingpositiononthedraftresultforaninternationallegallybindinginstrumentonplasticpollutionadoptedbyCabinet>.



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Topic: Countering disinformation

The Republic of South Africa (henceforth: South Africa) views disinformation as a significant threat to democratic institutions, public health, public stability and the environment. This issue is especially prevalent since the spread of the coronavirus, which resulted in a global infodemic.¹ In the Global South, the widespread use of social media has subsequently increased news consumption via mobile devices. Social media is a relatively new phenomenon in the Global South; therefore, people are more susceptible to disinformation. Approximately only 48% of South Africans stated that they never acquire news from social media.²

The spread of disinformation intensifies climate-related challenges Africa faces, such as floods, droughts, food and water insecurity, and public health emergencies. It undermines public understanding, hinders informed decision-making, and obstructs the development of effective adaptive measures. Moreover, it can also impede progress toward sustainable development.³ Research also indicates that fake news can fuel xenophobia and contribute to violence.⁴

South Africa has undertaken numerous legal and regulatory initiatives to address the challenges posed by disinformation. In 1998, we issued the Electoral Act 73,⁵ for countering disinformation and manipulation of information for political purposes. South Africa also has an Act for Promotion of Access to Information Act (PAIA), 2000⁶ as transparent access to accurate information is a central tool for tackling disinformation.

Under the Disaster Management Act, Section 11(5) of the Regulations, South Africa criminalised intentionally misleading statements about COVID-19. Penalties included fine or imprisonment for up to six months.⁷ Despite strict disinformation regulations during COVID, South Africa acknowledges the concerns about free speech, the dangers of self-censorship and unfair prosecution of journalists through Strategic Lawsuits Against Public Participation (SLAPPs) actions. The South African Constitutional Court held that SLAPP suits are an abuse of legal process and that courts may dismiss such cases if the goal is to silence activists.⁸ South Africa also recognises the increasing risk of gendered disinformation, which disproportionately affects women journalists and undermines their credibility, democratic participation and media freedom. According to the 2023 submission by the International Commission of Jurists to the UN Special Rapporteur on Freedom of Expression, female journalists often face coordinated online attacks, including the circulation of manipulated and sexualised images. The report also notes that globally, 37% of surveyed women

¹ Jimoh, S., Holo, A., Sibilanga, L., and Gale, N. (2025). *COVID-19 infodemic response overview: South Africa* [Digital poster]. World Health Organization. https://www.who.int/docs/default-source/coronaviruse/risk-comms-updates/im-posters/poster-south-africa.pdf?sfvrsn=aee5a3f0_4.

² Chenzi, V. (2020). Fake news, social media and xenophobia in South Africa. *African Identities*, 19(4), 502–521.

<https://doi.org/10.1080/14725843.2020.1804321>.

³ Heffernan, A. (2024). *Countering climate disinformation in Africa* (Digital Policy Hub Working Paper). CIGI.

https://www.cigionline.org/static/documents/DPH-paper-Heffernan_fxkEQFh.pdf.

⁴ Fokou, G., Yamo, A., Kone, S., Koffi, A. J. d'Arc, and Davids, Y. D. (2022). Xenophobic violence in South Africa, online disinformation and offline consequences. *African Identities*, 22(4), 943–962. <https://doi.org/10.1080/14725843.2022.2157245>.

⁵ Electoral Act 73 of 1998 (S. Afr.) 89, https://www.gov.za/sites/default/files/gcis_document/201409/act73of1998.pdf.

⁶ Promotion of Access to Information Act 2 of 2000 (S. Afr.). https://www.saflii.org/za/legis/consol_act/poatia2000366.pdf.

⁷ ARTICLE 19. (2021, April 23). *South Africa: Prohibitions of false COVID-19 information must be amended*. ARTICLE 19.

<https://www.article19.org/resources/prohibitions-of-false-covid-information-must-be-amended/>.

⁸ Centre for Environmental Rights. (2022, November 15). *South African Constitutional Court provides new protection for activists against SLAPP suits*.

<https://www.cer.org.za/news/south-african-constitutional-court-provides-new-protection-for-activists-against-slapp-suits>.



journalists identified political actors as the main source of such attacks. South Africa remains committed to addressing gendered disinformation in line with international human-rights standards and to protecting freedom of expression and democratic participation.⁹

Section 16 of the South African Constitution guarantees the right to freedom of expression. This encompasses the freedom of the press and other media, the ability to receive and share information or ideas, as well as artistic, academic, and scientific freedoms.¹⁰ Freedom of expression is especially significant since, during apartheid, restriction and control of information were political weapons and consequently, many books were banned under the guise of apartheid censorship laws. However, the South African Human Rights Commission stated that freedom of expression, as important as it is, excludes breaking the law and violating other people's rights.¹¹

The African Union, whose member South Africa has been since 1994, also recognises the necessity to combat disinformation. The African Union adopted a Joint declaration on freedom of expression and “fake news”, disinformation and propaganda on 3 March 2017.¹² In which they emphasised that states have a positive obligation to promote a diverse and independent media environment, and support multistakeholder efforts for countering disinformation. In ACHPR Resolution 630 (LXXXII), adopted on 11 March 2025,¹³ the African Commission raised concerns that major technology companies' setbacks compromise information integrity in Africa. The Special Rapporteur observed in the 75th Ordinary Session Report that South Africa co-hosted a national Symposium on Access to Information in 2022 to review compliance with the ACHPR Guidelines on Access to Information and Elections. In 2023, South Africa also hosted a Regional Seminar to strengthen the implementation of the 2019 Declaration of Principles on Freedom of Expression and Access to Information.¹⁴ These efforts underscore South Africa's commitment to transparency, accountable governance, and combating disinformation in accordance with regional human-rights standards. South Africa emphasises the importance of fostering media pluralism, enhancing digital and media literacy and forming guidelines that protect freedom of expression. It is vital to establish global funding mechanisms for improving technological infrastructure, content regulation, and a more effective response to disinformation at a national level. Funding mechanism should be contingent upon the requirement that any limitations of freedom of expression remain proportionate, thereby ensuring the adoption of policies that uphold human rights. We believe that disinformation needs to be tackled coherently, proportionately and consistently with a multidimensional and human rights approach in mind.

⁹ International Commission of Jurists. (2023, July). Gendered disinformation – ICJ submission to the UN Special Rapporteur on freedom of expression. <https://www.icj.org/wp-content/uploads/2023/07/Gendered-Disinformation-ICJ-Submission-to-UN-Special-Rapporteur-on-Freedom-of-Expression-July-2023.pdf>.

¹⁰ Future of Free Speech. (n.d.). South Africa. The Future of Free Speech. <https://futurefreespeech.org/south-africa/>.

¹¹ Mavimbela, R. (2024, April 26). Advancing freedom of expression. Government of South Africa. Retrieved from: <https://www.gov.za/blog/advancing-freedom-expression>.

¹² U.N. Special Rapporteur on Freedom of Opinion & Expression et al., *Joint Declaration on Freedom of Expression and “Fake News”, Disinformation and Propaganda* (Mar. 3, 2017). <https://www.osce.org/files/f/documents/6/8/302796.pdf>.

¹³ African Commission on Human & Peoples' Rights, Res. 630 (LXXXII), on *Information Integrity & Digital Platforms* (Mar. 11, 2025). <https://achpr.au.int/en/adopted-resolutions/achprres630-lxxxii-2025>.

¹⁴ International Commission of Jurists. (2023, July). Gendered disinformation – ICJ submission to the UN Special Rapporteur on freedom of expression. <https://africanlii.org/en/akn/aa-au/statement/report/achpr/2023-05-08/special-rapporteur-on-freedom-of-expression-and-access-to-information-in-africa-75os/eng@2023-05-08>.